STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on March 19, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
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 DENYING PETITION AND MAKING OTHER FINDINGS

(Issued and Effective March 23, 2026)

BY THE COMMISSION:

INTRODUCTION

On February 24, 2025, the Joint Utilities,[1] submitted a petition requesting Public Service Commission (Commission) authorization to continue the electric vehicle (EV) Make-Ready Program, with modifications (the Petition). Specifically, the Petition requests that the Commission modify the Make-Ready Order so that the Joint Utilities can continue operating the Make-Ready Program after the assigned plug targets have been

[1] The Joint Utilities include Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), Niagara Mohawk Power Corporation d/b/a/ National Grid (National Grid), New York State Electric & Gas Corporation (NYSEG), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E).

met.[2] Currently, the Make-Ready Program is set to terminate when either the plug goals are met or budgets are depleted, whichever occurs first.[3]

By this Order, the Commission denies the relief requested by the Joint Utilities. Further, for the reasons discussed below, the Commission directs the Joint Utilities to: (1) discontinue accepting new applications to the level 2 (L2) component of the Make-Ready Program within 30 days of the issuance of this Order; (2) submit a revised Data Compliance Plan, Implementation Plan, and Participant Guide in conformance with the modifications and requirements discussed herein; and (3) temporarily halt the direct current fast charger (DCFC) portion of the Make-Ready Program.

BACKGROUND

The Make-Ready Order authorized programs and budgets for the Make-Ready Program. The Make-Ready Program, operated by the Joint Utilities, was created 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 and acknowledged that "electrification is key to decarbonizing the transportation sector, given the powerful progress and trajectory seen decarbonizing the power sector."[4]

The main focus of the Make-Ready Program is the installation of EV Infrastructure. At the time the Make-Ready

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

[3] Case 18-E-0138, Order Approving Midpoint Review Whitepaper's Recommendations with Modifications (issued November 16, 2023) (Midpoint Review Order), p. 12.

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

Order was issued, New York had targeted that 850,000 zero emissions vehicles (ZEVs) would be registered in New York by 2025.[5] The Make-Ready Order determined that there needed to be 44,280 workplace L2 plugs, 29,084 public L2 plugs, and 2,622 DCFCs to support this target.[6] After subtracting the public infrastructure already in service, the Make-Ready Order adopted plug targets in each of the Joint Utility's service territories.[7]

As part of the Make-Ready Order, the Commission directed Department of Public Service (DPS) staff to conduct a midpoint review of the program to ensure that the Make-Ready Program continued to remain effective in the continuously changing EV landscape and to provide an opportunity to propose program modifications and recommendations. Subsequently, the Midpoint Review Order made several modifications to optimize the Make-Ready Program. As relevant here, these modifications included expanded budget and plug target modifications, as well as focused data collection. The modifications to the data collection specifically addressed the data reporting requirements that the Joint Utilities reported as being more difficult to obtain, such as 15-minute interval data, financial data and information from co-mingled sites, among other things.[8] However, the Commission directed the Joint Utilities to continue to collect an assemblage of other data points to assist with assessment of the Make-Ready Program.[9] The Midpoint Review Order

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

[6] The Make-Ready Order determined that this target would consist of 13 percent plug-in hybrid EVs (PHEVs) with 20-mile range, 12 percent PHEVs with 50-mile range, 2 percent battery EVs (BEVs) with 100-mile range, and 73 percent BEVs with 250-mile range. Make-Ready Order, pp. 25-26.

[7] Make-Ready Order, p. 27.

[8] Midpoint Review Order, p. 70.

[9] Midpoint Review Order, pp. 71-74.

stated that the Joint Utilities will "continue to be required to collect data on programmatic maintenance and improvement categories, including: (1) program participation information and (2) plug and charging session data bifurcated by L2 and DCFC plugs.[10]

Additionally, to ensure that data was collected regularly, the Make-Ready Order stated that any Make-Ready Program participants that fail to provide the required data will not be eligible for new Make-Ready Program incentives and will either be subject to claw back of the make-ready payments received or revocation of service so that the station can be operated by an alternate market participant.[11] Data collection remained an important topic in the Midpoint Review Order. To ensure the data reporting requirements were observed, the Midpoint Review Order directed the development and filing of the Data Reporting Compliance Plan.[12] Consistent with the directives in the Make-Ready Order, the Midpoint Review Order stated that the Data Reporting Compliance Plan must include "the potential use of an incentive claw back mechanism for failing to comply with the data reporting requirements."[13]

Pursuant to the Make-Ready Order, the Make-Ready Program was set to conclude at the end of 2025. However, this firm deadline was modified as part of the Midpoint Review Order. The Midpoint Review Order created a program expiration based on budget or plug target (i.e., a utility's program was finished when it either utilized its entire budget or hit its plug target). This meant that a program could end before 2025 or

[10] Midpoint Review Order, p. 71.

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

[12] Midpoint Review Order, p. 74.

[13] Id.

could extend beyond 2025 depending on how prudently each utility spent its budget.

Finally, the Midpoint Review Order modified the plug targets previously established in the Midpoint Review Order.[14] As of February 2026, the Joint Utilities have installed a total of 27,654 L2 plugs, and 2,045 DCFC plugs.[15] In addition, the Joint Utilities report that they have committed to an additional 6,826 L2 plugs and 1,770 DCFC plugs.[16] New York currently has approximately 324,000 EVs registered, which includes approximately 118,00 PHEVs. This adoption rate is far fewer than the 850,000 previously targeted and is significantly more weighted to PHEVs than the original estimates had predicted.

THE PETITION

The Petition seeks Commission authorization to modify the Make-Ready Program. Specifically, the Joint Utilities request authorization from the Commission to: 1) continue to incentivize L2 and DCFC plugs using remaining authorized Make-Ready Program funds, once individual utility plug targets are 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. The Petition states that some members of the Joint Utilities expect to meet their plug targets, with a remaining budget, prior to

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[14] Id., p. 20.

[15] Joint Utilities of New York, EV Make-Ready Program, Program Overview, available at: https://jointutilitiesofny.org/ev/make-ready (Joint Utilities' Program Overview).

The Joint Utilities update the Program Overview on a monthly basis.

[16] Id.

December 31, 2025; the Petition acknowledges that at the time of the filing, some of the utilities were not expected to meet their plug targets until 2027.

The Joint Utilities reason that these modifications are necessary for two reasons. The first is to preserve the EV Infrastructure market installation rate momentum, and the second is to support continued EV adoption. The Petition reasons that using already-authorized funding to deliver plugs beyond the target can provide assurance to the market and continue the momentum achieved so far. Moreover, the Petition states that overachieving the Make-Ready Program plug targets brings the State closer to the initially modeled outcome. Finally, the Petition avers that because of the project cycle time between application and installation, incentivizing plugs beyond the plug target would allow the utilities to manage their program application queues and provide reliable customer experience.

The Petition also recognizes that there is an upcoming Make-Ready Program review to determine the future of the Make-Ready Program. The Petition states that without this extension, a pause to the Make-Ready Program during the program review period could cause disruptions in the statewide EV Infrastructure market, local workforce, and supply chain, while the next Make-Ready Program review is underway.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking (Notice) was published in the State Register on August 6, 2025 [SAPA No. 18-E-0138SP22]. The time for submission of comments pursuant to the Notice expired on October 6, 2025.

Moreover, comments were requested in a Notice Soliciting Comments issued by the Secretary to the Commission on

July 15, 2025 (Secretary's Notice). As it relates to the Secretary's Notice, the time for submission of initial comments expired on October 6, 2025, and the time for submission of reply comments expired on October 20, 2025.

Both initial and response comment summaries, as well as the responses to the Secretary's Notice, are summarized in the Appendix of this Order.

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. In particular, PSL §5 grants the Commission with 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." PSL §65 authorizes the Commission to ensure that every electric corporation furnishes and provides safe and adequate service, instrumentalities, and facilities at just and reasonable rates.

Further, PSL §66(2) grants the Commission authority to "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 Commission's determinations in this Order fall within the scope of this authority.

DISCUSSION

For the reasons discussed below, the Joint Utilities' request to extend the Make-Ready Program is denied. As a

threshold matter, the Commission notes 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. At this time, it is not clear that the Joint Utilities have done their due diligence in administering ratepayer funds in the Make-Ready Program.

Collection and regular submission of the required program data has been an ongoing issue since the beginning of the Make-Ready program.[17] As it relates specifically to the Petition before the Commission, there is insufficient data to reach an informed decision on the L2 program component. In particular, DPS staff has been unable to adequately report to the Commission on the level of usage at existing charger stations, what the up/down time was for charging equipment, if more plugs are needed to support market demand and if so where and at what site type, if plugs were installed resourcefully, or if the Make-Ready Program itself could be considered successful. While we suspect that the Make-Ready Program has been worthwhile, and there is *some* data to support that conclusion, there is no way to determine that result conclusively, especially for the L2 component of the program. Furthermore, the Joint Utilities scarcely utilized the regulatory measures available to them (e.g., the claw back of the Make-Ready incentives received if a participant fails to provide data).

The Commission further observes that the data collection issue is not new. However, the Commission previously attempted to work with the Joint Utilities to remedy the situation by modifying the data collection requirements in the Midpoint Review Order. It was understood during the Midpoint

[17] This issue was a major topic during a Midpoint Review Technical Conference. Case 18-E-0138, Joint Utilities Presentation (filed June 13, 2023).

Review that certain types of data were difficult to obtain. Consequently, the Midpoint Review Order eliminated the more difficult-to-obtain information while maintaining the data integrity needed to evaluate the efficacy of the Make-Ready Program. However, the Midpoint Review Order also explicitly stated that "[t]he Commission strongly upholds its stance that 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."[18]

Unfortunately, despite modifying the reporting requirements, the Joint Utilities neither gathered nor provided the required data. DPS staff also advises that, as part of its ongoing monitoring, it has been continuously urging the Joint Utilities to provide more and better-quality data. The Commission is concerned about the lack of data collection and disregard of the Midpoint Review Order requirements. While the Commission acknowledges stakeholders' full or partial support of the Petition, we see the Joint Utilities' lack of adequate data collection as an egregious matter.[19]

Level 2 EV Infrastructure

The Commission directs the Joint Utilities to permanently cease accepting applications for the L2 component of the Make-Ready Program within 30 days from the date of this Order. Moreover, the Commission denies the Petitioners' request to continue L2 Make-Ready Program component spending beyond the plug targets. However, the Commission directs that any completed applications received by the deadline above be allowed

[18] Midpoint Review Order, p. 70.

[19] On Friday, March 6, 2026, the Office of Investigation and Enforcement issued a Notice of Apparent Violation related to the utilities' data submissions and allegations concerning the absence of data and/or the utilities' submissions of inadequate or un-useful data.

to proceed through the application process, provided that the utility has budget remaining to provide incentives for such applications.

