STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on August 15, 2024

COMMISSIONERS PRESENT:

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

CASE 22-E-0236 - Proceeding to Establish Alternatives to Traditional Demand-Based Rate Structures for Commercial Electric Vehicle Charging.

# ORDER ESTABLISHING LOAD MANAGEMENT TECHNOLOGY INCENTIVE PROGRAMS

(Issued and Effective August 19, 2024)

BY THE COMMISSION:

## INTRODUCTION

On January 19, 2023, the Public Service Commission (Commission) issued the Order Establishing Framework for Alternatives to Traditional Demand-Based Rate Structures (Demand Charge Alternatives Order), in this proceeding. In the Demand Charge Alternatives Order, the Commission cancelled the Direct Current Fast Charging (DCFC) Per-Plug Incentive (PPI) Program and directed 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) (collectively, the Utilities or the Joint Utilities) to develop and file plans to redeploy previously-accumulated and unspent funds from the PPI Program to fund a new program to incentivize electric vehicle (EV) charging demand management technologies.[1] Consistent with that directive, the Joint Utilities filed a proposal to implement a new Load Management Technology Incentive Program (LMTIP) within each of the Utilities' service territories.[2]

This Order approves the Joint Utilities' LMTIP Proposal, with modifications discussed below. As directed in this Order, the Joint Utilities will be required, as part of each LMTIP, to: (1) engage in a process to make consistent technology eligibility determinations statewide; (2) establish a shared LMTIP web page that will act as a statewide clearing house for information regarding the Utilities' LMTIPs; (3) expand customer eligibility requirements to allow Demand Charge Rebate participants to also participate in the LMTIPs; (4) establish a per-project incentive cap equivalent to 20 percent of the total LMTIP budgets; and (5) make a filing providing a review of the LMTIP progress and a recommendation regarding potential reauthorization of the LMTIP for Commission consideration at the earlier of: (a) when the first of the Utilities expends 70 percent of its LMTIP budget, or (b) the mid-2025 Review Process already established for the Make-Ready Program. Finally, this Order requires the Utilities to file Implementation Plans documenting LMTIP operations, as modified by this Order, within 30 days of the effective date of this Order.

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[1] Demand Charge Alternatives Order, p. 11.

[2] Case 22-E-0236, JU EV Load Management Technology Incentive Program (filed May 19, 2023) (LMTIP Proposal).

## BACKGROUND

In response to statutory directives in Public Service Law (PSL) §66-s, the Commission commenced this proceeding to consider alternatives to traditional demand-based rate structures and other operating cost relief mechanisms to facilitate faster charging for eligible light duty, heavy duty, and fleet electric vehicles. To assist in the Commission's decision-making process, Department of Public Service Staff (Staff) filed the "Whitepaper Regarding Alternatives to the Traditional Demand Charge for Commercial Customer Electric Vehicle Charging" (Whitepaper).[3] Following extensive outreach and public notice and comment on the Whitepaper, the Commission issued the Demand Charge Alternatives Order.

The Demand Charge Alternatives Order established a series of Immediate and Near-Term Solutions, including development of a Demand Charge Rebate Program, Commercial Managed Charging Programs, and an EV Phase-In Rate option. The Demand Charge Alternatives Order also directed the Utilities to sunset the DCFC PPI Program and to redeploy the PPI Program funding, which had already been collected from customers, to fund a new program to incentivize EV charging demand management technologies.[4]

In response to the Demand Charge Alternatives Order, the Joint Utilities made proposals to sunset the PPI Program in their March 20 and 21, 2023 Immediate Solution filings, and

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[3] Case 22-E-0236, Staff Whitepaper (filed September 26, 2022).

[4] Demand Charge Alternatives Order, p. 11. The Commission required the Utilities to provide existing PPI Program participants 60 days to make a one-time choice to either continue participating in the PPI Program for the remainder of their seven-year period, or to switch to participating in the applicable Immediate Solutions programs available in their service territory.

filed their proposals to implement a new demand management technologies incentive program on May 19, 2023 (i.e., the LMTIP Proposal).

The Commission considered and approved the Joint Utilities' proposals regarding sunsetting the PPI Program as part of the Immediate Solutions Order.[5] Among other things, the Immediate Solutions Order: (1) approved the Joint Utilities' plans to eliminate the option to participate in the PPI Program to customers, as of March 20, 2023; (2) approved the Joint Utilities' plans to offer existing PPI Program participants a one-time choice to either continue participating in the PPI Program through February 28, 2026, or begin participation in the Immediate Solutions Programs; and (3) directed the Utilities to establish outreach procedures to provide ample notice to existing PPI Program participants of the upcoming one-time choice.[6]

Existing PPI Program participants were provided a 60-day period following the effective date of the Immediate Solutions Order – on or about January 19, 2024 - to make their determination. Since both the PPI Program and the Immediate Solutions programs are opt-in, the Immediate Solutions Order established that it would be unreasonable to switch a customer who has previously agreed to participate in the PPI Program to a different program if existing PPI Program participants did not provide a response.

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[5] Case 22-E-0236, Order Implementing Immediate Solutions Programs (issued November 20, 2023) (Immediate Solutions Order).

[6] The Immediate Solutions Programs include the Demand Charge Rebate and/or the Commercial Managed Charging Program, depending on the participant's service territory and EV charging use-case.

## THE LMTIP PROPOSAL

In the LMTIP Proposal, the Joint Utilities propose to implement LMTIPs in their respective service territories with broad eligibility requirements. Specifically, the Joint Utilities propose that all demand management technologies capable of reliably balancing, curtailing, or deferring a customer net EV charging demand would be eligible to participate in a LMTIP, including, but not limited to: on-site energy storage, energy storage integrated directly into charging equipment, advanced load management (ALM) software, and energy management systems. The Joint Utilities propose to collaboratively make a consistent eligibility determination across the State for new technologies as they arise. The Joint Utilities note, however, that each of the Utilities would reserve the right to establish utility-specific eligibility standards or requirements to ensure compatibility with its system and programs, for example, to enable simultaneous participation in the Commercial System Relief Program (CSRP) or Commercial Managed Charging Program (CMCP).

