

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Proceeding on Motion of the Commission)
Regarding Electric Vehicle Supply)
Equipment and Infrastructure)

Case 18-E-0138

**JOINT UTILITIES' PETITION TO CONTINUE MAKE-READY PROGRAM DURING
THE PROGRAM REVIEW PERIOD**

For the reasons set forth in this petition, the Joint Utilities¹ request that the New York State Public Service Commission (the Commission) authorize continuation of the Utilities' existing Make-Ready Programs (MRP)² applicable to electric vehicle supply equipment (EVSE) and infrastructure. The Joint Utilities' MRP defray the cost of bringing electrical infrastructure to Level 2 (L2) and direct-current fast-charging (DCFC) electric vehicle (EV) charging stations in New York State, enabling a widescale EV charging network to support EV adoption.³ The Commission recently noted that continuation of MRP incentives and plug achievement are essential to continuing the State's progress toward vehicle electrification goals.⁴ However, the Commission's 2023 Order⁵ specified that the light-duty MRP will pause once the authorized plug targets are met, even if incentive funds remain.⁶ The Joint Utilities expect to meet their plug

¹ The Joint 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. Referred to as *Utilities* collectively or *Utility* individually in this petition.

² Case 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure (EVSE & I Proceeding), *Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs* (issued July 16, 2020) (2020 Order).

³ 2020 Order. P.7.

⁴ Case 18-E-0138, EVSE & I Proceeding, *Order Modifying Make-Ready Program* (issued January 24, 2025) (2025 Order). Pp.15-16.

⁵ Case 18-E-0138, EVSE & I Proceeding, *Order Approving Review Whitepaper's Recommendations with Modifications* (issued November 16, 2023) (2023 Order).

⁶ In this context, plug targets refer to the highest plug target for either the L2 incentives or DCFC incentives specified in the 2023 Order. A program pause would be triggered by reaching the plug target or budget limit through: 1) meeting the completed and committed (but not yet installed) plug targets (i.e., plug target); or 2) expending all authorized plug incentives on completed and committed plugs (i.e., budget limit).

targets – with budget remaining – and some Utilities are able to do so in line with the MRP end date and as the program review period commences in 2025.⁷ Accordingly, the Joint Utilities request that the Commission authorize continuation of the existing MRP to build on the momentum achieved so far and avoid program pauses and related disruptions in the statewide electric vehicle supply equipment (EVSE) market, local workforce, and supply chain⁸ while the MRP review is underway, and to provide customers a well-managed transition to the next phase of the MRP.⁹ The Joint Utilities request authorization to:

- 1) Continue to incentivize L2 and DCFC plugs using remaining authorized MRP funds once individual Utility plug targets are met, and
- 2) Access any unspent incentive budgets (Savings) to incentivize incremental L2 and DCFC plugs beyond the plug targets, by sequentially accessing the following available funding sources: (a) Make-Ready incentive budget Savings resulting from program cost containment, and (b) future-proofing budgets.

Given the timing reflected in Table 1 below, the Joint Utilities request that the Commission act on this petition by June 2025 to provide certainty regarding the availability of EV charging infrastructure incentives to the market.

⁷ “The Make-Ready Program shall remain in effect until the plug goals are met *or* budgets are depleted...The review shall commence the earlier of either when 70 percent of the total statewide plug goals for both L2 and DCFC are determined to be committed or completed, or no later than two years from the date of this Order.” (2023 Order, p. 24). The Joint Utilities anticipate reaching the 70 percent threshold in April 2025 (<https://jointutilitiesofny.org/ev/make-ready>).

⁸ 2025 Order, pp. 15-16.

⁹ The interim program extension period would begin when the Commission approves the use of Savings and the future-proofing budget to incentivize additional plugs and would end when the Commission determines the future of the Make-Ready Program (following the program review).