DCFC EV Infrastructure

The Commission notes that while there have also been data collection and submission issues with the DCFC component of the Make-Ready Program, the issues appear to have been meaningfully addressed prior to the issuance of this Order. Therefore, for the DCFC component of the Make-Ready Program, the Commission directs the Joint Utilities to cease the admittance of any new applicants within 30 days of the issuance of this Order. The Joint Utilities may not re-open the DCFC portion of the Make-Ready Program until each utility can 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 charger incentivized by the Make-Ready Program installed from January 1, 2024, through present. Additionally, before re-opening the DCFC program, the utilities must file the updated documents described below. Finally, the Joint Utilities may not reopen the DCFC portion of the Make-Ready Program sooner than 60 days after the issuance of this Order, even if they have reached the milestones described above.

Prior to resuming the acceptance of any new applications in the DCFC portion of the Make-Ready Program, the Joint Utilities shall implement controls sufficient to ensure that newly installed and energized chargers are properly transmitting required data. If the Joint Utilities cannot achieve the minimum 90 percent data threshold within the 60 days of the issuance of this Order, they shall submit a filing detailing the reason for that delay and an expected date by which they will meet that requirement. DPS staff must verify

that the 90 percent threshold has been met prior to the reopening of the program.

The Commission recognizes that the responsibility for data collection is multi-level. Those responsible may include network service providers (NSPs), developers, site owners, and site operators (i.e., other parties to Make-Ready Program applications). To ensure the parties responsible at different levels provide the necessary data to the utilities, the Commission directs the Joint Utilities to implement the following program modifications.

The Commission directs that when the DCFC Make-Ready Program component reopens, the Joint Utilities shall verify and allow only those NSPs that have met the 90 percent threshold of data submission to participate and be eligible to be a party to new applications and to receive Make-Ready Program incentives. Going forward, if any member of the Joint Utilities determines that any NSP participating in the program falls below this data submission threshold, all of the Joint Utilities shall place the NSP on ineligible administrative status that bars them from being a party to new applications to the Make-Ready Program until their required data submissions are brought into compliance. Once they have achieved compliance with the data submission requirement, the NSP will receive an additional 90-day administrative hold from date of compliance before they are eligible to be a party to new applications. The Joint Utilities are directed to maintain an up-to-date, publicly available list of the eligible NSPs. Developers, site owners, and site operators may only submit applications with an eligible NSP.[20] Similarly, the Joint Utilities are directed to hold other parties to a Make-Ready Program application to the standard of

[20] An NSP is eligible if it is on the public list maintained by the Joint Utilities.

90 percent threshold of data submission to participate and be eligible to be a party to new applications and to receive Make-Ready Program incentives.[21] Furthermore, the Joint Utilities are directed to revise Make-Ready Program acceptance procedures and withhold final payment until the first month of data has been successfully submitted for each charger.

Filing Requirements

With this action, the Commission directs the Joint Utilities to focus their attention on obtaining the data necessary to assess the Make-Ready Program's success and work with DPS staff to comprehensively analyze the data to determine the Make-Ready Program's impacts, charger use and session data, up/down time information, and other critical impacts of the Program. To ensure the success of this effort, and to provide all relevant information to the necessary parties, the Commission directs each of the Joint Utilities to file the following three documents: an updated Data Compliance Plan, an updated Implementation Plan, and an updated Participant Guide.

For the updated Data Compliance Plan, the Joint Utilities are directed to include:

- A detailed explanation of how the Joint Utilities will gather, provide, and analyze 90 precent of the historic L2 monthly data from January 1, 2024, through the date of the issuance of this Order;
- A proposed standardized data compliance model including machine-readable formats, data dictionary, and case-by-case data cleaning;
- Consistent definitions and calculation methods;

[21] This requirement ensures responsibility at every link of the data submission chain. Site owners and operators may only work with developers who have met the 90 percent threshold, and vice versa.

- Automated validation and error handling;
- Specified validation checks used to confirm that data is being transmitted and mapped correctly; and
- An established cure process and escalation path where data is missing or invalid.

For the updated Implementation Plan, the Joint Utilities are directed to include:

- Any changes in Make-Ready Program administration;
- New requirements for final acceptance and final payment of applications underway;
- Improved efforts to collect and analyze data, including an incorporation of the data compliance plan by reference; and
- Details related to a closed list of eligible NSPs; including how this closed list will be developed and implemented.

For the updated Participant Guide, the Joint Utilities are directed to include:

- New requirements for final acceptance and final payment of applications underway; and
- Controls sufficient to ensure that newly installed and energized chargers are properly transmitting required data.

The Joint Utilities are directed to update each of these three documents in consultation with DPS staff. The Joint Utilities are directed to submit a draft of these documents to DPS staff no later than 30 days from the issuance of this Order and a final draft filed with the Secretary to the Commission no later than 60 days from the issuance of this Order, or earlier if DPS staff has ensured that all the requirements established in this Order have been adhered to.[22] Additionally, the Joint

[22] The Joint Utilities may not file a draft later than 60 days without receiving an extension from the Secretary.

Utilities must obtain a letter from the Director of the Office of Markets and Innovation confirming that all three of these filings are consistent with the Commission's directives in this Order before they can reopen the DCFC portion of the Make-Ready Program.

Within 90 days of the issuance of this Order, each of the Joint Utilities shall conduct an onsite operational verification of a representative sample of its oldest installed Make-Ready-funded charging ports (including both L2 and DCFC, as applicable) to confirm that the stations are present, energized, and available for use. Before conducting such verification, the Joint Utilities shall develop the sampling approach in consultation with DPS staff. Within 120 days of the issuance of this Order, each utility shall file with the Secretary a report describing: (i) the sampling approach, (ii) the number and vintage of ports checked, (iii) the results (operational/not operational), and (iv) potential corrective actions and timelines for any non-operational ports. The Joint Utilities must discuss any potential corrective actions with DPS staff before acting.

Within 30 days after the filing of the above-referenced documents, the Joint Utilities, in consultation with DPS staff, shall convene a technical conference to address EV Infrastructure data standardization, compliance within the Make-Ready Program, and the operational verification.

Finally, to facilitate the ongoing program review, the Joint Utilities are directed to file the end of program reports for both the L2 and DCFC portions of the Make-Ready Program, as described in the Midpoint Review Order, by June 30, 2026. For the L2 portion of the Make-Ready Program, the Joint Utilities shall continue to file annual reports no later than June 30 of each year until all plugs in the L2 component of the program

have been installed and have provided at least one (1) year of operational data. For the DCFC portion of the Make-Ready Program, the Joint Utilities are directed to continue the semi-annual filing cadence, with reports due on September 1 and March 1 of each year.

To ensure the Joint Utilities remain on track, the Commission directs the Joint Utilities and DPS staff to continue the already-existing oversight meetings to ensure satisfactory resolution of collecting and analyzing the Make-Ready Program data.

Plug Target Analysis

Notwithstanding the issue of data collection and reporting, the Commission finds that an extension of the L2 portion of the Make-Ready Program is not needed at this time. The Commission notes that between the time the Petition was filed and the issuance of this Order, the Joint Utilities have largely met their L2 plug targets set in the Midpoint Review Order when accounting for committed and completed plugs.

The table below reveals that, when including both plug completions and commitments, the Joint Utilities have collectively surpassed 90% of the total L2 plug target.

Table: Progress to L2 Plug Targets[23]

Utility	Progress to Target - Completed L2 Plugs	Progress to Target - Committed + Completed L2 Plugs
Central Hudson	41.4%	56.3%
Con Edison	76.2%	97.0%
National Grid	88.0%	99.0%
NYSEG	48.1%	58.6%
O&R[24]	76.0%	100.0%
RG&E	45.6%	65.7%
Utility Total	**72.1%**	**89.9%**

While DCFC plug deployments have increased relative to those observed at the time of the Midpoint Review Order, as seen in the table below, they lag behind the pace of L2 deployments relative to achieving plug targets.

[23] Joint Utilities' Program Overview.

[24] O&R's Make-Ready Program is slightly different than the rest of the Joint Utilities. The Commission approved modifications to O&R's Make-Ready Program in the January 2025 Order. Namely, the Commission authorized O&R to continue operating its Make-Ready Program after it had hit its plug target. This table measures progress to achieving plug targets and therefore does not include those incremental commitments. Case 18-E-0138, Order Modifying Make-Ready Program (issued January 24, 2025) (January 2025 Order).

Table: Progress to DCFC Plug Targets[25]

Utility	Progress to Target - Completed DCFC Plugs	Progress to Target - Committed + Completed DCFC Plugs
Central Hudson	33.4%	83.7%
Con Edison	20.9%	46.1%
National Grid	58.2%	74.6%
NYSEG	55.7%	99.7%
O&R	17.1%	82.4%
RG&E	18.2%	42.7%
Utility Total	**28.1%**	**61.3%**

As it relates to these targets, the Commission also recognizes that the number of plugs authorized in the original Make-Ready Order were intended to support a larger number of vehicles, and a mix more heavily weighted to BEVs versus PHEVs. As previously discussed, New York had targeted 850,000 EVs registered by 2025. There are approximately 324,000 EVs registered in New York, less than half of the target. Therefore, at this time, there is no reason to continue the L2 portion of the Make-Ready Program as the number of plugs has far outpaced EV adoption.

The Commission also recognizes that additional federal funding and New York State Bond Act Funding have since been authorized to support additional build out of EV infrastructure beyond the rate payer funded programs. Additionally, the Commission is not the only New York State entity encouraging

[25] Id.

investment in EV Infrastructure. NYSERDA has a DCFC program, the Charge Ready NY program, and is supporting L2 charger deployment through the Sustainable Future Program.[26] The New York Power Authority (NYPA),[27] Office of General Services (OGS),[28] Department of Environmental Conservation (DEC),[29] Department of Transportation (DOT),[30] and the Department of Tax and Finance (DTF),[31] all have invested in and/or developed EV Infrastructure. Taking this additional investment into account, it is even more clear that the L2 portion of the Make-Ready Program should end.

Make-Ready Program DPS Staff Whitepaper

While the Joint Utilities are the current administrators of the Make-Ready Program, DPS staff has a responsibility to oversee and ensure that the funds spent by the Joint Utilities as part of the Make-Ready Program are done so in a way that benefits New Yorkers, effectively supports New York State's climate goals, is appropriately sized to match actual EV adoption rates and charging needs to date, encourages continued EV adoption, and recognizes the impact on ratepayers. One of

[26] NYSERDA, Charging Station Programs, https://www.nyserda.ny.gov/All-Programs/Charging-Station-Programs.

[27] NYPA, Evolve NY, https://evolveny.nypa.gov/.

[28] OGS, Employee Zero-Emission Vehicle Charging Program, https://ogs.ny.gov/parking/employee-zero-emission-vehicle-charging-program.

[29] DEC, Municipal Zero Emission Vehicle Program, https://dec.ny.gov/environmental-protection/climate-change/resources-for-local-governments/grants-for-climate-action.

[30] DOT, New York State Plan for Electric Vehicle Infrastructure Deployment, https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/ChargeNY/New-York-State-EV-Infrastructure-Deployment-Plan---September-2025.pdf.

