Introduction

The Alliance for Transportation Electrification\(^1\) is pleased to submit these comments in response to the request by Washington State Department of Agriculture (Department) for input from stakeholders regarding the second draft electric vehicle supply equipment (EVSE) regulations dated January 20, 2022.

Stakeholder information

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**Type of Stakeholder:** Industry advocacy organization

**Comments**

**New WAC 16-662-215: Interoperability requirements related to electric vehicle supply equipment**

The proposed language requiring that EVSE “shall be capable of using Open Charge Point Protocol (OCPP)” is too broad for multiple reasons. To be truly effective the regulation must require not only that EVSE be “capable” of using OCPP, but that EVSE manufacturers and network operators offering EVSE for sale in Washington provide end-use customers with both the technical and contractual ability to move an EVSE to other networks.\(^2\) As was expressed by a

\(^{1}\) The Alliance for Transportation Electrification (ATE) is a mutual benefit 501(c)(6) non-profit corporation established in 2018. ATE engages with policymakers at the State and local government level across America to remove barriers to EV adoption and to encourage a collaborative and open approach to accelerate the deployment of EV charging infrastructure, support an appropriate utility role by complementing the private/competitive market, and promote interoperability and open standards in all parts of the EV charging ecosystem.

\(^{2}\) The purpose of OCPP is to permit hardware and cloud network providers that are both compliant to communicate with each other. But it is important to recognize that a hardware manufacturer can be fully certified as compliant with OCPP while at the same time preventing its hardware from being run on a non-native cloud network. Put another way, a customer can
participant during the January 26 stakeholder meeting, this requirement is most appropriate for EVSE offered for sale in Washington and not necessarily for EVSE that is deployed by companies who will own and operate it themselves; for this reason, we propose the following revised language for Section 16-662-215(1)(b):

(b) To protect Washington state individuals and businesses investing in electric vehicle infrastructure, all networked electric vehicle service equipment offered for sale in the state and subject to RCW 19.94.570 shall be capable of independently certified as compliant with Open Charge Point Protocol (OCPP) version 1.6 or 2.0.1 standards and must not be contractually or functionally locked to the network services of a vendor.

In response to concerns expressed on the January 16 call about a lack of testing facilities, we remind the Department that the Open Charge Alliance, which is the non-profit global clearinghouse for OCPP, has arranged with testing labs on multiple continents for both software and hardware to be independently certified. There is currently a lab on the East Coast, and a second will be opening on the West Coast which will be capable of testing for OCPP version 2.x. Other labs are in Asia near many of the hardware manufacturers, in addition to other parts of the world. The reason that more facilities are not currently on line is that EVSE certification volume continues to be relatively low; if the small number of tests were to be performed across a larger number of labs, the cost of training and performing the tests would be higher, which would be an impediment. There are other specialized products in our economy that have only one or two repair or maintenance facilities, and we believe that one on each coast, given the national footprint of EVSE manufacturers and resellers, is sufficient.

We also point out that the requirement to obtain an independent certification is not inconsistent with the prohibition in RCW 19.94.570 against purchasing or licensing proprietary technology or software, and is analogous to WAC 296-46B-999, “Electrical Testing Laboratory Requirements,” which are required in many applications set forth in WSR 17-12-021 (Permanent Rules, Department of Labor and Industries). We see OCPP certification as comparable to a UL-type certification, which no one opposes.

The self-attestation as provided in the draft rule is concerning because it does not provide sufficient details regarding the method and content of such a self-attestation, and lacks a method to verify compliance. As with any other regulation, details do matter a great deal when they are being established for the first time, and especially for a nascent industry like EVSE that is new.

purchase a charger that is OCPP compliant but be prevented by the charger manufacturer from operating the charger on a third-party network. This is reminiscent of consumers not being able to port cell phones between carriers, with the not insignificant difference that EVSE cost thousands of dollars apiece and last much longer than cell phones. The lack of portability completely defeats one of the core purposes of OCPP, which is to protect hardware owners by providing a common platform so they can shop around for different networks, and promoting competitive choice by the customer or host site. Of course, ensuring compliance with this standard also mitigates the risk of stranded assets, either by the utility as an owner-operator, or a host site or customer entering in to an agreement with both a hardware vendor and software/network provider.
We believe that, if the agency does not stipulate third-party certification, you should require the EVSE operator to provide sufficient details on plans and alternatives to verify such claims.

While we believe for the reasons stated above that independent certification is the optimal approach, in the interim EVSE manufacturers and EVSPs should be required to at least self-test their compliance using a recognized and independent testing procedure. To accomplish this, we recommend a procedure known as the Open Charge Alliance’s Open Charge Test Tool, or OCTT; the test results should specify the model or version number tested, and the complete report should be available to both the Department and the public. As discussed above, this test is not inconsistent with the statute and is analogous to other certifications that are required throughout the economy.

Conclusion

ATE appreciates the Department’s thoughtful and methodical efforts, and we look forward to continued involvement in this important proceeding.

Respectfully submitted,

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