September 17, 2021

Tim Elliott
Motor Fuel Quality and Enforcement Manager
Washington State Department of Agriculture
PO Box 42560
Olympia, WA 98504-2460

RE: Comments of Greenlots on EVSE Rulemaking, Section 6, Nonproprietary Interoperability Standards

Dear Mr. Elliott,

Greenlots submits these comments to the Washington State Department of Agriculture (“WSDA” or “the Department”) in response to its September 15, 2021 email notice requesting input in advance of the second Electric Vehicle Supply Equipment “EVSE” rulemaking meeting on Section 6 of SB 5192 (2021) regarding nonproprietary interoperability standards.

Greenlots is a leading provider of electric vehicle (“EV”) charging software and services and a member of the Shell Renewables and Energy Solutions group. The Greenlots network supports a significant percentage of the DC fast charging infrastructure in North America. Greenlots’ smart charging solutions are built around an open standards-based focus on future flexibility while helping site hosts, fleets, utilities, and grid operators manage dynamic electric vehicle charging loads and respond to local and system conditions.

As a longstanding market participant in Washington State actively involved in the legislative process around SB 5192, Greenlots commends WSDA for its swift engagement and stakeholder outreach during this informal pre-rulemaking process. The Department is largely on the right track in its approach to the variety of nuanced issues handed to it with the passage of SB 5192, and Greenlots is confident that a purposeful rule will result, implementing the intent of the Legislature.

With respect to the specifics of implementing Section 6 of the legislation, which pertains to nonproprietary interoperability standards, Greenlots offers encouragements in two areas.

First, with respect to advancing payment interoperability through roaming agreements amongst Electric Vehicle Service Providers (“EVSPs”) the Department is largely on the right track in its articulated approach to require that EVSPs “meet and maintain” the Open Charge Point Interface (“OCPI”) specification, as California did in its SB 454 EVSE rulemaking.\(^1\) Indeed, § 2360.3 from

\(^1\) [https://ww2.arb.ca.gov/sites/default/files/2020-06/evse_fro_ac.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/evse_fro_ac.pdf)
that regulation titled “Facilitating Roaming Agreements” can be used as a model and applied rather directly here. This aspect of the rulemaking was relatively uncontroversial when it was developed in California, a process Greenlots was also actively involved with, and importantly, as SB 5192 also calls for, this does “...not require that companies maintain interoperability agreements with other companies.” Instead, it requires that EVSPs have the technical capabilities and readiness in place to implement OCPI-based roaming agreements, which Greenlots and others in the market have begun to do.

We note that the “California Open Charge Point Interface Interim Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes” as referenced in the California regulation is simply a copy of the OCPI specification itself, which can also be found and referenced to at the EVRoaming Foundation’s website. This approach was taken to help ensure that the regulation of network interoperability would be intellectual property and royalty free.

Second, in order to fulfill the intent of the Legislature and the letter of SB 5192, WSDA’s implementation of the Section 6 requirements must go beyond simply facilitating network-to-network interoperability through roaming capabilities, and instead adopt rules establishing requirements to facilitate EVSE-to-network interoperability also. As the statute articulates, “[i]nteroperability standards provide safeguards to consumers and support access to electric vehicle supply equipment.” It also states that “…’interoperability’ means the ability of hardware, software, or a communications network provided by one party, vendor, or service provider to interact with or exchange and make use of information, including payment information, between hardware, software, or a communications network provided by a different party, vendor, or service provider.”

While the OCPI provisions contemplated by WSDA address the exchange of payment information between service providers, they do not address any of the other critically important forms of interoperability that the Legislature specified, including principally the ability of charging “hardware”, the EVSE, “provided by one party, vendor, or service provider to interact with or exchange and make use of information” with another “party, vendor, or service provider.”

Providing for EVSE-to-network interoperability, also considered hardware-software interoperability, is critically important to “provide safeguards to consumers” as Section 6(1) specifies, and protect site hosts more generally, ensuring that they have the ability to freely select the network provider of their choice, and be able to do so past the initial EVSE purchase.

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3 Sec. 6(2).
4 See https://greenlots.com/more-chargers-will-be-easier-to-find-and-access-with-almost-no-action-required-by-the-driver-or-site-host/
5 https://evroaming.org/downloads/
6 Sec. 6(1).
7 Sec. 6(3).
point and in an ongoing manner. When site hosts or charger owners are locked into the network services of a specific vendor, that stifles competition for that individual’s business, and means that in order to switch networks the customer most likely must replace the charging hardware. In the context of public charging, in particular that which has been supported by public funds, this creates a stranded asset risk that can become absolute should the vendor go out of business or choose to no longer support the customer or the specific market. As the industry has developed, this unfortunately has happened several times with high-profile charging deployments, including just last year, creating uncertainty for drivers and infrastructure owners and necessitating costly charger replacements.

To help to avoid these outcomes, and to fulfill both the intent of the Legislature and the letter of the law, Greenlots encourages the Department to enact regulatory provisions along these lines:

- To promote site host consumer protections and their investments in charging infrastructure, to promote ongoing competition and consumer choice in EV charging services, and to guard against stranded assets, networked EVSE must:

  1. Be technically capable and not contractually limited to operate on another EVSP’s network, and
  2. The EVSE shall be third-party certified by an independent testing laboratory to an internationally recognized and royalty-free open communication protocol to facilitate this capability.

This two-pronged approach addresses the two underlying constraints which confine EVSE-network interoperability, namely chargers not being able to communicate with another network because they don’t speak a common language and/or chargers being contractually locked to a certain network. While Greenlots expects that most EVSE OEMs and EVSPs would satisfy the second provision by obtaining third-party Open Charge Point Protocol (“OCPP”) certification, as has been offered for some time now by labs around the world, including in the U.S., and supported by the Open Charge Alliance, this protocol-agnostic approach provides for flexibility and regulatory durability, and doesn’t foreclose on other protocols arising that could satisfy the requirement, including IEC 63110 which is currently under development.

Greenlots appreciates WSDA’s consideration of these comments, and we look forward to continued engagement and discussion at the upcoming workshop.

Respectfully submitted,

9 https://www.openchargealliance.org/certification/ocpp-16-certification/
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