STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

COMMENTS OF THE INDICATED UTILITIES ON THE NOTICE FOR COMMENTS REGARDING THE JOINT PETITION TO EXTEND MAKE-READY PROGRAMS

The Indicated New York Utilities ("Indicated Utilities")[1] submit these comments in response to the Public Service Commission's ("Commission") September 23, 2026 Notice Soliciting Comments ("Notice")[2] regarding the Joint Petition to Extend Make-Ready Programs filed on July 31, 2026 ("Joint Petition").[3]

The Indicated Utilities support the Joint Petition's request to allocate the estimated unspent, previously authorized Make-Ready Program ("MRP") funding to support additional direct current fast charging ("DCFC") deployment beyond the established port targets. Additional DCFC port deployment will maintain continuity in the DCFC market by bridging the period between the current MRP and a potential future program, avoiding a potential interruption in funding that could slow DCFC deployment and industry momentum. There are two sources of unspent, previously authorized MRP funds: DCFC incentive budget savings ("Savings"), which accrued when programs achieved targets under budget, and future-proofing funds, for which there was limited Participant uptake.

Deploying these funds would support the continued development of DCFC infrastructure to serve a diverse set of charging needs across New York State. Across the state, electric vehicle

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[1] The Indicated Utilities are Consolidated Edison Company of New York, Inc. (Con Edison), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), and Orange and Rockland Utilities, Inc. (O&R)

[2] Case 18-E-0138 *et al*., *Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure* ("EVSE & I Proceeding"), Notice Soliciting Comments (September 23, 2026).

[3] EVSE & I Proceeding, Joint Petition to Extend Make-Ready Programs (July 31, 2026).

("EV") drivers rely on public fast charging to charge efficiently while working, commuting, and traveling or to supplement limited at-home charging options. Additionally, fleets and businesses require charging for their operational needs as they electrify their vehicles and employees acquire EVs. In upstate, an expanded and cohesive network of DCFC stations is important to both enable travel across long highway corridors and to provide reliable and accessible public charging within local communities.[4] Continued investment in upstate DCFC is necessary to address the existing gaps in the network, increase access to charging for all communities, and support increased EV adoption. By contrast, downstate's need for continued investment in DCFC is tied to the impacts of increased adoption, queuing, and the importance of providing continued efficient access and positive driver experiences. Section I expands on the different vehicle segments that DCFC stations support and the variety of needs that exist today across the State.

In Section II of these comments, the Indicated Utilities estimate the additional DCFC ports that could be incentivized through the reallocation of unspent Savings and future-proofing funds and consider the magnitude of unspent Savings from the L2 programs. As acknowledged in Section III, the current incentive structure will achieve plug targets while remaining below authorized funding levels, resulting in unspent Savings. Section III then describes potential modifications to reduce the average per-plug incentive and maximize the number of additional DCFC ports that may be incentivized during a bridging period.

Section I: Additional Port Distribution Supports NY Charging Needs

[4] Upstate utilities: Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc. and *upstate* refers to their service territories unless otherwise noted.
Downstate utilities: Consolidated Edison Company of New York, Inc., and *downstate* refers to its service territory unless otherwise noted

Make-Ready incentives defray the up-front investment costs of building a station, allowing project developers and operators to produce project economics that can be supported by investors, capital budgets, or other funding sources. This investment makes the development of a DCFC charging network possible. Effective plug distribution within New York State's network should reflect the diverse charging needs of different driver segments across the State. Charging needs vary based on geography, type of vehicle, average vehicle miles travelled, access to home charging, and other market characteristics. Accordingly, the distribution of additional DCFC ports should serve existing EV drivers seeking sufficient geographic coverage for both daily and long-distance travel and should provide access without queues; port distribution should also consider potential future EV drivers whose decisions to purchase or lease EVs are typically dependent upon sufficient coverage and access. Given that driver segments and requirements differ by upstate and downstate, these service areas should be considered separately when discussing effective plug distribution.

Effective plug distribution upstate considers the region's urban, suburban, and rural characteristics, as well as long-distance travel patterns and local, public charging needs. DCFC deployment supports long-distance travel along highway corridors, travel between communities, and localized charging needs for community residents, fleets, and businesses. Accordingly, the need for DCFC deployment is not informed solely by utilization, but also whether the network provides sufficient geographic coverage to adequately serve drivers traveling throughout the region. Low utilization across a travel corridor may indicate that additional charging stations are needed to geographically connect chargers and enable such travel – a phenomenon more likely in

less dense areas.[5] Today, there are still corridors and communities in upstate NY with limited access to DCFC and without the MRP to support continued network expansion, the Indicated Utilities would expect a slowdown in charger deployment and consequently in EV adoption.

For downstate, effective plug distribution considers the growing charging needs of for-hire drivers (considering New York City's Taxi and Limousine Commission's Green Rides requirements), personal-vehicle drivers, and fleets.[6] While utilization is not the only metric relevant to determine the need for additional DCFC, it is informative in the Con Edison service area given the population density. In denser areas, utilization can provide an important indicator of where existing infrastructure may be insufficient to meet charging demand, recognizing that utilization is constrained by factors such as charging curves, site capacity, site design, site operations, and queuing. High utilization across a public charging system in dense areas indicates the system's demand is outpacing supply and the need for greater access.[7] The downstate utilities are experiencing high average utilization at public DCFC sites relative to industry benchmarks, indicating an unmet need for public DCFC chargers. As the remaining project queue consists primarily of public DCFC projects, reallocated funding would be directed towards sites that would likely immediately serve drivers. For additional information regarding utilization trends within the service territory, please see Con Edison's supplemental filing.

