

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 12, 2022

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard
David J. Valesky
John B. Maggiore

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

ORDER APPROVING TARIFF AMENDMENTS

(Issued and Effective May 12, 2022)

BY THE COMMISSION:

INTRODUCTION

On January 24, 2022, New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) (collectively, the Companies) filed tariff amendments to effectuate cost recovery of the electric vehicle make-ready programs (EV Make-Ready Programs) from Street Lighting customers via an EV Make-Ready Surcharge. The tariff amendments were filed to become effective on a temporary basis as of June 1, 2022. By this Order, the proposed tariff amendments are allowed to become effective on a permanent basis as of June 1, 2022.

BACKGROUND

In this proceeding, the Commission established an Electric Vehicle Make-Ready Program and authorized the Companies to recover the revenue requirement associated with EV Make-Ready costs through an existing surcharge until such time as the Companies' base rates reflect such investments.¹ The Companies filed tariff amendments in compliance with the EV Make-Ready Order on December 2, 2020, December 20, 2020, and April 19, 2021, to implement the cost recovery for utility-owned make-ready work, customer-owned make-ready work, other programs, and make-ready implementation costs. These amendments were allowed to become effective on a permanent basis on {insert date and add cite to order}. However, tariff amendments to effectuate cost recovery of its Electric Vehicle Make-Ready Programs from Street Lighting customers were inadvertently omitted from the Companies' filings. To rectify this error, on January 24, 2022, the Companies filed the requisite tariff amendments to effectuate the cost recovery of its Electric Vehicle Make-Ready Programs from Street Lighting customers via the implementation of an EV Make-Ready Surcharge. The EV Make-Ready Surcharge would be included in the Transition Charge on customer bills, consistent with the collection of EV Make-Ready Program costs approved for the Companies' other electric customers.

NYSEG and RG&E requested waivers of newspaper publication requirements pursuant to Public Service Law (PSL) §66(12)(b) and 16 Public Service Law (PSL) §66(12)(b) and Title 16 of the New York Codes, Rules and Regulations §720-8.1 because

¹ Case 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 (issued July 16, 2020) (EV Make-Ready Order).

a bill message will be included in the Street Lighting customers' bills for May and June 2022.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on March 2, 2022 [SAPA No. 18-E-0138SP6]. The public comment period in conformance with SAPA expired on May 2, 2022. No comments were received.

LEGAL AUTHORITY

Pursuant to PSL §§5, 65(1), 66(1) and (12), the Commission has the legal authority to review proposed tariff leaves, as well as to modify, reject or approve such tariff amendments. As such, the Commission has the legal authority to review the Companies' filings and approve and make effective tariff amendments, as prescribed in this Order.

DISCUSSION AND CONCLUSION

The tariff amendments as proposed by the Companies are consistent with Commission directives in the EV Make-Ready Order and are necessary to effectuate cost recovery of EV Make-Ready Programs from Street Lighting customers. As such, the tariff amendments shown in the Appendix are authorized to become effective on June 1, 2022, on a permanent basis. The Commission grants the Companies' request for waivers of the newspaper publication requirements of PSL §66(12)(b) and 16 NYCRR §720-8.1 for the amendments filed on January 24, 2022. The Companies shall provide direct notification to their Street Lighting customers via a bill insert message as proposed.

The Commission orders:

1. The tariff amendments filed by New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation as listed in the Appendix are authorized to become effective, on a permanent basis, on June 1, 2022.

2. The requirements of Public Service Law §66(12)(b) and 16 NYCRR §720-8.1, as to newspaper publication of tariff amendments approved in Ordering Clause No. 1, are waived.

3. New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation are directed to file copies of the language included in the bill inserts for Street Lighting customers, within 15 days of the issuance of this Order.

4. In the Secretary's sole discretion, the deadline set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

5. This proceeding is continued pending compliance with Ordering Clause No. 3.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

SUBJECT: Filing by NEW YORK STATE ELECTRIC & GAS CORPORATION

Amendments to P.S.C. No. 121 - Electricity

Original Leaves Nos. 14.7, 14.8
Second Revised Leaf No. 2.1
Sixteen Revised Leaf No. 64
Thirty-First Revised Leaves Nos. 24, 59
Thirty-Second Revised Leaf No. 37

EVS Statement No. 1

Issued: January 24, 2022 Effective: June 1, 2022

NEWSPAPER PUBLICATION: Waived

SUBJECT: Filing by ROCHESTER GAS AND ELECTRIC CORPORATION

Amendments to P.S.C. No. 18 - Electricity

Original Leaves Nos. 24.8, 24.9
Sixth Revised Leaf No. 3.1
Fifteenth Revised Leaf No. 45.4
Sixteenth Revised Leaf No. 2
Eighteenth Revised Leaf No. 39
Twentieth Revised Leaf No. 30

EVS Statement No. 1

Issued: January 24, 2022 Effective: June 1, 2022

NEWSPAPER PUBLICATION: Waived