

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Proceeding on Motion of the Commission)
Regarding Electric Vehicle Supply)
Equipment and Infrastructure)

Case 18-E-0138

**TESLA’S PETITION TO DESIGNATE J3400 PLUG STANDARD AS NON-
PROPRIETARY IN THE JOINT UTILITIES’ EV MAKE-READY PROGRAM**

In its November 2023 Order Approving Midpoint Review Whitepaper’s Recommendations with Modifications (“2023 Order”),¹ the New York Public Service Commission (“Commission”) maintained that electric vehicle supply equipment (“EVSE”) using the North American Charging Standard (“NACS”) should continue to be designated as proprietary within the Make-Ready Program, and therefore ineligible for the full incentive tiers available for current non-proprietary plugs such as J1772 and CCS, and directed the Department of Public Service (“DPS”) Staff “to convene a technical conference in 2024 to consider interoperability and universal accessibility of charger hardware, such as plug type, charger design, charging adapters, and software as it pertains to the Make-Ready Program eligibility.”² In response to the Commission’s consideration of charger technology and to respond to evolving needs of the market, Tesla respectfully requests the Commission recategorize J3400 plugs as non-proprietary for full eligibility in the Make-Ready Program.

¹ Case 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure (“EVSE & I Proceeding”), Order Approving Midpoint Review Whitepaper’s Recommendations with Modifications (November 16, 2023) (“Order” or “2023 Order”).

² 2023 Order, p. 55.

Background

Per the 2023 Order, the DPS held a technical conference on January 15, 2025, to solicit stakeholder feedback regarding the Make-Ready Program eligibility guidelines that should be considered with evolving charger technology. During the technical conference and through written comments, Tesla emphasized the importance of J3400/NACS to the EV charging market and the readiness for eligibility as a non-proprietary plug type for full Make-Ready Program incentives. Tesla's position is supported by its ongoing standardization through the Society of Automotive Engineers (SAE) International and the growing adoption of J3400 among major automakers, including Ford and General Motors (GM)³ as well as charging networks and EVSE manufacturers, such as ABB, ChargePoint, EVgo, and Tritium.⁴ Due to this consensus, Tesla values the opportunity to advance its petition to the Commission to affirm J3400's non-proprietary status.

About Tesla

Tesla is a manufacturer of electric vehicles, energy storage equipment, EV charging equipment, and is also a charging network owner and operator. Tesla operates 49% of the DC fast charging DCFC ports in New York⁵ and proudly manufactures its industry leading Supercharger equipment at Gigafactory New York in Buffalo, NY.

Tesla's mission is to accelerate the world's transition to sustainable energy through the development, manufacture and sale of all-electric vehicles and clean energy products, including photovoltaic solar and battery storage. All Tesla vehicles sold in the United States are currently manufactured in Fremont, CA and Austin, TX. Tesla's vehicle line-up includes the Model S sedan, Model

³ Other automakers who have announced the adoption of the J3400 charging standard include BMW, Mercedes-Benz, Honda, Hyundai, Toyota, and Stellantis. Available: <https://www.consumerreports.org/cars/hybrids-evs/tesla-superchargers-open-to-other-evs-what-to-know-a9262067544/>

⁴ Electrek. "Everything You Need to Know about The North American Charging Standard (NACS)." June. 19. 2023. Available at: <https://electrek.co/2023/06/19/everything-you-need-to-know-about-the-north-american-charging-standard-nacs/>

⁵ <https://afdc.energy.gov/stations#/analyze?tab=location>

X crossover vehicle, Model 3 sedan, and Model Y crossover vehicle. The vehicles have an all-electric range of up to 405 miles per charge (Model S) and industry-leading performance and safety ratings. In 2024, Tesla delivered more than 1.7 million vehicles globally ⁶ and in December 2022, the company delivered its all-electric Class 8 Semi trucks to the first customer. ⁷ Additionally, in November 2023, Tesla completed the first deliveries of its newest vehicle, the Cybertruck pickup truck. ⁸

Justification

While Tesla acknowledges the Commission's decision in the 2023 Order was made with the best available information at the time, the rapidly evolving market landscape and standardization status now demonstrates that the J3400 connector should be categorized as non-proprietary. SAE International formalized J3400 as an open standard in December 2023, ensuring that any supplier or manufacturer can use, produce, or deploy it across North America. This designation was reinforced in September 2024 when the SAE EV Coupler Task Force voted to establish the J3400 standard as Recommended Practice. ⁹ The J3400 connector's transition to standardization has increased its availability to automakers and EVSE manufacturers, which underscores its eligibility for the higher tier Make-Ready Program incentive. As industry adoption accelerates, an increasing number of EV drivers will depend on J3400-compatible charging stations.

In New York State alone, 81% of registered EVs are NACS-enabled and nearly half of all DCFC ports are Tesla-operated. ¹⁰ As more automakers transition to J3400, the percentage of NACS-compatible EVs is projected to reach 97% by the end of the year. Many non-Tesla EV drivers are already utilizing

⁶ <https://ir.tesla.com/press-release/tesla-fourth-quarter-2024-production-deliveries-and-deployments>

⁷ <https://www.cbsnews.com/news/tesla-electric-semis-delivered-to-pepsico-nevada-factory/>

⁸ <https://www.tesla.com/cybertruck-delivery-event>

⁹ SAE International. "J3400_202312: NACS Electric Vehicle Coupler." September 30, 2024. Available: https://www.sae.org/standards/content/j3400_202312/

¹⁰ Alternative Fuels Data Center Station Locator. "Number of Tesla DCFC Ports in New York State." February 18, 2025. Available: (https://afdc.energy.gov/stations#/analyze?tab=fuel®ion=US-NY&fuel=ELEC&ev_levels=dc_fast&ev_networks=Tesla&ev_networks=Tesla+Destination)

the Tesla Supercharger network through J3400/NACS plug adapters (both Level 2 and DCFC), which has been a helpful tool as more OEMs transition to native J3400 connectors.

To keep pace with the growing demand, expanding J3400-compatible charging deployments is essential, and the higher Make-Ready Program incentive tier is the key to accelerating this transition. To ensure a seamless transition to full J3400 adoption in the expected timeframe, at this time CCS and J1772 plugs should remain eligible for the same incentive tier. By unlocking the same incentive tier for J3400 plugs, New York can expand deployment to align with current EV production trends. Doing so will not only encourage further EV adoption and investment in the state's charging network but also solidify New York's commitment to providing a seamless and accessible charging experience for all drivers.

Conclusion

For the reasons described herein, Tesla urges the Commission to establish the J3400 standard as a non-proprietary plug type within the Make-Ready Program as well as future infrastructure incentive programs to reflect the state of the EV market. Tesla appreciates the opportunity to submit this petition for consideration and looks forward to collaborating with DPS Staff and the Commission to ensure the continued deployment of widely accessible Level 2 and DCFC infrastructure across New York State.

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Respectfully submitted,



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