Similarly, the Joint Utilities propose broad customer-eligibility requirements which would differ somewhat between the Upstate Utilities and Downstate Utilities.[7] The Joint Utilities propose that customers within the Upstate Utilities’ service territories would be required to participate in the Make-Ready Program or other utility EV infrastructure programs such as the

[7] The Upstate Utilities are Central Hudson, National Grid, NYSEG, and RG&E. The Downstate Utilities are Con Edison and O&R.

Medium- and Heavy-Duty Prize competitions or Pilots.[8] The Joint Utilities propose that customers within the Downstate Utilities' service territories would be required to participate in the CMCP.[9] The Joint Utilities state that they would periodically reevaluate and adjust participant eligibility criteria based on program experience and participation levels.

The Joint Utilities propose an incentive payment structure based on a proportion of eligible demand management technology costs. Specifically, the Joint Utilities propose to offer incentives of up to 90 percent of eligible costs in most areas of their respective service territories, and up to 100 percent of eligible costs in areas designated as Disadvantaged Communities. The Joint Utilities propose that eligible costs would include: customer-side costs; necessary utility-side investments; engineering, procurement, and construction costs; and subscription fees for software-based technologies.

The Joint Utilities propose to retain discretion in the incentive amount awarded through an LMTIP on a project-by-project basis. The Joint Utilities note that they intend to offer less than the maximum incentive initially in the Upstate Utilities – stating that they anticipate that initial incentives would be offered at the 50 percent of eligible costs level – whereas O&R anticipates offering incentives at the 90 percent level initially. Con Edison states that it plans to offer varying incentive levels based on what other operating cost

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[8] The Medium- and Heavy-Duty Prize competitions and Pilots are further described and discussed in the July 16, 2020 Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (Make-Ready Order), and the November 16, 2023 Order Approving Midpoint Review Whitepaper's Recommendations with Modifications (Midpoint Review Order), both issued by the Commission in Case 18-E-0138.

[9] The Downstate Utilities' CMCP is described and discussed in the Immediate Solutions Order.

relief programs potential LMTIP participants also participate in, other than the CMCP.[10] Con Edison reasons that customers also participating only in the CMPC would have a stronger motivation to use load management technologies to decrease their load during network peak periods compared to customers that simultaneously participate in the CMCP and the Demand Charge Rebate or EV Phase-In Rates.[11]

The Joint Utilities provide four scenarios and example technologies to illustrate how eligible costs would be considered in determining LMTIP incentives. First, some eligible costs may be clear and distinct from costs partially covered by other programs, such as the light-duty Make-Ready Program. For example, because the Make-Ready Program does not provide for incentives against standalone energy storage costs, the full cost of a standalone energy storage project could be considered for incentives under the LMTIP. Second, some load management equipment costs may be partially provided under other complementary programs that would be partially paid for through Make-Ready Program incentives, such as power cabinets, which allow for power-sharing across multiple charging ports. Third, recurring costs such as software-based load management costs that may be included as part of EV supply equipment networking or service fees. Fourth, load management equipment costs that are difficult to separate from other products that are

[10] As proposed, LMTIP participants in Con Edison's service territory would also be required to participate in the CMCP; however, customers may also be eligible to participate in the Demand Charge Rebate or EV Phase-In Rate, once available. The Demand Charge Rebate and EV Phase In-Rate are discussed in detail in the Demand Charge Alternatives Order and Immediate Solutions Order.

[11] Con Edison states that this approach will best align LMTIP incentives with participants more likely to use customer funds to maximize grid beneficial behavior.

incentivized through other programs (e.g., energy storage integrated directly into chargers with costs that are not separable into costs for energy storage and costs for chargers). The Joint Utilities note that they may use proxy values to determine the costs of load management technologies in the fourth scenario to estimate available incentive levels under the LMTIPs.

The Joint Utilities propose to establish clear guidance on cost eligibility in each of the above scenarios. The Joint Utilities propose to allow customers to stack incentives from the LMTIPs and other technology incentive programs, which would require participants to self-report and attest to total project costs and incentives received from other sources. The Joint Utilities propose to develop LMTIP incentive offers such that the combined incentive sources provide no more than 100 percent of the eligible costs. The Joint Utilities note that customers would have to self-attest to total project costs and incentives from other sources, after which the utility would review such costs and develop an incentive offer such that the combination of LMTIP incentives and incentives from other sources do not exceed 100 percent of the total project cost.[12]

The Joint Utilities propose to market the LMTIPs and engage with customers through multiple channels. First, the Joint Utilities propose to establish a program landing page on the Joint Utilities' website, which would include information on the total budget available for each utility and links to individual utility websites for additional information. Second, the Joint Utilities state that each utility would establish materials on their individual websites describing the details of

[12] The Joint Utilities provide an example whereby a project with total costs of $10,000 and outside incentives of $3,000 would only receive up to $7,000 in LMTIP incentives.

their respective LMTIP offerings, including applications and instructions on how to apply. Third, the Joint Utilities propose to target LMTIP marketing toward Make-Ready Program site hosts and approved contractors. Fourth, the Joint Utilities propose to include program specific marketing, with the Upstate Utilities proposing to include LMTIP material in Make-Ready Program marketing material, and the Downstate Utilities proposing to incorporate LMTIP material in marketing efforts for their CMCPs.

The Joint Utilities propose to determine separate incentive and administration budgets for their respective LMTIPs, dependent upon the level of funding still remaining after accounting for forecast PPI Program expenditures. Specifically, the Joint Utilities propose that the total LMTIP budget would be the net of total funds available for the PPI Program at the end of the 60-day participant election period established in the Immediate Solutions Order, less the PPI Program-end budget. Of the total LMTIP budget, the Joint Utilities propose to allocate 15 percent toward administrative costs, with the remaining 85 percent to be used to fund incentives. The Joint Utilities note that a 15 percent of total program administration budget is in line with the amount approved by the Commission for the Make-Ready Program.[13]

The Joint Utilities propose that the Commission implement a program review and potential reauthorization process to begin prior to exhaustion of each of the Utilities' LMTIP funds. The Joint Utilities recommend that each of the Utilities be directed to begin an individual review process, consult with Staff, and make a filing to the Commission regarding whether and how the LMTIP should continue beyond its original authorization

[13] Make-Ready Order, p. 75.

once it has expended 70 percent of its LMTIP budget. The Joint Utilities note that individual Utilities are likely to reach the 70 percent threshold at different times due to differing levels of funding availability and customer participation.

## NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rule Making was published in the State Register on June 21, 2023 [SAPA No. 22-E-0236SP7]. The time for submission of comments pursuant to the Notice expired on August 21, 2023. Five comments were received in response to the Notice. The comments received are addressed below.

## COMMENTS

Comments were received from Advanced Energy United and the Alliance for Clean Energy New York (United); ChargePoint, Inc. (ChargePoint); Environmental Defense Fund (EDF); SWTCH Energy Inc. (SWTCH); and the Vehicle-Grid Integration Council (VGIC). Comments were generally supportive of the Joint Utilities' LMTIP Proposal, however, each set of comments suggests clarifications or modifications.

### General Support for LMTIPs as Proposed

Commenters expressed general support for the Joint Utilities' LMTIP Proposal. ChargePoint notes that Load Management activities support three main behaviors: peak shaving to help reduce demand charges and electricity costs; load balancing to avoid customer-side upgrades and to get charging sites up and running more quickly with multiple chargers even while waiting for potentially significant utility-side upgrades to be completed; and the ability to intelligently share power among plugs based on the combination of plug capacity and EV charging speeds to optimize charging speed to multiple plugs simultaneously. SWTCH notes that without load management in place, EV charging systems would be designed assuming that all chargers are on at the same time, which would severely limit the number of charges able to be installed at sites with multiple chargers and public charging sites. SWTCH notes that redistributing charging use from peak hours to quieter periods during the overnight and early morning hours would allow more chargers to be installed while ensuring that all EVs are charged and ready to go by morning.

Technology Eligibility Requirements

United and SWTCH each expressed general support for the broad technology eligibility approach. Similarly, Chargepoint states that the broad eligibility criteria will encourage competition and innovation in the EV supply equipment (EVSE) industry to meet customer needs in different market segments. VGIC notes that hardware-based demand management technologies and software-based technologies offer different sets of customer benefits, and that inclusion of diverse approaches to deliver the same service to the grid will allow customers to choose the approach that best fits their needs.

VGIC asserts that software-based demand management technologies are expected to simultaneously participate in both the LMTIP and managed charging programs, and requests that the Commission ensure that hardware-based demand management technologies are similarly allowed to participate in sector-specific incentive programs, rates, or other participation pathways, such as those anticipated for energy storage. VGIC states that this will ensure that both hardware- and software-based demand management technologies can compete fairly.

EDF states that it supports the Joint Utilities' proposal to include flexible interconnection technologies as eligible to participate in the LMTIPs. EDF states that flexible interconnection agreements can be used in the short term to provide EV charging capability to customers even as grid upgrade work to fully meet customer needs is underway, or as longer-term applications to ease EV fleet interconnections when paired with other load management technologies.[14]

While commenters were generally supportive of the broad technology eligibility approach proposed by the Joint Utilities, they recommended that some definitions and standards used by the Utilities to determine eligibility should be better specified and made consistent. United suggests that a unified, statewide list of approved vendors, technologies, and/or products be adopted to expedite and deconflict eligibility determinations under the LMTIP rather than the discretionary process individually evaluated by each of the Utilities, as proposed by the Joint Utilities. United recommends that the definition of advanced load management should be strengthened to include potential future hardware and monitoring elements, instead of a list using only existing technologies.

EDF requests that the Joint Utilities clarify that energy management systems and hardware should be eligible to participate in the LMTIP, agnostic of whether those systems or hardware specifically control EV charging equipment or otherwise manage other on-site loads. EDF asserts that load management technologies should be eligible to participate in the LMTIP provided that the objective of installing such technologies is

[14] EDF cautions that the LMTIP should not be the only source of funding to advance flexible interconnection technologies, given the limited nature of its funding, and notes that other stakeholders have provided comments to that effect in the Commission's Proceeding on Motion of the Commission to Address Barriers to Medium- and Heavy-Duty Electric Vehicle Charging Infrastructure, in Case 23-E-0070.

management of the overall net site load including the on-site charging equipment.

VGIC takes issue with the Joint Utilities' plan to determine technology eligibility, making individual utility determinations for each technology considered. VGIC points out that this process could result in one of the Utilities accepting a technology as eligible while others do not, or vice versa. VGIC requests that the Commission direct the Joint Utilities to establish and maintain a single statewide approved technologies or products list for the LMTIP, similarly to how the New York State Energy Research and Development Authority operates the Charge Ready Program and hosts information about that program on its website. VGIC states that consistency among the Utilities would support both fleet operators and technology providers that may plan, install, and manage charging stations across multiple utility service territories.

Participant Eligibility Requirements

EDF requests that the proposed participant eligibility requirements in the Upstate Utilities' service territories be expanded. EDF notes that Upstate Utility customers would have to participate in an existing utility EV infrastructure program such as the light-duty Make-Ready Program or the Medium- and Heavy-Duty Make-Ready Pilot (MHD Pilot), which EDF claims includes onerous eligibility requirements of its own. EDF expresses concern that the Upstate Utilities' proposed participant eligibility requirements would functionally exclude an entire class of customers that are not eligible for the light duty Make-Ready Program or the MHD Pilot. EDF asserts that the Upstate Utilities' proposed participant eligibility requirements are more stringent than the Downstate Utilities, which would require customers to also participate in the applicable utility's CMCP.

