

April 10, 2023

VIA E-MAIL

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RE: New Jersey Appliance Standards Act and Application of Energy Star Requirements to Direct Current Fast Charging (“DCFC”) Stations

Dear President Fiordaliso and Commissioner LaTourette:

Electrify America, EVgo, ChargePoint, Siemens, and Tesla (“The Joint EV Parties”) submit this letter to express their serious concerns about the possibility that the Board of Public Utilities (“BPU”) and the Department of Environmental Protection (“DEP”) are planning to apply the Energy Star requirements in the New Jersey Appliance Standards Act (P.L. 2021, c.464) to DCFC stations. We expect that the application of the New Jersey Appliance Standards Act (“the Act”) to electric vehicle service equipment (“EVSE”) will be on the agenda for the next BPU meeting on April 12.

The Act requires EVSE to meet the product specifications of the “Energy Star Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version 1.0” developed by the United States Environmental Protection Agency (“Energy Star Version 1.0 EVSE requirements”). Pursuant to section 2.2.2 of the Energy Star Version 1.0 EVSE requirements, DC output EVSE, also known as DCFC stations, are excluded from the requirements.¹

¹<https://www.energystar.gov/sites/default/files/asset/document/Version%201.0%20EVSE%20Program%20Requirements%20%28Rev.%20Apr-2017%29.pdf> – on page 17 of document.

In addition to its clear exclusion under New Jersey statute, the Joint EV Parties note that they are not currently aware of any other utility program in the U.S. that requires Energy Star for DCFC. Further, the National Electric Vehicle Infrastructure (NEVI) formula program declined to adopt ENERGY Star certification requirements for fast charging equipment, though it is required in NEVI for AC charging². These standards were developed by the Federal Highway Administration (FHWA) with substantial stakeholder input with the Administration noting that “commenters wrote in agreement with FHWA that ENERGY STAR certification for DCFCs was premature” and that “language in the proposed rule required ENERGY STAR certification only of AC Level 2 chargers, for which standards are well-established.

Requiring Energy Star for DCFC for these utility programs seeks to put BPU programs in conflict with technical standards of other New Jersey programs to be administered by the New Jersey Department of Transportation for the next five years via NEVI funding.

It is worth noting that the BPU has already issued and approved Minimum Filing Requirements for utility-programs that clearly identify the scope and requirements to be incorporated in the utility ratepayer-funded programs. In addition, the BPU went through rigorous proceedings for each utility Electric Vehicle-related investment program and has already approved these programs between 2020 and 2022. We respectfully suggest that it would be premature and inappropriate to incorporate new requirements into existing programs prior to their conclusion. Pursuant to section 8 of the Act, the BPU and DEP may impose additional energy efficiency requirements on EVSE, including DCFC, in the future. However, if the BPU and/or DEP decides to impose Energy Star requirements or other energy standards on DCFC charging equipment, they are required by the clear statutory language to conduct a study to support that decision and submit the study report to the Governor and Legislature. To the best of our knowledge, no such study has been conducted by the BPU and/or DEP. Therefore, the agencies are not permitted to impose Energy Star requirements on DCFC stations.

Please do not hesitate to contact us if you have any questions.

² <https://www.govinfo.gov/content/pkg/FR-2023-02-28/pdf/2023-03500.pdf>

BPU President Fiordaliso and DEP Commissioner LaTourette

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Very truly yours,

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