STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on June 11, 2026

COMMISSIONERS PRESENT:

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

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

ORDER PROVIDING CLARIFICATION ON MAKE-READY PROGRAM

(Issued and Effective June 12, 2026)

BY THE COMMISSION:

INTRODUCTION

On April 22, 2026, the Joint Utilities,[1] filed a petition (the Petition) seeking clarifications of certain electric vehicle (EV) Make-Ready Program requirements established in the Public Service Commission's (Commission) March 2026 Order.[2] To the extent that the Commission determines

[1] The Joint Utilities include Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., 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] Case 18-E-0138, Order Denying Petition and Making Other Findings (issued March 23, 2026) (March 2026 Order).

that the requested clarifications conflict with the March 2026 Order, the Joint Utilities request rehearing of the March 2026 Order.

By this Order, the Commission clarifies various data requirements necessitated by the March 2026 Order, including, among other things: (1) data collection requirements specified in the Commission's Midpoint Review Order;[3] (2) the use of uptime data as a proxy for outage data; (3) the methodology for satisfying the March 2026 Order's requirement for the Joint Utilities to report at least 90 percent of monthly EV infrastructure data related to utilization and up/downtime; (4) the applicability of the 90 percent reporting threshold to all Make-Ready Program charging stations regardless of installation date; (5) that the 90 percent threshold is calculated as an aggregate of charging stations and not per individual charging station, and reported separately by level 2 (L2) and direct current fast charger (DCFC) plugs; (6) that written confirmation is acceptable for verifying charging data completeness when no charging sessions or outages have occurred; and (7) various deadlines discussed in the March 2026 Order.

BACKGROUND

On July 16, 2020, the Commission issued an order authorizing the Make-Ready Program, in recognition that EVs and the installation of associated EV supply equipment and infrastructure (EV Infrastructure) is critical to achieving the State Energy Plan targets.[4] The Make Ready Order acknowledged

[3] Case 18-E-0138, Order Approving Midpoint Review Whitepaper's Recommendations with Modifications (issued November 16, 2023) (Midpoint Review Order).

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

that "electrification is key to decarbonizing the transportation sector, given the powerful progress and trajectory seen decarbonizing the power sector."[5] The focus of the Make-Ready Program is the installation of EV Infrastructure. At the time the Make-Ready Order was issued, New York had a policy goal that 850,000 zero emission vehicles would be registered in New York by 2025.[6]

As part of the Make-Ready Order, the Commission required that data be collected from Network Service Providers (NSPs) and Make-Ready Program Participants (Participants), with progress reports submitted at a regular cadence to continuously inform Department of Public Service (DPS) staff and the Commission on program achievement, and potentially trigger modifications to the program due to changes in technology, station economics, EV charging station consumer experience, and State energy goals.[7] The Commission directed that progress reports contain four types of data: (1) Make-Ready Program participation information; (2) utility system and billing information for each station; (3) plug and charging session data; and (4) financial information.[8]

The Make-Ready Order also directed DPS staff to conduct a midpoint review of the program to ensure that the Make-Ready Program was equipped to the needs of the transportation sector, and to provide an opportunity to modify and improve the Make-Ready Program. During the midpoint review process, a technical conference was held on June 12, 2023, specifically to address data reporting requirements.

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[5] Make-Ready Order, p. 6.

[6] Make-Ready Order, p. 4.

[7] Make-Ready Order, p. 104.

[8] Make-Ready Order, pp. 105-106.

Thereafter, the Commission issued the Midpoint Review Order on November 16, 2023. As relevant here, the Midpoint Review Order maintained the importance of program data collection, stating: "reporting requirements are necessary to continue to evaluate and improve the Make-Ready Program's achievements and to confirm that ratepayer funds are being used wisely and as intended."[9] However, the Commission modified some data reporting requirements imposed in the Make-Ready Order, specifically related to fields the Joint Utilities reported as being difficult to obtain, such as 15-minute interval data, financial data, and information from co-mingled sites, among others.[10] The Commission therefore directed the Joint Utilities to collect the refined data requirements to aid assessment and oversight of the Make-Ready Program, and expressly affirmed that the Joint Utilities remain responsible for collecting data in the programmatic maintenance and improvement categories, including: (1) program participation information and (2) plug and charging session data bifurcated by L2 and DCFC plugs.[11]

Given the importance of data collection in the Midpoint Review Order, the Commission directed the Joint Utilities to develop a Data Compliance Plan to detail their process to collect Make-Ready Program data from station owners. As part of the Data Compliance Plan, the Midpoint Review Order emphasized that each utility should detail the steps to educate and, if necessary, penalize Participants that fail to provide the required data.[12] This built upon the Make-Ready Order, which detailed that potential penalties for failing to provide

[9] Midpoint Review Order, p. 70.

