Electric Vehicle Supply Equipment
Draft Rule Language Review and Discussion

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Meeting Controls

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Meeting Agenda

Review of Second Draft & Discussion

1. Relationship Between Statutes & Rules
2. WAC 16-662-200: Compliance Dates
3. WAC 16-662-210: Payment Methods
4. WAC 16-662-215: Interoperability Requirements
5. Rulemaking Process
Relationship Between Statutes (RCWs) & Rules (WACs)

• The Revised Code of Washington (RCW) is the collection of laws enacted by the Legislature (statutes). They are the overarching-parent laws that govern Washington State.

• As the parent law, statutory (RCW) requirements are enforceable on their own. However, most statutes are written broadly and give a particular agency (such as WSDA) the authority to adopt rules that detail the finer points on how a statute will be implemented.

• The Washington Administrative Code (WAC) are the regulations/rules adopted by agencies under the authority granted to them in the statutes.

• Together, statutes and rules are the primary source of law in WA State.

• Agencies can only adopt rules that are within the authority granted to them in statute.

• Rules cannot conflict with the statute.
1) Any publicly available electric vehicle supply equipment (EVSE), including both level 2 and direct current fast chargers, installed and placed into service before January 1, 2024 is exempt from the requirements in WAC 16-662-210 and WAC 16-662-215 until January 1, 2034.

   a) Equipment that is replaced or retrofitted with new hardware after January 1, 2024 is considered to have been installed and placed into service after January 1, 2024 and must comply with the requirements in WAC 16-662-210 and WAC 16-662-215 upon installation.

   This is a duplication of the same requirement in RCW 19.94.190.
2) Exempt EVSE must be *clearly marked*, identifying the date of installation on the front of the device in a conspicuous location that is 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 a direct link from the home screen of the display that is easily identified.
3) If the installation date is not clearly marked on the front of the device, the device will be considered to have been installed and placed into service after January 1, 2024 and will be subject to the requirements in WAC 16-662-210 and WAC 16-662-215.
1) All publicly available EVSE must have accommodations on or in each unit, kiosk, 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 of the payment methods selected must accept payment by charge card (debit, credit, and pre-paid) by use of the card number, magnetic strip, or EMV Chip.
Options 1, 2, & 3 of 6

a) Toll free number or built-in call button with the option to initiate a charging session at any time that EVSE is operational and publicly available;

b) Credit card reader device (including either one or a combination of a magnetic strip, EMV chip, or contactless);

c) A mobile payment option without the requirement to download an app;
   i. For the purpose of this section, “mobile payment” has the same meaning as defined in RCW 19.94.565(4), which is an electric fund transfer initiated through a mobile phone or device.
Options 4 & 5 of 6

d) A mobile payment option that accepts a range of mobile wallets directly at the EVSE or kiosk;
e) RFID card or device that:
   i. Does not require a minimum balance;
   ii. Does not charge fees on the remaining balance; and
   iii. Is compatible with the electric vehicle service provider’s applicable interoperability out-of-network agreements.
Option 6 of 6

f) Other methods that are formally requested as an alternative payment method and approved by the Director prior to their use as a payment method under this section.
   
   i. Alternative payment method must be for the benefit of the public, convenient, and reasonably support access for current or future users;
   
   ii. Approved alternative methods will be posted on the department’s website and will be an allowed payment method for all electric vehicle service providers.
2) The EVSE must provide means for conducting a charging session in at least one 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(s) provided.
1) All publicly available EVSE 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 EVSE for level 2 and direct current fast chargers.
   b) To protect Washington state businesses investing in electric vehicle infrastructure, all networked EVSE subject to RCW 19.94.570 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 EVSE 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 provider, manufacturer, or distributor of the electric vehicle supply equipment.
No Rules for Now

Reporting to National Renewable Energy Laboratory (NREL)

RCW 19.94.575(2)

• EVSP to provide the following
  • Information
  • Inventory
  • Payment method
  • WSDA may adopt additional requirements.
    • Any additional information?

Additional fees to cover remaining costs

RCW 19.94.175 (2)

• Traditional weights and measures inspection.
• Implementing additional requirements set by the statute.

The Weights and Measures Program is funded by fees. The $20 level 2 and $40 DCFC fees should cover program costs associated with the current proposed rules, but will likely need to be readdressed when NIST Handbook 44 EVSE language is adopted.

Register your devices.
Rulemaking Process

- CR-101 (current step)
  - Information gathering
  - Write Small Business Economic Impact Statement (SBEIS)
- CR-102 (next step)
  - File official proposed language
  - Further engage stakeholders
- Receive public comments
- Public hearing
- CR-103
  - Adopt Rule (by January 1, 2023)
  - Concise Explanatory Statement (CES)
Questions and Initial Thoughts

What are your thoughts on the 2nd draft of the rule language?

Please provide us comments on this draft by **Feb 10th**.

Based on the feedback we receive, we will determine if another stakeholder meeting is necessary.

• Resources & info page: [https://agr.wa.gov/services/rulemaking/wac-16-662-electric-vehicle-supply-equipment](https://agr.wa.gov/services/rulemaking/wac-16-662-electric-vehicle-supply-equipment)
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