February 10, 2022

Mr. Tim Elliott
Washington Department of Agriculture (WSDA)
P.O. Box 42560
Olympia, WA 98504-2650

Re: Draft Rule Language Electric Vehicle Supply Equipment (EVSE) Regulations Chapter 19.94 RCW by SSB 5192

Dear Mr. Elliott,

ChargePoint offers the following comments on the Rulemaking 2SSB 5192 regarding the January 20, 2022 Draft Electric Vehicle Supply Equipment Regulations. We appreciate staff’s efforts to hold stakeholder workshops and for balancing the feedback received from the various stakeholders.

ChargePoint is the world’s largest electric vehicle (EV) charging network providing scalable solutions for every charging scenario from home and multifamily to workplace, parking, hospitality, retail and transport fleets of all types. Our customers include major employers, municipalities, schools, utilities, commercial center owners, hotels, and parking garage owners and operators to small convenience businesses that provide EV charging to EV drivers.

While there is a robust and growing suite of EVSE technologies and use case scenarios today, we need to ensure that successor technologies and new business models have an opportunity to compete to drive further scale and industry growth.

We hope that our comments serve this process. Below are our responses to the January 20, 2022 Draft EVSE Regulations concerning 1) compliance dates 2) payment methods 3)

WAC 16-662-200 EVSE Compliance Dates

(2) Exempt electric vehicle supply equipment must be clearly marked, identifying the date of installation on the front of the device in a conspicuous location that easily seen by an inspector and the public.

(a) Acceptable ways to clearly mark the installation date may include:

(i) A sign sticker, or plaque: or
(ii) Any other visible marker that is readable, such as a digital display showing the installation date on the home screen or direct link from the home screen of the display that is easily identified.

ChargePoint supports WSDA’s incorporation of a visible marker, such as digital label to be available on the user interface (screen) located on the EVSE. Making sure this information is visible on the user interface is an efficient way to ensure networks provide the data needed by an inspector. By allowing for both a digital label and a physical label to be used, WSDA can permit EV charging networks to efficiently provide the information needed without having to visit every site for the sole purpose of placing a label on equipment. We suggest adding a small amount of additional flexibility to 2(a)(ii) for where a digital marking can be located. As WSDA prepares for future regulations such as Handbook 44 and Handbook 130, there may be reasons to require additional information be available through a digital marking. In that instance it may be appropriate to have all that information accessible from a submenu, which might not make sense either on the home screen or a direct link. We believe that requiring that the markers be easily accessible to inspectors through the home screen or menu options is more appropriate and would suggest the following change:

(ii) Any other visible marker that is readable, such as a digital display showing the installation date that is easily identified through the home screen or menu options.

WAC 16-662-210 EVSE Payment Methods

With respect to payment methods section of WAC 16-662-210:

(1) All publicly available electric vehicle supply equipment subject to RCW 19.94.565 must have accommodations on or in each unit or kiosk located on site, or an in-car display when use is exclusive to vehicles manufactured by the electric vehicle service provider, for accepting a minimum of three of the following payment methods. At least one payment method must include payment by charge card (debit, credit, and pre-paid) by use of the card number, magnetic strip or EMV Chip.

ChargePoint supports this flexible and technology neutral compliance pathway. This technology-neutral approach for payment technology requirements is critical to the rapidly changing nature of this space. This allows site hosts flexibility to meet the needs of current and future EV drivers. We believe the language provides flexibility to accommodate future payment methods that are not yet available that might better serve the customer.

At the most recent workshop, there were public comments made that the January 20, 2022 Draft EVSE Regulations do not include “… means for facilitating charging sessions for consumers who are unbanked, underbanked, or low-middle income.” We disagree with this assertion, because it suggests that the only option for unbanked, underbanked, and low-income is to pay via a prepaid card through a card reader device. This comment fails to consider popular person-to-person (P2P) payment platforms such as Cash App, Venmo and PayPal which offer a better alternative to traditional banking products for certain drivers. Some of the product offerings from these vendors include mobile e-wallets and contactless reloadable debit cards that low-income
EV Drivers would be able to use to pay to charge via their cell phone or even request a physical contactless debit card.

With respect to WAC 16-662-210:

(2) The electric vehicle supply equipment must provide means for conducting a charging session in at least one other language other than English.

(a) The electric vehicle service provider shall consider the demographics of the area in which the unit will be installed, and the language must be commonly spoken in that location, when determining the alternative language provided.

ChargePoint believes the most effective manner is to offer means of assistance with the charging session via a toll-free 24/7 number. The January 20, 2022 Draft EVSE Regulations’ requirement to provide means for conducting a charging session in at least one other language is a suitable standard.

**WAC 16-662 215 Interoperability requirements related to EVSE**

(1) All publicly available electric vehicle supply equipment subject to RCW 19.94.570 must be in compliance with the following interoperability requirements:
   (a) To facilitate payments across networks the electric vehicle service provider shall, at a minimum, maintain Open Charge Point Interface (OCPI) version 2.1.1 or 2.2 standards on every networked electric vehicle supply equipment for Level 2 and direct current fast chargers.
   (b) To protect Washington state businesses investing in electric vehicle infrastructure, all networked electric vehicle service equipment sold or supplied in the state shall be capable of using Open Charge Point Protocol (OCPP) version 1.6 or 2.0.1 standards.
(2) Upon request, electric vehicle service providers shall provide the department with documentation that electric vehicle supply equipment subject to RCW 19.94.570 complies with the requirements of this section. Acceptable documentation includes, but is not limited to:
   (a) Third party certification; or
   (b) Self attestation by the service provide, manufacturer, or distributor of the electric vehicle supply equipment.

ChargePoint does not believe States should mandate any software protocols that have not been approved by international or national standards organizations such as ANSI or ISO/IEC. Currently, no nationally or internationally recognized bodies have adopted or approved any standards for communication between an EV charging station and an EV charging network. Accordingly, it is premature for WSDA to adopt these standards in rules. Adopting standards prematurely, could be harmful to Washington state businesses investing in electric vehicle infrastructure. ChargePoint is concerned that the existing draft language could violate the statutory direction that “[t]he requirements shall not provide that any charging provider must purchase or license proprietary technology or software from any other company.” To ensure the rule language does not violate this provision it is imperative that (1)(a) and (1)(b) both include language clarifying that the requirement is that the network(a) and charging equipment (b) be “capable of using” these particular software protocols.
Conclusion
ChargePoint thanks WSDA for the opportunity to comment on the January 20, 2022 Draft EVSE regulations. Please let us know if you have any questions on the issues raised in these comments or on other topics in this rulemaking.

Sincerely,

Cesar Diaz
Senior Manager, Public Policy
ChargePoint