[10] Id.

[11] Midpoint Review Order, p. 71.

[12] Midpoint Review Order, p. 74.

required program data could include disqualifying Participants from receiving additional Make-Ready Program incentives, clawing back any make-ready payments received, or revoking service so that the station can be operated by an alternate market participant.[13] The Midpoint Review Order also modified the plug targets for the respective L2 and DCFC programs and stated that the Make-Ready Program shall remain in effect until the plug goals are met or budgets are depleted.[14] This meant that a program could end before 2025 or could extend beyond 2025 depending on how prudently each utility spent its budget.

On February 24, 2025, the Joint Utilities filed the Extension Petition, requesting, in part, Commission authorization to: (1) continue to incentivize L2 and DCFC plugs using remaining authorized Make-Ready Program funds once individual utility plug targets were met; and (2) access any unspent incentive budgets to incentivize incremental L2 and DCFC plugs beyond the plug targets by accessing Make-Ready incentive budget savings resulting from program cost containment and future-proofing budgets.[15] Following a notice and comment period, the Commission issued its March 2026 Order, which denied the Extension Petition. The March 2026 Order also noted that, as the administrators of the Make-Ready Program, the Joint Utilities have a responsibility to use ratepayer funds in a prudent and reasonable manner, and that it was unclear that the Joint Utilities had done their due diligence in administering ratepayer funds in the Make-Ready Program.[16] The Commission

[13] Make-Ready Order, p. 107.

[14] Midpoint Review Order, p. 24.

[15] Case 18-E-0138, Joint Utilities' Petition to Extend Make-Ready Plug Deployments (filed February 24, 2025) (Extension Petition).

[16] March 2026 Order, p. 7.

found that there was insufficient session and outage data to make an informed decision on whether funding additional L2 chargers is a prudent investment.[17] Due to the lack of data and the proximal achievement of L2 program targets, the Commission determined that the L2 component of the Make-Ready program should be closed.[18] For the DCFC portion of the Make-Ready Program, the Commission directed the Joint Utilities to pause the DCFC program within 30 days of the issuance of the March 2026 Order, and to not reopen it to new applications sooner than 60 days after the Order's issuance. [19] The Commission directed each utility to first obtain at least 90 percent of monthly DCFC program data and provide it to DPS staff before applications could resume.

Moreover, in the March 2026 Order, the Commission described enhanced data collection requirements to which the Joint Utilities must adhere, including: (1) requiring each individual utility, and the Joint Utilities as a whole, to meet a minimum 90 percent data reporting threshold prior to reopening the DCFC portion of the Make-Ready Program; (2) allowing only NSPs that have met the 90 percent data reporting threshold to be eligible for participation in the Make-Ready Program in new applications; (3) directing that any NSPs falling below the 90 percent reporting threshold be placed on ineligible administrative status, barred from future participation until achieving compliance, and subject to a 90-day-hold after achieving compliance before being eligible to rejoin the Make-Ready Program;[20] (4) directing the Joint Utilities to maintain a

[17] March 2026 Order, p. 8.

[18] March 2026 Order, p. 9.

[19] March 2026 Order, pp. 10-12.

[20] March 2026 Order, p. 11.

publicly available list of NSPs eligible for participation in the Make-Ready Program; and (5) directing that NSPs, Participants, and Approved Contractors (defined as a contractor who has met the utility's approval criteria to install EV charging infrastructure incentivized through the EV Make-Ready Program) should be held to the 90 percent data reporting threshold to participate and be eligible to be a party to new applications and receive Make-Ready incentives.[21] The Commission additionally directed the Joint Utilities to withhold final payment of Make-Ready Program incentives until the first month of data has been successfully submitted for each installed charger.