[31] DTF, Alternative Fuels and Electric Vehicle Recharging Property Credit, https://www.tax.ny.gov/forms/current-forms/ct/ct637i.htm.

the main ways that DPS staff upholds this responsibility is by conducting thorough reviews and regular monitoring of all aspects of the Make-Ready Program.

Comprehensive program reviews and ongoing monitoring are unquestionably necessary to ensure that programs paid for by ratepayers are meeting program objectives, program spending is prudent, and that programs continue to remain within the public's interest. The most effective way to determine program effectiveness is to analyze program data, especially charger session data and uptime/downtime for chargers. The Commission further notes that with the forthcoming DPS Staff Whitepaper there will be ample opportunity for stakeholders to comment on future program needs as well as key attributes needed to define success of any potential future program.

CONCLUSION

The Commission acknowledges the stakeholder comments supporting the continuation of the Make-Ready Program. However, because of the data challenges and the fact that the plug targets have effectively been met, at this time, the Commission finds that additional expenditures of ratepayer funds will not serve the public interest. The future of the Make-Ready Program is being examined by DPS staff, while stakeholders will have an opportunity to provide input on the forthcoming DPS Staff Whitepaper.

The Commission orders:

1. The petition to modify the Make-Ready Program is denied in its entirety, as discussed in the body of this Order.

2. 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 shall permanently cease accepting applications for the Level 2 component of the Make-Ready Program within 30 days from the date of this Order, as discussed in the body of this Order.

3. 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 shall cease the admittance of any new applicants for the Direct Current Fast Charger component of the Make-Ready Program within 30 of the date of this Order, as discussed in the body of this Order.

4. 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 shall not accept new applications for the Direct Current Fast Charger component of the Make-Ready Program until the conditions discussed in the body of this Order have been met.

5. 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 shall implement controls sufficient to ensure that newly installed and energized chargers are properly transmitting required data prior to resuming the acceptance of any new applications in the direct current fast charger portion of the Make-Ready Program, as discussed in the body of this Order.

6. 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 shall submit a filing consistent with the directives in the body of this Order if they cannot achieve the 90 percent data threshold for the direct current fast charger portion of the Make-Ready Program within the 30 days.

7. Department of Public Service staff shall verify that 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 have each met the 90 percent threshold prior to the reopening of the direct current fast charger portion of the Make-Ready Program, as discussed in the body of this Order.

8. 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 shall allow only those Network Service Providers who have met the 90 percent threshold of data submission to participate and be eligible to be a party to new applications and to receive Make-Ready Program incentives for the direct current fast charger portion of the Make-Ready Program, as discussed in the body of this Order.

9. 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 shall each prepare an updated Data Compliance Plan, consistent with the discussion in the body of this Order, in consultation with Department of Public Service staff, a draft of which shall be due no later than 30 days from the issuance of this Order and a final version of which shall be filed with the Secretary to the Commission no later than 60 days from the date of issuance of this Order.

10. 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 shall each prepare an updated Implementation Plan, consistent with the directives in the body of this Order, in consultation with Department of Public Service staff, a draft of which shall be due no later than 30 days from the issuance of this Order and a final version of which shall be filed with the Secretary to the Commission no later than 60 days from the issuance of this Order.

11. 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 shall each prepare an updated Participant Guide, consistent with the directives in the body of this Order, in consultation with Department of Public Service staff, a draft of which shall be due no later than 30 days from the issuance of this Order and a final version of which shall be filed with the Secretary to the Commission no later than 60 days from the issuance of this Order.

12. 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 shall obtain and file a letter from the Director of the Office of Markets and Innovations confirming that the updated Data Compliance Plan, Implementation Plan, and Participant Guide conform to the Commission's directives, as discussed in the body of this Order.

13. 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 shall conduct an onsite operational verification of a representative sample of its oldest installed Make-Ready-funded charging ports within 90 days of the issuance of this Order, consistent with the discussion in the body of this Order.

14. 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 shall file a report describing the onsite operational verification including: (i) the sampling approach, (ii) the number and vintage of ports checked, (iii) the results (operational/not operational), and (iv) corrective actions and timelines for any non-operational ports within 120 days of the issuance of this Order.

15. 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 shall convene a technical conference consistent with the discussion in the body of this Order.

16. 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 shall file the end of program reports, as described in the Midpoint Review Order, with the Secretary to the Commission by June 30, 2026.

17. 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 shall continue to file annual reports with the Secretary to the Commission no later than June 30 of each year, consistent with the discussion in the body of this Order.

18. 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 shall continue the already-existing oversight meetings to ensure satisfactory resolution of collecting and analyzing the Make-Ready Program data.

19. 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.

20. This proceeding is continued.

By the Commission,

(SIGNED) MICHELLE L. PHILLIPS
Secretary

APPENDIX

COMMENTS IN RESPONSE TO NOTICE SOLICITING COMMENTS

Alliance for Clean Energy New York and Advanced Energy United (ACE NY and United)

ACE NY and United support the JU Petition to continue incentivizing plugs while the review of the Make-Ready Program is occurring, stating that continuing plug deployments will provide market certainty, maintain program momentum, and facilitate continued EV adoption in New York. Additionally, ACE NY and United assert that if there is a discontinuation of plug deployments during the program review period, the charging infrastructure that is needed to meet the needs of current and prospective EV owners is unlikely to be deployed.

ACE NY and United emphasize that the Make-Ready program has been very successful, but that the elimination of federal electric vehicle tax credits and the continued existence of range anxiety are hurdles that need to be addressed. ACE NY and United assert that the expansion of charging infrastructure across New York can continue to increase EV ownership despite the repeal of federal tax credits. ACE NY and United proffer that the continuation of the Make-Ready Program will provide certainty for the electric vehicle market.

American Council for an Energy Efficient Economy (ACEEE)

ACEEE supports the Joint Utility petition to extend the Make-Ready Program and continue investing in EV charging infrastructure with remaining budgets. ACEEE states that more charging infrastructure is needed and that using the future-proofing budgets for additional Level 2 plugs would maximize the program's benefits and support the state’s climate goals without requiring additional ratepayer dollars than what has already been previously authorized. ACEEE argues that future-proofing funding funds would be better used for incentives that are in

higher demand and additionally recommends not making any program modifications during the extension period as any changes could potentially be counterproductive and confusing.

ACEEE asserts that Make-Ready investments are critical to expanding charging infrastructure necessary for EV adoption. Additionally, ACEEE supports forward-looking investments in EV charging infrastructure, even with potentially lower short-term utilization rates, especially in multi-family housing.

Alliance for Transportation Electrification (ATE)

ATE supports the Petition and asserts that continuing the Make-Ready Program will help maintain momentum in a growing market to meet the needs of EV drivers in New York.

Consolidated Edison Company of New York (Con Edison)

Con Edison asserts that EV adoption has increased in its territory since the start of Make-Ready Program, stating that there is a 50 percent compounded annual growth rate between 2021-2024. Con Edison asserts that the number of EVs on the road is consistent with the Electric Power Research Institute (EPRI) 2023 outlook for its territory. Con Edison claims that despite the repeal of the federal tax credits for EVs and introduction of tariffs affecting the auto industry, EV adoption is expected to continue, albeit at a slower pace.

According to Con Edison, one segment in its service territory where EV adoption will continue to occur in significant numbers is by drivers for ride hailing companies who are required to comply with the Taxi and Limousine Commission's Green Rides Initiative. Con Edison states that by 2030, over 60,000 ride-share EVs may be necessary to support the ride-share market and that it is therefore important for L2 and DCFC installations to match this level of adoption. Furthermore, Con Edison contends that nearly 75 percent of for-hire drivers live

in MUDs which showcases a need for public L2 charging to be installed at or near the MUDs. Therefore, Con Edison proposes continuing the Make-Ready Program and providing incentives to install EV charging in visible locations in order to decrease barriers to EV adoption.

Con Edison recommends adopting a methodology to estimate charging need that factor in the lead time to install chargers and for drivers to purchase an EV in response. Con Edison contends that drivers will wait for sufficient charging infrastructure before purchasing an EV and that a one-year lead time should be considered in response to this factor. Con Edison asserts that continuing the Make-Ready Program as proposed in the Petition would allow incremental plugs now that would support further incentive commitments in 2026, energization of chargers in 2027, and associated vehicle adoption in 2028.

Con Edison argues that a fast-growing EV market without the necessary EVSE deployments to support it carries more consequences than installing chargers ahead of EV adoption. Con Edison warns that insufficient chargers could lead to significantly higher costs to install chargers due to sudden increased demand and a worsened experience for existing EV drivers that could depress future EV adoption. Con Edison asserts that making adjustments to the Make-Ready Program could risk stalling EVSE deployments while the market responds to the changes and that this associated pause could lead to insufficient charging availability to support upcoming EV adoption.

Con Edison states that approving the petition would also give it and the market the opportunity to test new approaches of cost efficiency. Con Edison asserts that testing

cost optimizations within the current program structure would avoid the warned consequences of a program pause while potentially providing learnings to inform the overall review of the Make-Ready Program. Con Edison argues that a consequence of starting to place new L2 projects on a waitlist in April 2025 led to an uptick in applications for neighboring Make-Ready Programs. According to Con Edison, PSE&G in New Jersey experienced about three times the number of developers participating in its programs in June 2025 compared to one-year prior. Con Edison stresses that continuing the Make-Ready Program would continue New York on a path to realize the benefits of EV adoption such as lower costs for EV drivers relative to internal combustion engines and improvements in air quality.

ChargeSmart EV

ChargeSmart EV states that the Make-Ready Program has been effective but asserts that NYSERDA program rules have led some sites to no longer be eligible for the up to 90 percent incentive tier. ChargeSmart EV recommends coordinated discussions between the utilities and NYSERDA to realign program requirements to expand program eligibility. ChargeSmart EV asserts that increasing incentive levels from 50 percent to 70 percent would make more projects feasible and accelerate adoption of EVs in New York.

ChargeSmart EV agrees with the Petition's request to allow funds previously authorized for future proofing to be spent towards more L2 plug installations. ChargeSmart EV contends that the presence of waitlist in Con Edison's, National Grid's, and Orange & Rockland's respective Make-Ready Programs indicates that interest in incentive exceeds the established program plug targets and budgets.

ChargeSmart EV recommends that the utilities should streamline enrollments for other EV offerings such as the EV Phase-in-Rate by integrating enrollment for these programs with Make-Ready applications and providing more reminders such as through mailers or email. ChargeSmart EV contends that National Grid has recently achieved reductions in per-plug incentives and that this is a potential pathway that all the programs could follow to reduce costs. ChargeSmart EV recommends that advanced notice on changes be provided and that current applications be given the opportunity to move forward at the existing incentive amounts offered by the respective programs.