EDF recommends that the participant eligibility requirements for the Upstate Utilities should be broadened to include: (1) participation in the Upstate Utilities' respective CMCPs, once available; (2) use of a utility's fleet electrification services; or (3) proof of pre-existing or contracted deployments of medium- and heavy-duty EVs.[15] EDF suggests that encouraging and incentivizing load management by electrifying fleets should be the primary goal of the LMTIP, and states that reduced barriers to participation in the LMTIP would lead to more participation by small and resource-constrained fleets and that such fleets' participation would provide valuable insight and learnings for future programs.

Incentive Design

Commenters generally support the Joint Utilities' proposal to base incentives on a percentage of eligible costs, with some further clarifications. EDF states that it supports the Joint Utilities' proposal to allow incentives to be stacked with those available through other programs, without allowing incentives to exceed 100% of the costs. EDF further suggests that the program should take into account where tax incentives are available to help reduce the costs of some eligible technologies.

VGIC states that it supports the LMTIP incentive structure as proposed for the short term, but suggests a different incentive structure may be better for the longer term.[16] VGIC states that the proposed incentive levels would

[15] The Upstate Utilities made their respective filings to implement CMCPs on July 18, 2023. Those proposals are expected to be considered in a subsequent Order.

[16] VGIC recommends that future iterations of the LMTIP should provide incentives based on a prescriptive $/kW incentive, instead of the percentage of eligible cost model the Joint Utilities propose currently.

help offset a significant portion of demand management technology costs and will greatly improve the economic case for customers to install demand management technologies. However, VGIC notes that the proposed methodology of providing incentives based on a percentage of eligible costs may not be the best way to incentivize these technologies in the long term. VGIC notes that the percentage of cost methodology is administratively burdensome, and that the examples provided by the Joint Utilities demonstrate that the costs of some demand management technologies may be ambiguous. VGIC notes that this ambiguity could lead to uncertainty for the site host and technology provider about the amount of incentive they can expect to be eligible for under the program.

Further, VGIC requests that the Commission direct the Upstate and Downstate Utilities to offer the same level of incentives as a percentage of eligible project costs. VGIC notes that the Upstate Utilities plan to offer incentives of up to 50 percent of an eligible project's costs, whereas Downstate Utilities would offer 90 percent. VGIC requests that the Commission direct the Joint Utilities to consistently offer incentives of up to 90 percent of eligible project costs, regardless of service territory, and states that such consistency would cut down on soft costs for demand management technology providers that are already faced with complex program rules and newly established processes for charger installation and connection.

Chargepoint states that the extent of the Utilities' discretion to set incentive levels is unclear (e.g., whether the incentive would be based on the type of load management technology used or if the incentive would be determined on a project-by-project basis for each site). Chargepoint requests that the Joint Utilities provide greater transparency on which factors will be used to determine incentive levels, especially if incentives would vary from customer to customer for reasons other than customers' status as within or outside of a disadvantaged community.

Commenters strongly support inclusion of ALM software costs through upfront incentives, but some recommend that the assumed duration used to develop upfront incentives should be lengthened. Chargepoint states that offering software incentives on an upfront basis will allow customers to compare the relative costs and benefits of different load management technologies. EDF states that a three-year period would provide customers with support during the difficult early years of electrification without creating open-ended obligations. Both United and SWTCH recommend that a somewhat longer five-year period be used for setting upfront ALM software incentives, noting that the five-year period is consistent with federal treatment of networking expenses for programs under its National Electric Vehicle Infrastructure program.

Both United and VGIC recommend that the Commission establish a per-project incentive limit, so a single project does not use up all of a utility's LMTIP funding. United suggests that this cap could either be implemented as a per-project cap as a percentage of total budget, or a cap based on a specified dollar amount. Neither United nor VGIC suggest a specific cap level which should be implemented.

<u>Reporting Requirements</u>

Both EDF and SWTCH recommend that the Joint Utilities' proposed reporting requirements be strengthened. SWTCH requests that the Utilities provide information regarding remaining LMTIP budgets and funding levels on their websites, or a joint website, with updates to such figures at least quarterly.

EDF states that while it does not disagree with any of the proposed reporting requirements, none of these data would provide insight on whether the LMTIP is effective at mitigating grid impacts.  EDF recommends that the Commission direct the Utilities to report aggregate load profiles of LMTIP participants.  EDF asserts that these load profiles would demonstrate whether participants are successfully avoiding contributing to peak load and shifting load toward off-peak periods, and states that aggregating LMTIP participant load profiles on a utility-by-utility basis should avoid customer data privacy concerns.

Program Assessment and Reauthorization

SWTCH encourages the Commission to establish a clear process for considering whether the LMTIP program should continue once funding is exhausted.  SWTCH recommends that the Commission commence this review process as soon as reasonably practicable.

EDF states that it does not support the Utilities' proposal to complete program assessment on a utility-by-utility basis, arguing that this process would be administratively burdensome for Staff, the Commission, and would also limit stakeholders' ability to engage in separate review processes instead of a single statewide process.  Instead, EDF requests that the Commission establish a single statewide review process to begin when the first utility spends 70% of its LMTIP budget. EDF argues that the fact that different utilities may experience differences in the rate of program spending is worthwhile data in itself, and should be considered holistically across the State and used to inform revisions to the program.  EDF asserts that a single statewide effort to review the LMTIP progress would simplify the review process and support greater accountability and flexibility for the program.

EDF also recommends that the Commission simultaneously guard against LMTIP program funds going unused, noting that the MHD Make-Ready Pilot and the DCFC PPI Program, which the LMTIP is replacing, have each experienced customer uptake more slowly than initially anticipated. EDF recommends that the Commission require reassessment of the program if the Utilities do not spend a specified portion of the budget within a set time period (e.g., if the utilities do not spend at least 30% of the program budget within one year).

## LEGAL AUTHORITY

PSL §5 grants the Commission authority to direct utilities to "formulate and carry out long-range programs, individually or cooperatively, with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources." The Commission has further authority under PSL §66(2) 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." Moreover, the Commission has authority pursuant to PSL §66(14) "to require each ... electric corporation to establish classifications of service based upon the quantity used, the time when used, the purpose for which used, the duration of use and upon any other reasonable consideration, and to establish in connection therewith just and reasonable graduated rates and charges; and ... to require such changes in such classifications, rates and charges as [is] ... just and reasonable ..."