I. Background: Midpoint Order

The Joint Utilities’ programs are on track to reach their respective plug targets before their budgets are depleted, and some of the Utilities are approaching committing funds¹⁰ for their plug targets as early as the second quarter of 2025. As it currently stands, once the funds are committed for the authorized L2 or DCFC plug targets, each impacted Utility will pause its L2 or DCFC program and create a waitlist. Such a pause would last until the MRP review is complete and the Commission determines the future of the program.¹¹ Table 1 below summarizes the expected L2 program pause dates (as targets are met) and estimated total funds (which are not additional but require authorization to use) proposed for access.¹² Further details are available in the Appendix *I*, which also details the same information for the Joint Utilities’ DCFC programs.

Table 1. Joint Utilities’ L2 Program Estimated Application Processing Pause Dates and Effects of Petition Action[†]

	<i>Without Petition Proposal</i>	<i>With Petition Proposal</i>
	<i>Estimated Program Pause Date</i>	<i>Funds^{††} Proposed to Incentivize Incremental Plugs Beyond Target</i>
Central Hudson	~Q2 2026	\$4.3M
Con Edison	Nov 2025	\$81.0M
National Grid	April 2025	\$8.3M
NYSEG	~Q1 2027	\$3.4M
O&R*	Feb 2024 (actual)	\$6.5M
RGE	~Q1 2027	\$3.6M

[†] See “Methodology and Definitions” section of Appendix 1 for more information on methodology.

^{††} Reflects estimated funds from make-ready incentive budget Savings and unused future-proofing budget.

* O&R's projection is based on baselines prescribed by the Commission's 2025 Order.

¹⁰ When a Utility commits funds or makes a commitment, it means a customer has signed a contract with the Utility and the Utility has dedicated MRP budget to the customer’s project. Upon successful completion of the project, a Utility will process payment, at which point the dedicated budget is considered expended and the project completed. Note that because of project timelines, funds are committed 6-12 months prior to customer projects being completed, so a waitlist process begins well in advance of MRP targets being fully met.

¹¹ The 2023 Order clarified that the review shall evaluate “the Make-Ready Program’s effectiveness, progress toward plug goals, budget modifications, the impact of proprietary technologies, and the ramping down of the incentive allocations” (2023 Order, p. 24).

¹² Here, the max target is measured by plugs that have been either *committed* or *completed* where *committed* refers to plugs that have received incentive commitments but are still under construction. Commitments to the target trigger program pause, regardless of the status of construction. However, plugs where construction is not completed do not count toward end-of-program achievement as measured for the EAM.

For Utilities to reach their targets expeditiously, customer project timelines require Utilities to commit funds to projects several months in advance of the program end date to provide customers with adequate time to complete their projects by December 2025.

II. Petition Proposal Components

The below proposals apply only after a Utility incentivizes its maximum plug target.

Proposal Component #1: Continue to Incentivize L2 and DCFC Plugs with Existing Approved Funds Once Individual Utility Plug Targets are Met

The MRP should not end when the plug targets are met if incentive budget remains.¹³

Rather than capping the MRP with a plug maximum, the Joint Utilities propose that they continue incentivizing plugs past the targets (Incremental Plugs) by accessing funds described in Proposal Component 2.¹⁴

Proposal Component #2: Access Unspent Make-Ready Incentive and Future-proofing Budgets to Incentivize Incremental L2 and DCFC Plugs Beyond the Plug Targets

- 1. Unspent Make-Ready Incentive Budget:** To continue the programs, the Joint Utilities propose first applying the incentive budget Savings to Incremental Plugs.¹⁵ The available Savings are the direct result of Utilities' cost containment efforts in the MRP.¹⁶ As shown in Appendix 1, the Savings portion could enable the Utilities' L2 programs to operate for an additional three to four months, on average.¹⁷
- 2. Future-proofing Budget:** If the Savings from the Make-Ready incentive budgets are exhausted during this interim program extension, the Joint Utilities propose using

¹³ The 2023 Order establishes that "The Make-Ready Program shall remain in effect until the plug goals are met or budgets are depleted..." (2023 Order, p. 24).

