

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Proceeding on Motion of the Commission	)	
Regarding Electric Vehicle Supply Equipment	)	Case 18-E-0138
and Infrastructure	)	

JOINT PETITION TO EXTEND MAKE-READY PROGRAMS

I. INTRODUCTION

Through this petition, ABB E-mobility, Advanced Energy United, Alliance for Automotive Innovation, Alliance for Clean Energy New York, EVgo, Natural Resources Defense Council, New Yorkers for Clean Power, Plug In America, Rivian, SWITCH Energy, Tesla, Inc., and Uber (Joint Petitioners) request a Commission Order allowing the electric utilities¹ to use previously-authorized funding to extend their existing Make-Ready Programs beyond their respective plug goals. The Joint Petitioners support, and do not seek to modify, the data collection directives established by the Commission’s March 23, 2026 Order in this proceeding.² However, absent further direction from the Commission, the utilities will not have the ability to provide make-ready funding for new projects after satisfying those directives, because the utilities have each received enough applications to reach their plug goals. This effective program closure has created significant uncertainty for charging providers regarding the future availability of make-ready funding, which is critical to the growth of EV infrastructure statewide in New York. An indefinite gap in make-ready funding will ultimately undermine charging infrastructure deployment, create uncertainty for the private market, slow the State's progress toward its transportation electrification

¹ The electric utilities are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. (Con Edison), Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

² New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Order Denying Petition and Making Other Findings (Mar. 23, 2026) (Order Pausing Programs).

objectives, and delay transportation electrification benefits that can help mitigate future affordability pressures for utility customers. To preserve market continuity, provide certainty to charging providers and site hosts, and ensure charging infrastructure deployment continues while the Commission evaluates the future of transportation electrification programs in NY, the Commission should direct the utilities to extend their Make-Ready Programs by utilizing previously-authorized Make-Ready Program funding to support plug deployments beyond the established plug goals. The Commission should also permit utilities to redirect uncommitted future-proofing funds toward additional DCFC deployments to maximize the use of previously-authorized program funding.

II. FACTUAL BACKGROUND

The Commission established the utilities' Make-Ready Programs through its July 16, 2020 Order (Make Ready Order) in this proceeding.³ The Commission envisioned those programs would “work in tandem to support both the upfront capital investment and ongoing operations costs to stimulate station development statewide and assuage range anxiety, thereby encouraging drivers to adopt EVs earlier and accelerating achievement of the State’s GHG emissions and transportation electrification goals.”⁴ Through that Order, the Commission adopted goals for workplace Level 2, public Level 2, and DCFC plugs, and allocated those goals across the six electric utilities.⁵

In 2023, the Commission issued an Order Approving Midpoint Review Whitepaper’s Recommendations With Modifications (Midpoint Review Order).⁶ The Midpoint Review Order

³ New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (Jul. 16, 2020) (Make Ready Order).

⁴ Make Ready Order at 21.

⁵ Make Ready Order at 27.

⁶ New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Order Approving Midpoint Review Whitepaper’s Recommendations With Modifications (Nov. 16, 2023) (Midpoint Review Order).

amended the utilities' plug goals, and stated that the Make-Ready Programs would remain in effect "until the plug goals are met or budgets are depleted[.]"⁷

In February 2025, anticipating that they would soon achieve their plug goals, the utilities filed a petition to extend their Make-Ready Programs.⁸ The utilities explained that absent an extension, each utility would likely have to pause its program and create a waitlist until the Make-Ready Program review is complete and the Commission determines the future of the program.⁹ The utilities emphasized that they would each reach their respective plug goals before exhausting their authorized budgets.¹⁰ The petition noted that program continuity "is beneficial for two important reasons: it preserves market momentum, which would be disrupted by program pauses; and it supports continued EV adoption with the installation of plugs beyond the program target."¹¹

The Commission denied that petition four months ago, in its Order Pausing Programs,¹² and paused the programs pending utility compliance with specific data collection requirements.¹³ The Commission's decision rests largely on its concerns that the utilities have consistently failed to collect and regularly submit program data that would allow the Commission to evaluate program performance and ensure ratepayer funds were being used effectively.¹⁴ With respect to the DCFC components in particular, the Order Pausing Programs provides for their reopening upon submission of certain utilization data and updated program documents, including a Data

⁷ Midpoint Review Order at 24.

⁸ New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Joint Utilities' Petition to Continue Make-Ready Program During the Program Review Period (Feb. 24, 2025) ("JU Petition").

