

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on December 18, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
Uchenna S. Bright
Denise M. Sheehan, recusing
Radina R. Valova

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

ORDER MODIFYING MAKE-READY PROGRAM

(Issued and Effective December 22, 2025)

BY THE COMMISSION:

INTRODUCTION

On September 29, 2025, the New York State Energy Research and Development Authority (NYSERDA) submitted a petition (Petition) to modify the Public Service Commission's (Commission) Make-Ready Order.¹ The Petition requests that the Commission modify the Make-Ready Order to extend the deadline for the New York Clean Transportation Prize Program, implement additional reporting requirements, approve an additional budget, and expand go/no go controls for action if projects stall in their implementation.

¹ Case 18-E-0138, Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (issued July 16, 2020) (Make-Ready Order).

By this Order, the Commission grants in part, and denies in part, the relief requested by NYSERDA and modifies the Make-Ready Order. Specifically, the Make-Ready Order is modified to: (1) extend the project timeline, as discussed below; (2) require NYSERDA to file additional reports publicly on the Document and Matter Management system (DMM); and (3) work with Department of Public Service (DPS) staff to implement go/no go controls if a project stalls in its implementation. Conversely, the Commission denies NYSERDA's request for an additional budget. The Commission additionally directs DPS staff and NYSERDA to consider whether additional prize programs should be developed as part of the next Make-Ready Program review.

BACKGROUND

On April 24, 2018, the Commission commenced this proceeding to identify cost-effective approaches for electric utilities to support the infrastructure and equipment necessary to accommodate increased electricity demands with the deployment of electric vehicles (EVs).² As the Commission noted at that time, electrification of the State's transportation sector is needed to meet the "[New York] State Energy Plan (SEP) targets of reducing greenhouse gas emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050."³ Since then, the State enacted the Climate Leadership and Community Protection Act (CLCPA), which codified the 2030 target and increased the 2050 objective by establishing a State goal to "reduce greenhouse gas (GHG) emissions from all anthropogenic

² Case 18-E-0138, Order Instituting Proceeding (issued April 24, 2018) (EV Instituting Order).

³ EV Instituting Order, p. 1; see also, The Energy to Lead: New York State Energy Plan Vol. I, p. 30.

sources 100 [percent] over 1990 levels by the year 2050.”⁴ The CLCPA also contains an equity mandate, requiring that disadvantaged communities receive 35% of overall benefits of spending on clean energy and energy efficiency with the goal of achieving 40%.⁵ In addition, under the Zero Emissions Vehicle Memorandum of Understanding (ZEV MOU) New York set a goal to increase the number of light-duty zero emission vehicles registered in New York by 2025.⁶

To help reach these State targets, the Commission issued the Make Ready Order. Among other initiatives, the Make-Ready Order directed NYSERDA to establish three prize competitions to spur innovation through replicable pilot or demonstration projects: the Environmental Justice Community Clean Vehicles Transformation Prize, the Clean Personal Mobility Prize, and the Clean Medium- and Heavy-Duty Vehicle Innovation Prize.⁷ The Make-Ready Order also directed NYSERDA to file an implementation plan, developed in consultation with DPS staff, within 90 days.⁸

On November 13, 2020, NYSERDA filed its Clean Transportation Prize Program Implementation Plan (Plan),

⁴ Chapter 106 of the Laws of 2019.

⁵ NY Environmental Conservation Law (ECL) §75-0117; see also NY ECL §75-0101 (defining disadvantaged communities as communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate-income households).

⁶ Memorandum of Understanding available at: <https://www.nescaum.org/documents/zev-mou-8-governors-signed-20131024.pdf>.

⁷ Make-Ready Order, pp. 1-5, 136-39; the programs were allocated \$40, \$25, and \$20 million, respectively. Id.

