



October 24, 2025

Honorable Michelle L. Phillips
State of New York Public Service Commission
Building Three Empire State Plaza
Albany, NY 12223-1350

RE: 18-E-0138 – Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure

Dear Secretary Michelle L. Phillips,

In response to the Notice Soliciting Comments issued on September 25, 2025, Tesla respectfully submits the attached comments for filing in Docket No. 18-E-0138 – Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure.

Sincerely,

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RE: 18-E-0138 – Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure

Tesla greatly appreciates the initiative by the Department of Public Service (DPS) Staff to host a technical conference on communication standards on September 18, 2025, as directed by the Public Service Commission in the September 20, 2024 Order Approving Modification to Make-Ready Program (Order). The technical conference was a valuable opportunity to reflect on the role of standards in EV charging and is timely given the Commission's review of Make-Ready Program extensions.

As of June 1, 2025, the Make-Ready Program requires all charging equipment to be capable of Open Charge Point Protocol (OCPP) 2.0.1 to be eligible for incentives. This requirement is intended to reduce the risk of stranded assets, a goal that Tesla supports. However, this goal would be better accomplished with a minor modification to the existing requirements; Tesla recommends that the communication standard requirements for the make-ready program be modified to allow for capability with OCPP 2.0.1 or 1.6. This optionality reflects the same flexibility as with ISO 15118-2 or -20 which was an important program improvement.

Response to the Technical Conference

Tesla agrees with the idea introduced at the technical conference that there is a tradeoff between mandating standards and allowing flexibility for innovation. To improve the EV charging experience, EV chargers must be able to adapt and quickly evolve on many fronts. To encourage site hosts to install chargers and participate in Make-Ready Programs, technical requirements must be consistent with the state of the market and refrain from establishing undue additional costs.

Getting this balance right is critical to successful incentive programs for EV charging, especially when equipment costs are not covered by make-ready incentives but can be a substantial component of total project costs for site hosts.¹ It would be counterproductive to establish incentives to decrease the cost of make-ready infrastructure while making those incentives contingent upon equipment communications standards that apply upward pressure on costs.

We present the following principles for consideration by DPS Staff regarding current and future communication technical requirements:

¹ See 18-E-0138, Tesla Comments on Make-Ready Program Review, submitted April 25, 2025.

1. **Clarify regulatory intent.** It is important to clearly articulate the specific outcomes that an incentive program seeks to achieve through the adoption of the technical standard. Interoperability, in and of itself, is not a goal. Interoperability is means to an end, such as improving the consumer experience or hedging against the risk of stranded assets. Once an objective is defined, stakeholder input can help assess whether requiring a given standard will meaningfully advance it.
2. **Determine the link between standard adoption and outcome.** It is important to note that mandating a standard is typically not sufficient on its own to achieve a specific outcome. Sometimes, multiple versions of a standard may achieve the same outcome. It is important for flexibility to keep the door open to multiple methods of achieving the intended end-goal.
3. **Consider application based on use case.** Whether a specific standard is appropriate may vary between AC and DC chargers, public and private chargers, and light duty and medium-heavy duty chargers. For example, the market potential for bidirectionality is lower for public DCFC relative to home Level 2 charging. Technological readiness between AC and DC equipment may also be a factor. These distinctions should inform how any requirement is structured and applied, as blanket requirements can burden participants in incentive programs with higher costs and without benefit.

Recommendation: Modify communication standard requirements to allow equipment that is capable of OCPP 2.0.1 or 1.6.

Tesla appreciates the Commission's clarification in the September 20, 2024 Order that hardware readiness with either ISO 15118-2 or 15118-20 is acceptable. In this review of communication standards, the Commission should establish the same flexibility for the OCPP requirement:

- Both OCPP 1.6 and OCPP 2.0.1 are widespread in the market today. See Table 1 below. Every charge point operator (CPO) may have a different timeline for conforming to one version or the other.
- The policymaking intent behind requiring OCPP is to mitigate the risk of stranded assets.² OCPP 2.0.1 and 1.6 are not backwards compatible.
 - Charging equipment capable of OCPP 1.6 would still be able to be reclaimed by another charge point operator also capable of OCPP 1.6 if the original CPO ceases operations.

² Order (September 20, 2024) at 11.

- Allowing either OCPP 1.6 or 2.0.1 therefore achieves the same policy outcome, especially given the widespread adoption of OCPP 1.6.
- Accepting equipment with OCPP 1.6 conformance would substantially increase the number of eligible equipment models for Make-Ready Incentives, according to the EPRI Vetted Products List (VPL).³ **Tesla's review of the VPL indicates that 97% of models on the full list are capable of OCPP 1.6, compared to only 50% of models which are capable of OCPP 2.0.1.** See Table 1 below.
- A larger number of eligible models improve customer choice and will apply downward pressure on total project costs for site hosts.
- In discussing communication standards, the Commission's Sept 20, 2024 Order references a DPS Staff Whitepaper, which recommended OCPP 1.6 or later.⁴
- The California Energy Commission, one of the speakers at the September 18 technical conference, does not yet mandate OCPP 2.0.1 for its Level 2 funding programs.

Table 1 – Comparison of EPRI Listed Models for Capability for OCPP 1.6 vs OCPP 2.0.1

EPRI VPL Status	Count of OCPP 2.0.1 Capable Models	Count of OCPP 1.6 Capable Models
Not applicable	6	5
Not compliant	251	15
Data not available	188	0
Vendor attested - Capable	449	874
Grand Total	894	894

Accepting equipment that is capable of either OCPP 1.6 or OCPP 2.0.1 would be consistent with the intended policy goal of preventing stranded assets; expand the list of equipment eligible for the program; improve customer choice; and decrease equipment costs for site hosts.

Thank you for consideration of these comments. Tesla looks forward to continuing to support New York's charger deployment goals.

³ <https://www.epri.com/vpl> (accessed October 20, 2025).

⁴ Order (September 20, 2024) at 4.