⁹ JU Petition at 3.

¹⁰ *Id.*

¹¹ *Id.* at 5.

¹² New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Order Denying Petition and Making Other Findings (Feb. 24, 2025) (Order Pausing Programs).

¹³ Order Pausing Programs at 10.

¹⁴ Order Pausing Programs at 8-9.

Compliance Plan, Implementation Plan, and Participant Guide.¹⁵ A subsequent Order¹⁶ further clarifies the data collection requirements the utilities must satisfy before reopening their Make Ready Programs.

The utilities, however, will not likely be able to provide make-ready funding for new DCFC projects through their Make Ready Programs after complying with the Commission's data collection and submission requirements. Since the utilities have already received sufficient applications to achieve their plug goals, they will have little or no remaining program capacity once pending projects are processed. As a result, absent Commission action, the current pause in make-ready funding for new projects will effectively continue until the Commission determines the future of the program and a new iteration of the program is launched. Importantly, based on existing publicly available data, most utilities are likely to have budget remaining after meeting their plug goals. While the Joint Petitioners do not have access to utility-specific data on remaining budgets, Table 1 provides an illustrative estimate of the budgets that could remain after full deployment, assuming costs scale linearly based on observed spending to date. Because this approach assumes that the average cost per plug achieved thus far is representative of the remaining deployment pipeline, it may overstate the amount of budget that would remain after full achievement of plug goals. Accordingly, the estimates in Table 1 should be viewed as an upper-bound estimate rather than a precise measure of remaining funds.

¹⁵ Order Pausing Programs at 10-12.

¹⁶ New York Pub. Serv. Comm., Case No. 18-E-0138, Order Providing Clarification on Make-Ready Program (June 12, 2026).

Table 1: Implied Budget¹⁷ Remaining After Reaching Plug Goals

Utility	Implied budget left (%)	Implied budget left (\$)
Central Hudson	18%	\$6 million
Con Edison	44%	\$152 million
National Grid	15%	\$10 million
NYSEG	30%	\$9 million
Orange & Rockland	-9%	None
RG&E	28%	\$11 million

As several commenters expressed in response to the Joint Utilities’ February 2025 Petition, continuity of the utilities’ Make-Ready Programs is vital to support the charging market, EV adopters and ultimately, the State’s ability to meet its policy goals. Authorized but unused funds could support continued charger deployments and help mitigate further disruption to the charging market. However, under the conditions established by the Midpoint Review Order, the utilities are unable to utilize these funds.

III. LEGAL AUTHORITY

New York law grants the Commission broad discretion and authority to take actions related to the utilities’ Make-Ready Programs, including granting the relief this Petition requests. PSL § 5 grants the Commission authority to direct utilities to “formulate and carry out long-range programs, individually or cooperatively, with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources.”

The Commission has further authority under PSL §66(5) to prescribe the “safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated

¹⁷ These estimates were derived by comparing each utility's percentage of authorized DCFC budget subscribed to the percentage of DCFC plug goals achieved and assuming remaining deployment costs scale proportionally. Based on data available at: <https://jointutilitiesofny.org/ev/make-ready>.

for the security and accommodation of the public” whenever the Commission determines that the Utility’s existing equipment is “unsafe, inefficient or inadequate.”

PSL §65 authorizes the Commission to ensure that every electric corporation furnishes and provides safe and adequate service, instrumentalities, and facilities at just and reasonable rates. Through the Make-Ready Program, the utilities provide such service, instrumentalities, and facilities.

Moreover, PSL §66(2) provides that the Commission shall “examine or investigate the methods employed by ...persons, corporations and municipalities in manufacturing, distributing and supplying ... electricity ... and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such ... electricity.” Extending the utilities’ Make Ready Programs falls within this legal authority because those programs are designed to support long-range program goals economically and efficiently, support public health and safety, preserve environmental values, and conserve natural resources.

IV. ARGUMENT

A. Continued investments in make-ready infrastructure are necessary to support charging infrastructure deployment under current market conditions.

The Make-Ready Programs are designed to “develop and deploy the minimum critical infrastructure necessary to support the EV charging market and EV adoption.”¹⁸ The Make Ready Programs defray the upfront cost of make-ready infrastructure, enabling station owners to recover installation costs through charging revenues as utilization increases over time. As Staff recognized in its 2020 Whitepaper¹⁹ supporting creation of the Make-Ready Programs, make-ready investments help address a key barrier to charging infrastructure deployment by reducing the

¹⁸ Make Ready Order at 18.