⁸ Id., p. 135.

referring collectively to the three prize competitions.⁹ The Plan described various components of the Clean Transportation Prize Program including the timeline.¹⁰ All three prizes are implemented in two phases. First, in Phase One (6-8 months per prize) NYSERDA invites a wide range of proposers to register and submit a detailed proposal for each prize.¹¹ Through a series of assessments, a cohort of Planning Grant Awardees is then selected. Following this, under Phase Two Planning Grant Awardees undergo a rigorous (7-8 month per prize) period of planning support to refine and strengthen their proposals.¹² After a compliance review, the Grand Prize Awardees are notified around Spring of 2022.¹³ Grand Prize Awardees have contracts in effect for 2-3 years.¹⁴ Upon completion of the projects by Grand Prize Awardees, NYSERDA submits a final report to DPS staff within 60 days.¹⁵

NYSERDA undertook efforts to carry out the Plan, resulting in seventeen competitively selected Planning Grant Awardees undergoing the planning support aspect of the Phase Two process, which occurred from February through June 2022.¹⁶ Among these, ten Grand Prize winners were selected, with their contracts executed by November 2022.¹⁷ Examples of Grand Prize

⁹ Case 18-E-0138, Clean Transportation Prize Program Implementation Plan (filed November 13, 2020).

¹⁰ Id., pp. 9-12, 20.

¹¹ Id., p. 9.

¹² Id.

¹³ Id., p. 9, 20.

¹⁴ Id., p. 12.

¹⁵ Id., p. 23.

¹⁶ Case 18-E-0138, NYSERDA Petition for Modification of Clean Transportation Prize (filed September 29, 2025).

¹⁷ Id.

projects include: an electric truck and charging training program with job placement; deployment of micro-shuttle services for on-demand trips to bridge first/last mile transportation gaps; provision of electric shuttles in disadvantaged communities; an e-bike sharing, e-bike library, and e-bike path-to-ownership program; construction of a hydrogen fueling station and purchase of fuel cell electric buses for the Metropolitan Transit Authority (MTA); a school bus electrification and charging program; and an electric freight charging hub on a remediated public brownfield.¹⁸ Nearly 100 percent of benefits from the selected projects are directed towards disadvantaged communities.¹⁹ However, while the Plan anticipated that three years would be sufficient for Grand Prize project implementation, in its Petition, NYSERDA explains that all projects have faced delays and require additional time, beyond 2025, to complete.²⁰

THE PETITION

Prize Program

According to NYSERDA, the ten Grand Prize projects are complex and take place in disadvantaged communities across New York State. The Petition states that the prizes have resulted in valuable learnings to date that have been reapplied to the Clean Mobility Program that NYSERDA launched in 2024. Examples of these learnings include: project improvement resulting from community feedback; the projects that hired a project manager experienced the smoothest delivery of their contract; initiating a pilot of a new service at a smaller scale gave time to work

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

out any bugs or operational inefficiencies and make adjustments to better tailor their service; embedding training, technical assistance, and peer-to-peer learning opportunities from day one would have accelerated community empowerment and advanced project implementation; and all shared mobility services launched in this program require an ongoing subsidy to operate. The Petition explains that these learnings will be synthesized and shared in public facing materials to help future projects.

Project Updates

All projects are currently under contract and have had significant engagement with NYSERDA staff since selection. The Petition highlights several challenges that have delayed project timelines. Common explanations for the delays include: agreements with host sites and subcontractors taking longer than expected to execute; challenges related to brownfield remediation, overburdened community-based organization partners, and a lack of existing charging infrastructure; permitting processes, utility interconnection agreements, and equipment procurement faced lengthy delays; some projects had to identify new subcontractors; and supply shortages.²¹ Based on these challenges, NYSERDA requests a two-year extension for nine of the ten Grand Prize projects and a five-year extension for Volvo's "The Bronx is Breathing" project.²²

The Petition explains that each project has faced challenges that additional time would help resolve:

CALSTART's Freight Electrification as a Service provides electric truck and charging, plus job placement. The

²¹ Id., pp. 1-2, 5, 9.

²² The nine projects include projects led by CALSTART, Circuit, Dollaride, Innoenergy, Krueger, Local Initiatives Support Corp. - NY (LISC-NY), New York City School Bust Umbrella Services (NYCSBUS), Revel, and Tompkins Consolidated Area Transit (TCAT).