ChargeSmart EV asserts that L2 charging is most effective where drivers naturally dwell for extended periods such as hotels, workplaces, and multi-unit dwellings. ChargeSmart EV states that these types of sites are also aligned with the incentives that NYSERDA offers which further reinforces installation of chargers at these locations. ChargeSmart EV states that it has observed many sites in disadvantaged communities receiving the same incentives as sites not located in disadvantaged communities and recommends additional incentives, such as on-bill credits, which could improve equity outcomes.

DVM Industries (DVM)

DVM is supportive of the Petition and supports prioritizing public garages and multiunit dwellings as incremental Level 2 plug deployments. DVM states that these segments of Level 2 chargers are important for allowing residents of multi-unit dwellings to adopt and charge EVs, while chargers in public garages are important for commuter, fleet, and ride-share drivers. DVM highlights that the flexibility of the Make-Ready Program and the future-proofing incentives have

allowed the creation of charging sites that meet the individual needs. DVM notes one example of a multiunit dwelling that it developed a site for that had 80 deeded spaces. DVM states that it installed 20 chargers with cables capable of reaching all the spaces and utilized future-proofing for junction boxes and conduits to allow for the site to be expanded in the future. DVM states that without incentives, investments at multiunit dwellings may cease and future sites may include fewer charging ports or be less efficient.

DVM additionally highlights Local Law 97 in New York City as a potential competing need for investment and asserts that Make-Ready Program incentives are important for continuing the deployment of EV chargers given the competing investment needs. As an example that chargers at public garages or multi-unit dwellings lead to increases in EV adoption, DVM includes figures of utilization at its sites as an appendix. All three of DVM's figures include a measure of charger utilization from starting points in either 2023 or 2024 through quarter 3 of 2025 and showcase a general upward trend in utilization.

Environmental Defense Fund (EDF)

EDF states that it supports the Petition to continue installation of charging stations beyond the established targets. EDF also recommends beginning the Make-Ready Program Review to avoid future abrupt changes in incentive availability, and to consider what further support is appropriate and necessary for the light-duty charging sector. EDF states that there is a continued need for L2 chargers and added that more chargers will be needed in order for New York to meet its climate goals. EDF states that the review of the Make-Ready Program should account for industry trends such as the California Energy Commission's inclusion of a gas station model

in statewide charging need assessments. EDF also encourages DPS staff to collect data on charger utilization to understand driver preferences as part of the Make-Ready Program review. EDF asserts that abruptly ending program incentives would likely hurt EV charging developers and ratepayers more broadly and cites research from Synapse which contends that EV charging customers contribute more than their associated costs.

EDF emphasizes that the program funds have been used efficiently as evidenced by the remaining budgets and that this suggests the utilities have efficiently utilized ratepayer funds. EDF agrees that the utilities should continue to offer future-proofing incentives, stating that future proofing is beneficial in both the light-duty and the MHD markets. However, EDF asserts that in instances where futureproofing is not being fully utilized, these funds should be repurposed for incremental plugs. EDF suggests that the Commission could direct the utilities to limit incentives for sites that have already received Make-Ready Program incentives to no more than 10 percent of the original incentive. EDF asserts that this site-specific cap would act uniformly to the future proofing cap and would leave projects on an equal footing with those choosing to instead use the funds for future proofing.

Electrify America

Electrify America recommends that Make-Ready Program incentives should prioritize publicly available DCFC infrastructure. Electrify America asserts that this approach provides the greatest benefit to the public. Electrify America also recommends prioritizing infrastructure in disadvantaged communities and supports targeted incentive adders for projects with faster time to energization. Electrify America opposes incremental incentives for Level 2 chargers and non-public

infrastructure such as fleet charging. According to Electrify America, non-public and Level 2 investments distract from meeting the statewide DCFC target. Electrify America asserts that visible public fast charging is the most impactful for potential EV adopters and urges the Commission to focus on incentivizing more plugs in this sector.

Electrify America recommends allocating a portion of program funds to interconnection costs at public DCFC which prioritize sites in disadvantaged communities or charging deserts. Electrify America also supports transparent reporting of time to energization, station uptime, and site utilization for sites that receive incentives. Electrify America is supportive of plug distribution aligned with demonstrated demand and equity needs noting that, despite the number of plugs already installed since the start of the program, there remains a need for more public DCFC to satisfy demand and increase the viability of EV adoption.

EVgo

EVgo supports continuing the Make-Ready Program through 2030 to maintain a supply of chargers that meets EV demand. EVgo points to comments filed by Con Edison which note that EV growth is expected to continue despite changes to federal policies. According to EVgo, charging on its public network has grown by 2.5x over the last two years. EVgo further states that New York had a higher growth in unique customers year over year than the EVgo network average. EVgo additionally points to research finding that EV adoption has been outpacing associated DCFC infrastructure needed to support anticipated growth.

EVgo asserts that incentive programs supporting the deployment of charging infrastructure are ultimately a net

benefit to ratepayers. EVgo states that the Make-Ready Program fosters private investment in EV charging and facilitates broader EV adoption and increased charging. EVgo states that increased EV charging increases the electric load and spreads system costs over a greater volume of customers. According to EVgo, this will cause downward pressure on rates. EVgo additionally points to research highlighted in other comments, such as by the Environmental Defense Fund, that utility revenues from EV adoption exceed utility costs and provide net benefits to ratepayers.

EVgo states that, should the Commission pursue competitive evaluation of application to optimize remaining funds, metrics should be measurable and objective such as previous exaction experience, amenities, equity, or cost. EVgo recommends prioritizing public DCFC and asserts that public DCFCs are particularly important for residents of multifamily homes in dense urban and suburban areas. EVgo encourages providing higher incentives to sites with higher-power charging infrastructure and to sites located in disadvantaged communities. However, EVgo recommends against imposing geographic limitations on projects. According to EVgo, charging providers evaluate a wide range of factors that can influence the potential need for a site and warns that geographic restrictions can limit potential site availability. EVgo additionally warns against the use of charger utilization as a metric as it can be difficult to estimate, is not verifiable until after installation, and lacks a standard reporting methodology. EVgo also warns that high utilization can indicate site congestion which the program could inadvertently encourage if it is used as a metric.

Flash Parking

Flash Parking supports the Petition and asserts that New York City is a particularly challenging location to install chargers in without Make-Ready Incentives. Flash Parking asserts that Future Proofing funds would be more impactful if purposed for additional plugs capable of being used immediately.

Ford

Ford supports the Joint Utility Petition and states that continued incentives for charging infrastructure remains essential to accelerating EV adoption. According to Ford, infrastructure costs and complexity are among the most significant barriers that customers face when considering adopting EVs. Ford states that it has direct experience of challenges and uncertainty related to infrastructure leading to project cancellations or delays. Ford identifies that infrastructure incentives can increase confidence in projects and improve customer confidence in projects. Ford asserts that Make-Ready Program pauses and budget gaps erode confidence and planning and urges the Commission to extend and refine the Make-Ready Program. Ford states that Level 2 light-duty fleet depot charging should be prioritized by the program, including support for take-home fleet vehicles particularly at multi-unit dwellings.

Gravity

Gravity recommends that the Make-Ready Program should fund charging technology and models that allow for fast and reliable charging that are on par or better than gasoline refueling. Gravity also states that technology that utilizes EVs as grid assets should be prioritized rather than technology that only increases peak loads. According to Gravity, incentives should prioritize 500 kW-capable fast chargers with modular bidirectional capabilities. Gravity favors supporting

this segment of fast charging over additional Level 2 chargers once the original targets are met. Gravity states that EVs have changed since the original design of the Make-Ready Program and now have larger battery packs with steeper charging curves. Gravity asserts that this new composition of vehicles can now take up to 10 hours to charge with Level 2 chargers therefore making DCFCs more important. Gravity states that, especially in urban areas, multi-family drivers and for-hire/fleet vehicles are not always able to rely on overnight home charging and need short, reliable stations that are closer to the gas-station experience. Gravity argues that DCFC should ultimately be prioritized over L2 charging because public space is scarce, grid objectives have matured, customer expectations are higher, and lifecycle performance should be emphasized.

INF Associates LLC (INF)

INF notes that it has been actively involved in deploying EV charging in New York and has observed positive impacts from the installed charging. INF notes that site hosts at locations where it has installed EV charging have reported new tenants and customers that cited available charging infrastructure as a deciding factor in their engagement. INF states that for multiunit dwellings, charging has become a key amenity as a factor in lease decisions and that available charging has driven incremental traffic for retail and commercial sites. According to INF, several organizations that it has installed charging infrastructure for have shared that employees purchased or leased EVs only after workplace charging became available. INF also notes that some businesses have started to transition delivery and service fleets to EVs utilizing the charging infrastructure it has installed.

INF states that it has observed steady and increasing utilization rates at many of its sites, and that some experience queuing during peak hours. INF states that while queueing does demonstrate high EV adoption, it also shows the importance of keeping charger deployments at pace with EV adoption. INF additionally states that there are economic benefits to EV charging. INF asserts that retailers and site hosts have reported that EV drivers have often extended their dwell times and made purchases or used amenities while charging.

According to INF, public EV chargers are often used by residents without access to at home charging. INF states that public sites are important for ensuring equitable access to EV charging. INF also states that hosting EV chargers at your location leads to improved sustainability visibility and helps align locations with environmental and social responsibility goals. INF asserts that, based on the above observations, EV charging should be recognized as an environmental and economic development driver, program design should help site hosts plan for scalable expansion, equitability access should be continuously prioritized, and that processes should be streamlined to match the pace of EV adoption. INF states that the Make-Ready Program has generated significant positive benefits and that continued investment and refinement will accelerate the program in meeting state goals.

It's Electric, Inc. (It’s Electric)

It’s Electric supports the Joint Utility Petition and states that curbside charging should be prioritized to serve drivers without private access to at-home charging. It’s Electric states over one million drivers park on the street in New York City and that curbside charging is essential to helping these vehicles electrify. DVM states that regulatory policies

should both spur innovation and account for a realistic pace of adoption as guiding principles.

Joint Utilities

The Joint Utilities state that approval of its Petition would support market and Make-Ready Program continuity, promote progress on the buildout of EV charging infrastructure, and promote alignment with the review of the Make-Ready Program that DPS staff is tasked with conducting. The Joint Utilities state that it has collectively installed 23,644 Level 2 plugs and 1,603 DC Fast Chargers between the time of writing and the original Make-Ready Order which was issued in 2020. According to the Joint Utilities, this represents 61 percent of its Level 2 plug goal and 25 percent of its DC Fast Charger plug goal. The Joint Utilities state that these plugs support the charging needs of the approximately 214,000 light duty EVs registered in its service territories and a five times increase of EVs on the road since 2020. The Joint Utilities cite the Draft State Energy Plan which states that public and private investments will be needed to achieve the desired emission reductions.

The Joint Utilities cite studies which find that EV adoption could promote long-term savings such as an estimate from the Rocky Mountain Institute that EVs will produce about $330 in annual savings to a driver in 2025 and approximately $750 in annual savings in 2030 relative to an internal combustion engine. The Joint Utilities also reference a study by Synapse which, according to the Joint Utilities, finds that EV adoption may drive down electric rates. The Joint Utilities assert that the Petition will allow the utilities to continue to make investments beyond plug targets and within approved budgets and will allow the deployment of chargers needed for future EV drivers.