Regarding filing requirements, the Commission directed the Joint Utilities to, in consultation with DPS staff, file updated versions of their Data Compliance Plan, Implementation Plans, and Participant Guide to describe how the utilities will reach the 90 percent threshold before reopening, and reflect the changes made to the Make-Ready Program by the March 2026 Order. The Commission also directed each of the Joint Utilities to conduct an onsite operational verification of a representative sample of Make-Ready Program funded chargers to confirm that the chargers are present, energized, and operational, and to submit a report describing such verification, including sampling approach, results, and corrective actions, within 120 days of the issuance of the March 2026 Order (the Onsite Operational Verification Report).[22] The Joint Utilities were further directed to hold a technical conference within 30 days after the filing of the above-referenced documents.[23] In addition, the

[21] March 2026 Order, pp. 11-12.

[22] March 2026 Order, p. 14.

[23] Id.

Commission directed the Joint Utilities to file end of program reports, as described in the Midpoint Review Order, by June 30, 2026.[24]

THE PETITION

The Petition seeks clarity on several requirements in the March 2026 Order, as described below.

Data Required by the Midpoint Order

The Joint Utilities request clarification that the "necessary" data required by the March 2026 Order is the session and outage data described in the Midpoint Review Order,[25] that the March 2026 Order does not direct the Joint Utilities to collect additional data fields, and that if additional fields are required, the Commission should specify what those fields are. The Joint Utilities further request clarification that, in the absence of outage data, uptime data may be collected and reported as an acceptable proxy.

Time Period and Scope of Charging Stations Subject to the 90 Percent Threshold

Regarding the March 2026 Order's directive that "each utility obtain and provide to DPS staff at least 90 percent of monthly EV Infrastructure data related to the utilization and up/downtime of each DCFC charging station incentivized by the Make-Ready Program installed from January 1, 2024, through present," the Joint Utilities ask the Commission to clarify that: (1) such threshold applies only to charging stations installed from January 1, 2024, to present; (2) each utility's L2 and DCFC charging station populations must separately meet the 90 percent threshold, each charging-type population (i.e., DCFC or L2) in the aggregate, and that these percentage values

[24] Id.; see Midpoint Review Order, p. 24.

[25] See Midpoint Review Order, p. 71.

must be reported by each utility individually; and (3) the 90 percent threshold is not applicable to each individual charging station.[26]

90 Percent Data Threshold for DCFC and L2 Infrastructure

For compliance with the 90 percent threshold, the Commission should clarify that, when no data is reported for a given month (i.e., no sessions and no outages), a Participant or NSP can alternatively provide written confirmation that a charging station did in fact have no sessions or outages in that month and the charging station remained operational and capable of transmitting data during that month.

The Petition further requests clarification that the following formula is acceptable for calculating the 90 percent data compliance threshold:

$$\text{Utility Compliance Rate} = \frac{\text{Total Monthly Data Points Reported}}{\text{Total Monthly Data Points Required}}$$

The Joint Utilities propose the following five data points to satisfy Midpoint Review Order reporting requirements: (i) outages, (ii) session durations, (iii) charging durations, (iv) session energy delivered, and (v) session peak demand.

The Petition also requests clarification that calculating compliance with the 90 percent threshold should start from the first full month, on or after January 1, 2024, that a charging station should have been reporting data. The Commission should also clarify that, in the absence of reported peak demand, utilities should be permitted to calculate peak demand based on other collected data points. The Joint Utilities propose calculating L2 charging station peak demand by dividing the session energy delivered by the total session

[26] March 2026 Order, p. 10.

duration hours for the month, since L2 charging stations generally have consistent power demand. For DCFC charging stations, the Joint Utilities propose matching the session energy delivered to an assumed power curve.

The Petition requests clarification that, once all charging stations in the L2 component of the Make-Ready Program have been installed, have provided at least one year of operational data, and annual reports are no longer required, then the Joint Utilities are not required to continue collecting L2 charging station data.

The Petition requests clarification that the Data Compliance Plan may include a compliance pathway for Participants falling below the 90 percent threshold to fulfill their data reporting requirement over a longer period of time. The Joint Utilities note that such an extension would not relieve Participants from their obligation to provide data, but instead would establish a cure pathway to avoid potential financial claw-backs and loss of data that could have been provided if more time was available.

Ongoing Network Service Provider and Participant Compliance

Regarding the restriction of the DCFC program, when re-opened, to NSPs and other parties that have met an individually-measured 90 percent data submission threshold for newly contracted projects, the Petition requests clarification that: (1) the NSP, Approved Contractor, and Participant thresholds should be assessed Statewide and not on an individual utility basis; and (2) the proposed formula discussed above is also acceptable to calculate NSP, Approved Contractor, and Participant data compliance.

