

May 30, 2023

Submitted electronically via e-file on DMM

Honorable Michelle Phillips
Secretary State of New York Public Service Commission
Building Three Empire State Plaza
Albany, NY 12223-1350

RE: Case No. 18-E-0138 – Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure

Dear Secretary Phillips:

On March 1, 2023, the Commission filed Staff's Electric Vehicle Make-Ready Program Midpoint Review and Recommendation Whitepaper ("Whitepaper"). On May 3rd, 2023 a notice soliciting comments was issued regarding the Whitepaper in the above subject case. Along with other stakeholders, Tesla responded by providing comment filed May 15th and appreciates this opportunity to provide written reply comments.

Proprietary Plugs

Tesla supports Alliance for Transportation Electrification's ("ATE's") recommendation to maintain the current 90% and 100% levels for non-proprietary plugs and 50% support level for proprietary plugs.¹ ATE highlights how any change to incentive levels at this early stage of market development would create regulatory uncertainty and send the wrong signals. Further, this position aligns with Staff's proposal to maintain the 50% support level for proprietary plugs which strikes the right balance between encouraging standardization and collaboration while continuing support for all plug types to achieve the state's ambitious zero-emission vehicle ("ZEV") target – 850,000 ZEVs by 2025.²

Tesla's publication of its North American Charging Standard ("NACS") design in November 2022³ and the more recent Ford announcement that it will adopt the NACS port in Ford's future EVs⁴ warrants revisiting the definition of non-proprietary plugs beyond the combined charging standard ("CCS"). The NACS port design, once serving Ford's EVs in addition to Tesla's vehicles, will no longer be proprietary to a single auto manufacturer, serving a majority of electric vehicles in the U.S. market today. Given this development, Tesla requests Staff and the Commission's consideration of NACS as a non-proprietary plug standard and eligibility in the public tier make-ready incentive.

MHD Vehicle Eligibility

Tesla supports the Joint Utilities' recommendation to remove all vehicle eligibility requirements for the Medium-Heavy Duty ("MHD") Pilot. Given that only one customer has been able to participate to date,⁵ it appears less restrictive eligibility requirements are justified for this program to encourage broader participation. Specifically,

¹ Alliance for Transportation Electrification Comments at 8.

² <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-advance-new-yorks-transition-clean-transportation#:~:text=By%20making%20it%20easier%20for,be%20zero%2Dmission%20by%202035.>

³ <https://www.tesla.com/blog/opening-north-american-charging-standard>

⁴ <https://media.ford.com/content/fordmedia/fna/us/en/news/2023/05/25/ford-ev-customers-to-gain-access-to-12-000-tesla-superchargers--.html>

⁵ Joint Utilities Comments at 30.

the existing requirement for participation in the Truck Voucher Incentive Program (“TVIP”) in the Upstate Utility programs is challenging since it excludes customers who are unable to scrap older vehicles, or who do not have eligible vehicles for scrappage, even when those customers are interested in electrifying some of their fleet.⁶

Qualified Product Lists

Tesla appreciates the intent of ChargePoint’s recommendation to adopt a qualified product list as a way to ease the administrative burden of qualifying equipment for incentive programs, however in practice Tesla has found qualified product lists to **add** rather than **reduce** the administrative burden of incentive programs. Qualified product lists can serve to unintentionally restrict customer choice of otherwise eligible charging equipment if those charging products have not submitted all paperwork to the utilities and followed, what are oftentimes burdensome, approval processes.

Tesla understands that the intent of qualified product lists is to protect consumers and provide many qualified choices to consumers but in practice qualified product lists have the opposite effect, resulting in extremely restrictive equipment options for consumers, oftentimes at higher price points. The Joint Utilities characterize Tesla’s position well *“Customers should have a broad variety of hardware options and choices that best and most cost-efficiently meet their needs. Therefore, requirements should not be too restrictive to avoid choices becoming overly limited.”*⁷

ISO 15118 and OCPP

Tesla supports PowerFlex’s proposal of a phased approach to ISO 15118 implementation which aligns with Tesla’s recommendation of a ***hardware ready-only*** requirement at this time.⁸ Additionally, ChargePoint recommends that the Commission include one year of flexibility for charging operators in New York to demonstrate compliance with new technical requirements.⁹ This would align the timeline for communication standards compliance (ISO 15118 and OCPP) with the final NEVI Program guidelines which give providers one year from the publication of final guidelines on February 28, 2023.¹⁰ Tesla recommends if communication standards are further considered, any requirement for compliance should align with the NEVI Program timeline at the earliest, which would require compliance no earlier than March 2024.

Data Reporting

Tesla agrees with ATE that data collection and reporting can be a significant financial and time burden for station owners and network operators. One of the solutions to this data reporting issue is requiring less onerous, more easily accessible, and standardized data sets to be reported on. Tesla recommends that the data set required is the 15-minute interval data that is available from the utility-owned meter. Utility-owned interval meter data should be readily available to the utility for separately-metered EV charging stations. In the cases of sub-metered EV charging stations, there may need to be alternative data reporting pathways but for separately-metered EV charging stations (DCFC and Level 2) directing the utilities to report the 15-minute interval data associated with EV charging meters could be the simplest path forward.

⁶ Joint Utilities Comments at 32.

⁷ Joint Utilities Comments at 23.

⁸ PowerFlex Comments at 3.

⁹ ChargePoint Comments at 10.

¹⁰ Final NEVI guidelines were published on February 28, 2023 on the Federal Register. See § 680.108, available at: <https://www.federalregister.gov/documents/2023/02/28/2023-03500/national-electric-vehicle-infrastructurestandards-and-requirements>

This type of data reporting modification appears to be contemplated by the Joint Utilities independently. One of the Joint Utilities' topics proposed for consideration is *"The benefits and costs of obtaining L2 station interval data versus focusing on session data."*¹¹ For L2 stations, it may be the case that the appropriate data reporting is either interval meter data or session level data rather than a requirement for both. Tesla's recommendation remains the allowance of interval data obtained from the utility-owned meters to suffice for separately-metered EV charging stations in both the DCFC and Level 2 use cases.

Tesla appreciates the opportunity to provide comment on these issues, and the Commission's consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Bill Ehrlich". The script is fluid and cursive, with the first letters of "Bill" and "Ehrlich" being capitalized and prominent.

Bill Ehrlich

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¹¹ Joint Utilities Comments at 25.