The Joint Utilities assert that consumers often consider the availability of EV charging as one of their primary factors when considering purchasing an EV and that access to charging leads many drivers to consider the purchase of an EV. To support this position, the JU cites a number of studies and surveys which discuss the relationship between EV charger deployment and consumer EV adoption.[32] Therefore, the Joint Utilities assert that EVSE installation must lead EV adoption and cite to additional sources to support this argument.[33] The Joint Utilities assert that this is true between both L2 and DCFC charging and regardless of site type, both public and private, and cites sources in support of this.[34]

The Joint Utilities note that the L2 program are trending towards meeting the respective Level 2 plug targets under budget and that this is evidence that incentives have trended below the assumptions used to calculate the budgets. According to the Joint Utilities, past program cost managements along with the positive externalities it claims is associated with additional EV charger deployments are reasons the Commission should grant the Petition.

The Joint Utilities provide program modifications that the Commission could consider for plugs committed beyond the Midpoint Review Order's plug targets and divides these recommendations between Central Hudson, National Grid, NYSEG, and RG&E (Upstate Utilities) and Con Edison and O&R (Downstate Utilities). The Joint Utilities recommendations for the Upstate Utilities are to reduce the public L2 incentive tier to up-to-75

[32] Case 18-E-0138, JU MRP Extension Comments-Responses (Filed October 6, 2025) (Joint Utility Comment), pp. 4-6.

[33] Id., pp. 5-6.

[34] Id., p. 6.

percent and to allow all multi-unit dwellings, including those not located in a disadvantaged community or not meeting the low to moderate income (LMI) criteria. The Joint Utilities' recommendation for the Downstate Utilities is to offer a fast-track rebate at a lower value than the 50 percent incentive tier for small, non-public L2 stations and for all publicly accessible DCFC plugs to only receive up to a 90 percent incentive regardless of location. According to the Joint Utilities, public DCFC stations constructed either inside or outside of disadvantaged communities incurred comparable costs.

The Joint Utilities additionally provide cost containment strategies for the Downstate Utilities. The first recommendation would be for Con Edison to test lower incentive caps for new construction projects in its service area relative to the incentive cap for projects that retrofit a site, excluding LMI apartment buildings which the Joint Utilities propose would continue to receive the same incentive amount they are currently eligible for. According to Con Edison, new construction is the preferred time to install EV chargers, and it has observed that the majority of L2 projects that proceed to service requests without receiving Make-Ready Program incentives are new construction projects. Con Edison proposes excluding projects where EV charging is the primary focus or any building where EV charging makes up over 50 percent of the load from the test of lower incentive caps. Con Edison additionally proposes offering a lower incentive cap to plugs that exceed a threshold number at non-public sites given its observation that sites with high plug counts often experience lower initial utilization. Con Edison proposes that fleet sites not be included in this and continue to be eligible for current incentive criteria.

Finally, the Joint Utilities propose eliminating some bonus adders such as the large project bonus adder.

The Joint Utilities request that the Commission authorize them to institute an approved provider list such that new projects must use a pre-approved NSP that has demonstrated capability to meeting the data reporting requirements.

City of New York (City)

The City of New York supports the Joint Utilities' Petition and emphasizes the Make-Ready Program as critical to meeting State climate goals. The City states that the Make-Ready Program has so far been successful in deploying charging infrastructure and recommends the approval of the Petition to support existing and anticipated EVs on the road. The City notes that its involvement in the vehicle electrification sector ranges from the Department of Citywide Administrative Services operating over 5,000 EVs and over 2,000 charging ports, the NYC Department of Transportation's ongoing work with the New York Power Authority to develop up to 18 DCFC sites, and an on-street charging pilot in partnership with Con Edison. The City also notes that the Green Rides Initiative will require all rideshare trips in New York City to be conducted by either zero-emission or wheelchair accessible vehicles by 2030. The City recommends building off the past momentum of the Make-Ready Program by approving the Petition to deploy additional charging infrastructure.

New York State Federation of Taxi Drivers (Federation of Taxi Drivers)

The Federation of Taxi Drivers states that large numbers of the drivers it represents have adopted EVs and have faced insufficient charging infrastructure. According to the Federation of Taxi Drivers, Con Edison's Make-Ready Program has

been successful in deploying chargers to work towards bridging that gap. According to the Federation of Taxi Drivers, the number of Level 2 plugs on Con Edison's waitlist is evidence of a clear demand for additional charging infrastructure. The Federation of Taxi Drivers states that it strongly supports the Petition and requests the Commission to prioritize driver communities in future infrastructure planning. The Federation of Taxi Drivers notes that low-income communities are among those most impacted by air pollution and negative health impacts associated with vehicle emissions and therefore emphasizes the electrification of the transportation sector as both a health and economic priority.

Tesla

Tesla states that it is partially supportive of the Petition but recommends that funding for DCFC deployments be prioritized to meet the charging needs of urban residents, fleet operators, and long-distance drivers. Tesla states that public funding is important for building a robust charging network and asserts that Make-Ready Program incentives will accelerate infrastructure deployment, expand access to charging in underserved areas, and support clean manufacturing jobs in the state.

Uber Technologies, Inc. (Uber)

Uber supports the Petition and recommends ensuring that both Level 2 and Direct Current Fast Chargers are deployed to meet the charging needs of the rideshare sector in particular. Tesla notes that Uber and other high-volume for-hire vehicle companies are subject to the Green Rides Initiative which requires all trips to be provided by zero-emission or accessible vehicles by 2030. Uber notes that it already has more than 10,000 monthly active drivers in New York operating

zero-emission vehicles and that a dramatic expansion of both DCFC and Level 2 chargers will be required to support the number of EVs anticipated by 2030. Uber states that charging has been identified as the primary barrier to EV adoption by its drivers, even ahead of vehicle cost and that without convenient charging, the state will not achieve EV adoption aligned with its goals. Uber states that its drivers travel more miles than the average driver and are heavily reliant on public DCFCs as they allow for drivers to charge quickly during idling time. Uber emphasizes that chargers at airports, downtown cores, and high-demand travel corridors are especially important.

Uber states that it has developed an internal planning tool called the Electric Vehicle Infrastructure Estimator, or EVIE, to project charging needs for its drivers. Uber states that in a 100 percent EV adoption scenario for its New York City drivers, charging needs would be split evenly between near-home Level 2 charging and near-trip DC Fast Charging. Uber asserts that roughly 500 fast chargers would be needed in and around the LaGuardia and JFK airports and within the downtown cores to sustain EV adoption among rideshare drivers. Uber additionally states that near-home charging is important for rideshare drivers and that the most cost effective and convenient time to charge is overnight. Uber states that one in three of its drivers surveyed in New York City report having access to dedicated parking and that the Make-Ready Program can enable charging deployments to support these drivers. Uber also asserts that its survey data has found that drivers with home charging are most satisfied with purchasing an EV. However, Uber notes that most of its drivers are not able to rely on home charging as they park on the street or in shared facilities. Uber states that convenient and public Level 2 charging is

important for drivers in these circumstances and that 16,000 additional near-home Level 2 chargers would be required in New York City under a 100 percent rideshare electrification scenario. Uber states that program certainty is critical in encouraging rideshare drivers to adopt EVs and that approving the Petition would lead to more confidence in charging.

COMMENTS IN RESPONSE SECRETARY'S NOTICE REQUESTING COMMENTS ON MODIFICATIONS TO PROGRAM DESIGN

a) *Identify potential modifications to the design of the Make-Ready Program that could optimize the incentive funds under the proposed extension, ensuring that incentives go towards charging sites that have the greatest impact on New York State electric vehicle adoption.*

ATE states that it strongly supports keeping the Make-Ready Program as is during the extension period without making any program modifications. ATE recommends maintaining stability for customers in this program particularly because of the uncertainty at the federal level. ATE asserts that the Make-Ready Program is well designed, tested in the marketplace, and is successful.

The City states that there is need for incremental Level 2 charging stations, particularly public curbside chargers and chargers sited in disadvantaged communities. According to the City, the modifications in the Midpoint Review Order to prioritize the buildout of public chargers and chargers meant to benefit disadvantaged communities have served as a good start, but the City encourages optimizing the funds proposed for incremental plugs in the Petition towards carveouts and/or specific targets for publicly accessible and curbside chargers.

According to the City, one of the largest challenges in deploying on-street charging is Con Edison's classification

of each new service request as temporary service which charges the full upfront cost for service lines required for new curbside L2 chargers. The City states that this cost is not currently factored into the baseline cost calculations for Level 2 curbside chargers and results in incentives that cover a lesser percentage of overall costs than other Level 2 charging projects. The City further asserts that building on street chargers incurs a higher construction cost associated with working in the public right of way. The City encourages recalculating the baseline costs to account for higher costs associated with installing curbside Level 2 chargers. The City states that, at a minimum, the Make-Ready Program should be continued beyond 2025 to ensure the availability of incentives for Level 2 chargers and recommends higher incentives be provided to public curbside projects as detailed above.

DVM states that public garages and multiunit dwellings should be prioritized as the most important categories of Level 2 charging. According to DVM, multiunit dwellings are likely to not invest in EV charging without incentives due to competing clean energy investments, particularly in New York City. DVM states that multiunit dwelling chargers should be designed for existing charging need but include the ability for future expansion. DVM also states that chargers in public garages are important for allowing commuters to charge at work and supporting the electrification of ride-share vehicles.

Flash Parking contends that the primary change that would optimize the Make-Ready Program is the release of additional funds and allowing the Joint Utilities to bypass their program plug caps. According to Flash Parking, the plug target restriction in the Make-Ready Program makes the program non-functional and unreliable. Flash Parking further states that

this design leaves an applicant without certainty of if they will receive funding and when they could expect to receive it. Flash Parking states that this program design has effectively removed it from its current work and unable to utilize the program. Flash Parking argues that removing the program restriction of plug targets would enable the Joint Utilities to provide certainty to applicants and enable plug installations to meet state climate goals.

Ford states that modifications to program design should prioritize charging infrastructure for light-duty fleets stating that these vehicles are important to electrify and scale EV adoption. Ford supports enhancing incentives that are specifically for L2 charging at fleet depots and state that this level of charging is sufficient for most use cases.

Ford additionally recommends developing program support for take-home fleet vehicles recognizing employees that bring their vehicles home and could charge overnight. Ford asserts that public chargers can vary widely in their use, but that fleets are likely to use charging infrastructure heavily. Ford cites a report evaluating California EVSE projects which included incentive programs for fleet customers. According to Ford, among the 72 sites funded by utility program, there was an average utilization of 62.7 percent and utilization reached 76 percent after four years. Ford asserts that higher utilization promotes faster cost recovery for utilities and a clearer linkage between program-funded chargers and electrification impact. Finally, Ford states that program design and implementation can be as important as the actual incentive. Ford recommends that the program review should also focus on streamlining administrative and implementation frameworks. In this area, Ford suggests that the make-Ready Program should

harmonize reporting requirements with other state programs and supports the developments of a common portal, or at minimum common reporting fields and methods.

