Save the Sound®
Action for our region's environment.

ANNUAL REVIEW OF THE ELECTRIC VEHICLE CHARGING PROGRAM - YEAR 6	:	DOCKET NO. 26-08-06
	:	
	:	JULY 30, 2026

WRITTEN COMMENTS

Save the Sound respectfully submits the following written comments as part of the Annual Review of the Electric Vehicle Charging Program – Year 6 in response to the Notice of Request for Written Comments (Notice) issued by the Public Utilities Regulatory Authority (the Authority) on July 9, 2026.

The Authority has requested that docket Participants and interested stakeholders provide written comments on a number of topics, including the following:

1. Proposed Uptime Requirement and Enforcement Structure

a. The Authority's proposed DCFC uptime requirement

For DC Fast Charger (DCFC) stations awarded incentives after January 1, 2027, the Authority proposes alignment with the 97% uptime requirements adopted by the National Electric Vehicle Infostructure (NEVI) program.

Save the Sound supports the establishment of a 97% uptime requirement, as proposed by the Authority. We are particularly pleased to see the alignment between the proposed requirement and the NEVI program requirements, as this will avoid any confusion that could be caused by differing standards and will allow for uniform compliance.

As have noted previously, uptime is critical to a good customer experience, to building confidence in the state's charging infrastructure, and to ensuring that ratepayer funds are optimally deployed and establishing an *enforceable* uptime requirement for publicly funded projects is an important element of ensuring that the public is deriving the benefit of the bargain.[1]

b. The Authority's proposed DCFC uptime reporting requirements and prerequisite in order to apply for Program incentives

We continue to support the requirement that DCFC applications be required to include the ability to report specified uptime data fields to the EDCs as a condition of their participation in the EV Charging Program.[2]

[1] Docket No 25-08-06, Written Comments of Save the Sound at 3 (June 17, 2025).
[2] *See* Docket No. 26-06-06, Written Comments of Save the Sound at 1-2 (Mar. 2, 2026); Docket No. 25-08-06, Written Comments of Save the Sound at 2-3 (June 17, 2025).

With respect to the frequency of reporting, the EDCs previously proposed requiring that Uptime Data be reported every 6 months.[3] The NEVI program, by contrast, requires that participants report data quarterly.[4] The Authority has recommended more closely aligning the CT DCFC reporting period with the NEVI requirement by requiring Uptime Data to be reported quarterly.[5] We agree with the Authority's proposed modification.[6]

c. The Authority's proposed DCFC uptime requirement enforcement mechanism

The Authority proposes to enforce the Uptime Requirement through the withholding of a percentage of program rebates. While we are cognizant of the concerns raised by the EDCs regarding this approach[7] and agree with the EDCS that imposing penalties or fines on operators for non-compliance with the Uptime standard may well be a better approach, it appears that the withholding of rebates this is the only enforcement pathway currently available. Both PURA and the EDCs state that they lack the authority to impose penalties on 3rd-party EVSE operators.[8]

Given that the Uptime Requirements will be established as a prerequisite condition of participation in the program for publicly available DCFC, and that participation in the program includes the receipt of public funding, we believe that the Authority should pursue legislative authority to impose penalties and fines, including but not limited to the claw back of disbursed funds, as a mechanism to enforce the obligations of program participants.[9] The imposition of post-hoc fines would have the additional benefit of not depriving project participants of upfront funding that could be devoted to ensuring the maintenance and operation of EVSE in good working order.

Absent such authority, however, we agree that withholding a portion of the rebate for disbursement upon demonstrated compliance provides an incentive for program participants to meet the Uptime Requirement. While we appreciate the formula originally provided by the EDCs and presented in the Notice, it seems unclear how each participant's actual budgeted O&M expenses are to be determined. If that number is what determines the withholding percentage, it seems there would be a clear incentive for program participants to underreport that expense in order to lower the withholding amount. This provides an additional hurdle for this mechanism, in addition to those previously identified by the EDCs.

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[3] Motion No. 1, Joint Motion for Review and Approval of Order No. 14 at 3 (Feb. 2, 2026).
[4] *Id.* at 2-3. *See* also 23 CFR §680.112, https://ecfr.gov/current/title-23/section-680.112,
[5] Public Utilities Regulatory Authority, Notice of Request for Written Comments at 3 (July 9, 2026).
[6] Save the Sound advocated for quarterly reporting of Uptime Data to better align not only with the NEVI requirements, but also existing reporting timelines within the CT EV Charging program itself. *See* Docket No. 26-08-06, Written Comments of Save the Sound at 3 (Mar. 2. 2026) ("Given that the Connecticut commercial EVSE program currently requires quarterly reporting of EVSE Utilization Data and EVSE Financial Data, we recommend that the reporting timelines be made consistent such that Uptime Data for the CT program be reported quarterly, rather than every six months.")
[7] *See* Docket No. 26-08-06, Motion No 1, Joint Motion for Review and Approval of Order No. 14 at 5-6 (Feb. 2. 2026).
[8] *See*, for example, §16-1(c) of the Connecticut General Statutes which provides that: "An owner of an electric vehicle charging station, as defined in section 16-19f, shall not be deemed to be a utility, public utility or public service company solely by virtue of the fact that such owner is an owner of an electric vehicle charging station." Notwithstanding that language, there remains room to impose regulatory authority on third-party EVSE operators of public DCFC stations that receive public funding.
[9] We note that §16-10 of the Connecticut General Statutes provides that: "The Superior Court, on application of the Public Utilities Regulatory Authority or of the Attorney General, may enforce, by appropriate decree or process, any provision of this chapter or *any order of the authority rendered in pursuance of any statutory provision*." (emphasis added). While this may provide an indirect path to imposing penalties on third-party EVSE operators, it could be an inefficient and time-consuming option.