Timing of 30-Day and 60-Day Filings

The Joint Utilities request clarification that they should have until May 22, 2026, to meet the minimum 90 percent data reporting threshold and, if the Joint Utilities determine that meeting that deadline is not possible, they should be allowed 30 days from May 22, 2026, to submit a filing detailing the reasons for the delay and an expected date by which they will meet the 90 percent data reporting threshold.

Timing of the Required Technical Conference

The March 2026 Order directed the Joint Utilities convene a technical conference within 30 days after the filing of various documents, including filings with differing deadlines. The Joint Utilities request Commission clarification that such technical conference must be held within 30 days following the submission of the Onsite Operational Verification Report.

Medium- and Heavy-Duty Pilot and Micromobility Programs

The Petition requests Commission clarification that the March 2026 Order is specific to L2 and DCFC charging stations in the Make-Ready Program and does not apply to other programs authorized in the Make-Ready Order, such as the Medium- and Heavy-Duty Pilot and Micromobility Programs.

LEGAL AUTHORITY

Pursuant to Public Service Law §22, any person or corporation may apply for rehearing of a Commission order within 30 days of issuance, unless directed otherwise. The petitioner seeking rehearing bears the burden of establishing that the Commission committed an error of law or fact or that new circumstances warrant a different determination.[27] Further, the

[27] 16 NYCRR §3.7(b).

petitioner must separately identify and explain each alleged error or new circumstance purporting to warrant rehearing.[28]

DISCUSSION AND CONCLUSION

The Commission provides the following clarifications of the March 2026 Order with respect to the issues raised in the Petition.[29] To the extent that these clarifications differ from what was requested by the Joint Utilities, the request for rehearing is denied for failure to identify grounds that the Commission committed an error of law or fact or that new circumstances warrant a different determination, as required under the Commission's regulations noted above.

Data Required by the Midpoint Order

With respect to the Joint Utilities request to clarify that the March 2026 Order does not direct the collection of additional data fields beyond the session and outage data described in the Midpoint Review Order,[30] the Commission clarifies that the data reporting requirements established in the March 2026 Order do not impose new or additional data collection obligations beyond those set forth in the Midpoint Review Order. The Midpoint Review Order required data to assess the Make-Ready Program's progress in advancing transportation electrification.[31] Information regarding the use of charging stations and whether the charging stations remain operational is

[28] Id.

[29] The matters clarified in this Order were the subject of a Notice of Proposed Rulemaking that was published in the State Register on August 6, 2025 [SAPA No. 18-E-0138SP22]. Pursuant to the Commission's Rules of Procedure, 16 NYCRR §3.7(c), responses to the Petition were due May 7, 2026. No comments were received.

[30] See Midpoint Review Order, p. 71.

[31] Midpoint Review Order, pp. 71-73.

one diagnostic to assess the achievements of the Make-Ready Program. The March 2026 Order's reference to "data necessary to assess the Make-Ready Program's success" is not a directive to collect data fields beyond what the Midpoint Review Order identified, but rather a reminder that the Make-Ready Program has required data collection from program inception.[32] The Commission has repeatedly emphasized the need for comprehensive data submissions to accurately evaluate the Make-Ready Program's achievements, and has specifically detailed courses of action that the Joint Utilities may undertake if NSPs and Participants do not provide required and timely data submissions.[33]

Regarding the Joint Utilities' request to collect and report uptime data, in the absence of outage data, the Commission recognizes that there are complications involved with obtaining outage data. As such, the Commission clarifies that the use of uptime data is a reasonable proxy for outage information where individual outage records cannot be obtained. The Joint Utilities should clearly define "uptime" in the Data Compliance Plan and data dictionary in consultation with DPS Staff.

The Commission notes, however, that uptime and outage event data are not equivalent and that using these interchangeably creates analytical complications. Specifically, uptime is an aggregate composition of total potential operational time minus total outage time. This data point does not capture the number, timing, or cause of individual outage events, and limits DPS staff and the Commission's ability to differentiate expected from unexpected outages, evaluate patterns of outages over time, or compare outage events across

[32] March 2026 Order, p. 12.

[33] Make-Ready Order, p. 104.

charging stations. Therefore, the Commission directs the Joint Utilities to clearly identify in data submissions whether data pertaining to operational status for a given charging station was obtained through outage event records or through uptime reporting. Furthermore, the Joint Utilities should prioritize obtaining and reporting outage data over uptime data when available. The Joint Utilities should work with DPS Staff to adopt a standardized format and data specifications for consistent reporting of outage and uptime data.