Gravity recommends modifying the incentive design of the Make-Ready program to incentivize oversubscription with flexible power-sharing. According to Gravity, sites should be incentivized for dedicated capacity plus additional non-simultaneous nameplate capacity to optimize for high max kW capability with dynamic sharing. Gravity specifically recommends setting incentives as:

(incentive) x (dedicated kW) + (incentive/2) x (maximum-dedicated kW)

Gravity further recommends that granular power routing be required across chargers such that unused site capacity is tied to vehicle charge curves. According to Gravity, this incentive structure would orient the program towards site designs that are more advanced. Gravity also encourages incentives to prioritize collocating at sites that avoid utility work. Gravity states that there is a large amount of unused distribution capacity where incentives could be tied to sites that utilize existing transformers with enough capacity.

The Joint Utilities states that the charging sites that have the greatest impact are those that cost-effectively facilitate EV adoption and that an EV charger's quality or value cannot be looked at in isolation or at a single point in time. The Joint Utilities argue that that value should instead be looked at as part of local and statewide charging networks and that is access to a local network of chargers that gives consumers the confidence to purchase an electric vehicle. The Joint Utilities argue that MUD charging addresses the need for home charging for residents but are chargers that may be

discounted if using a single metric such as utilization. Conversely, the Joint Utilities posit that using cost as the only metric may discount curbside chargers that have among the highest utilization but higher development costs.

As referenced in its separate comment summary, the Joint Utilities propose program modifications for the Upstate and Downstate Utilities which it says are aimed at sustaining cost-effective plug deployment and meeting market needs for EV charging. The modifications for the Upstate Utilities proposed by the Joint Utilities include reducing the public L2 incentive tier to 75 percent and allowing all multiunit dwellings to quality for the 90 percent incentive. As justification, the Joint Utilities state that only one multiunit dwelling not located in a disadvantaged community moved forward with a 50 percent incentive and that this suggests that they require a higher incentive to be interested in installing EV chargers. The Joint Utilities assert that this would allow the site host to choose the best operating model (resident use vs public use) without the incentive level impacting their decision.

For the Downstate Utilities, the Joint Utilities propose offering small, non-public L2 stations a fast-track rebate at a lower incentive than the traditional incentive structure made available at the 50 percent tier. Additionally, the Joint Utilities propose incentivizing all public DCFC at the 90 percent incentive level regardless of location. The Joint Utilities also propose cost containment measures for the Downstate Utilities including offering a lower incentive for new construction projects relative to retrofit projects, offering a lower incentive to large projects that exceed a threshold number of plugs per project for the 50 percent tier of non-public L2 projects, and eliminating the bonus adders which the Joint

Utilities states were designed to help achieve the 2025 plug targets.

Tesla supports prioritizing DC Fast Chargers and argues that these chargers have the greatest potential to support EV adoption. According to Tesla, DC Fast Chargers are important for drivers without home charging access, particularly in areas with large numbers of multiunit dwellings. Tesla states that DC Fast Chargers also support long range drivers and commercial electrification such as ride hailing and last mile delivery. Tesla argues that the Commission should authorize the use of remaining funds after plug targets are met to preserve deployment momentum and warns that program pauses can lead to project cancellations and eroded developer confidence. Tesla recommends that sites in disadvantaged communities, travel corridors, and fleet hubs should be the primary focus for incremental plug deployments.

b) *Should a portion of the Light-Duty Vehicle (LDV) Make-Ready Program's unspent future-proofing budget be reallocated to fund additional Level 2 plug installations, even after plug targets are already met. If yes, explain why.*

ATE supports reallocating unspent future-proofing towards incremental plugs stating that the utilities should be able to reallocate funds from an under-utilized program to one that has shown greater success.

The City supports reallocating the unspent future-proofing budget as proposed in the Petition. While the City states that it sees value in the idea of future proofing, it supports allowing the futureproofing funds to be reallocated to allow funds to be spent on more projects in different locations rather than towards sites with existing chargers. The City asserts that public curbside Level 2 projects have observed very

high utilization which demonstrates the need for additional charger deployments right now.

DVM states that while reallocating future-proofing may allow for more EV charging capabilities today, not utilizing future-proofing will affect the cost of future upgrades. DVM states that it utilizes future-proofing for all of its projects and finds value in continuing to provide it as part of the Make-Ready Program.

Flash Parking supports reallocating the future-proofing budgets to fund additional L2 plugs. Flash Parking states that future-proofing is challenging to incorporate into projects as projects are costly and carry many risks for the EVSE owner and operator. Flash Parking states that EV service providers primary focus is on installing plugs and increasing utilization before considering spending dollars towards future-proofing a site. Flash Parking also contends that reallocating future proofing funds to enable current projects ready to support plugs now is a more optimal use of remaining program funds over future-proofing.

Ford supports reallocating unspent future-proofing and asserts that there is important value in additional funding beyond met targets. Ford also notes that future-proofing can help fleets control future costs and therefore supports preserving the ability for customers to incorporate future-proofing into projects while allowing some unspent future-proofing to fund chargers that can be deployed immediately. Ford supports targeting the incremental incentives for sites that enable L2 fleet depots and multi-unit dwellings.

Gravity argues that unspent future-proofing budgets should not be reallocated to support incremental Level 2 chargers. According to Gravity, lower powered Level 2 chargers

can crowd out DCFC sites. Gravity instead recommends reallocating the unspent futureproofing towards DCFCs as previously described and argues that this will add additional throughput, reduce peak when managed appropriately, and operate with higher, verifiable uptime.

It's Electric supports reallocating future-proofing to support incremental Level 2 chargers. It's Electric asserts that even after achieving plug targets, demand for charging will continue to grow and that allowing for the reallocation of future-proofing gives the flexibility to redirect budgeted funds to where they are most needed.

The Joint Utilities supports its Petition's request to reallocate unspent future-proofing budgets to incremental L2 plugs. The Joint Utilities asserts that the approach outlined in the Petition gives the flexibility of preserving the option of future-proofing to be offered to customers while also meeting present market demand. The Joint Utilities assert that the remaining L2 and DCFC budgets may be insufficient to meet market need to support the programs through Quarter 2 of 2026 without the future-proofing budgets.

Tesla opposes reallocating unspent future-proofing budgets to support incremental Level 2 deployments. According to Tesla, Level 2 charging has some valuable use cases, but current deployment levels are generally on track to meet plug deployment goals. In contrast, Tesla states that DCFC deployments are insufficient to meet projected demand and are currently far below program targets. Tesla states that reallocating the future-proofing budgets to additional Level 2 plugs would offer limited incremental value and reduce the ability of the Make-Ready Program to support long-term infrastructure needs.

Cost Governance

Describe, in detail, ways that could optimize program outcomes with some or all of the remaining LDV Make-Ready funding by providing scenarios that could:

a) Optimize the remaining program incentive funds under the proposed extension to help ensure funding remains available through the second quarter of 2026 (e.g., pairing program design modifications that prioritize high-impact charging sites with calibrated incentive levels—such as differentiating incentives by user or location type, disadvantaged community status, or geographic need).

DVM recommends focusing on deploying additional chargers in multi-unit dwellings and public garages. DVM also recommends that providing full incentives up to a certain number of ports per location, then offering a lower incentive for incremental plugs, may be one way to moderately lower incentives.

Gravity recommends optimizing the remaining program funds by prioritizing sites that co-locate with pre-existing buildings. Gravity recommends that sites be scored by location with curb or garage projects that are able to connect under an existing host meter or totalizer with a managed load receiving the highest scoring. Gravity additionally recommends that program funds prioritize power instead of the number of charging ports. Furthermore, Gravity states that shovel-ready owner-operator projects should receive readiness points as part of a scoring system with sites that have the requisite power. Finally, Gravity recommends requiring grid-fit and V2X readiness.

The Joint Utilities state that the current cost management structure has been effective and that it should

continue going forward. The Joint Utilities state that the current incentive structure makes it possible for sites with both high competition for capital expenditures, such as MUDs and fleet sites, as well as high upfront fixed cost sites, such as public and destination EV chargers, to be supported and developed under the Make-Ready Program. The Joint Utilities recommend continuing to allow the market to select sites and asserts that this approach avoids the creation of hard-to-define metrics and allows the consideration of a wide range of factors including driver preference, site host business model, plug utilization, location, equity, and customer incentive support. The Joint Utilities state that the elimination of certain adders could test the optimization of remaining funds without disruptive changes. The Joint Utilities warn that significant changes to the program can result in slowdown and cites the experience of Orange & Rockland's program committing up to its plug target before resuming with a new incentive structure with plug application volume lower than it was prior to being paused.

b) Reduce average per-plug-costs.

ATE recommends that the individual utilities should be able to determine if any minor program modifications would be necessary for their service territories.

The City recommends incentivizing curbside plugs at the highest incentive level to effectively distribute plugs to communities and residents it asserts are most in need of charging. The City additionally recommends that the Commission should explore alternative opportunities for funding as a way to optimize program outcomes without requiring additional ratepayer funding. The City states that affordability is a critical concern for its residents, but that a balance must be struck between keeping the costs to ratepayers low, while also

supporting the expansion of EV charger deployments. The City points to the Commission Order approving Orange & Rockland's incremental Level 2 program where the Commission stated that there is a need to eventually transition the market away from incentives. The City therefore requests the exploration of alternative and external funding opportunities to ease ratepayers from shouldering the entire burden of the Program.

DVM argues that program incentives should remain unchanged. According to DVM, the average cost per plug should be apparent in program data. DVM states that it has personally found the incentives accurate to cover the costs associated with preparing a site for EV charging and recommends that changes or reductions in incentives should be minimal. However, DVM asserts that even with incentives remaining unchanged, the cost of labor, materials, congestion taxes, licensing, and insurance in New York City place upward pressure on project costs.

Gravity recommends enabling shared power with oversubscription to encourage centralization of power to follow charging curves. Gravity also recommends prioritizing charging site collocations that require no sites upgrades which it says will reduce project scope, trenching, and schedule risk. Gravity also recommends tying incentives to lifecycle reliability and avoiding low-impact Level 2 chargers to avoid stranded assets and more optimally use program funds.

The Joint Utilities states that the utilities would consider the estimated end date of the Make-Ready review to encourage as many plugs as possible during a program continuation. Additionally, the Joint Utilities state that the utilities will monitor the market and adjust the incentive levels when market signals indicate that development can continue with less support. The Joint Utilities additionally

state that per-plug or per-kW incentives can be capped at an amount commensurate with the approved budget while targeting under-served settings or locations with adders. The Joint Utilities also notes it will continue to offer advisory services to help developers assess project feasibility and cost effectiveness.