The rebate withholding approach presented in the Notice could be paired with additional enforcement measures. For example, the California Energy Commission, which also enforces its uptime requirement as a contractual obligation under its program rules, has adopted three levers to hold funding recipients accountable:[10]

- Enforcement Through Grant Terms: The CEC integrates the mandatory 97% uptime requirement and reporting directly into the enforceable conditions of the grant agreement. Non-compliance constitutes a breach of the funding contract, which can trigger funding withholding, clawbacks, or termination.
- Future Funding Disqualification: Agencies may consider historical reliability data when making future ZEV infrastructure funding. Underperforming operators may be deprioritized for funding opportunities.
- Performance Ranking: Starting in 2026, the CEC will publish biennial reports ranking charging network reliability. This acts as a reputational enforcement mechanism, publicly exposing networks that fail to maintain their infrastructure.

2. Coordinating DCFC deployment with NEVI

Provide comments on the EDCs' update and proposal regarding coordinating DCFC deployment methodologies with ConnDOT's implementation of the NEVI Program, filed as Motion No. 6. Additionally, provide any additional recommendations to improve Program DCFC deployment coordination with ConnDOT's NEVI DCFC deployment, if relevant.

As set forth in Motion No. 6, the EDCs propose that:

> beginning in 2027, officially-committed NEVI sites be incorporated into the Program's municipal charger counts used for scoring and prioritization. Accounting for the substantially higher port counts associated with NEVI sites will allow the charger-density metric to more accurately reflect actual charging availability within a given community and will support better-targeted prioritization of Program incentives. NEVI sites that have only been conditionally awarded funding should not be counted for scoring purposes until grant agreements have been executed between both parties. This balanced approach will allow for improved coordination without over-reliance on projects that may not advance.

We support this recommendation, as it supports the effective and efficient deployment of EV charging infrastructure across Connecticut. This, in turn, will increase access to EV chargers for Connecticut drivers by ensuring that underserved areas are prioritized for state investment.

3. Expanding Program Marketing and Outreach Efforts

Provide comments on the EDCs' update and proposal regarding expanding marketing efforts to enroll EV drivers in the Program at the point of purchase and building relationships with Auto and electric vehicle supply equipment (EVSE) original equipment manufacturers (OEMs) (filed as Motion No. 7), including but not limited to, the EDCs' proposals to coordinate with the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program, increased EVSE and Auto OEM engagement, and statement that Auto dealership engagement is "a valuable but constrained channel" for increasing Program enrollment.

Save the Sound appreciates the multiple strategies that the EDCs are pursuing to promote the managed charging program to EV owners and potential EV purchasers.

We are particularly pleased about the exploration of opportunities to collaborate with the CHEAPR EV rebate program. We feel this is an opportunity that should have been taken advantage of much earlier and we hope that it produces good results, particularly as it relates to low-income participants.

[10] California Energy Commission, EV Charger Data and Reliability Standards" (2026), https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program/ev-charger-data-and-reliability-standards.

While we recognize the structural and practical difficulties highlighted by the EDCs in coordinating and cross-promoting with motor vehicle dealerships, we continue to believe that such activities can provide benefits to both parties. The dealerships can leverage the consumer benefits of the EV Managed Charging Program to make the purchase of an EV an even more attractive proposition for the customer, and the EDCs can enroll a new EV driver at the beginning of their EV ownership, reinforcing managed charging as a routine part of their charging practices.

Conclusion

Thank you for the opportunity to submit these comments. We look forward to continuing our engagement with the Authority, the EDCs and all of the stakeholders to ensure the continued success of the CT EV Charging Program.

Respectfully submitted,

/s/ Charles J. Rothenberger
Charles J. Rothenberger
Director of Government Relations, CT

CERTIFICATION

This is to certify that on this 30th day of July 2026, a copy of the foregoing document was served upon each person designated on the Authority's official service list in this proceeding in accordance with R.C.S.A. § 16-1-15.

By: */s/* Charles J. Rothenberger

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