¹⁹ Whitepaper Regarding Electric Vehicle Supply Equipment and Infrastructure Deployment

substantial upfront costs associated with interconnection and site construction. While EV adoption has continued to increase²⁰ and public charging demand has grown²¹ since the Make-Ready Programs were established, the upfront capital required to deploy DCFC infrastructure remains a significant barrier to continued market expansion. This challenge is particularly acute in New York City, where high underlying real estate values increase site host lease expectations for EV charging projects, as charging infrastructure must compete with some of the highest land values and parking revenues in the country.²² In addition, dense urban development conditions, permitting and inspection requirements, and site-specific utility infrastructure needs can significantly increase project costs and complexity compared to many other markets.²³

Continued utility investment in charging infrastructure also remains necessary to support the State's transportation electrification objectives. Despite significant progress, New York remains well short of its long-term vehicle electrification goals, and the availability of convenient, reliable charging infrastructure continues to be an important factor influencing EV adoption. J.D. Power's 2026 U.S. Electric Vehicle Consideration Study recently found that charging station

²⁰ New York State Energy Research and Development Authority ("NYSERDA"), Electric Vehicle Registration Map. Available at: <https://www.nyserda.ny.gov/All-Programs/Drive-Clean-Rebate-For-Electric-Cars-Program/Rebate-Data/Map-of-EV-Registrations> (last visited July 9, 2026).

²¹ Paren, *U.S. EV Fast Charging — Full Year 2025* (Jan. 28, 2026), available at: <https://www.paren.app/reports/state-of-the-industry-report-us-ev-fast-charging-full-year-2025> (last visited July 9, 2026).

²² See, e.g., Cushman & Wakefield, New York City Area MarketBeat Reports (reporting Manhattan overall asking rents of \$73.13 per square foot and Class A asking rents of \$83.25 per square foot in Q1 2026); NYC Metered Parking Revenue Analysis (stating that roughly 80,000 metered on-street parking spaces produced \$258 million in FY2024 revenue, or approximately \$3,225 per metered space annually).

²³ See U.S. Department of Energy, Understanding the Soft Costs of EV Charging (explaining that EV charging deployment costs include non-equipment “soft costs” such as permitting, siting, zoning, utility interconnection, inspections, and customer acquisition, and that obstacles in these processes can increase project cost and delay completion); National Renewable Energy Laboratory, Electric Vehicle Charging Infrastructure Soft Costs Analysis (describing permitting, inspections, administration, financing, project startup, and utility interconnections as soft-cost categories for EVSE installation); Lawrence Berkeley National Laboratory, Interconnection Cost Analysis in the NYISO Territory (finding that interconnection costs for newer NYISO projects increased substantially relative to historical projects).

availability was the leading reason consumers rejected EVs, cited by 46 percent of respondents.²⁴ Expanding public fast charging infrastructure is particularly important for drivers who lack access to home charging, including residents of multi-unit dwellings and densely populated urban areas.

Make-ready incentives help address these barriers and challenges by reducing upfront costs, mitigating investment risk, and improving project economics. As a result, they facilitate continued investment in public fast charging infrastructure, support broader EV adoption, and advance the State's transportation electrification objectives.

B. An indefinite closure of the Make-Ready Programs will delay key benefits for EV charging providers, EV drivers, and electric utility customers.

Funding certainty allows charging providers to commit private capital and plan deployments over multi-year periods. By contrast, funding cliffs can disrupt market momentum, impacting not only charging infrastructure providers but also the broader ecosystem that depends on continued deployment, including local workforce, EV drivers, prospective EV buyers, and electric utility customers. As the Commission acknowledged in its Order Modifying the Make-Ready Program last year, “a prolonged gap in make-ready support could disrupt the local workforce and supply chain.”²⁵ Moreover, interruptions in make-ready support make it more difficult for the State to achieve its policy objectives. As the Commission further recognized, “[t]he build-out of charging infrastructure remains essential to meeting the State’s transportation electrification and ultimate greenhouse gas reduction goals.”²⁶

²⁴ See J.D. Power, *2026 U.S. Electric Vehicle Consideration (EVC) Study* (May 14, 2026), available at: <https://secure.businesswire.com/news/home/20260514586216/en/More-New-Vehicle-Shoppers-Consider-EVs-as-Fuel-Costs-Rise-JD-Power-Finds>.

²⁵ New York Pub. Serv. Comm., Case No. 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure, Order Modifying Make-Ready Program at 14 (Jan. 24, 2025).

