



May 30, 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 18-E-0138 – Proceeding on Motion of The Commission Regarding Electric Vehicle Supply Equipment and Infrastructure.

Dear Secretary Phillips:

Advanced Energy United (United) and the Alliance for Clean Energy New York (ACE NY) submit for filing the attached reply comments in response to the Electric Vehicle Make-Ready Program Midpoint Review and Recommendations Whitepaper filed with the New York State Public Service Commission (Commission) on March 1, 2023, by the Department of Public Service (DPS), in the above referenced proceeding.

Respectfully submitted,

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**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Proceeding On Motion of The Commission	)	
Regarding Electric Vehicle Supply Equipment	)	Case No. 18-E-0138
and Infrastructure.	)	

May 30, 2023

**Reply Comments of Advanced Energy United and the Alliance for Clean Energy
New York on the Electric Vehicle Make-Ready Program Midpoint Review and
Recommendations Whitepaper**

Introduction

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 \$238 billion U.S. advanced energy industry, which employs 3.2 million U.S. workers, including 157,000 individuals in the Empire State.

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.

United and ACE NY offer the following brief reply comments on selected aspects of the Make-Ready Program (Program) mid-point review.



Comments

Medium- and Heavy-Duty Pilot

In our Initial comments we:

- Supported the increased budget for the MHD pilot
- Noted the lack of enrollment to date, resulting, we believe, from the eligibility restrictions, which was acting to hinder potential learnings from the pilot
- Proposed a focus on “public benefit vehicles” as a way to narrow the scope (with a dedicated subprogram for electric school buses), but at the same time expanding coverage to include both utility- and customer-side costs

Although details differed somewhat, several commenters were generally supportive of some or all of these recommendations, including the City of New York, NYPA, Earthjustice/Sierra Club and the Joint Utilities (JU). The JU noted only one program participant to date, supported the increased budget, and recommended removing all vehicle eligibility requirements, as they wrote, “to achieve early progress and learnings in the MHD sector”.¹ The JU also supported the Staff recommendation that utility-side and customer-side costs be eligible, but suggested up to 100% of costs could be covered. Given that this is a pilot and intended to provide learnings, this modification seems appropriate and would aid in participation and learnings.

Several commenters also referenced the new MHD barriers proceeding, which is just getting underway, and that it is an appropriate venue to consider wider MHD electrification issues. At the same time, Earthjustice/Sierra Club and others noted the need to continue to move forward now, and that the MHD pilot is an appropriate way to do that, and that learnings from the pilot will help inform the companion proceeding.²

¹ Initial Comments of the Joint Utilities at page 32.

² Initial Comments of Earthjustice and Sierra Club at page 6.



Battery Energy Storage / Advanced Technologies / Power Sharing

We note strong support for including hardware and software solutions that enable load management and power sharing for charging sites, including from SWITCH, EnergyHub, FreeWire, the JU, NY-BEST, Earthjustice/Sierra Club, and PowerFlex. Commenters noted the grid benefits that would result from reducing peak demand, and also the increased ability of station operators to participate in demand response programs. The JU noted that the MRP incentives for load management would be “coordinated with the load management technology program that will be offered by the Joint Utilities as ordered in the EV Rate Design Proceeding”, but did not provide details on what that would entail.³ As these two activities evolve concurrently, we urge the Commission to carefully review how the JU intend to coordinate between them, and if necessary provide stakeholders the opportunity to give feedback and submit comments on any utility proposals. Alternatively, the interaction between various programs could be a good topic for a technical conference or other setting where stakeholders can develop a better understanding of the landscape and surface any potential issues that need to be addressed. What is of utmost importance is that if potential conflicts or inconsistencies between programs arise, that they be dealt with expeditiously.

In our Initial Comments we noted that Staff qualified the eligibility of energy storage and advanced technologies on the provision of grid and ratepayer benefits, but that Staff provided only a qualitative description of what some of those benefits would be. We recommended that the Commission establish simple criteria for eligibility rather than site-specific benefit-cost analysis, which would be burdensome and increase uncertainty regarding eligibility. FreeWire expressed similar concerns, noting, “We believe that a standardized methodology could be established while still maintaining the core objective to minimize grid, site, and program costs. In the alternative, if detailed case-by-case analysis is required for each site, FreeWire is concerned that there will be hesitation for site-hosts to pursue these alternative configurations

³ Initial Comments of the Joint Utilities at page 24-25.



given the uncertainty and potentially added time to conduct detailed analysis.”⁴ NY-BEST had similar comments and concerns regarding eligibility criteria for storage systems.⁵

Performance Incentives (EAMs)

The JU propose a revised EAM similar in structure to EAMs that have been developed in rate cases, with min, mid, and max levels of achievement that would be associated with different reward levels that are still based on a share of the savings. In general, we can support this overall structure, and we believe it is worthwhile to explore whether a revised EAM using this structure is more suitable than the current approach. That said there is currently insufficient information to fully endorse this proposal over the existing EAM. At the same time, as we stated in our Initial Comments, we are not convinced that the current EAM is working, and given the significant changes that are likely with the MRP, it remains unclear if the current EAM structure will be effective (for example, with revised baseline costs and plug targets). We continue to support the use of well-designed EAMs to drive utility behavior and desired outcomes and would welcome the opportunity to engage in a process to examine the EAM structure for the MRP and for EAMs more generally.

Conclusion

We appreciate the opportunity to provide these brief reply comments on the Make-Ready Program Midpoint Review and Recommendations Whitepaper and look forward to the Commission’s order on this matter. Please do not hesitate to reach out with any questions.

⁴ Initial Comments of FreeWire Technologies at page 3.

⁵ Initial Comments of NY-BEST at page 3.

