September 27, 2021

Washington State Department of Agriculture  
Re: Chapter 16-662 WAC  
PO Box 42560  
Olympia, WA 98504-2560

RE: Chapter 16-662 WAC Rulemaking for Publicly Accessible Electric Vehicle Charging Stations Per Second Substitute Senate Bill 5192

Dear Tim Elliot,

Tesla appreciates the opportunity to provide feedback on rulemaking Chapter 16-662 WAC regarding rules for publicly accessible electric vehicle (EV) charging stations, as outlined in Second Substitute Senate Bill 5192 (SS SB 5192).

Tesla, Inc. is a U.S.-based electric vehicle (EV) and EV charging equipment manufacturer that operates charging stations for both Direct Current Fast Charging (DCFC) and Level 2. In Washington, Tesla has built 33 DCFC stations, known as Tesla Supercharger stations, with 335 DCFC ports, representing roughly 50% of the total number of DCFC ports currently in operation throughout the state.¹ Tesla has a Level 2 charging network, known as Destination Charging, with 303 Level 2 ports at 115 locations across Washington, typically provided at hotels and workplaces as a free amenity for guests and employees. Providing seamless, transparent, and accurate customer charging experience has been and continues to be one of Tesla’s key objectives in developing our charging networks. We strongly believe that a positive customer experience is a critical component to electrifying the transportation sector.

The regulations currently under discussion in Chapter 16-662 WAC may directly impact operations and costs at existing and future Tesla EV charging stations in the state of Washington. We offer the following comments for consideration in rulemaking Chapter 16-662 WAC.

I. Reporting

As outlined in Section 7 of SS SB 5192, electric vehicle service providers (EVSP) operating one or more publicly available Level 2 or DCFC stations in Washington must report inventory and payment method information annually to the National Renewable Energy Laboratory (NREL) by January 1, 2023. SS SB 5192 further outlines that the information provided should include the provider and the payment method. Many EVSPs already provide this data to NREL on both Level 2 and DCFC installed in the United States. Section 7 also states that the Washington Agriculture Department (Department) may adopt additional reporting requirements as necessary.

¹ https://afdc.energy.gov/fuels/electricity_locations.html#/analyze?fuel=ELEC
for compliance with the act. Additional data requirements considered by the Department should keep in mind the cost and feasibility of EVSPs and station owners in providing the data, how the data will be used and stored, how frequently the data needs to be updated, and if the requested data is necessary for compliance with this act.

II. Registration Fees

As outlined in Section 8 of SS SB 5192, annual registration fees of $20 per Level 2 EVSP port and $40 per DCFC port will be charged for each weighing or measuring instrument or device used for commercial purposes. Tesla supports the Department’s decision to defer adoption of the National Institute of Standards and Technology’s (NIST) Handbook 44, Section 3.4 tentative code, which contains requirements for EVSE that are still pending and under consideration by the National Conference on Weights and Measures and the EV industry for appropriateness and feasibility. Given this necessary deferral, it would be logical that registration fees and any additional fees associated with field verifying EVSE should not be collected before the Department formally adopts requirements for weighing and measuring instruments associated with EVSE. To begin collecting fees for weights and measures testing of EVSE before the specific requirements for such testing are established would be improper and could result in premature and inaccurate estimates for testing costs. Further, if the registration fees set in Section 8 fail to adequately cover the costs for field verifying and testing EVSE as determined in future rulemaking, we recommend consideration of alternative funding sources outside of raising annual fees for each charging port on EVSE providers and site hosts in the near term, who will inevitably be required to passed down these costs to EV drivers.

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Tesla appreciates the opportunity to provide feedback on rulemaking Chapter 16-662 WAC for publicly accessible electric vehicle stations, as outlined in SS SB 5192. Tesla looks forward to providing additional input throughout the public stakeholder meetings and collaborating with the Department and other stakeholders to provide a seamless, transparent, and accurate customer charging experience to EV drivers in Washington.

Sincerely,

Noelani Derrickson
Business Development and Policy
Tesla