Petition indicates that CALSTART was unable to agree on mutually agreeable project terms with the original partners, Anheuser Busch and NFI/Kohl's, on the electrification-as-a-service pilot. Additionally, the Petition states that changes to subcontractors also delayed the project. CALSTART is rescoping the project and is continuing the project with a focus on EVSE workforce development. In the Petition, NYSERDA requests an extension to continue the workforce training component of the project.²³

Circuit's Promoting Sustainable Transportation: Electric Micro-Shuttle Services in Long Island deploys an electric microshuttle service for on-demand trips to bridge first/last mile gaps. As of the time of the Petition, NYSERDA indicates that Circuit has successfully deployed its electric shuttle service in Long Island, supporting 83,000 trips as of the last report. The extension would help support additional charging stations and sustain the project going forward.²⁴

Dollaride's Clean Transit Access Program provides affordable electric shuttles to shuttle van operators in disadvantaged communities. The Petition states that Dollaride changed its scope to focus on electrifying shuttles and non-emergency medical transit fleets in disadvantaged communities. An extension would allow Dollaride to enter and implement agreements to provide EVs and charging to its new fleet partners.²⁵

Innoenergy's Project MOVER deploys e-mobility ownership programs in the Village of Ossining and five "incubator" communities, plus street markings on "bike boulevards." Innoenergy has successfully launched its e-

²³ Id., p. 5.

²⁴ Id., p. 6.

²⁵ Id.

bikeshare, with 146 bikes on the road and an "e-bike pathway to ownership" pilot. The Petition explains that because the launches occurred slightly later than anticipated, the extension would allow for data collection, continuity of services, and increase the changes of project sustainability beyond the award.²⁶

Krueger Transit's (Krueger) Accelerating New York Fuel Cell Bus & Hydrogen Infrastructure Deployments would build a hydrogen fueling station and would purchase two fuel cell electric buses for MTA's use. The Petition indicates that construction and delivery timelines were delayed due to longer than anticipated contract negotiations and additional MTA requests. Nevertheless, Krueger has begun construction on a hydrogen fueling station at the MTA Gun Hill depot and ordered the fuel cell electric buses. NYSERDA explains that an extension would accommodate delays in construction, future data collection needs, and provide experience that would allow MTA to consider expanding the hydrogen fleet. Additionally, the Petition notes that the project budget has reduced due to a switch in fuel from liquid to gaseous hydrogen.²⁷

Local Initiatives Support Corporation-New York's (LISC-NY) Centering People, Place and Policy for Buffalo's Clean Mobility Future includes EV carsharing, e-mobility sharing, bike trail expansion, bike and pedestrian infrastructure improvements and multiple workforce development programs. The Petition states that LISC-NY's multi-element e-bike and EV project in Buffalo has completed some elements, such as the expansion of the Reddy Bikeshare, whereas other elements have been rescopeed or delayed due to subcontractor shifts, and permit delays.

²⁶ Id.

²⁷ Id., p. 7.

NYSERDA seeks an extension for this project to complete project elements and secure long-term funding partners.²⁸

New York City School Bus Umbrella Services (NYCSBUS)'s Electrifying School Buses in the Bronx and Beyond initially proposed to deploy thirty electric school buses equipped with vehicle-to-building and vehicle-to-grid charging capability and to help other school districts electrify their fleets. So far, NYCSBUS has designed vehicle-to-building and -grid charging at two bus depots and completed electrification plans for all of its depots, as well as provided support to two other districts. However, there have been delays to the project due to rescoping and negotiations. NYSERDA reports that a project extension is necessary to complete charging station installation, to allow for data collection, and to provide additional support to school districts.²⁹

Revel's Red Hook Recharge Zone builds a public fast charger hub paired with battery storage, with a micromobility element, and community center-based workforce training. Changes to Revel's business model have resulted in delays and a rescoping of the initial project, with a corresponding reduction in funding needs for the project. So far, Revel has completed ninety percent of the design for the charging hub. An extension would allow for site construction, service launch, workforce development, and data collection.³⁰

Tompkins Consolidated Area Transit's (TCAT) Ithaca Electric Transportation Access Project would develop a multi-modal transit-oriented partnership with on-demand e-mobility infrastructure safety improvements. The Petition explains that

²⁸ Id.

²⁹ Id., p. 5, 7.

³⁰ Id., p. 5, 8.