¹⁴ The established plug targets specified in the 2023 Order would remain applicable for purposes of calculating each MRP's Share-the-Savings Earnings Adjustment Mechanism (EAM) achievement through the end of 2025.

¹⁵ L2 incentive budget Savings would be applied to Incremental L2 Plugs committed, and DCFC incentive budget Savings would be applied to Incremental DCFC Plugs committed.

¹⁶ The Utilities will continue to undertake such cost containment efforts for work throughout the interim period.

¹⁷ O&R's L2 program is excluded from the average calculation.

already-authorized, unspent future-proofing budgets to incentivize Incremental Plugs.¹⁸ Although future-proofing is a crucial aspect for medium- and heavy-duty vehicle charging sites and will support light-duty vehicle charging policy objectives as well,¹⁹ to date there has been limited use of authorized future-proofing funds among light-duty vehicle charging stations.²⁰ Repurposing unspent future-proofing funds would incentivize more customers to install and benefit from operating EV charging stations in the near-term, thereby addressing existing demand. Utilities will continue to offer future-proofing funding for sites that wish to use it, and in so doing, the Joint Utilities’ use of the future-proofing budget will enable both plug installations today and site expansion in the future.

III. Continuity of Make-Ready Investment Is Critical to Support New York State’s Clean Transportation Goals and Market Stability

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. Using already authorized funding to deliver plugs beyond the plug target can provide assurance to the market and continue the momentum achieved so far. The Commission itself addressed the benefits of preserving market momentum in its 2025 Order, stating that a program pause “could disrupt the local workforce and supply chain,” and that the build out of make-ready infrastructure is

¹⁸ The future-proofing budget was intended to provide “an opportunity to increase the growth potential of a site and save money on that future expansion.” (2020 Order, p. 55).

¹⁹ In 2024, New York State signed into law Senate Bill S1736E, which mandated inclusion of EV charging stations and future-proofing of additional sites in certain new construction. New York City’s Local Law 130 mandates at least 20 percent of publicly regulated parking spaces be future-proofed for future expansion.

²⁰ Future-proofing incentives are limited to 10 percent of the value of make-ready project costs, per site (2023 Order, p. 63).

essential to meeting State goals.²¹ In cases where utility program pauses have occurred, it has been challenging to recover the lost momentum. For example:

- 1) O&R met its MRP L2 plug target and paused its L2 program in February 2024, resulting in the waitlisting of 59 projects with 714 L2 plugs and the voluntary withdrawal of an additional 15 project applications with 158 L2 plugs.²² Over the past year, while the waitlist was in effect, just five projects representing 31 plugs applied for service connection in the absence of MRP incentives.
- 2) In the Massachusetts make-ready program, after a pause in the spring of 2021, plug completions initially decreased by 36% and have been slow to recover after the program resumed in 2023.²³

Installing additional charging stations beyond the plug targets using already authorized funding will continue to spur EV adoption and is consistent with the Commission's goal for the Utilities "ideally to over-achieve the plug deployment targets and do so under budget."²⁴ For L2 infrastructure, the 2023 Order authorized incentives for less than half the L2 multi-unit dwelling plugs²⁵ needed to support a level of EV adoption aligned with 2025 policy targets, based on a study completed by the National Renewable Energy Lab (NREL).²⁶ Given charging station

²¹ The Commission recognizes that "a prolonged gap in make-ready support could disrupt the local workforce and supply chain" and that "the build-out of charging infrastructure remains essential to meeting the State's transportation electrification and ultimate greenhouse gas reduction goals" (2025 Order, pp. 12, 14).

²² These 872 total plugs equate to over half of the Utility's 1,546-plug target. The waitlist spanned from February 2024 through February 11, 2025, as O&R plans to relaunch its program by end of February 2025 per the 2025 Order.

²³ The Massachusetts program's initial period of market uncertainty led to a 36% decrease in plugs completed between 2021 and 2022. Plug completions in the Massachusetts make-ready program still have been slow to recover back to 2021 levels, even after a new program phase was clarified in the fall of 2023 (see Appendix 2).