Tesla argues that in order to lower the average cost per plug, soft-costs and utility-side challenges that drive project variability must be addressed. Tesla states that standardizing the utility review processes and interconnection timelines can lower costs and reduce potential delays. Tesla also recommends the use of common design templates across utilities for frequent site types to avoid duplicative engineering work. Tesla notes it utilizes a modular deployment process and asserts that this delivers lower per-kilowatt costs when supported by transparent and predictable utility-side upgrades. Tesla also asserts that prioritizing sites with higher numbers of ports can benefit from economies of scale. Tesla recommends additional support for projects in disadvantaged communities, rural corridors, and urban brownfields to help ensure that high-need locations are not underdeveloped due to higher development costs. Tesla states that maintaining program momentum is particularly important for DCFCs due to long development timelines compared to Level 2 projects. According to Tesla, interruption to incentives would carry over into 2027 and beyond and substantially slow the ability to meet nearer term goals.

Effective Plug Distributions

Describe in detail how the Make-Ready program is impacting the L2 LDV electric vehicle market and provide any analyses of:

a) *The types of locations that facilitate the most electric vehicle adoption and reduction of range anxiety among EV drivers. Those could be geography (e.g., charging deserts or disadvantaged communities) or location type (e.g., multi-family dwelling).*

ATE comments on a recent study by Cadmus Group for EV programs in California that found that public charging incentive programs led to increases in EV adoption in neighboring households but found this influence to be modest overall. Subsequently, ATE contends that the factors that influence EV adoption are complex and that there are other influences factors that may contribute such as vehicle price, total cost of ownership, consumer comfort with new technology, and social persuasion.

The City emphasizes supporting the deployment publicly accessible Level 2 charging infrastructure, particularly curbside and chargers in locations which primarily benefit low-income residents and disadvantaged communities. The City states that roughly half of New York City drivers rely on on-street parking to store their vehicles and that while the number of chargers is growing in the City overall, chargers are often cited in high-income neighborhoods or in paid parking garages. The City contends that more Level 2 chargers are needed, especially in the outer boroughs which have fewer charging sites than Manhattan. The City states that it is seeking to turn municipal parking lots and garages into EV charging hubs and that these facilities are almost exclusively in outer borough neighborhoods and represent opportunities of potential projects that could be supported should the Petition be approved. The City additionally notes that significantly higher density locations may be reliant on the development of on-street

charging in order to adopt EVs. The City additionally asserts that this is also where the greatest numbers of for-hire vehicle drivers and owner-operators live and therefore providing adequate charging in these locations is critical to achieving the electrification of these vehicle segments. The City also supports the additional deployment of other forms of publicly accessible chargers such as at grocery stores or parking garages.

DVM asserts that chargers at multiunit dwellings and public garages have the biggest impact on EV adoption and that having the ability to charge at home is key to supporting adoption. DVM states that public chargers at garages or lots also allow commuters, taxis, and fleets to charge. According to DVM, it's possible that deployment of chargers at multiunit dwellings and public garages could stagnate without incentives and there would not be an adequate number of chargers to support EV drivers. DVM estimates that fewer than five percent of its multifamily project pipeline would be able to proceed without incentives.

Ford states that Make-Ready incentives are important to overcoming the cost and complexity for electrifying fleets in particular. According to Ford, the UC Davis Truck Choice Model simulated fleet electrification under various levels of Make-Ready incentives which found that EV sale shares increased with rising make-ready incentive support. Ford argues that the same dynamics and trends apply to light-duty fleets and that incentives are important to sustain and generate greater EV adoption.

It's Electric notes the importance of near-home charging for drivers who park on the street and shares a report from the National Renewable Energy Laboratory which anticipates

this share of the population to grow in the future. It's Electric argues that replicating the gas station model does not make sense for these drivers and that the widespread deployment of DC Fast Chargers will be costly and reliant on grid capacity that does yet cost. It's Electric instead recommends that policies should support the deployment of chargers on the curbside. It's Electric notes that this is particularly important for rideshare drivers in New York City that must comply with the Taxi and Limousine Commission's Green Ride Initiative, requiring electrification of all high-volume for-hire service vehicles by 2030. It's Electric argues that by solving the charging problem for ride-share drivers, who it says drive 96 miles a day on average, this likely also helps solve the charging problem for the average driver who It's Electric says travels just nine miles per day.

It's Electric highlights a 2023 study by HR&A and Uber which it says found that 54 percent of Uber drivers in New York City park on the street and therefore don't have access to regular overnight charging. It's Electric notes that further research has found that the number of rideshare drivers with access to potential charging may be even lower with one research paper finding that only 17 percent of for-hire vehicles have electrical access where they park overnight. It's Electric notes that the Taxi and Limousine Commission recently projected in a report that its drivers would use DC Fast Chargers 70 percent of the time and Level 2 chargers 30 percent of the time. It's Electric disagrees with this assessment and instead supports following the National Renewable Energy Laboratory's projection of 1.2 million public Level 2 chargers needed by 2030 and therefore supports the deployment of additional Level 2 chargers in support of the Joint Utilities Petition.

The Joint Utilities state that EV adoption is dependent on a diversity of use cases and that a successful charging network is dependent on a broad mix of site types. The Joint Utilities assert that utilization will develop at different paces, but the widespread availability and accessibility of charging in different settings is what is critical for long-term EV growth. The Utilities cite several examples of success attributed to EV chargers deployed in different settings such as EV adoption at multiunit dwellings after chargers were installed and significantly high utilization at curbside locations in New York City. The Joint Utilities reference an example developed by the National Laboratory of the Rockies (previously known as the National Renewable Energy Laboratory) that uses a tree as an analogy for an EV charging network with private and public L2 chargers forming the roots and branches of the charging ecosystem.

b) *The types of locations that have the highest utilization rates and the types of plugs that have lowest downtime/issues.*

ATE advises against using charger utilization rates to determine if the charger promotes EV adoption, particularly because the first few years after a charger is installed is an ineffective measure of success.

The City notes that the NYC Department of Transportation has been conducting an on-street parking pilot and sites these chargers as among the highest utilized plugs. According to the City, the 18-month evaluation report found that systemwide utilization was approximately 34 percent. The City states that since then, systemwide utilization has since then grown to exceed 70 percent in 2024 and in the early months of 2025. The City states that these chargers may be among the most

heavily used charging systems in the country and notes that they were installed in a large variety of locations across the five boroughs. The City there states it is seeking to continue forward with this program and is seeking to expand the number of chargers. The City notes that cars are mobile sources of greenhouse gas emissions and recognizes that electrification as a whole can provide benefits to disadvantaged communities even if charging isn't directly sited in a disadvantaged community, but the City encourages the Commission to prioritize the deployment of charging infrastructure in disadvantaged communities.

DVM states that urban areas are the most dense and therefore key to EV adoption. DVM asserts that since urban chargers are close in proximity, they are easily serviced and can achieve higher uptime.

Ford states that depot-based sites can have among the highest charger utilization figures in the market. Ford cites a California Public Utility Commission study which found that 72 utility funded sites reported a plug utilization of 62.7 percent in the first year, rising to 76 percent after four years as the fleet sizes grew and charging routines became optimized. According to Ford, this is particularly important for fleet vehicles as charging can be scheduled overnight, and the load impacts are lower than those associated with DCFCs. However, Ford cautions that utilization is only one example of what should be evaluated when considering plug deployments. According to Ford, there are segments with lower comparative utilization such as multi-unit dwellings that are also important for EV adoption. Ford points to a report led by the Electric Power Research Institute which found that customers at MUDs

typically have access to fewer resources and require additional assistance in deploying EV charging.

Flash Parking states that the Make-Ready Program has allowed it to install a large number of chargers in New York City and asserts that New York City is a particularly challenging location to install level 2 chargers due to an aging electrical grid, capacity constraints, and available space. Flash Parking states that the ongoing waitlist has led to a downturn in installations compared to when the Make-Ready Program had not yet reached plug targets for some utilities. Flash Parking contends that it has observed an increase in utilization at the chargers it has installed, demonstrating increases in demand.

Gravity argues that Level 2 chargers are not sufficient to match real world needs and that distributed DCFCs should be prioritized by the Make-Ready Program.

The Joint Utilities state that public L2 chargers are among those with the highest utilization but caveats that utilization evolves over time regardless of site type as stations mature and attract new users and additional EVs are purchased. The Joint Utilities caution that utilization rates should not be the sole indicator of effectiveness in driving adoption. The Joint Utilities note that plugs in rural charging deserts are necessary despite likely experiencing less utilization than plugs that are sited in higher density areas. The Joint Utilities note that utilization tends to increase during at least the first two years after energization which makes the use of utilization as a metric at a specific point in time troublesome.

The Joint Utilities state that its program data does not definitively identify sites with the lowest downtime and

that station outage data remains an elusive datapoint from many NSP. The Joint Utilities recommend that the Commission seek additional stakeholder input on whether additional changes to the reporting requirements may yield improvements to the level of outage reporting. The Joint Utilities recommend that the Commission require the utilities to implement a required approved NSP list in place of the existing Preferred Network List.

Tesla states that sites in dense urban areas where drivers lack access to home charging, as well as major travel corridors are two types of sites that should be prioritized as high value. Tesla also states that disadvantaged communities can benefit from these sites, particularly where investment in charging infrastructure at their dwelling does not yet exist. Tesla states that urban and corridor-based chargers in its network experience the highest utilization and serve a large variety of daily drivers, commuters, and fleets.

c) Any "charging deserts" that may exist.

The City states that the Commission should target the 21 Industrial Business Zones in New York City for the deployment of additional chargers. According to the City, these areas comprised entirely of manufacturing zoned lands and are areas with significant freight traffic. The City states that these zones include JFK Airport, Hunts Point, and the Brooklyn Navy Yard and that targeting these areas in particular would help to directly support those looking to electrify their fleets. The City also asserts that these areas present a potential opportunity to take advantage of shared infrastructure due to the close proximity of sites.

Ford states that it has engaged with the utilities to determine potential future hotspots for transportation

electrification and noted locations such as Hunt's Point or La Guardia airport as areas of focus. Ford states that the proactive buildout by utilities demonstrates a gap between the need for charging and currently available charging infrastructure.

The Joint Utilities identify highway stretches or rural secondary corridors without DCFC charging or prospects for DCFC charging as one form of charging desert to consider. According to the Joint Utilities, although DCFC charging is preferable along travel corridors, L2 stations may serve as a low-cost way to address the charging gap where DCFC station construction is not financially feasible. The Joint Utilities highlight one 60-mile stretch of US-11 between I-91 and I-87 as one location as an example that does not currently have DCFC plugs in operation or under development. Additionally, the Joint Utilities state that the New York City area where for-hire vehicle rides are increasingly completed by electric vehicles as a critical charging need to address. The Joint Utilities assert that 75 percent of Uber, Lyft and Car Service drivers, or 100,000 residents, drive EVs and live in MUDs. The Joint Utilities also point to information from the Taxi and Limousine Commission which states that drivers are relying on L2 chargers until more DCFC charging sites are completed in neighborhoods where they live in Eastern Queens, Southeast Brooklyn, and the Bronx.