TCAT has utilized its project funds to expand a bikeshare in Ithaca, provide transportation demand management services, and distribute transportation subsidies to low-income Ithaca residents. The project faced delays in staffing, subcontracting, and public charging installations that would have enabled the initially proposed carshare expansion. NYSERDA requests an extension to allow for data collection and to secure sustainable long-term project funding.³¹

Volvo's The Bronx is Breathing project proposed to build a charging hub for medium- and heavy-duty EV trucks in the Bronx. To date, Volvo has developed workforce training programs and entered a relationship with Fulton Fish Market to install chargers and offer electric freight delivery. The project has experienced lengthy delays, primarily due to a subcontractor withdrawal that required competitive solicitation of an alternative subcontractor. The requested five-year extension would allow for permitting and design completion by the end of 2027 and construction and energization by the third quarter of 2028, with data collection and reporting extending through 2030.³² NYSERDA notes that it would closely monitor future project delays and expenditures of this project, tying fund disbursements to "clearly defined go/no go decision points and task-level budget ceilings."³³

NYSERDA cautions that several of the projects may encounter future challenges that result in scope reductions or termination.³⁴

³¹ Id., p. 5, 8.

³² Id., p. 9-10.

³³ Id., p. 10.

³⁴ Id., p. 5.

Budget

The Petition summarizes the program budget as of June 30, 2025. It notes that, of the total authorized budget of \$85 million, \$81.6 million has been committed to the projects and NYSERDA administrative costs. However, due to varying project schedules, the projects have not yet spent the majority of their awards. Expenditures range from 3 percent to 45 percent of the awards, with expenditures totaling \$20,677,253 to date, including NYSERDA administration and program support costs. NYSERDA estimates that projects would have expended 45 percent to 100 percent of their committed funds by the end of 2026 and that all projects other than the Bronx is Breathing project would have completed by the end of 2027. However, the Petition notes that due to rescoping, these figures could be reduced by as much as \$14 million.

Currently, \$3.3 million of the budget consists of NYSERDA administrative costs and potential commitments to program support resources. The Petition states that NYSERDA anticipates additional commitments through December 31, 2025, of approximately \$500,000, representing an increase of about 15 percent from the previously budgeted amount for program implementation support. NYSERDA indicates this additional budget is needed to administer the Program for a longer period than originally anticipated. The Petition proposes that any funding in the budget that is either not committed as of December 31, 2025, or disencumbered in the future would reduce any future collections from ratepayers and no additional new commitments would be made with these funds.³⁵

NYSERDA states that utilities have already planned to collect the total authorized budget of \$85 million, so the

³⁵ Id., p. 10-11.

requested extensions would not require additional recovery from ratepayers. The Petition proposes to communicate any reduction in project funding to the utilities on a quarterly basis to account for any potential future disencumbrances.³⁶

Reporting

Currently, NYSERDA files Implementation Plan Status Reports, which describe the status of the projects and program expenditures, in DMM on a biannual basis. Additionally, NYSERDA communicates status updates with DPS staff more frequently. NYSERDA publishes additional information about the projects, such as the projects' Annual Metrics Reports, on its website. The Petition proposes that NYSERDA would start filing Implementation Plan Status Reports on DMM on a quarterly basis. In addition to the information currently provided in the reports, these Reports would address: planned program and project activity over the next six months, including any deviations from past plans and explanations for any such deviations; project-level cost data with explanations of any inconsistencies from the budget; any changes to contracts and a reason for the changes; and NYSERDA's actions to ensure project timeliness.³⁷ NYSERDA proposes to continue to provide project updates in its Program Implementation Plan on a bi-annual basis.

Program Update

Following the filing of the Petition, NYSERDA filed a program update.³⁸ In the Program Update, NYSERDA explained that it terminated two of the Grand Prize projects, Revel's Red Hook Recharge Zone and CALSTART's Freight Electrification as a Service.

³⁶ Id.

³⁷ Id., p. 12-13.

³⁸ Case 18-E-0138, NYSERDA Update on Clean Transportation Prize Program Projects (filed December 9, 2025) (Program Update).

Regarding the termination of Revel's program, the Program Update stated that since initial contract execution, Revel encountered site constraints and cost considerations that would significantly shift the balance of Program funding versus cost share funding. Additionally, Revel dropped ride hail and mopeds from its business model, and decided not to proceed with the vehicle-to-grid and solar elements of the projects.

As it relates to CALSTART's program, the Program Update explains that the project was originally focused on working with two fleets to deploy a total of 14 medium- and heavy-duty EVs. However, NYSERDA asserts that the original partners exited the project due to the inability to reach mutually agreeable terms and CALSTART was unable to identify replacement fleets. The Program Update states that both projects are being terminated by mutual agreement and that NYSERDA does not intend to commit any further funds for this project. To ensure that NYSERDA can capture lessons learned, the Program Update explains, both Revel and CALSTART are participating in exit interviews.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rule Making (Notice) was published in the State Register on October 15, 2025 [SAPA No. 18-E-0138SP25]. The time for submission of comments pursuant to the Notice expired on December 15, 2025. No comments were received in response to the Petition.