²⁴ 2023 Order, p. 83.

²⁵ The 2023 Order states that, "Of the approximately 44,300 L2 plugs assumed to be installed in [multi-unit dwellings], the Commission directs that the program incentivizes 19,064 total MUD plugs" (2023 Order, pp. 11). This implies that more than half of L2 plugs at multi-unit dwellings would be installed outside the MRP, but evidence to date shows that only a small fraction of plug installations proceed without MRP incentives.

²⁶ DPS Staff used the National Renewables Energy Laboratory (NREL) EVI-Pro tool (2023 Order, p. 11) to forecast the number of plugs needed to meet the Zero-Emission Vehicle Memorandum of Understanding (ZEV MOU) target

deployment without MRP incentives has been limited, over-achieving the MRP plug targets brings the State closer to -- though still short of -- the initially modeled outcome. Additionally, the growth in EVSE installations spurred by the MRP²⁷ coincides with growing EV adoption: the Joint Utilities' program participants have *completed* (i.e., installed and paid incentives to) just over 40% of the statewide plug targets, while corresponding EV adoption across the Joint Utilities' service areas has reached approximately 30% of the ZEV MOU Target for these areas.²⁸ Thus, exceeding the MRP plug targets is expected to further reduce barriers to vehicle electrification.²⁹

Finally, because of the project cycle time between application and installation, incentivizing plugs beyond the plug target allows Utilities to manage their program application queue and provide a reliable customer experience. Without authorization to incentivize plugs beyond the target using Savings and future-proofing budgets, the cycle time and MRP design will cause customers applying to some programs later in 2025 to experience a program delay that could put their projects in jeopardy. Under this proposal, those customers applying later in 2025

for EVs on the road in 2025 ("State Zero-Emission Vehicle Programs MOU," October 24, 2013, <https://www.nescaum.org/documents/zevmou-8-governors-signed-20131024.pdf/>).

²⁷ The MRP has supported the completion of 3.6x the number of plugs that were installed in the State before the Initial Order was issued in July 2020. At the time of the Initial Order, there were 569 DCFC plugs and 4,631 L2 plugs installed in New York State (2020 Order, pp. 20-21). As of February 10, 2025, 1,246 DCFC plugs and 17,348 L2 plugs have been completed through the Make-Ready Program. See subsequent footnote for plug completion data source.

²⁸ EV adoption may slightly lag MRP plug completion because consumers may need time to see installed EV chargers across their everyday travel routes before deciding to purchase an EV, as described by Honorable William B. Magnarelli in the January 23, 2025 New York Assembly Public Hearing on Roadway Zero Emission Vehicle Charging Infrastructure convened by the Standing Committee on Transportation and Standing Committee on Energy (available at minute 67 of https://nystateassembly.granicus.com/player/clip/8763?view_id=9&redirect=true). EV adoption data from Atlas Public Policy, EValuateNY Dashboard, available at <https://atlaspolicy.com/evaluateny/>. Accessed January 2025 and filtered to include the Joint Utilities' service areas. Plug completion data from the Joint Utilities "Plug and Budget Tracker" as of February 2025, available at <https://jointutilitiesofny.org/ev/make-ready>. As of the February 2025 update, the Joint Utilities' programs have completed 18,594 total plugs out of the MRP target of 44,658 plugs, including both L2 and DCFC.

²⁹ A 2020 survey of EV drivers characterizes access to charging as a top barrier to EV ownership in New York State. (New York State Energy and Research Development Authority (NYSERDA), 2022. "NYSERDA Drive Clean Rebate Ownership Survey: 2020 Results." NYSEDA Report Number 23-08. nyseda.ny.gov/publications).

would be able to move forward with greater confidence that their project will not be waitlisted for incentives or face delays.

IV. Conclusion

The proposal will allow the Joint Utilities to continue supporting EV charger deployment, promoting long-term target achievement without additional funding authorization required, and mitigate potential disruptions and loss of program momentum until the Commission has completed the program review described in the 2023 Order.