The Commission stresses that it is essential that each utility's Make-Ready Program submissions contain uniformly formatted data to ensure effective analysis by DPS Staff and the Commission. Therefore, the Joint Utilities shall ensure the Data Compliance Plan, the associated data dictionary, and program definitions clearly define the type of data collected to confirm the operational status of a charging station.

Time Period and Scope of Charging Stations Subject to the 90 Percent Threshold

The March 2026 Order directed that "each utility obtain and provide to DPS staff at least 90 percent of monthly EV Infrastructure data related to the utilization and up/downtime of each DCFC charging station incentivized by the Make-Ready Program installed from January 1, 2024, through present."[34] The Joint Utilities seek clarification that: (1) such threshold applies only to charging stations installed from January 1, 2024, through present; (2) each utility's L2 and DCFC charging station populations must separately meet the 90 percent threshold, each charging-type population (i.e., DCFC or L2) in the aggregate, and that these percentage values must be reported

[34] March 2026 Order, p. 10.

by each utility individually; and (3) the 90 percent threshold is not applicable to each individual charging station.[35]

With respect to which charging stations the 90 percent data reporting threshold applies, we clarify that it includes all charging stations, both DCFC and L2, that have been incentivized through the Make-Ready Program, regardless of installation date. The January 1, 2024 date referenced in the March 2026 Order establishes the beginning of the period used to calculate the 90 percent data compliance threshold. Accordingly, the Commission clarifies that the Joint Utilities are to include all charging stations incentivized through the Make-Ready Program when determining 90 percent data compliance, with the reporting period applying to each charging station being the later of January 1, 2024, or the first full month following the date a charging station became operational.

When calculating compliance with the 90 percent data reporting threshold, the Commission affirms that L2 and DCFC charging station populations must separately meet the 90 percent threshold. Furthermore, the 90 percent threshold is achieved in the aggregate, not per individual charging station. Each of the utilities must separately report achievement of the 90 percent threshold in order for resumption of the DCFC portion of the Make-Ready Program.

90 Percent Data Threshold for DCFC and L2 Infrastructure

The Commission agrees with the Joint Utilities and clarifies that, where no sessions or outages are reported in a given month, the Joint Utilities may obtain written confirmation from an NSP or Participant that states that no sessions or outages occurred at a certain charging station and that the charging station remained operational and capable of

[35] March 2026 Order, p. 10.

transmitting data during the given reporting month. Written confirmation of operational status will fully satisfy the reporting obligation for that station and reporting month.

However, to ensure data transparency and data integrity, the Joint Utilities shall clearly identify the method by which each data point was obtained in all data submissions. The Commission underscores that, where data is provided through written confirmation rather than direct system reporting, submissions must include a consistent designation indicating that the data point was obtained by written confirmation rather than by system reporting. Furthermore, the Commission stresses that the Joint Utilities must ensure that data reporting resolved through written attestation is carefully monitored for correctness.

The Commission also finds that the following formula, as proposed in the Petition, is suitable for calculating each utility's compliance with the 90 percent data reporting threshold for both DCFC and L2 charging stations:

$$\text{Utility Compliance Rate} = \frac{\text{Total Monthly Data Points Reported}}{\text{Total Monthly Data Points Required}}$$

For purposes of this calculation, the Commission clarifies the following:

- A reporting month represents one full calendar month for one charging station. The first reporting month is the later of January 1, 2024, or the first full month following the date a charging station becomes operational.
- Each reporting month has five required data types: (1) outages or uptime data, (2) session durations, (3) charging durations, (4) session energy delivered, and (5) session peak demand.

- Total Monthly Data Points Reported is the sum of data points successfully obtained across all reporting months and all stations subject to the reporting requirement. For each station and each elapsed reporting month, a data point is counted as reported if it was either directly reported by the NSP or Participant, confirmed through written attestation, or estimated through an approved proxy methodology consistent with the requirements in this Order.
- Total Monthly Data Points Required will be calculated as the number of stations subject to the reporting requirement, multiplied by the number of elapsed reporting months for each station, multiplied by the five required data types.