LEGAL AUTHORITY

Pursuant to Public Service Law (PSL) §§5, 65, and 66, the Commission has the legal authority to take the actions prescribed in this Order. Specifically, 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 for the security and accommodation of the public" whenever the Commission determines that the Utility's existing equipment is "unsafe, inefficient or inadequate."

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."

The actions taken herein with respect to the modifications to the Make-Ready Program, and specifically the Clean Transportation Prize Program, fall within this legal authority and are designed to support long-range program goals economically and efficiently, support public health and safety, preserve environmental values, and conserve natural resources.

DISCUSSION AND CONCLUSION

The Make Ready Program was intended to spur development of EV chargers and adjacent infrastructure to help increase EV adoption in New York. While the utilities were directed to incentivize traditional electric vehicle supply equipment (EVSE), the NYSERDA Clean Transportation Prize Program was intended to incentivize novel pilot-like programs and small projects in disadvantaged communities that could provide

learning opportunities that would inform full-scale programs and projects. Such learning opportunities have not yet been realized given the roadblocks that the prize programs have faced.

At the time the Make Ready Order was issued, nobody could have foreseen the far-reaching and lasting impacts of the COVID-19 pandemic. While the Commission is disappointed with the lack of progress on the prize programs, we realize that many of the delays were outside of NYSERDA and the participants' control. The Commission continues to find projects like those participating in the Clean Transportation Prize Program to be of value. Given the circumstances, the Commission finds NYSERDA's request to extend the projects to be reasonable. Therefore, the Commission grants the two-year extension for Circuit, Dollaride, Innoenergy, Krueger, LISC, NYCSBUS, and TCAT, and the five-year extension for Volvo's Bronx is Breathing program.

The Petition requests an additional \$500,000, an increase of 15 percent, of funding to be used towards project administration. Given that two of the projects have been terminated and the scope of the remaining projects have shrunk, not grown, the Commission finds this request to be unreasonable. Therefore, the Commission denies NYSERDA's request for additional funding. Additionally, NYSERDA is reminded that prudent use of ratepayer dollars is crucial and should any of the programs become non-viable it is directed to end those projects as soon as possible so as to not waste ratepayer funds. Further, regarding the topic of project viability, NYSERDA is directed to work with DPS staff to develop and implement go/no go procedures at key stages of each project.

Regarding the reporting requirements, the Commission has found the biannual updates from NYSERDA to lack crucial information on the status of the programs and do not

appropriately inform stakeholders. The additional reporting requirements described in the Petition do address the current lack of transparency regarding program health and status. Therefore, the Commission approves the modified reporting requirements proposed in the Petition. Additionally, NYSERDA is directed to include lessons learned from any program terminations in the Implementation Plan Status Reports.³⁹ NYSERDA is directed to commence the filing of the Implementation Plan Status Reports at the end of the first quarter of 2026 and continue filing the reports as long as any of the clean transportation prize programs remain active.

NYSERDA shall prepare and file an updated Implementation Plan, in consultation with DPS staff, within 30 days of the issuance of this Order reflecting the modified program timelines and additional reporting requirements. The updated Implementation Plan should include a table indicating which pages and content have been revised and/or added.

The Commission orders:

1. The New York State Energy Research and Development Authority shall extend the clean transportation prize programs consistent with the directives in the body of this Order.

2. The New York State Energy Research and Development Authority shall modify its reporting and file Implementation Plan Status Reports on a quarterly basis starting in 2026, consistent with the directives in the body of this Order.

3. The New York State Energy Research and Development Authority shall prepare an updated Implementation Plan, in consultation with Department of Public Service staff, as

³⁹ This requirement applies to both the Revel and CALSTART project terminations as well as any future project terminations.

directed in the body of this Order, and file the updated Implementation Plan within 30 days of the issuance of this Order.

4. The New York State Energy Research and Development Authority shall work with Department of Public Service staff to implement go/no go controls if a project stalls in its implementation.

5. The New York State Energy Research and Development Authority shall work with Department of Public Service staff to consider whether additional prize programs should be developed as part of the next Make Ready Program review.

6. In the Secretary's sole discretion, the deadlines 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.

7. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary