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May 30, 2023

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza Agency Building 3
Albany, NY 1223-1350

RE: Case No. 18-E-0138: Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure

Dear Secretary Phillips,

Attached for electronic filing in the above referenced matter, please find reply comments on behalf of ChargePoint, Inc. Please let me know if you have any questions.

Respectfully,

/s/ Matthew Deal
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Attachment
CC: All parties (via DMS)

I. Introduction

ChargePoint, Inc. ("ChargePoint") respectfully submits these reply comments for consideration by the Public Service Commission ("Commission"). These comments are offered in response to initial comments submitted by stakeholders on May 15, 2023, regarding the Make Ready Program Midpoint Review Whitepaper ("Whitepaper") submitted by the Department of Public Service Staff ("Staff") on March 1, 2023.

II. Comments

Proprietary extensions within OCPP should be allowed.

In addition to ChargePoint, both the Alliance for Clean Energy New York ("ACENY")[1] and Powerflex Inc. ("PowerFlex")[2] encouraged the Commission to allow proprietary extensions to OCPP.

While several commenters, including the Environmental Defense Fund ("EDF")[3] and New York Power Authority ("NYPA")[4], support OCPP compliance testing to prevent the risk of stranded assets, only one commenter – the Alliance for Transportation Electrification ("ATE")[5] – addressed the exclusion of proprietary extensions within OCPP. ATE used an analogy of a "locked vs unlocked cell phone" to support its position that the Commission should both eliminate the ability for networks to use proprietary extensions and enable "unhindered" ability for site hosts to switch network providers. ChargePoint disagrees on both points and finds that there are several flaws with ATE's analogy and recommendation.

First, ATE's comments demonstrate a misunderstanding of OCPP and proprietary extensions and mischaracterizes them as "locking" customers into a particular network. ATE analogizes, "…if the phone is locked and cannot actually be ported to a competing network where the user can take advantage of its full functionality due to a technical or hardware limitation, then the technical ability to be ported is meaningless."[6] As ChargePoint discussed in initial comments, proprietary extensions to newer versions of OCPP do not increase the risk of stranded assets or inhibit a customer's ability to switch networks if a provider were to go out of business. The handoff between OCPP-capable providers may revert a station to baseline OCPP functionality and would eliminate only the proprietary functions that are built as extensions. Further, the interoperability handoff between network operators requires cooperation between both parties, as the process includes the transfer of cybersecurity and authorization protocols. It is not realistic to expect station operability to securely change hands without the participation of all parties involved.

[1] ACENY Initial Comments at 2.
[2] PowerFlex Initial Comments at 2.
[3] EDF Initial Comments at 13.
[4] NYPA Initial Comments at 6.
[5] ATE Initial Comments at 8-9.
[6] *Id.*

Second, ATE's phone analogy and recommendation to avoid "vendor lock-in" suggests that the Commission should encourage site hosts to mix and match hardware and software providers, rather than select integrated hardware-software solutions. However, the analogy fails because smartphone users typically operate a single operating system on phone hardware, such as by running Apple iOS on Apple iPhones. Integrated hardware-software solutions serve to improve user experience and enable innovation in many industries, including EVSE. For example, because ChargePoint extensively tests software and hardware together when developing new products, ChargePoint is able to not only innovate more quickly to deliver advanced functionalities that rely on new hardware and software, but also improve reliability and cybersecurity by catching any hardware-software operating issues in development, rather than in the field. ATE's recommendations would eliminate the positive benefits of integrated EVSE providers with no corresponding benefit.

Third, ATE's position favors a specific type of business model in the EVSE industry, one in which separate entities manufacture hardware and develop software to operate a charger. Although ChargePoint believes that integrated software-hardware solutions provide benefits to EV drivers and site hosts, there are many other business models and players in the space. Considering the market for EV charging services is nascent, it should be the choice of the site host to select the provider that best meets their needs in order to enable competition between providers based on merit. Customer choice for equipment and network providers, including the choice for a single provider of equipment and network, is a vital component for the development and continued innovation of the competitive EV charging market, as it encourages market actors to develop products that EV drivers and site hosts want. In other words, there should be a level playing field for all business models in the EVSE industry, and it would not be appropriate for the Commission to select "winners and losers" by adopting ATE's recommendations and arbitrarily promoting one business model over another.

In conclusion, ChargePoint urges the Commission to allow proprietary extensions to OCPP. Further, ATE's recommendations to "avoid vendor lock-in" demonstrates a lack of understanding of the interaction between OCPP and extensions and would unfairly favor certain EVSE business models over others. Therefore, ATE's recommendations regarding OCPP should not be adopted.