To illustrate, assume a utility has three charging stations that became operational prior to January 1, 2024. Reporting would therefore be calculated from the period of January 1, 2024, through April 1, 2026, which encompasses 27 elapsed reporting months per station, yielding 81 total reporting months across the three stations. Multiplied by the five required data types, the Total Monthly Data Points Required would be 405. If all five data types were reported for all three stations for 24 of the 27 months, that accounts for 360 reported data points. For the remaining three months, if three of the five data types were reported for each station, this would contribute an additional 27 data points. The Total Monthly Data Points Reported would therefore be 387, and would result in a Utility Compliance Rate of 95.6 percent (derived from 387 Total Monthly Data Points Reported, divided by 405 Total Monthly Data Points Required).

The Commission finds that the Petition's proposed calculation of peak demand based on other data points in the absence of directly reported peak demand data is reasonable.

The Joint Utilities shall use the following approved proxy methodologies: (1) for L2 charging stations, peak demand may be calculated by dividing the session energy delivered by the total session duration hours for the reporting month; (2) for DCFC charging stations, peak demand may be calculated by matching session energy delivered to an assumed power curve.

Notwithstanding the foregoing, however, proxy-calculated peak demand values cannot be as accurate as directly reported values and are dependent on the quality and completeness of the underlying session data from which they are derived. The Commission notes that, because peak demand is one of the five data types counted toward the 90 percent compliance threshold, caution should be taken in relying on proxy calculations to satisfy this data point. A compliance rate that is substantially dependent on estimates, rather than directly reported data, may not adequately support the program evaluation objectives that the 90 percent data threshold is intended to serve. Accordingly, the Joint Utilities shall identify in all submissions the proportion of peak demand data points that were directly reported versus calculated through proxy. Where possible, the Joint Utilities should work with Participants and NSPs to obtain system-reported peak demand.

The semi-annual report filings required by the Midpoint Review Order[36] should identify the methodology, or methodologies, used to determine any data points reported by estimation. These designations to identify non-system reported datapoints should be identified in all reports and submissions consistently across all Make-Ready Program submissions and incorporated into the data dictionary developed as part of the Data Compliance Plan.

[36] Midpoint Review Order, p. 73.

With respect to the filings required for L2 Make-Ready Program data, the March 2026 Order directs the Joint Utilities to "continue" filing annual L2 reports no later than June 30 of each year.[37] However, the Commission notes that annual L2 reporting was not the existing framework prior to the March 2026 Order; rather, the Joint Utilities were filing semi-annual reports on March 1 and September 1 of each year. The Commission clarifies that the March 2026 Order's reference to "continuing" L2 annual reports was intended to preserve the existing semi-annual reporting structure. Adopting different reporting structures for the Make-Ready Program creates unnecessary administrative complexity and risks fragmenting program data in a manner that could undermine the ability to comprehensively monitor the performance of the Make-Ready Program in its entirety. Accordingly, the Joint Utilities shall file L2 Make-Ready Program data alongside DCFC data through the semi-annual reporting schedule established by the Midpoint Review Order,[38] with reports due on March 1 and September 1 of each calendar year. The Joint Utilities shall continue to include L2 data in the semi-annual reports until all L2 plugs have been installed and have provided at least one year of operational data, as described in the March 2026 Order. Once all L2 plugs have been installed and have provided at least one year of operational data, the semi-annual reporting no longer requires the inclusion of L2 charging station data.

As for the Joint Utilities' data collection obligations for all Make-Ready Program stations, both L2 and DCFC, the Commission clarifies that these obligations extend for a minimum of five years from the date of station activation, as

[37] March 2026 Order, pp. 14-15.

[38] Midpoint Review Order, p. 73.

established in the Make-Ready Order.[39] The March 2026 Order addresses only filing obligations and does not authorize the cessation of L2 data collection by the Joint Utilities. The Make-Ready Order requires Participants to maintain operational chargers and report data for at least five years. This is also reflected in the agreements between each utility and Participant as described in the Participant Guide.[40] The discontinuation of new applications for the L2 component of the Make-Ready Program does not alter or reduce the ongoing data reporting obligations of participating charging stations. Therefore, the Commission clarifies that the Joint Utilities must continue collecting and retaining L2 charging station data for each charging station's five-year operational commitment, notwithstanding that the obligation to file L2 reports may cease once all plugs have provided at least one year of operational data. Obtaining comprehensive program data is critical to advancing the consideration of a potential future Make-Ready Program.

The Commission agrees with the Joint Utilities that a structured cure pathway for Participants that fall below the 90 percent data reporting threshold is reasonable. A cure pathway will allow Participants a meaningful opportunity to demonstrate compliance while ensuring the obligation to provide complete data remains in effect. As explained in the Petition, "extending the required data reporting to a longer period would be a more equitable approach and provide an opportunity to maximize the level of reported data."[41] Accordingly, the Joint Utilities shall, in consultation with DPS staff, develop a cure pathway and incorporate the cure pathway into the Participant

[39] Make-Ready Order, p. 108.