²⁶ Order Modifying Make-Ready Programs at 12.

The current gap in make-ready support has already created uncertainty in the market and made the economics of DCFC deployment more challenging. While the Commission's Order Pausing Programs appears to contemplate only a temporary pause on the DCFC component of the Make-Ready Programs while the utilities satisfy the Commission's data collection and reporting directives, the funding gap is now at risk of persisting indefinitely because the utilities have largely received sufficient applications to meet their plug goals. Continued uncertainty regarding the future availability of make-ready funding is likely to delay investment decisions, slow charging infrastructure deployment, and encourage charging providers to direct capital to other markets.

The consequences of a prolonged funding gap extend beyond charging providers and individual projects. Transportation electrification produces broader benefits for utility customers by increasing electric load, improving utilization of existing utility infrastructure, and spreading fixed system costs across a larger volume of sales. According to a recent Synapse Energy Economics analysis, electric vehicles have generated utility revenues that exceed the costs of serving EV load, resulting in net benefits and downward pressure on rates for utility customers,²⁷ thereby supporting long-term affordability. In New York alone, EV adoption generated more than \$640 million in cumulative ratepayer net benefits between 2011 and 2024,²⁸ demonstrating that transportation electrification can provide substantial benefits to utility customers. By facilitating additional charging deployment and transportation electrification, make-ready programs help grow electric sales, improve utilization of existing utility assets, and expand the ratepayer benefits

²⁷ Synapse Energy Economics, *Electric Vehicles Are Driving Rates Down for All Customers* (Jan. 2024), available at <https://www.synapse-energy.com/sites/default/files/Electric%20Vehicles%20Are%20Driving%20Rates%20Down%20for%20All%20Customer%20Update%20jan%202024.pdf>.

²⁸ Synapse Energy Economics, *EVs Driving Affordable Rates for All Customers: State-by-State Cumulative EV Net Rate Impact Summary* (Mar. 2026), available at https://www.synapse-energy.com/sites/default/files/State-by-State_Cumulative_EV_Net_Rate_Impact_Summary_24-023.pdf.

associated with EV adoption. Continued utility investment in charging infrastructure can therefore help increase the net benefits transportation electrification delivers to utility customers over time.

C. The Commission can allow the utilities to fully utilize authorized program funding while preserving its data collection requirements.

To preserve the benefits of the Make-Ready Programs and support continued charging infrastructure deployment, the Commission should allow the utilities to fully spend authorized make-ready incentive budgets to support deployments beyond the plug goals. As discussed above, publicly available information suggests that several utilities are likely to retain substantial authorized but unspent program funding. Allowing utilities to deploy these funds would preserve market momentum, support continued charging infrastructure deployment, and further the State's transportation electrification objectives.

In addition, given the limited utilization of authorized future-proofing funds for light-duty charging infrastructure to date,²⁹ the Commission should authorize the utilities to repurpose unspent future-proofing funds to support additional DCFC deployments, after available make-ready incentive budgets have been exhausted. Doing so would maximize the value of previously authorized program funding while helping ensure that available funds continue to support charging infrastructure deployment.

The Joint Petitioners support the Commission's emphasis on data collection, reporting and program accountability, and agree that compliance with these requirements, as clarified by the June 12, 2026 Order Providing Clarification on Make Ready Program, should remain a prerequisite to any program extension. However, the Commission should expressly authorize continued DCFC deployments using previously approved program funding upon completion of the data compliance and operational verification requirements established by the Order Pausing Programs. Again, this

²⁹ JU Petition at 5.

Petition does not seek modification of the data collection requirements established by the Order Pausing Programs and clarified by the June 12, 2026 Order. Rather, it seeks clarification that once the utilities have satisfied those directives, they may continue supporting DCFC deployments using previously authorized but unspent Make-Ready Program funds, without awaiting the filing of additional periodic reports, completion of the broader program review process or issuance of a future Staff whitepaper. Otherwise, even after the utilities have satisfied the data compliance and operational verification requirements identified by the Commission, the Make-Ready Programs will remain effectively closed because the utilities have already received sufficient applications to achieve their plug goals. Granting this Petition would preserve the Commission's data collection and oversight framework while restoring much-needed certainty to the market, supporting continued infrastructure deployment, and ensuring that previously authorized funds are utilized to advance the State's transportation electrification goals.

