



April 23, 2024

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza Agency Building 3
Albany, NY 12223-1350

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 comments on behalf of ChargePoint, Inc in response to the Joint Utilities Petition for Modification as submitted on April 23, 2024. Please let me know if you have any questions.

Respectfully,

/s/ Mal Skowron

Mal Skowron
Regulatory Coordinator
ChargePoint, Inc.
908.307.1972
Mal.Skowron@chargepoint.com

Attachment
CC: All parties (via DMS)

I. Introduction

On November 16, 2023, the New York Public Service Commission (the “Commission”) issued the Order Approving Midpoint Review Whitepaper’s Recommendations with Modifications (the “Order”). The Order established new communications standards to apply to electric vehicle (EV) chargers which receive incentives through the Make Ready Program.¹ On March 15, 2024, the Joint Utilities of New York (“JU”) submitted a petition requesting changes to make-ready order requirements (the “Petition”).

II. Summary of position

The Petition recommends several changes to the Order regarding communication requirements, including clarification on the definition of ISO 15118 hardware and software readiness, postponement of enforcement dates for ISO 15118 and OCPP readiness, and application of communications requirements only to newly committed projects. ChargePoint generally supports the intention of the JU to better align communication requirements with the availability of qualifying EV chargers on the market. Balancing site hosts’ ability to select the charging equipment that best meets their needs with the industry’s ongoing progress towards standardization will be crucial to build out EV charging infrastructure to serve New Yorkers both today and in the future.

To strike the appropriate balance between equipment eligibility and standards readiness, the Commission should accept several changes requested by the Petition. ChargePoint’s recommendations, including several proposed modifications to the Petition, are below.

¹ The Make Ready Program was approved in Case No. 18-E-0138 in *Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs* on July 16, 2020.

	Order Requirement	JU Petition	ChargePoint Proposal
ISO hardware conformance	Part -2 and -20, for projects committed on or after Dec 16, 2023, and any installed on or after Nov 16, 2024.	DC: Part -2 or -20 for projects committed on or after Dec 16, 2023. AC: Part -2 or -20, 16 for projects committed on or after June 1, 2025 .	Part -2 or -20, for projects committed on or after Dec 16, 2023.
ISO software conformance	Part -2 and -20 effective for projects installed on or after Nov 16, 2024.	DC: Part -2 or -20 and OCPP, effective for committed projects on or after Nov 16, 2024. AC: Part -2 or -20 and OCPP, effective for projects committed on or after June 1, 2025 .	DC: Part -2 or -20 effective for projects that are both committed on or after Dec 16, 2023, and installed on or after Nov 16, 2024. AC: Part -2 or -20, effective for projects committed on or after June 1, 2025 .
OCPP hardware conformance	2.0.1 effective for projects installed on or after Nov 16, 2024.		2.0.1 effective for projects committed on or after Nov 16, 2024.

III. Comments

A. Support: Clarification to accept ISO 15118 -2 or -20.

The Petition requests clarification that the requirements for hardware and software conformance with ISO 15118 may allow conformance for either -2 or -20, rather than -2 and -20. ChargePoint strongly supports this clarification.

1. **It is not feasible for providers to attest to ISO 15118-20 conformance by November 2024.** ChargePoint is on track to self-attest to -2 software conformance for our DC products this summer, several months ahead of the November 2024 deadline established by the Order. However, it is currently not possible for any manufacturer to demonstrate conformance with -20, as the Order requires, because the conformance test itself for -20 is not yet finalized. It is unclear when the testing

resources will be available, which means the requirement for -20 conformance by November 2024 could establish an impossible standard for equipment manufacturers to meet. The uncertainty regarding official conformance programs means the Commission should refrain from setting a date or expectation for -20 conformance at this time.