Pursuant to PSL §66-s, the Commission was required to commence this proceeding to "establish a commercial tariff utilizing alternatives to traditional demand-based rate structures, other operating cost relief mechanisms, or a combination thereof (collectively, "solutions") to facilitate faster charging for eligible light duty, heavy duty, and fleet electric vehicles." The actions taken herein fall within this legal authority and are designed to support long-range program goals economically and efficiently, support public health and safety, preserve environmental values, and conserve natural resources.

## DISCUSSION

The Commission finds the Joint Utilities' proposal to implement LMTIPs in each utility service territory to be reasonable and consistent with the intention and directives provided in the Demand Charge Alternatives Order, except as discussed and modified below.[17] As discussed below, among other changes, this Order directs the Joint Utilities to: (1) engage in a process to make consistent technology eligibility determinations statewide; (2) further strengthen the Joint Utilities' proposal to establish a shared LMTIP web page, which will act as a statewide clearing house for information regarding the utility LMTIPs; (3) expand customer eligibility requirements

[17] The Commission's adoption of the LMTIP Program constitutes the adoption of regulations in connection with the extension of utility distribution facilities and therefore is considered a Type II action for the purpose of the State Environmental Quality Review Act (6 NYCRR §617.5(13) and (33)). Likewise, consistent with §7(2) and §7(3) of the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019), the Commission finds that the action taken herein will neither interfere with the attainment of the statewide greenhouse gas emission limits established under the CLCPA nor disproportionately burden a Disadvantaged Community.

to allow Demand Charge Rebate participants to participate in the LMTIP; (4) establish a per-project incentive cap equivalent of 20 percent of the total LMTIP budgets; and (5) make a filing providing a review of LMTIP progress and a recommendation regarding potential re-authorization of the LMTIP for Commission consideration at the earlier of: (a) when the first utility expends 70 percent of its LMTIP budget, or (b) the mid-2025 Review Process already established for the Make-Ready Program.[18] The Joint Utilities are directed to implement their respective LMTIPs, as modified herein, as quickly as practicable, but no later than 60 days after the issuance of this Order.

Technology Eligibility Requirements

The broad technology eligibility requirements proposed by the Joint Utilities garnered significant stakeholder support and are consistent with the intentions expressed in the Demand Charge Alternatives Order. The Commission agrees in principle with EDF that the LMTIP should not be limited to technologies that specifically manage EV charging demand, and that management of overall net site demand including charging demand is the main purpose of implementing LMTIPs. However, technologies incentivized under the LMTIP should have a strong relationship with managing EV charging demand.[19] Similarly, the Commission agrees with United that the technology eligibility requirements established by the Joint Utilities should be flexible enough to provide a reasonable amount of certainty regarding technology

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[18] Midpoint Review Order, p. 24.

[19] For example, on-site energy storage not directly integrated with EV charging loads that is used to offset EV charging demand should be eligible for incentives in LMTIP. Conversely, building electrification technologies that reduce on-site air conditioning demand that just so happens to be coincident with EV charging periods should not be eligible for incentives under the LMTIP.

qualification regardless of whether such technologies are existing or new. Therefore, the Joint Utilities' broad technology eligibility approach is approved, with significant discretion to incentivize a wide range of technologies under the LMTIPs. The Joint Utilities' performance and use of their discretion will be reviewed and considered as part of a subsequent review process, as discussed below.

While the Joint Utilities' overall approach is reasonable, commenters raised salient concerns regarding the process that the Joint Utilities would undertake to determine eligibility for technologies within each service territory. Specifically, commenters expressed concern that utility-specific requirements could result in situations where the same technology is accepted as eligible by some utilities but not others. It is reasonable that the Joint Utilities should be able to impose utility-specific requirements for interconnection of technologies to ensure compatibility with their respective electrical systems; however, the Joint Utilities' rationale to impose utility-specific requirements related to participation in other programs, including the CSRP and CMCP, is unpersuasive.

First, each of the Utilities presently operates a CSRP and either presently operates or has made filings seeking authorization to operate CMCPs, each with similar participation requirements. A customer's ability to participate in either CSRP or CMCP, in any utility service territory, depends predominantly on the availability of communicating interval demand metering.[20] That is, since the participation requirements

[20] The Upstate Utilities propose that customers must have at minimum 25 kW of installed charging capability to participate in their respective CMCPs, which the Downstate Utilities' CMCPs do not include. However, the Downstate Utilities have presently completed full Advanced Metering Infrastructure rollouts whereas the Upstate Utilities have not.

of statewide CSRPs and CMCPs are already meaningfully similar, their use as a rationale for needing utility-by-utility consideration of LMTIP technology eligibility requirements is not persuasive.

Second, as discussed below, participation in a utility's CMCP will be merely one of several pathways a customer may choose to pursue to be eligible to participate in the LMTIP. Therefore, the Joint Utilities' reliance on potentially differing CMCP requirements to justify the need for differing utility-specific LMTIP technology eligibility requirements is moot.

The Joint Utilities are directed to work together to make consistent statewide determinations regarding requirements for technologies to participate in the LMTIP. If needed, one or more of the Utilities may petition the Commission for utility-specific exemptions and alternate eligibility requirements for one or more technologies; however, in doing so, such utility must provide convincing evidence that utility-specific requirements are justified and reasonable. In short, technology eligibility requirements shall be consistent statewide, except in specific circumstances when utility-specific requirements are warranted and authorized by the Commission. The Utilities may not implement the utility-specific exemptions or alternate eligibility requirements until the Commission has issued an Order responding to a petition.

