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May 15, 2023

VIA ELECTRONIC MAIL

Hon. Michelle L. Phillips
Secretary
New York state Public Service Commission
3 Empire State Plaza
Albany, New York 12223-1350
secretary@dps.ny.gov

Re: Case 18-E-0138, The Alliance for Clean Energy New York Comments Response to the Midpoint Review of the Electric Vehicle Make-Ready Program

Dear Secretary Michelle L. Phillips:

The Alliance for Clean Energy New York ("ACE NY") is submitting these supplemental comments in response to the Electric Vehicle Make-Ready Program Midpoint Review and Recommendations Whitepaper filed with the New York State Public Service Commission ("Commission") on March 1, 2023, by the Department of Public Service ("DPS"), in the above referenced proceeding. These supplemental comments build on comments ACE NY filed jointly with Advanced Energy United and provide additional details on the communication standards recommendations in the Whitepaper, specifically ISO 15118 and Open Charge Point Protocol (OCPP) compliance.

ACE NY is a member-based organization with a mission of promoting the use of clean, renewable electricity technologies and energy efficiency in New York State to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution. ACE NY's diverse membership includes companies engaged in the full range of clean energy technologies as well as consultants, academic and financial institutions, and not-for-profit organizations interested in their mission.

Respectfully submitted,

/s/ Deb Peck Kelleher
Deputy Director
Alliance for Clean Energy New York
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ACE NY supplemental comments below build on comments we filed jointly with Advanced Energy United. The supplemental comments below provide additional details on the communication standards recommendations in the Whitepaper, specifically ISO 15118 and Open Charge Point Protocol (OCPP) compliance.

Communication Standards Comments

ACE NY recognizes the industry movement toward ISO 15118 and Open Charge Point Protocol (OCPP) compliance has potential benefits for customers and can future-proof customer-funded assets. While we support required compliance for relevant equipment, we recommend continued alignment among programs across the country to ensure consistency. A phased-in approach that requires hardware initially and then firmware would be most prudent.

The recommendation to require 3*rd* party certification for OCPP 1.6 compliance and future standards needs further discussion on implementation timelines, process, and enforcement. We recognize the industry movement toward OCPP compliance has potential benefits for customers and can future-proof customer-funded assets. It's also important to recognize ongoing evolution in EV charging technology and software and management systems as well as the current state of market availability for certified products.

To the degree we support future 3rd party testing for OCPP 1.6, proprietary extensions should be allowed. Some EV charger units may require proprietary extensions to communicate between cloud servers and chargers, these extensions should be made publicly available so that any vehicle or customer can still use the charger. Proprietary extensions should be allowed within the context of OCPP 1.6 so that providers have the flexibility they need to successfully implement OCPP in practice.

Very few electric vehicle supply equipment (EVSE) are currently formally certified and no Buy America compliant EVSE are currently listed as certified by the only organization that certifies OCPP compliance – the Open Charging Alliance [See www.openchargealliance.org/certification/certifiedcompanies]. Should the Commission proceed with requiring 3*rd* party certification for OCPP compliance for future EVSE, we request at least 1 year from the order date to enable the numerous companies providing EVSE and related services time to apply and receive certification. Without an appropriate timeframe for all parties to meet this new proposed requirement, it will likely unintentionally delay critical infrastructure deployments needed to serve New Yorkers and meet the state's climate and EV deployment commitments.

In terms of technical requirements, we further encourage the Commission to maintain harmony with the Federal Highway Administration's (FHWA) National Electric Vehicle Infrastructure (NEVI) standards to ensure consistency and maximum access to federal funding for transportation electrification solutions by New Yorkers. After extensive stakeholder engagement and comprehensive assessment, the FHWA intentionally decided to not require 3*rd* party certification for communication standards compliance, recognizing the current state of the industry and new evolving technology and standards. "The FHWA sees value in third-party certification of OCPP

but acknowledges there is currently limited capacity to accomplish it or to regulate compliance with third party certification."[1]

Clarity regarding the implementation and enforcement process of a potential 3*rd* party certification requirement is needed before the Commission's order. Will the Public Service Commission or each electric utility maintain a list of qualified EVSE hardware and software products or will customers need to submit compliance certifications or attestations of compliance for each application to participate in a utility EVSE service or program? Will each utility need to report on compliance annually and if so at what level of detail? What will be the effective date of compliance for the new certification requirement?