2. **Accepting 15118-2 or 15118-20 readiness aligns with California and federal requirements.** ChargePoint generally supports consistent technical requirements and phase-in timelines set across jurisdictions to simplify product development timelines and to clarify product eligibility for our customers. Accepting ISO 15118 readiness for either -2 or -20 would better align New York’s utility-funded EV programs with guidance established by California state agencies and federal agencies. For example, the California Energy Commission has recommended that chargers be ISO 15118-2 hardware ready since February 2022.² Further, ISO 15118-2 has been a requirement for chargers installed with ratepayer funded programs in California since June 2023.³ It is also a requirement for chargers which receive funding from federal government to be 15118 ready, per the Federal Highway Administration.⁴

B. Do not support: Delayed timeline for ISO 15118-2 hardware conformance for Level 2 stations.

The Petition requests that the effective date of ISO 15118 hardware ready conformance for Level 2 (“L2” or “AC”) chargers be postponed from December 16, 2023, to June 1, 2025. Should the Commission clarify that conformance with either -2 or -20 is

² California Energy Commission, Docket 19-AB-2127, Recommendation for Deployment of ISO 15118-Ready Chargers (TN 241955), published in February 2022

³ California Public Utility Commission, Rulemaking 18-12-006, Administrative Law Judges’ Ruling Regarding Motion for Clarification (filed October 24, 2023), available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M520/K613/520613963.PDF>

⁴ Federal Highway Administration and US Department of Transportation, National Electric Vehicle Infrastructure Standards and Requirements, § 680.108, available at: <https://www.federalregister.gov/documents/2023/02/28/2023-03500/national-electric-vehicle-infrastructure-standards-and-requirements#sectno-citation-680.108>

acceptable, it is unnecessary to also postpone the effective dates of 15118 hardware conformance for L2 stations for the following reasons:

- 1. The market is ready.** Comments submitted by Alliance for Clean Energy New York (ACE-NY), Tesla, ChargePoint, and others during the make-ready midpoint review indicated that industry was prepared to support 15118 hardware readiness in the near-term.⁵ While it is valuable to consider whether new technical requirements will impede customer choice by limiting the number of devices eligible for incentives, there seems to be an abundance of manufacturers with compliant equipment available on the market to meet customer demand. By ChargePoint's count, there are 31 manufacturers with 91 AC devices currently listed as ISO 15118 hardware ready in the JU's Eligible Charging Equipment List.⁶ The number of qualified products available on the market today demonstrates the ability of the market to meet 15118 hardware readiness.
- 2. Other programs already require 15118 hardware-readiness.** In California, Southern California Edison's list of eligible equipment for utility programs has required ISO 15118-2 hardware readiness since June 2023.⁷ In addition, while the NEVI Program largely focuses on corridor fast-charging, the federal government's expectation for ISO 15118 readiness also applies to Level 2 stations that may receive funding in federal Charging and Fueling Infrastructure Grant Program for community charging.⁸ ChargePoint is not aware of any inventory shortages or challenges to procure and install required equipment for these other funding opportunities.
- 3. Supply chain constraints have not translated to prioritizing DCFC over L2 for all providers.** While it is true that supply chain constraints have presented challenges to industry since 2020 due to Covid-related disruptions, it is not universally true that

⁵ Order at 57.

⁶ Electric Vehicle Charging Equipment – Eligible List, Joint Utilities of New York, available at: <https://jointutilitiesofny.org/sites/default/files/Approved%20Charger%20List%203-29-24.pdf> (accessed April 5, 2024)

⁷ Electric Vehicle Charging Equipment Approved Product List, Southern California Edison, available at: <https://app.powerbi.com/view?r=eyJrIjoizWE0Mjg4MjctNjZiYi00MjhmLWFiYWVtMzBiODM2YTZhZTdlIiwidCI6IjViMmE4ZmVlTRjOTUtNGJkYy04YWFiLWFiYjYiFiNiIsImMiOiZ9> (accessed April 5, 2024).