[40] See Case 18-E-0138, JU Make-Ready Program Participant Guide (filed October 18, 2024), p. 9 (Participant Guide).

[41] Petition, p. 5.

Guide, Data Compliance Plan, and Implementation Plans, where relevant. The Commission underscores that the total months of data required is not absolved under a cure pathway and Participants must demonstrate clear ongoing data compliance while undertaking the cure pathway to remain in good standing.

Ongoing Network Service Provider and Participant Compliance

Concerning the 90 percent data reporting threshold for NSPs, Participants, and Approved Contractors to be eligible to participate in the Make-Ready Program going forward, the Commission agrees with the Joint Utilities that this requirement should be assessed on a Statewide basis across all Joint Utilities combined rather than on a utility-specific basis. This is consistent with the Make Ready Program's status as a unified Statewide program. Compliance shall be determined by calculating the individual NSP, Participant, or Approved Contractor's Total Monthly Data Points Reported across all its Make-Ready Program stations Statewide against the Total Monthly Data Points Required across the same stations, using the compliance formula established herein. Any NSP, Participant, or Approved Contractor that meets the 90 percent threshold on a Statewide basis will be eligible to participate in the resumed Make-Ready Program. Inversely, any NSP, Participant, or Approved Contractor that has met the 90 percent threshold in one or more utility territory but not 90 percent statewide, remains ineligible to participate until the threshold is met statewide.

The Commission restates the requirement from the March 2026 Order to maintain an up-to-date, publicly available list of NSPs eligible to participate in the Make-Ready Program. Once an NSP has achieved compliance with data submission requirements, the NSP shall receive an additional 90-day administrative hold before being eligible to be a party to new applications.

Developers, site owners, and site operators may only submit applications with an eligible NSP.[42]

Criteria for DCFC Program Resumption

Regarding the reopening of the DCFC Program, the Commission clarifies that the Joint Utilities should assess and apply the 90 percent data threshold on an individual utility basis, and that each utility must individually be at the 90 percent data threshold prior to the DCFC program re-opening Statewide. This ensures that all utilities meet the requirements of a Statewide program and avoids any potential market confusion associated with a staggered reopening. Additionally, having a Statewide reopening where each utility must achieve the 90 percent data reporting threshold mitigates any complications from a developer abandoning installations or an NSP declining to transmit station data in a territory that has not reached the 90 percent target threshold in favor of a utility territory that has reached such threshold. A detailed list of the conditions precedent for the DCFC program to reopen is provided in table format as Appendix A to this Order.

Timing of 30-Day and 60-Day Filings and Required Technical Conference

The Commission acknowledges that, subsequent to the filing of the Petition, the Secretary to the Commission granted the Joint Utilities extensions of various reporting requirements.[43] This Order recognizes those extensions and therefore establishes the following deadlines for the Joint Utilities: (1) the Data Compliance Plan, Participant Guide, and Implementation Plans, as detailed in the March 2026 Order and herein, shall be filed no later than 30 days from the date of

[42] March 2026 Order, p. 11.

[43] Case 18-E-0138, Ruling on Extension Request (issued May 22, 2026).

this Order, after consultation with DPS staff; (2) if each of the Joint Utilities have not met the 90 percent data threshold within 30 days of the issuance of this Order, the Joint Utilities shall submit a filing within 30 days of the issuance of this Order detailing the reasons for that delay and the expected date by which that threshold will be met; (3) the semi-annual reports, with both L2 and DCFC data, should be filed on March 1 and September 1 of each year until all charging stations have sufficiently met their respective data reporting and operational obligations; (4) the end of program reports shall be filed alongside the September 1, 2026 Semi-Annual Reports; and (5) the Joint Utilities shall convene a technical conference within 30 days of the filing of the Onsite Operational Verification Reports, as described in the March 2026 Order.[44]

The Commission clarifies that the remaining deadlines in the March 2026 Order that were not discussed above remain in place. Specifically, the onsite operational verification of a representative sample of Make-Ready charging stations shall be completed within 90 days of the March 2026 Order and the report describing the results of that verification shall be filed within 120 days of the March 2026 Order. Additionally, the time period used to determine initial eligibility for DCFC Program reopening and participation remains from January 1, 2024, through March 31, 2026.