To further customer choices and market growth, and timely deployment of more EVSE to meet drivers needs and the state's commitments, we respectfully request the Commission to continue to allow companies to self-certify for a reasonable period of time to allow for further innovation and fair competition among EVSE hardware and software providers. Third party certification testing is often a time and resource consuming process. Manufacturers need sufficient time to validate EVSE products using the new OCA public testing tool and for OCA testing to occur, especially as queues develop at testing facilities.

ISO 15118

Staff recommends that installed chargers conform to the ISO 15118 standard as the communication pathway between EVSE and combined charging system compliant EVs that have implemented this protocol. ACE recommends at this time that the ISO 15118 requirement remain a ***hardware ready-only*** requirement.

Performance-based standards continue to be most appropriate (*i.e.*, focusing on reliable charging of EVs and positive EV driver experience). Prior to selecting a communication protocol, it is important to understand the objective that is trying to be achieved via utilizing a specific protocol, whether that is managed charging, Plug and Charge, or some other vehicle grid integration strategy. A hardware-ready only requirement would mean that charging equipment would be hardware capable of implementing ISO 15118 in the future but would not require the actual implementation of ISO 15118 until a later date. The California Energy Commission has developed hardware-ready guidance for its incentive programs focused on Plug and Charge capabilities.[2]

EV drivers only care that their vehicles reliably receive a charge when using a charging station and the justification provided for the recommendation of specific communication standards by Staff is that *"Establishing open and interoperable communication standards will simplify the charging experience for customers and reduce the risk of stranded assets."*[3] There are a number of assumptions included in the conclusion that these communication protocols simplify the EV

[1] *Federal Register /Vol. 88, No. 39 /Tuesday, February 28, 2023 /Rules and Regulations 12745*

[2] California Energy Commission Docket Number 19-AB-2127 "Implementation of AB 2127 Electric Vehicle Charging Infrastructure Assessments." ISO 15118 Charger Communications and Interoperability Proposal filed November 2, 2021.

[3] Electric Vehicle Make-Ready Program Midpoint Review and Recommendations White Paper on page 36.

charging experience for drivers with an additional implication of improved reliability that have not yet been substantiated with robust real-world evidence, further supporting a ***hardware-only*** requirement of ISO 15118 at this time.

We generally support adopting ISO 15118 within the program. However, we propose a phased approach as has been adopted in California. Currently, any chargers funded through certain California programs must be ISO 15118 "Ready" by July 1, 2023. This means that chargers must have the hardware to allow them to use ISO 15118. However, they are not yet required to be 15118 "Enabled," which means they do not yet need to be using the ISO 15118-communication standard. The requirement to be ISO 15118 "Enabled" will come in time as the technologies, hardware, software, and firmware become more widely available. This will give time for the market to develop and adopt the necessary technologies to use this communication standard. Once the technologies are ready for widescale use, chargers that are ISO 15118 "Ready" will be able to receive over-the-air updates to turn on this ability. We propose following a similar approach in NY to give the market the necessary time to adopt this protocol.

Open Charge Point Protocol

Open Charge Point Protocol (OCPP) is an additional communication standard that can be used for communication between electric vehicle service equipment (EVSE) and the backend networking system of a charge point operator (CPO), however OCPP is not necessary to ensure a reliable charging experience for EV drivers. An OCPP requirement can have the undesired effect of punishing vertically integrated electric vehicle service providers (EVSPs) and excluding reliable EV charging providers from participating in New York's Make-Ready programs.

ACE NY requests further consideration of specific use-cases for any standards requirement. It is important to differentiate between light-duty vs medium/heavy-duty applications as well as AC vs DC charging based on dwell time. In all cases, it is important to first establish the objective of why a standard protocol is beneficial, any associated costs, and prior to implementation, that an adequate implementation timeline be considered so as to not create unnecessary barriers to the industry during this time of rapid expansion. ACE NY requests Staff further consider the various charging use-cases and applications of these charging protocols rather than applying a broad OCPP requirement without clearly defined benefits to EV drivers. At a minimum, OCPP should not be required for non-publicly accessible use-cases nor proprietary technology types which are unlikely to make use of the standard without an impact on reliability nor driver experience.

Conclusion

ACE NY appreciates the opportunity to provide input on the Make-Ready Program Midpoint Review and Recommendations Whitepaper and looks forward to the Commission's final order on this matter. Please do not hesitate to reach out with any questions.