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Respectfully submitted,

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Appendix 1. Joint Utilities' Estimated Budgets for the Interim Extension Program and its Minimum Anticipated Outcomes

Table 1: L2 Programs.[†] The table below shows the minimum extension each Utility program expects following an authorization to use Savings and unused future-proofing budget to continue L2 Incremental plug deployment. For example, column C shows that Con Edison's L2 program could be extended through at least Q2 2026 using incentive budget Savings. It also shows authorization to use unspent future-proofing budget further extends programs; National Grid anticipates extending its L2 program through at least Q4 2025 by tapping unspent Savings and future-proofing budget. Note that forecasted dates to commit Savings and unspent future-proofing budget (columns C and E) could occur later depending on program management measures in place.

Methodology: Utilities used their respective programs' historical run rate (i.e., plugs installed per month at current incentive levels) to inform the date (column A) when a program would begin to use Savings; assumptions on run rate were also used to inform the forecasted dates to commit the Savings and unspent future-proofing budgets. More information on methodology is provided in the Methodology and Definitions section of this Appendix.

	Forecasted date to reach target* and start using Savings	Unspent Savings at the time of reaching plug target	Forecasted earliest date to commit all L2 Savings	Estimated future-proofing budget available**	Forecasted earliest date to commit FP budget (assumed for L2 commitments)
	A	B	C	D	E
Central Hudson	~Q2 2026	\$1.9M	~Q3 2026	\$2.4M	~Q1 2027
Con Edison	Nov 2025	\$48.0M	~Q2 2026	\$33.0M	~Q3 2026
National Grid	April 2025	\$1.4M	May 2025	\$6.9M	~Q4 2025
NYSEG	~Q1 2027	\$1.8M	~Q2 2027	\$1.6M	After Review concludes
O&R***	Feb 2024 (actual)	\$3.8M	~Q3 2026	\$2.73M	~Q1 2027
RGE	~Q1 2027	\$0.9M	~Q2 2027	\$2.7M	After Review concludes

[†] See "Methodology and Definitions" section of Appendix 1 for more information on methodology.

*Target corresponds to committed and completed plugs.

**Unspent, remaining future-proofing budget will begin to be used at the earlier of the two dates in column C in Table 1 and column C in Table 2; whether Savings budgets in column B in Table 1 (L2) or column B in Table 2 (DCFC) are depleted first depends on pace of depletion for L2 and DCFC projects, respectively.

*** O&R's projection is based on baselines prescribed by the Commission's 2025 Order issued on January 24, 2025.

Appendix 1: Joint Utilities' Estimated Budget for the Interim Extension Program and its Minimum Anticipated Outcomes

Table 2: DCFC Programs.[†] The table below shows the minimum extension each Utility expects following an authorization to use Savings and unused future-proofing budget to continue **DCFC** Incremental plug deployment, extending each Utility's program. Note that forecasted dates to commit Savings (column C) could be later through program management measures.

Methodology: Utilities used their respective programs' historical run rate (i.e., plugs committed per month at current incentive levels) to inform the date (column A) when a program would begin to use Savings; assumptions on run rate were also used to inform the forecasted date to commit Savings. More information on methodology is provided in the Methodology and Definitions section of this appendix.

	Forecasted date to reach target* and start using Savings	Unspent savings at the time of reaching plug target	Forecasted date to commit all DCFC Savings	Estimated future - proofing budget available**
	A	B	C	D
Central Hudson	~Q2 2026	\$21M	After Review concludes	\$2.4M
Con Edison	After Review concludes	\$136.2M	After Review concludes	\$33.0M
National Grid	~Q2 2027	\$17.9M	After Review concludes	\$6.9M
NYSEG	~Q1 2026	\$12.2M	After Review concludes	\$1.55M
O&R	After Review concludes	\$5.2M	After Review concludes	\$2.7M
RGE	~Q3 2027	\$20.5M	After Review concludes	\$2.7M

[†] See "Methodology and Definitions" section of Appendix 1 for more information on methodology.