Both United and VGIC request that the Commission direct the Joint Utilities to publish information regarding technology eligibility requirements on a common website. VGIC requests that such website includes a list of approved technologies and products and United requests that a list of approved vendors should also be included. The Commission finds that it is reasonable to require the Joint Utilities to maintain an updated list of approved technologies and products. For the reasons discussed below, it is not reasonable to require the Utilities to also provide a list of approved vendors.[21] Including a list of approved vendors would require the Joint Utilities to develop a vendor approval process, beyond the technology eligibility determination process. Further, a vendor's presence or absence on an approved list may improperly advantage or disadvantage such vendor in comparison to other vendors in the market. Like other business decisions, the sophisticated commercial customers the LMTIP is tailored for will have the responsibility and wherewithal to do their own due diligence when selecting a vendor. Other requirements regarding the Joint Utilities' shared LMTIP website are described in more detail below.

Customer Eligibility Requirements

Stakeholders raise pertinent concerns regarding the Joint Utilities' proposed customer eligibility requirements. Each of the programs the Joint Utilities identified as potential pathways to participation – the CMCP, the light-duty Make-Ready Program, and the MHD Pilot – are reasonable. However, there are other programs which are also reasonable to include as pathways for customer participation.

In the Demand Charge Alternatives Order, the Commission found that "[b]lunting [the demand charge] price signal, while advantageous from the perspective of helping to reduce operating costs for commercial EV charging customers, also reduces the incentive for customers to manage their

[21] The list of approved technologies and products provided on the shared website should make clear that while the technologies and products on the list are approved, technologies and products which do not appear on the list are not necessarily excluded and will be considered if proposed.

demand."[22] The Commission, therefore, directed the utilities to redeploy unspent PPI Program funding to "establish incentives for demand management technologies alongside the operating cost relief measures approved in [the Demand Charge Alternatives] Order," including the CMCP and the Demand Charge Rebate. By not including participation in the Demand Charge Rebate as an eligible pathway for customers to participate in the LMTIP, the Joint Utilities have missed the point of the Commission's decision to redeploy PPI Program funding.

Looking forward, it is also true that the EV Phase-In Rates, once available, may also blunt some price signals for customers to manage their EV charging demand. This is especially relevant in the first graduation of the EV Phase-In Rates, which will only include energy-related variable charges.[23] The Commission finds it reasonable to offer demand management incentives to EV Phase-In Rate participants as well, to the extent that availability of the LMTIP and the EV Phase-In Rates overlap.

Similarly, EDF's suggestion that the primary purpose of the LMTIP should be to facilitate fleet electrification is off the mark. The Commission reaffirms that the purpose of redeploying PPI Program funding in the form of the LMTIP is to re-sharpen incentives to install load management technologies which have been blunted for commercial EV charging customers due to approval of the Demand Charge Rebate, use-case specific incentives included in the CMCPs, and the EV Phase-In Rate.

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[22] Demand Charge Alternatives Order, pp. 10-11.

[23] As discussed in the Demand Charge Alternatives Order, the first graduation of the EV Phase-In Rate includes a Customer Charge and a time-of-use Energy Charge. The second and subsequent graduations of the EV Phase-In Rate include increasing proportions of cost recovery through Demand Charges.

Therefore, the Commission directs the Joint Utilities to include participation in the Demand Charge Rebate and EV Phase-In Rates, once available, as pathways for customers to become eligible to participate in the LMTIPs, in addition to the other pathways identified in the Joint Utilities' filing. Including the Demand Charge Rebate as a pathway for LMTIP participation will be particularly helpful in the Upstate Utilities' service territories, as those utilities do not presently have operational CMCPs, and the Demand Charge Rebate is available to qualifying commercial EV charging customers regardless of use-case.[24] Including EV Phase-In Rates participation as a pathway for participation in the LMTIP will provide broad access to the LMTIP for EV charging customers throughout New York State.

EDF's recommendation that the Upstate Utilities should also allow customers that participate in their respective CMCPs, once approved, to participate in the LMTIP is persuasive. Allowing participation in either the CMCP and/or Demand Charge Rebate would create a greater level of consistency between the Upstate Utilities' and Downstate Utilities' LMTIPs. Therefore, the Upstate Utilities are directed to include participation in their respective CMCPs, once operational, as an additional pathway for eligibility to participate in their respective LMTIPs. The expansion of potential pathways discussed above should sufficiently broaden eligibility to participate in the LMTIP to assuage EDF's concern that the Upstate Utilities' proposal was too restrictive.

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[24] Customers would still have to qualify for the Demand Charge Rebate, which could be done, for example, by separately metering their EV charging load or achieving and maintaining a Charging Ratio of 50 percent or greater, as discussed in the Demand Charge Alternatives Order.

Finally, the Commission also finds the need to discuss the Joint Utilities' request for authorization to periodically reevaluate and adjust participant eligibility criteria. The minimum required pathways that each utility must allow are as follows: participation in the Demand Charge Rebate or CMCP for the Downstate Utilities; and participation in the Demand Charge Rebate, CMCP once operational, light-duty Make-Ready Program, or MHD Pilots for the Upstate Utilities. This Order does not authorize the Joint Utilities to restrict this list on their own volition. However, the Joint Utilities will be allowed to expand the pathways to other EV-related programs. Therefore, the Commission declines to specifically approve EDF's request to include Fleet Electrification Services or provide proof of pre-existing or contracted deployments of medium- or heavy-duty EVs; the Joint Utilities may optionally include those pathways in their updated Implementation Plans, as discussed below.

Incentive Design

The Joint Utilities' proposal to provide incentives to cover up-to-100 percent of eligible load management technology costs, with consideration of other sources of funding for the same technologies, and enhancements to further incentivize deployment of load management technologies in disadvantaged communities, is reasonable and broadly supported by stakeholders. Therefore, the Joint Utilities' general plan to develop incentives is approved.

EDF's suggestion that the Joint Utilities also consider the availability of State and Federal tax incentives is persuasive. Identifying tax benefits that would "buy-down" the cost of technologies after installation would reduce the amount of incentives needed to be provided through the LMTIP, and thus potentially make the LMTIP budgets stretch further. The Joint Utilities should strive to identify instances where such tax incentives are available, and provide incentive offers to LMTIP participants which consider and reflect the full panoply of incentives available from other sources.

