



July 18, 2023

**VIA ELECTRONIC FILING**

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

Re: Case No. 22-E-0236 - Proceeding to Establish Alternatives to Traditional Demand-Based Rate Structures for Commercial Electric Vehicle Charging.

Dear Secretary Phillips:

New York State Electric & Gas Corporation (“NYSEG”) and Rochester Gas and Electric Corporation (“RG&E”), (together the “Companies”) hereby submit the enclosed draft tariffs in compliance with Ordering Clause No. 2 of the Public Service Commission’s Order Establishing Framework for Alternatives to Traditional Demand-Based Rate Structures in the above referenced proceeding, issued and effective January 19, 2023 (the “Order”). The rate design models used for the development of the Electric Vehicle Phase-In Rate (“EV PIR”) are also enclosed.

**Purpose of Filing**

In accordance with the Order, the Companies are proposing draft tariff language for the implementation of the EV PIR.

The Order adopted a suite of operating cost relief solutions for commercial electric vehicle (EV) charging customers. The Order directed the Joint Utilities (JU)<sup>1</sup> to file an Immediate Solution implementation plan on March 20, 2023 (60 days after issuance of the Order) and a Near-term Solution proposal on July 18, 2023 (180 days after issuance of the Order). The Immediate Solution required: (1) for the Upstate Utilities<sup>2</sup> a Demand Charge Rebate (DCR) for all commercial EV charging use cases; (2) for the Downstate Utilities,<sup>3</sup> a Commercial Managed Charging Program (CMCP) with use-case specific adders for transit and public Level 2 (L2) charging, and a 50 percent DCR for public Direct Current Fast Charging (DCFC) sites; and (3)

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<sup>1</sup> The Joint Utilities are Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E).  
<sup>2</sup> The Upstate Utilities are Central Hudson, NYSEG, National Grid, and RG&E.  
<sup>3</sup> The Downstate Utilities are Con Edison and O&R.

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for all utilities, a termination of the existing Per-Plug Incentive (PPI) program for new applicants and the redeployment of those funds for demand management technology incentives.

For a Near-term Solution, the Order directed the JU to develop and implement an EV PIR. The Order specifies that the DCR and use-case-specific adders will be offered to customers until the PIR is available to customers.

### Eligibility

Charging stations with co-mingled load must have a charging ratio (CR) of 50 percent or greater to be eligible for the PIR. The Companies will compute the CR for sites with non-EV load co-mingled with EV load to determine customer eligibility for the DCR. The CR is the ratio of a customer's maximum potential simultaneous EV charging load (sum of the nameplate of all EV chargers on the customer account, or the maximum load of any load limiting hardware, such as a fused switch or rectifier cabinet, if the amount is less than the sum of the EV charger nameplates) to the customer's maximum potential connected load, including all EV charging and all non-EV load (sum of the maximum potential connected load of all other customer loads behind the meter (or account level for accounts with multiple meters) including, but not limited to, EV charging, lighting, HVAC, elevators, etc). The customer's maximum potential load will be defined by the customer's load letter generated as part of new or additional electric service request. A customer may be required to provide an updated load letter to establish eligibility for the program if the load letter on file is outdated. The CR computation will be updated when a customer makes any changes to their loads, i.e., EV charging load, non-EV loads, or both.

### Phase-In Graduations

The PIR will have five graduations based on the customer's load factor. For stations with a load factor of ten percent or less, the customer will pay the customer charge and the time-of-use (TOU) energy cost with a zero-demand charge (the first graduation). For stations with a load factor greater than ten percent and less than or equal to 15 percent, the customer will pay the customer charge, the TOU energy cost, and a demand charge that is 25 percent of the typical demand charge for a customer in that rate class. For stations with a load factor greater than 15 percent and less than or equal to 20 percent, the customer will pay the customer charge, the TOU energy cost, and a demand charge that is 50 percent of the typical demand charge for a customer in that rate class. For stations with a load factor greater than 20 percent and less than 25 percent, the customer will pay the customer charge, the TOU energy cost, and a demand charge that is 75 percent of the typical demand charge for a customer in that rate class. Finally, for stations with a load factor greater than 25 percent, the customer will pay the customer charge, the TOU energy cost, and the full demand.

The load factor for stations that separately meter charging load will be determined by computing the ratio of total annual EV charging energy use to the lesser of annualized nameplate EV charging capacity or annualized EV charging capability. The load factor for stations with EV charging load intermingled with other site loads will be determined based on the load factor of the total site.

New customers without 12-months of load data that enroll in the PIR will automatically be placed in the first graduation. A customer that elects to opt-out of the PIR will not be eligible to re-enroll in the PIR unless the customer can demonstrate to the Company's satisfaction that there has been additional electric vehicle charging infrastructure installed.

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### Load Factor Review

Annual load factors will be computed on a semi-annual basis in the winter and summer. The winter computation will be based on the twelve months of the prior year and will be used as an input to the PIR commencing in March of the current year. The summer computation will be based on the period from July of the prior year through June of the current year and will be used as an input to the PIR commencing in September of the current year.

The load factor determination for a new customer will be made as part of the winter or summer computations once the utility has over six months of load data for that customer.

### Implementation and Costs

The Companies need time to develop and test changes to the Companies billing system before the PIR is available to customers. The Companies need to complete the implementation of changes related to Case 19-M-0463, as well as the completion of the AMI Interval Billing Project, before billing system changes related to the PIR can be completed. Costs associated with the implementation of the PIR will be deferred until the Companies' next rate case.

### Customer Outreach

Upon the Commission's approval of the PIR, the Companies will begin communicating with eligible Charging Customers to inform them of the PIR and solicit their participation.

For new Charging Customers participating in the Companies' EV Make-Ready Program, the Companies will modify its "all-in-one" EV Make Ready Program Application, and Application Portal, to allow requests to participate in the PIR.

For Charging Customers who do not participate in the Companies' EV Make-Ready Program, the Companies will proactively communicate the PIR to Electric Vehicle Supply Equipment ("EVSE") developers and trade allies. The Companies will prominently display the PIR on their websites and provide links to those websites in its communications Charging Customers. The Companies will provide informational aides to its Customer Service staff regarding the PIR with related EV Program Staff contacts.

### Newspaper Publication

Ordering Clause No. 17 provides that the requirements of Public Service Law Section 66 (12)(b) and 16 NYCRR Section 720-8.1 as to newspaper publication for tariff revisions are waived.<sup>4</sup>

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<sup>4</sup> Ordering Clause No. 17 referred to Clause No. 14, however there were no tariff changes directed as part of Ordering Clause No. 14. Draft tariff changes were included in Ordering Clause Nos. 1, 2, 3, 4, 5 and 6.

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If there are any questions concerning this filing, please call Mike Seeley at (607)222-6562 or me at (607)644-8773.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lori A. Cole".

Lori A. Cole  
Manager – Regulatory & Tariffs  
Rates & Regulatory Economics

Enclosures