*Target corresponds to committed and completed plugs.

**Unspent, remaining future-proofing budget will be used at the earlier of the two dates in column C in Table 1 and column C in Table 2; whether Savings budgets in column B in Table 1 (L2) or column B in Table 2 (DCFC) are depleted first depends on pace of depletion for L2 and DCFC projects, respectively.

Appendix 1. Joint Utilities' Estimated Budget for the Interim Extension Program and its Minimum Anticipated Outcomes

Table 3. Calendar Showing Program Milestones Without Commission Action on Petition Proposal vs. Milestones with Proposed Interim Period

	<i>Q1 2025</i>	<i>Q2 2025</i>	<i>Q3 2025</i>	<i>Q4 2025</i>	<i>Q1 2026</i>	<i>Q2 2026</i>	<i>Q3 2026</i>
Without Commission action on this petition		National Grid L2 program pauses		Con Edison L2 program pauses	NYSEG DCFC program pauses	Central Hudson L2 program pauses Central Hudson DCFC program pauses	
With Commission approval to use already-authorized budgets for the Interim Period outlined in this petition					National Grid L2 program pauses		Con Edison L2 program pauses

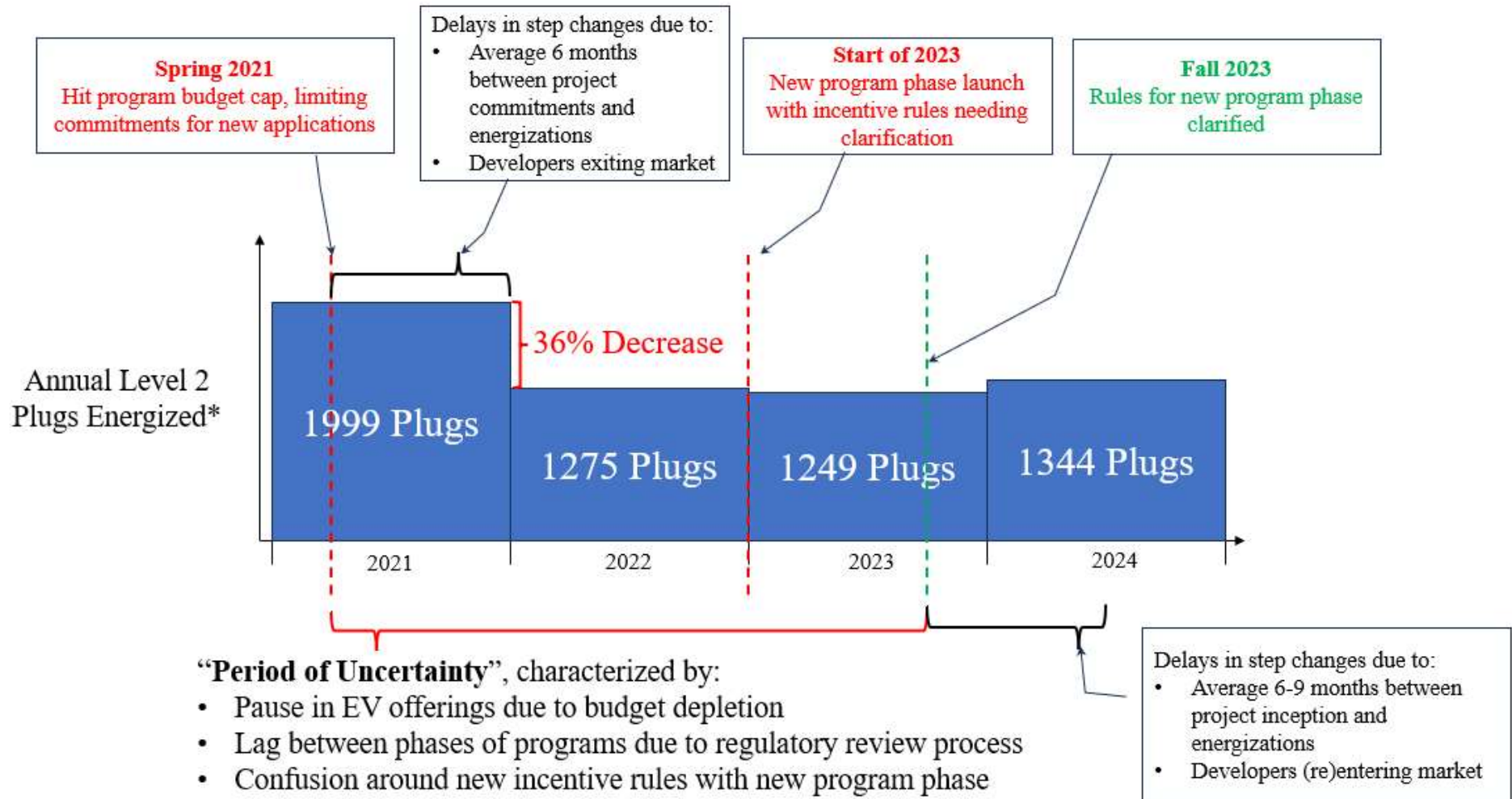
Appendix 1. Joint Utilities' Estimated Budget for the Interim Extension Program and its Anticipated Outcomes