Finally, the Joint Utilities assert that lessons can be learned from Con Edison's DCFC program where it asserts that targeted incentive adders led to improved DCFC access in underserved areas of New York City. According to Con Edison, it has observed a measurable increase in participation from underserved areas which it attributes to marketing and developer

engagement alongside adders. Con Edison asserts that once these changes were implemented, it observed a more equitable distribution of chargers throughout its service territory and provides visuals in support of this claim.[35]

Tesla states that Upstate and Western New York lack reliable fast charging in many rural and highway-adjacent areas. Tesla also asserts that the Bronx and outer portions of Queens do not have sufficient DCFC availability.

Additional Comments Received

Advanced Energy United and The Alliance for Clean Energy New York (United and ACE NY)

United and ACE NY support the Petition and assert that continuing the Make-Ready Program is crucial to maintaining EV adoption momentum and stability in the market. United and ACE NY argue that a program pause is unnecessary and that approving the petition would avoid project delays and negative impacts to workforce and supply chains.

Alliance for Transportation Electrification

ATE strongly supports the Petition and asserts that approval of the Petition will allow the Joint Utilities to maintain momentum in EV charging infrastructure deployments. ATE states that without intervention, program plug targets will or already have been met causing program pauses and the creation of waitlists. ATE notes the preservation of program momentum and ensuring the deployment of enough chargers to support electric vehicle drivers as its two primary reasons for supporting the petition. According to ATE, the scale of incremental plugs that would be enabled by the approval of this Petition would not

[35] Joint Utility Comment, p. 3.

exceed the number of plugs needed to support policy goals. In addition, ATE is supportive of the reallocation of futureproofing funds to support incremental deployments.

ChargeSmart EV

ChargeSmart EV supports the Petition and warns of a number of challenges caused by funding uncertainty. According to ChargeSmart EV, funding uncertainty causes customers to hesitate to sign proposals and risks cancellation of existing signed contracts. ChargeSmart EV notes that it has approximately 200 projects in its development pipeline and that National Grid's waitlist has 24 of these projects currently in limbo. ChargeSmart EV states it has temporarily shifted focus to DCFC development due to existing L2 waitlists. ChargeSmart EV additionally warns of impacts to workforce should L2 funding fail to materialize in 2026.

City of New York (City)

The City supports the Petition and notes that it, through the Department of Citywide Administrative Services and the NYC Department of Transportation, operates that largest plug-in fleet and electric vehicle charging network in New York State. The City asserts that the Make-Ready Program should continue in full during the period of program review. The City states that there is a need for additional public curbside L2 chargers due to the number of drivers in New York City that are reliant on on-street parking, particularly in the outer boroughs. The City notes that only 12 percent of the DCFC plug target was completed downstate and asserts that this indicates that cost remains a significant barrier to the build out of charging infrastructure. The City additionally points to a statement in the Midpoint Review Order that the goal of the Make-Ready Program's Earnings Adjustment Mechanism is to

"achieve the plug deployment targets under budget, or, ideally, to over-achieve the plug deployment targets and do so under budget" where the city emphasizes the word ideally.

DVM Industries (DVM)

DVM supports the Petition and warns that any pause in L2 or DCFC incentives will impact its business and project pipeline while property owners await a decision on future incentives. DVM asserts that without the charging infrastructure, EV adoption will be impeded and that multifamily residents are particularly in need of EV charging to be willing to purchase an EV. DVM estimates that projects totaling 800 ports would become non-viable if the Make-Ready Program is paused. DVM asserts that it has experienced similar delays for energy efficiency programs that led to long lasting negative effects for both program participants and end users. DVM additionally warns of cuts to its workforce during a program pause and significant losses due to equipment purchases for projects that are ultimately cancelled. DVM notes it has installed the most plugs in the Con Edison service territory and has observed the growth to the EV market that the Make-Ready Program has directly enabled. DVM states that in some cases, it has observed multifamily buildings go from one or two EV drivers to fifteen EV drivers after installing chargers.

Energy Plus

Energy Plus notes that it is an active contractor in New York City installing thousands of EV chargers. Energy Plus states it is disappointed by the Make-Ready Program pause and requests continued funding of the Make-Ready Program to enable the deployment of additional EV chargers.

EVoke Systems (EVoke)

EVoke supports the Petition and urges the avoidance of a program disruption. According to Evoke, a program pause would lead to serious consequences for its business and the broader charging ecosystem. EVoke states that it manages 2,500 EVSEs throughout New York State, of which 70 percent are sited at multiunit dwellings where Make-Ready Program incentives have been essential. EVoke asserts that an indefinite program pause could lead to delay or cancellation of 1,500 L2 ports that are currently in planning. EVoke additionally notes its involvement in the Energy Services Exchange project to support location-specific load control which EVoke states is reliant on a continued pipeline of new EVSE infrastructure. EVoke notes that the significant pullback in federal investment is a further reason that New York State should provide reliable funding to preserve market growth.

FlashParking Inc (FlashParking)

FlashParking supports the Petition and notes that Make-Ready incentives have been crucial for its Level 2 projects, particularly those in New York City. FlashParking states that without the Make-Ready Program, it would not be able to pursue projects at its current scale and would only be able to install projects with sufficient existing electric capacity. FlashParking states that projects currently ranging from 12-50 ports supported by the Make-Ready Program would be limited to between two and four ports without Make-Ready incentives and that hundreds of ports would become non-viable altogether. FlashParking additionally warns of negative impacts caused by a reduced port count including difficulty in meeting minimum order requirements from OEM suppliers and internal workforce time allocations.

GB Lighting Corp (GB Lighting)

GB Lighting supports the Petition and warns of significant negative impacts to current and future projects should the program experience a pause. GB Lighting estimates that approximately 150 projects totaling 2,000 plugs would be negatively impacted during a program pause. GB Lighting additionally warns of substantial decrease in market interest for EVSE installations without incentives, great difficulty in finding new business opportunities, existing inventory becoming obsolete, and potential jeopardized agreements with OEMs.

Good Carbon Co

Good Carbon Co supports the Petition and urges a continuation of the Make-Ready Program for L2 chargers in particular. Good Carbon Co states that it has plans to install over 400 L2 chargers in the Buffalo region that may experience cancellations or significant delays if there is a prolonged pause in the Make-Ready Program. Good Carbon Co additionally notes that it has invested in specialized electricians, designers and an equipment vendor network that would be jeopardized during a program pause. Good Carbon Co asserts that Make-Ready incentives are important for spurring proactive investments and a lack thereof could potentially stall local green economy growth and curtail broader transportation goals.

INF Associates LLC (INF)

INF supports the Petition and argues that incentives are the backbone of L2 and DCFC infrastructure deployment. INF warns that without Make-Ready incentives it anticipates that over 60 percent of its active and planned projects could be endangered and result in the immediate suspension or cancellation of upwards of 25 projects totaling over 150 plugs. INF further warns of disruptions to business and workforce estimating a 40 percent reduction in new business opportunities

and the potential need to reduce staffing by up to 25 percent should a prolonged pause to the Make-Ready Program occur. INF asserts that its internal research and industry data shows that incentives are critical to driving EV adoption and that a pause may disrupt existing momentum.

Jennifer Jackson

Stakeholder Jackson states that incentives for EVSE are no longer necessary and that many past EVSE installed through the Make-Ready Program have been underutilized or installed in poorly planned locations. Additionally, Stakeholder Jackson highlights that EVs have increasingly higher ranges, and many drivers are able to charge at home. Encourages remaining Make-Ready funds remain uncollected from ratepayers to promote affordability.

New Leaf Energy, Inc. (NLE)

NLE supports the Petition and states that a pause in the Make-Ready program could lead to lengthy delays in development and construction that would have meaningful negative impacts to its operations. NLE states that many of its projects rely on lease agreements with landowners that are time-bound and that lengthy pauses will lead to forced termination or abandonment. NLE estimates that as many as fifteen of its large DCFC developments could be cancelled during a prolonged program pause. NLE warns that project cancellations due to an affordable delay would require it to write off the cost and time of developing cancelled projects which erodes investor confidence and sour landowners on the benefits of installing chargers at their properties.

Newtech Energy Inc. (Newtech)

Newtech states that the presence of chargers at residential and commercial buildings has encouraged many

individuals to purchase an EV and attributes much of this to the effectiveness of the Make-Ready Program to date. However, Newtech states that program pauses and waitlists as utilities have approached their plug targets have already introduced uncertainty to the market and threatens to derail existing progress. Newtech states that it has placed a number of planned projects on hold due to uncertainty and warns of undermined stakeholder confidence in the continued expansion of EV infrastructure. Newtech additionally states that supply chain, workforce, and supplier contracts are also being negatively affected by existing waitlists and that there are broader risks to the EV market. Newtech urges the approval of the Petition.

New York City Department of Citywide Administrative Services (DCAS)

DCAS supports the Petition and states that Make-Ready incentives have enabled DCAS to expand its EV program and lessened the cost to DCAS of installing fast charging. DCAS notes its chargers are currently used over 23,000 times monthly to power New York City's EV fleet. DCAS further notes it has installed 379 DCFCs, of which 200 were supported through Make-Ready incentives which have been critical in expanding the availability of EV charging infrastructure. DCAS notes it has 94 recently constructed charging stations and 41 planned charging stations which it expects to utilize Make-Ready funding for. DCAS highlights equitability benefits of continuing forward with the Make-Ready program as it has pledged to install at least 50 percent of its EV chargers in environmental justice communities and sites that 58 percent of its plugs are currently in environmental justice communities.

Onbulb LED

Onbulb LED supports the petition and states that a prolonged program pause could jeopardize the viability of many of the projects current in its development pipeline. Onbulb LED asserts that negative impacts related to a program pause would also extend to its business operations and workforce. Onbulb LED also highlights complications with supplier contracts and OEMs where a program pause may lead to delays in procurements and increased costs for EV charging equipment.

Powering America's Commercial Transportation (PACT)

PACT supports allowing the utilities to utilize unspent L2 and DCFC budgets to continue providing incentives beyond plug targets but opposes utilizing future-proofing budgets to incentivize incremental plugs. PACT asserts that consistency and policy predictability are critical to the stakeholders involved in the transition to EVs and warns that a pause in the Make-Ready Program would lead to negative effects. However, PACT opposes the reallocation of futureproofing stating that this would be antithetical to the goals of the Proactive Planning Framework. PACT highlights that futureproofing supports the 'dig once' philosophy and that preparing sites now will ensure that future upgrades are less costly. PACT makes an additional recommendation that the Commission consider allowing the utilities to utilize the unspent incentive budget on infrastructure for medium and heavy-duty infrastructure and equipment in addition to incremental L2 and DCFC plugs for light duty vehicles. PACT states that once light-duty targets are met, it doesn't see any reason to restrict funding to light-duty EV infrastructure.

Renua Energy

Renua Energy supports the Petition and states that many of its active projects would not be possible without Make-Ready incentives.