



June 7, 2024

Department of Ecology  
State of Washington  
P.O. Box 47600  
Olympia, WA 98504-7600

RE: Clean Fuel Standard rulemaking (173-424 WAC)

Dear Adam Saul,

Thank you for the opportunity to provide informal comments pursuant to the effort to update Washington's Clean Fuel Standard.

Forum Mobility is a leading developer of turn-key electric truck solutions for fleets and drivers, working to enable the transition to zero emission freight. Forum is building a network of staffed and secure heavy duty truck charging depots in and around ports and along common freight corridors, and provides either charging, or a truck plus charging together, for a monthly fee.

Subsequent to the public meetings and Department of Ecology presentations in May, we'd like to offer some recommendations for updating the rules governing the capacity crediting program (known as Fast Charging Infrastructure, or FCI) under the Clean Fuels Standard in order to serve the needs and use cases of the medium and heavy duty (MHD) sector.

First, we would like to note that the FCI program is one of the most important tools available for supporting the effective transition to zero emission transportation, we are very appreciative of your efforts in this regard. And we appreciate the efforts to date to take special consideration of the needs of freight businesses, and having those use cases support in policy design. Specifically, allowing 3<sup>rd</sup> party depots that serve multiple fleets to be eligible under this program is a very helpful step.

In the May workshops and associated materials, there was discussion of consideration of additional programmatic requirements, and the potential to look to CARB for a model. To this point, we would like to stress that CARB is still mid-point in the development of their program, and their proposed regulations issued in December of 2024 contained some elements that are unworkable, are hopefully to be ameliorated in subsequent drafts, and should not be replicated in Washington. Below we provide some suggestions for programmatic requirements:

**Size of eligible depots.** Fleets serving freight businesses can be quite large – in the hundreds of vehicles – and the batteries for these vehicles are similarly large. Depots serving this sector can

easily be over 10 MW in power capacity. California's proposed regulations cap the total nameplate power rating for all FSEs at an eligible site at 10 MW. If you believe a cap is needed at all, we recommend that Washington similarly raise the limit from 1,500 kW to 10 MW. Larger depot sizes will help reduce costs, which will improve access.

**Number of FSEs per site.** Further to the point above, it is unnecessary and potentially catastrophically counterproductive to cap sites by number of FSEs. If you believe that some sort of cap is necessary to promote a diversity of sites and market participants, a power capacity cap is sufficient, and there is no need to further limit sites by number of FSEs. Not to put too fine a point on it, but California proposed a cap of 10 FSEs per depot (which we hope will not become final) which would drive up costs for customers and make the program unusable for most charging providers in the MHD space.

**Size of program.** The proposed California program is for 2.5 percent of the previous quarter's deficits.<sup>1</sup> In order to insure that the size of the program adequately serves the need for charging, several coalitions of MHD infrastructure providers are recommending increasing the program to 5% of previous quarter deficits, and we similarly recommend that Washington take further efforts to match the size of the program to transition ambition.<sup>2</sup>

**Size of FSE.** The MHD sector is very different from the Light Duty sector, both in operational requirements and base access to charging. For LD, the basic premise is that most charging will occur at home, and public charging is needed either for fast recharges on road trips, or fast charging for those that are unable to charge at home. For MHD, however, many fleets will have to do all their charging at depots. Fleets that have long dwell times, such as overnight, can use slow chargers which are less costly and have a smaller impact on the grid. Additionally, intermittently slow charging helps maintain battery health. We believe that the market can solve for this issue and no size minimums are necessary, but if a minimum is needed, it should be no more than 150 kW.

**Charging connectors.** The current WA regulation requires that eligible sites have multiple connector types. Currently, all MHD trucks actively available on the market take SAE CCS, and this requirement is not applicable.

**Utilization rate and period.** For MHD, California's proposed regulations provide for a FCI crediting period of 10 years at 20% utilization rate, and 50% utilization rate for hydrogen dispensers. For the most effective program, we recommend 50% utilization for 5 years.

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<sup>1</sup> <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/lcfs2024/appa-2.pdf>

<sup>2</sup> <https://www.arb.ca.gov/lists/com-attach/6859-lcfs2024-VDEAcFAyWGoKIQVm.pdf>  
<https://www.arb.ca.gov/lists/com-attach/6957-lcfs2024-AWxXOVM2VloHYgRs.pdf>

**Geographic limitations.** We understand that there will be further in-depth discussions of location requirements at a future time but would like to take this moment to note that an effective transition to zero emission freight depends on an entire ecosystem of charging opportunities. A tight circle of eligibility may make it more difficult for freight vehicles to reach their destinations, and thusly compromise the sector's transition.

We appreciate the opportunity to provide input to this crucial program, and we look forward to continuing to collaborate to support an equitable transition to zero emission freight in WA.

Yours,

Adam Browning,  
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Forum Mobility