⁸ <https://www.transportation.gov/rural/grant-toolkit/charging-and-fueling-infrastructure-grant-program>

these disruptions have forced charging manufacturers to prioritize ISO 15118 readiness for DC fast chargers over L2. To reiterate, 15118-2 hardware readiness is currently required for both Level 2 and DC for NEVI and California utility incentive programs, and ChargePoint is unaware of any challenges for participants in these programs to acquire eligible L2 equipment.

C. Support: Delayed timeline for ISO 15118-2 or -20 software conformance for Level 2 stations.

ChargePoint has long been involved with the development of EV charging communications standards including both ISO 15118 and OCPP. While there are many DC and AC products available that are 15118 hardware-ready, implementation of software standards is an iterative and ongoing process that often uncovers errors with the standard itself—errors which must be resolved before any entity can call itself conformant. Importantly, testing for software conformance for 15118 for AC and DC products are two different processes.

ChargePoint notes that New York Make Ready Program is the first state incentive program to have established a date by which charger software must conform to the ISO 15118 standard. To provide reasonable time to comply with a new, nation-leading requirement, it is appropriate for the Commission to stagger the expectation for DC and AC chargers to conform to 15118 on the software side. ChargePoint supports the Petition's request to delay 15118 software conformance for AC chargers committed on or after June 1, 2025. In the spirit of advancing the industry's adoption of ISO 15118 for DC chargers, ChargePoint believes it is feasible for providers to self-attest to software conformance with ISO 15118 for chargers installed after November 16, 2024.

D. Support: Application of ISO 15118 requirements only to projects committed after December 16, 2023.

The JU estimate that nearly 3,000 plugs statewide entered the commitment phase before December 16, 2023, but have not yet been installed.⁹ Per the Order, if projects are committed before December 16, 2023, but are installed after November 16, 2024, they would be required to install 15118 and OCPP hardware-ready equipment. This requirement could put projects at risk of abandonment. ChargePoint finds that it is impractical to retroactively apply technical requirements to committed projects with equipment that was compliant with program technical requirements at the time of commitment. This is important to clarify because projects may be delayed for various reasons outside the incentive recipient's direct control, including permitting challenges, energization delays, and acquiring switchgear.

New technical requirements for ISO 15118 hardware readiness should only apply to plugs committed on or after December 16, 2023. The requirement to demonstrate software conformance for ISO 15118 should only apply to DC chargers that were both committed after December 16, 2023, and installed after November 16, 2024, to avoid applying 15118 software requirements to chargers that are not ISO 15118 capable.

E. Clarify: Delayed timeline for OCPP 2.0.1 hardware conformance.

The Order requires equipment installed after November 16, 2024, to achieve hardware conformance with OCPP 2.0.1. The Petition requests a delay in this requirement to apply to chargers committed on or after June 1, 2025. It is ChargePoint's understanding that it is not expected for chargers to operate on (i.e., achieve software conformance with) OCPP 2.0.1 by November 16, 2024, but to be capable of doing so in the future. ChargePoint believes it is possible for manufacturers to self-certify that hardware is capable of conformance with OCPP 2.0.1 by November 16, 2024. However, it is still premature to set a date for 2.0.1 software conformance at this time.

Should the Commission intend to set a date for third-party certification for software conformance for OCPP 2.0.1, ChargePoint agrees with the JU that a delay is necessary to

⁹ Petition at 8.

give adequate time for manufacturers to go through the process of conformance testing. ChargePoint believes OCPP 2.0.1 software conformance should be applicable to committed stations no earlier than January 1, 2026.

IV. Conclusion

ChargePoint greatly appreciates the JU's effort and initiative in submitting this Petition. Approval of the Petition, if amended to consider the feedback in this letter, will improve the balance between futureproofing and equipment availability to the benefit of meeting New York's needs for EV charger infrastructure and accelerating the market for EVs. ChargePoint thanks the Commission and Staff for consideration of these comments.