

Powering America's Commercial Transportation (David Bonelli)

Please find attached PACT's comments on the Clean Fuel Standard Rulemaking.



PACT

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Re: PACT Comments on June 16 Proposed Amendments to the Clean Fuel Standard (“CFS”) Rulemaking

Powering America’s Commercial Transportation (“PACT”) is pleased to provide these comments in response to the Department of Ecology’s (“Ecology”) proposed amendments to Chapter 173-242 WAC Clean Fuels Program Rule. PACT appreciates the effort that Department of Ecology staff have put into this rulemaking process. PACT has twice submitted comments to this proceeding, in June and again in October of 2024, and recognizes that Ecology has made important adjustments to the rule that PACT and others have advocated for in this proceeding. While the Clean Fuels Program has been greatly improved throughout this process, PACT recommends further changes that should be made in advance of final adoption to strengthen the program.

PACT is a coalition dedicated to accelerating the deployment of accessible and reliable charging infrastructure to support the medium- and heavy-duty (“M/HD”) vehicle market. We are focused on closing the gap between availability of new vehicle technologies and grid readiness. Our vision is for a robust market for all types of commercial vehicles, including electric vehicles, where M/HD fleets have access to reliable power, when it’s needed, where it’s needed and at a reasonable cost. Our membership is comprised of stakeholders across the transportation electrification ecosystem, including leading truck manufacturers, charging infrastructure technology providers and developers, commercial fleets, fleet management companies, and utilities.¹ PACT is committed to promoting productive, cross-sector collaboration to advance policies that improve access to and reduce barriers for M/HD infrastructure.

I. Support for Program Elements Impacting the M/HD Vehicle Sector.

First and foremost, PACT applauds Ecology’s decision to expand the capacity crediting opportunity to M/HD charging sites. As PACT noted in comments submitted in October 2024, expanding capacity crediting opportunities to M/HD-FCI will play a critical role in ensuring that additional investments are made in M/HD ZEVs and the requisite charging infrastructure. Extending capacity crediting opportunities to M/HD-FCI will foster greater confidence among fleets looking to transition to M/HD ZEVs that the necessary charging infrastructure will indeed

¹ PACT membership comprises ABB E-Mobility, Alpitronic, Amazon, BC Hydro, BorgWarner, Burns & McDonnell, Chargepoly, Chateau Energy Solutions, Cummins, Daimler Truck North America, Eaton, EV Realty, Forum Mobility, Greenlane, InductEV, International, J.B. Hunt, Mortenson, Penske, Pioneer eMobility, Pitt Ohio, Prologis, Ramp Charging, Terawatt, truCurrent, Voltera, Volvo Group North America, and Walmart.



be available. These important amendments to the Clean Fuels Program incentivize the infrastructure providers and benefit customers.

a. Program Flexibility.

PACT appreciates that Ecology is proceeding with a rulemaking that does not impose a minimum nameplate capacity or a cap on the number of FSE per site, so long as the total nameplate rating for all FSE is below 10 MW for HD-FCI. It is important that FSE providers and fleets have flexibility to plan for power levels that accelerate the deployment of M/HD EVs at scale and across diverse market segments, and a minimum nameplate requirement would hamper essential market flexibility. Additionally, an artificial cap on the number of FSE per site would unduly impede M/HD charging deployment and run contrary to current market realities, which call for mass deployment of infrastructure to meet M/HD fleet demands. PACT also commends Ecology for not placing requirements on the types of chargers eligible for crediting and not implementing locational requirements.

While PACT supports the 10 MW maximum capacity at this time, PACT maintains that Ecology should consider raising this cap at a later date. As stated in comments submitted in October 2024, charging sites serving heavy-duty vehicles have the potential to far exceed this site-wide cap. Developers are increasingly receiving requests for higher-powered chargers, including megawatt chargers. In such circumstances with a site-wide capacity of 10 MW, only 10 chargers would be available. PACT understands that the limited availability of credits precludes Ecology from raising the site-wide cap by an order of significant magnitude. PACT also appreciates that Ecology is seeking to diversify the applicant pool and is attempting to find a balance between accommodating larger projects, while not allowing for one very large project to take up a considerable number of available credits. Recognizing that M/HD charging sites may require power needs in excess of 10 MW and pending future expansion of this program, PACT would encourage Ecology to reconsider this site-wide cap at a later date.

b. Extending Crediting Opportunities to “Shared” Sites.

PACT applauds Ecology for recognizing that expanding the applicability to “shared” sites for heavy-duty vehicles aligns with the most prevalent business model for charging infrastructure development in this vehicle class and will help accelerate deployment of zero-emission fleet vehicles statewide. These charging sites are a critical component to supporting the transition to M/HD ZEVs and allow fleets that would not otherwise have the resources to install their own charging equipment a pathway to transition their fleets to ZEVs.

II. Additional Recommendations.

PACT commends Ecology for the work that has been done thus far on making necessary adjustments to the Clean Fuels Program rule. PACT feels that there are components of the rule that could be adjusted to further strengthen the program.



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- *Remove Reduction to 2 Years of Crediting upon Re-application if Fail to Energize within 24 Months of HD-FCI Approval.* The proposed rule states that if an approved application for HD-FCI fails to energize within 24 months of approval, then a subsequent approval for the same HD-FCI facility is permissible, subject to remaining capacity under the 2.5 percent of deficits cap, but the facility may only claim HD-FCI credits for two years. Ecology should remove the provision that reduces the crediting period for re-applicants.
- *Incentivize HD-FCI in all Applications (e.g., truck stops, shared depots, and individual fleets).* The risk of adding individual fleets to the current proposal is low especially at this early stage of market development as all types of applications are needed to accelerate adoption. Individual fleets include a broad range of fleets such as transit agencies, other special government districts, utilities, non-profits, education, and private sector entities. The June 16 proposed language also already addresses concerns that one fleet or individual applicant could get too many credits by limiting individual applicants to no more than 0.5 percent of deficits in a quarter.
- *Extend the Credit Life for FCI to 10 Years.* Adjusting the credit life provision to 10-years for both HRI and FCI will help to create a more equitable framework. PACT recommends this for both light-, and medium-duty as well as heavy-duty FCI and HRI.
- *Simplify and Lower the Compliance Cost of Generating CFS Credits for Electricity.* Specifically, the costs of annual third-party verification, e.g., requiring annual meter accuracy checks, is duplicative of existing laws. Virtual checks rather than paying for the cost of annual site visits by third-party verifiers should be required.

III. Conclusion

PACT is pleased to provide these comments in response to the State of Washington's Clean Fuel Standard Rulemaking (Chapter 173-424 WAC). PACT applauds Ecology's progress, including the decision to expand crediting opportunities to medium- and heavy-duty charging infrastructure. PACT stands in strong support for the Clean Fuels Program rule, encourages Ecology to make additional updates to strengthen the rule, and looks forward to future engagement with Ecology on this matter.

Sincerely,
PACT

/s/
David Bonelli
Partner
Venable LLP
On behalf of PACT