The Commission finds VGIC's argument that the incentive levels available at the Upstate Utilities and Downstate Utilities should be the same – that is, that the Upstate Utilities' initial proposal of approximately 50 percent of eligible technology costs should be raised to match the Downstate Utilities' initial proposal of approximately 90 percent of eligible technology costs – to be unpersuasive.

The goal of incentive programs is generally to achieve the maximum amount of desired behavior – in this case, installations of load management technologies, and ideally at the lowest level of incentive that installers are willing to accept. The Commission expects the Joint Utilities to seek to implement their respective LMTIPs with that goal in mind. Like other incentive programs, such as the Clean Heat Program for example, the Joint Utilities will be provided significant discretion over the level of incentives to offer through the LMTIP, with the goal of maximizing the amount of load management technology deployment enabled under the LMTIP budgets, including the ability to modify LMTIP incentive offers based on whether the customer also participates in other EV-related programs. Therefore, the Commission declines to direct the Upstate Utilities to increase the level of incentives they plan to offer, as requested by VGIC. Similarly, the Commission declines to put additional restrictions on the process the Utilities will use to develop incentive offers to potential participants, as requested by ChargePoint, since flexibility to develop incentive offers may be useful to help stretch the program to additional participants if LMTIP budgets are close to being fully expended.

There are, however, two areas where additional guidance in development of incentive offers is necessary. First, while all stakeholders agreed that ALM software should be eligible for up-front incentives similar to hardware-based technologies, stakeholders were split regarding whether the three-year term basis for the upfront software-based technology incentive was sufficient or whether such term should be increased to a period of five years. The Commission agrees that incentives for software-based technologies should be developed for a period of up to five years; however, the incentives available to participants should adjusted based on the length of the software contract. For example, if a participant contracts for a software-based load management technology for a period of two years, the LMTIP should provide incentives against the cost of that contract based only on the two-year duration of the contract, not a full five years. While this requirement may complicate administration of the LMTIP, it will ensure that the incentives available for variable-length software contracts are developed to closely match the applicable costs of such technologies.

Second, the Commission finds United and VGIC's recommendation to establish a per-project incentive cap to ensure that available LMTIP funding is spread to a reasonable number of participants to be persuasive. However, the fact that stakeholders did not recommend a specific level for the Commission to consider is somewhat less helpful. As an initial point, the Commission will require each utility to establish a per-project cap of not more than 20 percent of the total LMTIP incentive budget – that is, the total LMTIP budget, less administrative costs, which would be available to fund incentives. Absent a stronger rationale to support this per-project cap, the Commission finds a minimum of five projects supported through the LMTIP to be a reasonable starting point for the LMTIP. Among other things, the efficacy of the per-project incentive cap established herein will be reviewed and considered as part of the program assessment process described below.

Finally, the Commission declines to adopt VGIC's recommendation that future iterations of the LMTIP should provide incentives based on a prescriptive $/kW incentive, instead of the percentage of eligible cost model approved herein. These comments presuppose that the LMTIP will be reauthorized in the future, and therefore the Commission declines to consider such possible future incentive structures at this time. However, if the LMTIP is considered for reauthorization by the Commission in the future, VGIC would have an opportunity to raise this matter and provide input on the design of incentives at that time.

Marketing and Customer Engagement

The Commission finds the Joint Utilities' proposed marketing and customer engagement channels to be reasonable first steps. However, the Commission directs the Joint Utilities to expand those marketing pathways to reflect the broader customer participation requirements adopted herein. Specifically, the Joint Utilities shall also provide information about the LMTIP to customers participating in the Demand Charge Rebate Program. As with the customer eligibility requirements themselves, the Joint Utilities should understand this directive as minimum acceptable levels of marketing activity, and are encouraged to provide LMTIP marketing materials to a broader array of customers beyond solely those identified in this Order. Therefore, the Joint Utilities shall develop, within 60 days of the effective date of this Order, marketing materials for the Load Management Technology Program targeting Demand Charge

Rebate participants, Make-Ready Program site hosts and approved contractors, Commercial Managed Charging Program participants.

Reporting Requirements

The Joint Utilities' proposal to submit data regarding their respective LMTIP activities as part of the annual reporting process associated with the Make-Ready Program is approved, with certain additional requirements recommended by stakeholders. First, the Commission finds SWTCH's request that the Utilities should make quarterly updates to report the remaining LMTIP funding levels available for each utility on the common LMTIP website to be persuasive and adopts this requirement. The Utilities routinely reported similar quarterly budget availability data for their PPI Program, and it is reasonable for the Utilities to continue to do so for their respective LMTIPs, since both were budget-limited programs.

Second, the Commission finds EDF's request for the Utilities to provide annual aggregated load data from LMTIP participants to be persuasive; however, the Commission will require a different frequency of such data being provided. In this phase of the LMTIP implementation, there may be a relatively small number of customers participating in the LMTIPs, which may lead to concerns regarding dissemination of sensitive customer-specific information. As more data is able to be collected and aggregated, these concerns regarding the potential to inadvertently release personally identifiable information will diminish. Therefore, at this time, the Commission declines to require load profile data to be reported on an annual basis. This determination will be subject to reconsideration in the future as part of the Program Assessment process described below.

Instead, the Utilities shall provide aggregated LMTIP participant load data, to the extent available, as part of their

Program Assessment filing described below. This data should be useful to compare against the aggregated load profiles of other EV charging customers that are not participating in the LMTIP to determine whether, and if so by how much, participation in the LMTIP is responsible for managing customer peak demands. This data will be very useful to the Commission as it considers whether to continue the LMTIP once the already-collected funding is expended.

In addition to the backward-looking annual reporting requirements approved herein, the Commission will also require the Joint Utilities to establish and maintain a forward-looking Implementation Plan. Implementation Plans are a common feature of many Commission-approved programs, and are intended to codify anticipated program operations and ensure that the programs are operated fairly and efficiently. The Joint Utilities are directed to develop and file their first LMTIP Implementation Plan within 30 days of the effective date of this Order, and shall contain the information provided in their May 19, 2023 filings, updated per the modifications directed in this Order.[25]

Program Assessment Process

The Commission finds EDF and SWTCH's concerns regarding the Joint Utilities' proposed Program Assessment process to be compelling. Of particular import is the process for assessing LMTIP implementation success or failure itself.

[25] The Implementation Plans are intended to be living documents which describe how the Utilities will implement and operate their LMTIPs as approved by the Commission. Updates to Implementation Plan documents are not intended to allow the Utilities to unilaterally make material modifications to their LMTIPs, nor should immaterial changes to Implementation Plan documents require Commission authorization. Utilities will be required to seek Commission authorization for material changes to the LMTIP. Utilities shall consult with Staff if there is any question as to whether a change is material or immaterial.

The Joint Utilities recommended that they make individual filings when each utility expends 70 percent of its budget. However, as EDF notes, this could result in multiple proceedings for stakeholders and the Commission to juggle, which be any combination of overlapping or isolated. The Joint Utilities' proposal presents a potentially chaotic path for stakeholders and the Commission to consider similar issues at each utility, and does not present an opportunity for the Commission to address issues where a utility is, for whatever reason, unable to expend 70 percent of its authorized budget in a reasonable amount of time. Therefore, the Commission rejects the Joint Utilities' proposal to implement utility-specific Program Assessment processes.

Instead, the Commission requires a single statewide LMTIP Program Assessment process to be established at the earlier of: (1) when the first of the Utilities expends 70 percent of its LMTIP incentive budget; or (2) the next statewide Make-Ready Program review process as directed in the Midpoint Review Order, anticipated to begin no later than November 2025. This schedule will ensure a single Program Assessment process that all of the Utilities and stakeholders will be able to engage in simultaneously, and also ensure that utility LMTIP activities are reviewed within a reasonable timeframe even if no utility has expended its LMTIP incentive budget by the time the Make-Ready Program review process begins. The Secretary to the Commission shall have the authority to modify these deadlines as needed to ensure an effective and efficient course of these proceedings.

## CONCLUSION

With the implementation of the LMTIPs approved herein, the Commission has completed the process to reauthorize the use of already-collected DCFC PPI Program funding. Customer participation in the LMTIP is anticipated to diminish the potential impact of EV charging on utility and system-wide peak demands, and help to establish a virtuous cycle whereby additional EV demand can potentially decrease the electric rates that customers pay by making maximum use of already existing infrastructure. Subsequent orders are anticipated to address the remaining programs and options directed in the Demand Charge Alternatives Order (i.e., CMCPs to become available in the Upstate Utilities' service territories and the EV Phase-In Rate options to become available statewide).

The Commission orders:

1. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall establish Load Management Technology Incentive Programs, as discussed in the body of this Order, and make such programs available for customer participation as quickly as practicable, but no later than 60 days after the issuance of this Order.

2. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall establish a shared website to house information related to their respective Load Management Technology Incentive Programs, to be updated on a quarterly or more frequent basis, as discussed in the body of this Order. The shared website shall provide:

a. Information on technology eligibility requirements and approved products subject to Ordering Clause Nos. 3 and 4;
b. Information on customer eligibility requirements subject to Ordering Clause Nos. 5, 6, and 7;
c. Marketing materials and links for each utility’s website; and,
d. Information on remaining Load Management Technology Incentive Program budgets for each utility.

3. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall, as discussed in the body of this Order, work together to make consistent determinations regarding requirements for technologies to participate in the Load Management Technology Incentive Programs.

4. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; or Rochester Gas and Electric Corporation may petition the Commission for relief from Ordering Clause No. 3 for a utility-specific technology eligibility determination, as discussed in the body of this Order.

5. Consolidated Edison Company of New York, Inc.; and Orange and Rockland Utilities, Inc. shall allow customers participating in the Demand Charge Rebate program, the EV Phase-In Rates, once available, or the Commercial Managed Charging

Program to participate in their respective Load Management Technology Incentive Programs, as discussed in the body of this Order.

6. Central Hudson Gas and Electric Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, and Rochester Gas and Electric Corporation shall allow customers participating in the Demand Charge Rebate Program, the light-duty Make-Ready Program, Medium- and Heavy-Duty Pilot Program, the EV Phase-In Rate, once available, and Commercial Managed Charging Program, once available, to participate in their respective Load Management Technology Incentive Programs, as discussed in the body of this Order.

7. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation may include additional customer eligibility options beyond those enumerated in Ordering Clause Nos. 5 and 6, as discussed in the body of this Order.

8. Incentives available through the Load Management Technology Incentive Program shall provide only up to 100 percent of eligible costs, shall be adjusted based on availability of other funding sources, and shall provide for up to 5 years of advanced load management software costs, as discussed in the body of this Order.

9. Incentives available for each Load Management Technology Incentive Program project shall not exceed 20 percent of the applicable utility's Load Management Technology Incentive Program incentive budget, as discussed in the body of this Order.

10. Consolidated Edison Company of New York, Inc.; and Orange and Rockland Utilities, Inc. shall develop, within 60 days of the effective date of this Order, marketing materials for the Load Management Technology Program targeting Demand Charge Rebate participants, Make-Ready Program site hosts and approved contractors, Commercial Managed Charging Program participants, as discussed in the body of this Order.

11. Central Hudson Gas and Electric Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, and Rochester Gas and Electric Corporation shall develop, within 60 days of the effective date of this Order, marketing materials for the Load Management Technology Program targeting Demand Charge Rebate participants, Make-Ready Program site hosts, and approved contractors, as discussed in the body of this Order.

12. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall file an Implementation Plan, as discussed within the body of this Order, within 30 days of the effective date of this Order.

13. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall file a proposal to implement a statewide Load Management Technology Incentive Program assessment process, as discussed in the body of this Order.

14. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State

Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation shall provide aggregated data detailing the efficacy of the Load Management Technology Incentive Program as part of the filing required in Ordering Clause No. 13, consistent with the discussion in the body of this Order.

15. 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.

16. This proceeding is continued.

By the Commission,

(SIGNED) MICHELLE L. PHILLIPS
Secretary