August 21, 2023

VIA ELECTRONIC MAIL

Hon. Michelle L. Phillips, Secretary

New York State Public Service Commission

3 Empire State Plaza

Albany, New York 12223-1350

secretary@dps.ny.gov

Re: CASE 22-E-0236 – Proceeding to Establish Alternatives to Traditional Demand-Based Rate Structures for Commercial Electric Vehicle Charging.

Dear Secretary Phillips:

Advanced Energy United (United) and the Alliance for Clean Energy New York (ACE NY) submits for filing this initial feedback in response to proposal of the Joint Utilities Electric Vehicle Load Management Technology Incentive Program filed on May 19, 2023 in the above referenced proceeding.

Respectfully submitted,

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I. INTRODUCTION

The Alliance for Clean Energy New York (ACE NY) is a member-based organization with a mission of promoting the use of clean, renewable electricity technologies and energy efficiency in New York State to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution. ACE NY's diverse membership includes companies engaged in the full range of clean energy technologies as well as consultants, academic and financial institutions, and not-for-profit organizations interested in their mission.

Advanced Energy United (United) is a national association of businesses that works to accelerate the move to 100% clean energy and electrified transportation in the U.S. Advanced energy encompasses a broad range of products and services that constitute the best available technologies for meeting our energy needs today and tomorrow. These include electric vehicles, energy efficiency, demand response, energy storage, solar, wind, hydro, nuclear, and smart grid technologies. United represents more than 100 companies in the $374 billion U.S. advanced energy industry, which employs 3.2 million U.S. workers, including 157,000 individuals in the Empire State.

II. SUPPORT FOR AN ELECTRIC VEHICLE LOAD MANAGEMENT TECHNOLOGY AND INCENTIVE PROGRAM

ACE NY and United support the Joint Utilities' (JU) pursuit of an Electric Vehicle Load Management Technology Incentive Program (LMTIP). LMTIP aims to replace the Per-Plug Incentive (PPI) program and provide incentives for eligible technologies related to charging equipment, such as energy storage projects, including on-site energy storage, and energy storage integrated directly into charging equipment, as well as other advanced load management (ALM) technologies and software. ALM has the potential to dynamically adjust power consumption to smooth out load curves and more efficiently reflect time and price signals for energy use. At scale, this approach will be a critical component of balancing the demands on the power grid, making it more efficient and cost-effective while also contributing to a more predictable daily grid pattern. Like other energy-efficiency-focused programs, utilities and regulators must align financial incentives to achieve these ratepayer benefits, a task that the LMTIP is in position to accomplish. ACE NY and United firmly support the creation of this program and would like to provide feedback and recommendations in this filing to ensure its implementation.

III. RECOMMENDATION FOR THE SOLIDIFICATION OF DEFINITIONS, STANDARDS, AND REQUIREMENTS

According to the JU filing on LMTIP, the utilities will retain discretion in determining which technologies and programs will be eligible for funding under this program. ACE NY and United suggest that specific definitions, standards, and requirements for technology and load management technique eligibility be established before the launch of LMTIP under guidance from DPS staff. Currently the proposal states:

> "In the event a customer applies to the LMTIP for an incentive for a new technology, the Joint Utilities will make an eligibility determination at that time to promote a consistent approach across the State" (LMTIP Page 4, Section III A).

This statement indicates that there would be a statewide standard for which technologies will be eligible under LMTIP, however, the associated footnote (8) is contradictory:

> "Although the Joint Utilities intend that LMTIP funding be widely accessible, each utility reserves the right to establish eligibility standards and/or requirements for EV load management equipment to ensure compatibility with its system and programs. For example, if a utility is incentivizing load management equipment in part to facilitate ongoing participation in a load management program, such as the Commercial Managed Charging Program or Commercial System Relief Program, then equipment may need to meet specific standards or requirements to enable such participation" (LMTIP Page 4, Section III A).

Then, the first bullet on "key features of the incentive structure" describes "utility-owned monitoring and control equipment installed on the customer's premises" as an eligible cost, but contextualizes this equipment as being "required" for flexible load interconnections. It is not clear whether utility owned monitoring and control equipment is required per a DPS order, a component of standardized load management technology, or simply the JU's preference.

ACE NY and United recommend that rather than a discretionary process individually evaluated by each utility, a unified, statewide list of approved vendors, technologies, and/or products be adopted to expedite and deconflict eligibility determinations under LMTIP. At minimum, we recommend strengthening the definition of ALM on page 3 to include potential hardware/monitoring elements. Even as the JU maintain they want to cast as broad a net as possible, LMTIP eligible technology must have an agreed upon definition and ideally one that is in step with the NEC and developing standards that will apply across the country.

IV. INTEGRATION OF LOAD MANAGEMENT INTO LARGE SCALE ELECTRIC VEHICLE CHARGING DEVELOPMENT PROJECTS

ACE NY and United recommend the inclusion of the following points to bolster the incentivization of LMTIP among both developers of charging projects and customers:

1. Require utility fleet assessment services to advise customers of load management technology options, benefits of load management, and the program incentives of LMTIP to increase exposure during early-stage development.
2. Require a load management feasibility assessment and statement as part of application to Make Ready Programs. As a component of the project review process, Joint Utilities would issue a service determination option with consideration for the inclusion of load management technologies. If the total infrastructure cost of the project, to include utility new business cost and total make ready cost, would be less with load management implemented, then it should be required to proceed with the project.
3. Adopt an initial limit of total LMTIP funds that can be applied to any one project. Currently, the Joint Utility filing on LMTIP states:

   "As program experience is gained, program budgets are spent, and the load management technology market develops, incentive levels may be adjusted to maximize the program's impact" (LMTIP Page 6, Section III B).

   ACE NY and United suggest that a standard for a percentage of total budget cap or total dollar value per project cap be implemented from the outset of the project to prevent any one applicant from exhausting too significant a portion of total funding of the program.

4. Increase the number of years for which network service expenses are reimbursable from three years to five years. The JU are proposing that up to three years' networking expenses should be included as part of the incentive. ACE NY and United believe that a time period of five years is warranted to more effectively support load management as an integral part of EV charging on an ongoing basis. Moreover, a time period of five years aligns with and is consistent with federal treatment of networking expenses for programs such as the Community and Fueling Infrastructure (CFI) grant program and the National Electric Vehicle Infrastructure (NEVI) Formula Program.

V. CONCLUSION

ACE NY and United submit these comments in favor of the refinement and implementation of the Joint Utilities' Electric Vehicle Load Management Technology Incentive Program. Clearly defining and standardizing program eligibility as a unified, statewide process is crucial to the swift and effective launch of LMTIP. Codifying outreach and implementation requirements as part of Make Ready Programs, and capping the total amount that of funds that can be assigned to any one project will ensure wide adoption of load management technologies. ACE NY and

United intend to closely monitor the progress of LMTIP and to comment as needed throughout this process.