Methodology and Definitions:

- **“After Review concludes”** refers to a time period after the 2025 MRP review and Commission action on that review. For the purposes of Table 1 and Table 2, the MRP review is projected to conclude during or after Q3 2027.
- **Forecasted date to access Savings:** Forecasted date to use Savings is triggered when the last plug is committed.
- **Unspent Savings:** estimated remaining Midpoint Order-authorized Make-Ready budget after committing and expending budget to the maximum plug target.
- **Forecasted earliest date to commit Savings (QQ/YYYY):** estimated date to commit all Savings to deploy Incremental plugs beyond the maximum target. Utilities used their respective programs' historical run rate to inform rate of plug committed and the associated budget depletion. Projections were further refined to include additional assumptions, such as plug installation rate, in 2026 and beyond.
- **Estimated future-proofing (FP) budget:** estimated future-proofing budget available to commit Incremental Plugs and actual future-proofing expenditure. Access to budget is triggered by date in column C (Forecasted earliest date to commit Savings).
- **Forecasted earliest date to commit FP budget (assumed for L2 commitments) (QQ/YYYY):** estimated date to deplete all future-proofing (FP) budget to commit Incremental L2 Plugs. The rate at which FP budget is depleted mirrors the rate at which each utility depletes their Savings.

Appendix 2. Impact of Program Pause

The graphic below illustrates how a make-ready program pause and ongoing uncertainty of incentives rules in Massachusetts resulted in significant impacts to the momentum of EV charger deployment. In spring 2021, National Grid's Massachusetts make-ready program hit its budget cap and had to pause its offerings to customers. With project applications on hold, the Commonwealth experienced a 36% decrease in annual Level 2 plugs installed. This period of uncertainty continued throughout 2022 and into 2023, as the investor-owned utilities waited for approval from the Massachusetts Department of Public Utilities for a budget extension and the new make-ready program Order. Not only did this period of uncertainty decrease the number of EVSEs being installed, but it also resulted in negative economic and workforce impacts for the EV developer market, as the uncertainty hindered their ability to sell projects to customers and confidently staff their teams. It is critical to note that the impacts of both the program pause and a new program Order issued with unclear rules can be fully seen over approximately a 9-month period after those events, reflecting the lifecycle of an EV project from application to activation.



*Plugs count data:

- Source: Alternative Fueling Station Locator, Alternative Fuels Data Center, U.S. Department of Energy <https://afdc.energy.gov/stations#/find/nearest>
- Downloaded on 1/6/2025
- Sorted by Opening date for locations with at least 1 L2 EV plug in the Commonwealth of Massachusetts
- Dates reflect customer experience in EV Make-Ready program offered by National Grid in Massachusetts