The Commission should avoid overly prescriptive efforts to encourage reliability.
Many commenters, including ChargerHelp[7], EVgo[8], and ATE[9], considered mechanisms to improve the reliability of utility-funded stations. In particular, ChargerHelp submitted three recommendations: reliability standards should align with the NEVI Program, reliability standards should apply to L2 stations, and site hosts should invest in maintenance contracts that include service level agreements.[10]

[7] ChargerHelp Initial Comments at 4.
[8] EVgo Initial comments at 3.
[9] ATE Initial Comments at 11.
[10] ChargerHelp Initial Comments at 4.

ChargePoint would appreciate the opportunity to engage in further discussion with Staff and other stakeholders in a forum such as the Technical Solutions Working Group, before the Commission adopts the new issues raised by ChargerHelp, such as whether the NEVI definition of uptime for DCFC is appropriate to apply to L2 stations and whether requirements for "service level agreements" are needed. For example, it is unclear what exactly ChargerHelp means by "service level agreement" as that term is undefined in their comments and there is nothing on the record to establish what services would be required in such agreements. It is important to note that many network providers, including ChargePoint, may already provide tools, such as service plans, that aim to improve network reliability through advanced monitoring and 24/7 technical support. Further, site hosts may be fully capable of self-maintaining EV charging equipment and adding an SLA requirement may prevent a good actor from maintaining their own facilities, or at the very least add unnecessary costs, either of which may prevent the site host from moving forward with the project.

Nonetheless, ChargePoint agrees with the comments of ATE regarding reliability, which state "Staff should institute an outcome-oriented requirement, not one that is overly prescriptive."[11] ChargerHelp's recommendation to require site hosts to sign service level agreements may be unnecessary in the context of uptime reporting, which is outcome oriented. For this reason, a good first step on the issue of reliability would be to align the current reporting requirements for the make ready program with the standard definition of uptime established by the NEVI Program for DC fast chargers, a recommendation that seems to resonate across many stakeholders, including ATE, ChargerHelp, and ChargePoint.

In addition, should the Commission choose to move forward with a more prescriptive order on reliability, requirements for site hosts to sign service level agreements may need to be paired with incentives to address additional costs that may be incurred by such agreements. Without incentives, ChargePoint is concerned that additional, ill-defined requirements may increase costs and confusion for site hosts, limit customer participation, and work against the goals of the make ready program to accelerate charger deployment.

Lack of transparency and information are slowing down port deployment.
Both EVgo[12] and Livingston Energy[13] raised lack of transparency into the interconnection process as an issue and supported Staff's recommendation to accelerate energization timelines through stakeholder input. The City of New York[14] raised similar concerns and recommended the Joint Utilities develop a public-facing dashboard that provides information on available incentives, remaining budgets, queue length, and eligibility requirements. ChargePoint appreciates the attention on this issue and supports both further discussion on accelerating energization timelines and greater transparency into program operation.

[11] ATE Initial Comments at 11.
[12] EVgo Initial Comments at 4.
[13] Livingston Energy Comments at 2.
[14] City of New York Initial Comments at 11.

Relatedly, the Joint Utilities indicate they are open to making load capacity maps more useful and timely.[15] ChargePoint believes improved load capacity maps may also contribute to faster and more transparent energization timelines and should be considered in discussion by stakeholders as well.

ISO 15118 requirements should be hardware-only at this time.

ACENY[16], Tesla[17], and EVgo[18] raise the point that implementation of the ISO 15118 standard within the state of California and within the NEVI Program requires hardware-only compliance. Tesla notes that the industry is in a period of transition between different versions of the ISO 15118 standard and that more time is needed for the standard to fully develop. ACENY further justifies adopting a hardware-only 15118 requirement by stating, "There are a number of assumptions included in the conclusion that these communication protocols simplify the EV charging experience for drivers with an additional implication of improved reliability that have not yet been substantiated with robust real-world evidence..."[19]

ChargePoint agrees with the recommendation to establish hardware-only requirements for ISO 15118 and emphasizes that aligning compliance requirements with other large-scale EV infrastructure programs will limit upward pressure on equipment costs, deliver consistent customer experience, and provide time for compliance for industry.

III. Conclusion

ChargePoint thanks the Commission for consideration of these comments, as well as the initial comments submitted by other stakeholders. We look forward to continued discussion on the important topics of communication standards, reliability, and energization in the context of the statewide make-ready program.

[15] Joint Utilities Initial Comments at 35.
[16] ACE NY Initial Comments at 3-4.
[17] Tesla Initial Comments at 2.
[18] EVgo Initial Comments at 4.
[19] ACE NY Initial Comments at 3-4.