Finally, the Commission expressly notes that the resumption of the DCFC Program is not subject to a fixed calendar deadline. The program may reopen as soon as DPS staff has verified that the 90 percent data threshold has been met by each utility and all other conditions, as described in Appendix A, have been satisfied.

[44] March 2026 Order, p. 14.

Applicability to Medium- and Heavy-Duty Pilot, Transit Authority, and Micromobility Programs

Lastly, the Commission grants the clarification requested in the Petition regarding confirmation that the March 2026 Order applies solely to charging stations participating in the light-duty Make-Ready Program. The March 2026 Order does not create new compliance obligations for participants in the Medium- and Heavy-Duty Pilot Program, Transit Authority Make-Ready Program, or Micromobility Program.

The Commission orders:

1. The Order Denying Petition and Making Other Findings issued by the Public Service Commission on March 23, 2026, is clarified, as discussed in the body of this Order, and the request for rehearing is otherwise denied.

2. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation shall, in consultation with Department of Public Service staff, file a revised Data Compliance Plan and Participant Guide to reflect the clarifications and modifications set forth in the body of this Order, no later than 30 days from the issuance of this Order. The Data Compliance Plan shall include an accompanying data dictionary and data reporting template, developed in consultation with Department of Public Service staff, to which all future Make-Ready Program submissions shall conform, as discussed in the body of this Order.

3. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and

Rochester Gas and Electric Corporation shall each file, after consultation with Department of Public Service staff, a revised Implementation Plan to reflect the clarifications and modifications set forth in the body of this Order, no later than 30 days from the issuance of this Order.

4. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation shall file Level 2 (L2) charging station data alongside Direct Current Fast Charger data through the existing semi-annual reporting schedule, with reports due on March 1 and September 1, until all L2 plugs in the Make-Ready Program have been installed and have provided at least one year of operational data, at which point the semi-annual reports are no longer required to include L2 charging station data, as discussed in the body of this Order. Notwithstanding the cessation of the L2 filing obligation, the Joint Utilities shall continue to collect and retain L2 charging station data for the duration of each station's five-year operational commitment as required under the Make-Ready Order.

5. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation shall file end of program reports by September 1, 2026, as discussed in the body of this Order.

6. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and

Rochester Gas and Electric Corporation shall file a Direct Current Fast Charger Program Status Report within 30 days of the issuance of this Order if each utility has not met the 90 percent data reporting threshold, as discussed in the body of this Order, detailing the reasons for the delay and an expected date by which the 90 percent data reporting threshold is expected to be met.

7. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation shall convene a technical conference within 30 days of the filing of the onsite operational verification reports, as described in the Order Denying Petition and Making Other Findings issued by the Public Service Commission on March 23, 2026, and discussed in the body of this Order.

8. 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.

9. This proceeding is continued.

By the Commission,

(SIGNED) MICHELLE L. PHILLIPS
Secretary

Appendix A

Table 1: Conditions to Reopen DCFC Program

#	***Conditions to Reopen DCFC Program***	***Responsible Party***	***Description***
1	Each utility achieves at least 90% data reporting compliance[1]	Joint Utilities	All DCFC stations, reporting period beginning January 1, 2024
2	Data Verification[2]	DPS Staff	Staff must verify that the 90 percent data reporting threshold has been met
3	Minimum 60-Day Waiting Period[3]	Joint Utilities	Program shall not reopen prior to May 22, 2026
4	Data Compliance Plan, Implementation Plans, and Participant Guide[4]	Joint Utilities	Filed within 30 days of the issuance of this Order
5	Director Confirmation Letter[5]	DPS Staff, Director of the Office of Markets and Innovation	Director letter filed upon submission and review of updated plans in accordance with this Order
6	Data Transmission Quality Controls[6]	Joint Utilities	Quality controls must be implemented
7	NSP, Approved Contractor, and Participant Eligibility[7]	Joint Utilities	Statewide list must be established prior to program reopening, and updated at least monthly

[1] Case 18-E-0138, Order Denying Petition and Making Other Findings (issued March 23, 2026), p. 10 (March 2026 Order).

[2] March 2026 Order, Ordering Clause 7.

[3] March 2026 Order, p. 10.

[4] March 2026 Order, pp. 12-13.

[5] March 2026 Order, pp. 13-14.

[6] March 2026 Order, p. 11.

[7] March 2026 Order, p. 11.