While extension of existing program funding is an important near-term solution, it is not a substitute for a longer-term successor program. Publicly available data suggests that some utilities may have relatively limited remaining funding available after reaching their plug goals, meaning the requested relief may provide only a modest extension of program availability in certain service territories. As a result, the relief requested herein is primarily intended to preserve continuity and avoid an indefinite gap in make-ready support while the Commission evaluates the future of transportation electrification programs in New York. The Joint Petitioners respectfully encourage the Commission to continue developing a successor framework capable of supporting ongoing charging infrastructure deployment and advancing the State's long-term transportation electrification objectives.

D. Other sources of public funding do not adequately support the deployment of publicly accessible DCFC infrastructure.

While New York has established several programs that support transportation electrification, those programs do not provide a sufficient substitute for utility make-ready programs and therefore do not mitigate the impacts of the current make-ready funding gap. Existing programs are generally limited by eligible technologies, project types, geographic scope, competitive funding processes, or available funding levels and, unlike the utilities' Make-Ready Programs, are not designed to provide broad support for third-party charging infrastructure deployment across utility service territories.

For example, NYSERDA's Charge Ready NY 2.0 program offers rebates for Level 2 charging infrastructure, but not DCFC infrastructure, at workplaces, multifamily properties, hotels, and other eligible sites.³⁰ The Office of General Service's (OGS) Zero-Emission Vehicle Charging Program supports Level 2 charging infrastructure, but not DCFC, in certain OGS parking facilities.³¹ The Department of Environmental Conservation's Municipal Zero-Emissions Vehicle (ZEV) program provides grants to local governments but is limited in scope and not currently accepting infrastructure applications.³² Finally, the State's National Electric Vehicle Infrastructure ("NEVI") Formula Program does not provide a comparable alternative to the utilities' Make-Ready Programs. Although the Community Track provides funding opportunities beyond designated corridors, eligibility is limited to sites meeting specific location and spacing criteria and funding is awarded through a competitive solicitation process. The program is intended to address discrete

³⁰ See New York State Energy Research and Development Authority, Charge Ready NY 2.0, available at: <https://www.nyserda.ny.gov/All-Programs/Charge-Ready-NY>.

³¹ See Office of General Services, Employee Zero-Emission Vehicle Charging Program, available at: <https://ogs.ny.gov/parking/employee-zero-emission-vehicle-charging-program>.

³² See Department of Environmental Conservation, Grants for Climate Action, available at: <https://dec.ny.gov/environmental-protection/climate-change/resources-for-local-governments/grants-for-climate-action>.

coverage gaps and expand charging access in underserved locations, rather than facilitate deployment across the full range of sites where market demand exists. Further, ongoing uncertainty regarding the future availability and administration of NEVI funding limits its ability to provide a reliable alternative to utility make-ready investments.

Each of these programs serves an important role in advancing transportation electrification. However, none provides the broad support for DCFC deployment offered through the utilities' Make-Ready Programs, which remain a critical catalyst for private investment in fast charging infrastructure throughout New York.

V. REQUESTED RELIEF

The Joint Petitioners request the Commission enter an Order:

- 1) Authorizing the utilities to continue incentivizing DCFC deployments using remaining authorized Make-Ready Program funds immediately upon satisfaction of the data collection, reporting, and verification requirements established in the Order Pausing Programs and clarified by the June 12, 2026 Order.
- 2) Permitting the utilities to redirect uncommitted future proofing funds toward additional DCFC deployments after remaining Make-Ready Program funds are exhausted, and;
- 3) Granting any other relief the Commission deems just and reasonable.

VI. CONCLUSION

Wherefore, for the reasons described in this Petition, the Joint Petitioners request the Commission grant this Petition and the relief requested herein.

Matthew Chen
External Affairs Manager, North America
ABB E-mobility

Shamay Phillips
Principal
Advanced Energy United

Cory Bullis
Director, Energy & Environment Policy
Alliance for Automotive Innovation

Jed Prickett
Clean Energy Analyst
Alliance for Clean Energy New York

Lindsey Stegall
Sr. Manager, Market Development &
Public Policy
EVgo

Max Baumhefner
Director, EV Infrastructure
Natural Resources Defense Council

Anshul Gupta
Policy & Research Director
New Yorkers for Clean Power

Ingrid Malmgren
Sr. Policy Director
Plug In America

Kelsey G. Johnson
Sr. Lead Policy Advisor - Energy
& Charging
Rivian

Josh Cohen
VP, Policy
SWTCH Energy

Bill Ehrlich
Charging Policy Lead, North America
Tesla, Inc.

Tessa Sanchez
Head of Sustainability Policy
Uber