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[5] When a corridor charging gap is filled across a long-distance travel route, drivers feel more comfortable adopting an EV, enabling more drivers and therefore more utilization across the system.
Li, J. and K. Springel (2026), "Entry and Coordination in the U.S. Electric Vehicle Charging Industry," Working Paper

[6] By 2030, 100 percent of all rides will be 100% zero emission or wheelchair-accessible. High-volume applies to dispatchers that dispatch 10,000 trips or more per day, per the TLC. Source: Green Rides. "New York City Taxi and Limousine Commission." Available: www.nyc.gov/site/tlc/about/green-rides.page.

Regarding the operational performance of different charger hardware, the Indicated Utilities recommend that the Public Service Commission consider input from charging industry stakeholders with direct experience operating and maintaining charging equipment.

Section II: Modifications to Program Budget

In addition to using DCFC Savings, the Indicated Utilities support reallocating the entire remaining future-proofing budget to allow for a longer bridging period and to incentivize additional near-term DCFC infrastructure. Reallocating these funds would prioritize operational charging infrastructure that can serve current and future EV drivers in the near term, improving corridor charging, enabling local public charging, and reducing queues. If this approach is adopted, projects receiving commitments after Public Service Commission action on the Joint Petition would no longer be eligible for future-proofing incentives.[8] The Indicated Utilities continue to support the role of future-proofing but, given the limited uptake of the current incentive, recommend reevaluating the appropriate structure and incentive levels as part of the development of a future program.

Table 1 shows the estimated DCFC Savings and remaining future-proofing funding by utility.

Table 1: Remaining DCFC Make-Ready and Future-Proofing Funding and Estimated Additional Incentivized Ports[9]

[8] A commitment is defined when a project signs a completed program agreement, meaning the utility commits Make-Ready incentive funding to the project

[9] For the estimated incentivized ports, all utilities conservatively used baselines outlined in the "Order Approving Midpoint Review Whitepaper's Recommendations with Modifications", the mix of private vs public projects in their respective queues, and 150 kW per port

Utility	Estimated Unspent Savings[10]	Estimated Ports Using Unspent Savings	Estimated Available Future-Proofing Budget[11]	Estimated Ports Using Available Future-Proofing Budget
Con Edison	$57.0M	380	$37.0M	247
National Grid	$7.6M	120	$6.4M	102
O&R	$0	N/A	$3.1M	33

The Indicated Utilities estimate $39.7M total remaining in unspent savings from the L2 program, and these funds could also be reallocated to support additional DCFC port deployment.

Section III: Cost Governance

The current structure established by the Public Service Commission has been effective to date in providing the Indicated Utilities with flexibility to be responsive to developments in a nascent market: Companies manage their programs' incentives to achieve established targets within authorized incentive budgets. The Indicated Utilities would support modifications within the existing program structure of utility-managed incentive caps and cost-coverage percentage tiers to reduce the average per-port incentive and maximize the number of additional ports supported during a bridging period. These modifications include:

- Incentive Tier Adjustments
- Adder Adjustments

[10] The unspent DCFC budget Savings were estimated by utilities based on program estimates of the budget minus current, committed, and projected spend to reach the plug target.
[11] Future-proofing funds were estimated based on the budget minus current and committed spend

The Indicated Utilities recommend implementing modifications after each utility achieves its established port target and to the repurposed future-proofing budget.

Incentive Tier Adjustments:[12]

The outlined adjustments aim to balance maximizing the remaining authorized funding while maintaining incentive levels sufficient to support project economics.

Up-to-90%: Public, Non-Disadvantaged Community ("DAC") Tier

The Indicated Utilities' remaining project queues consist primarily of public projects and a 10 to 20 percentage point reduction in the public, "Up-to-90%" tier would maximize the number of the incentivized plugs beyond program targets. Table 2 shows the impact of applying a 10 percentage point reduction, which would be at the lower end of the range. Reducing the incentive percentage, rather than reducing the per-kW cost cap, lowers incentives across all projects in this tier rather than concentrating the reduction on projects subject to the cap. A 10 to 20 percentage point reduction would promote Participant cost sharing while also limiting the risk of project attrition and a market slowdown amid rising costs.[13]

Table 2: Estimated Incremental Ports Incentivized Using Unspent Savings and Future-Proofing Funds

[12] Utilities offer an incentive that corresponds to a percentage cost coverage established by the Commission, and the utilities set a utility-specific per-kW incentive cap within each DCFC incentive tier. After a participant submits final project costs, the project receives the applicable percentage of eligible costs or the corresponding incentive cap, whichever is lower. Utilities may set caps in response to market needs (e.g., higher costs in a certain project segment or increased need in a particular geographic area). Additionally, the percentage of costs covered and the corresponding cap vary by incentive tier (up-to-50, 90, or 100% as set in the 2020 Order); incentive tier is determined by project characteristics, including whether the site is publicly accessible. Per the 2020 Order, the tiered incentive structure was used to direct funds to technology types that maximize the public benefit and to encourage siting chargers in low- and moderate-income communities. EVSE & I Proceeding, Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (July 16, 2020) ("2020 Order").

[13] Costs per port are rising with the increase in charger speed and site size

Utility	Estimated Ports Under Current Structure: Unspent Savings	Estimated Ports Under Current Structure: Future-proofing	Estimated Ports After 10 Percentage Point Reduction: Unspent Savings	Estimated Ports After 10 Percentage Point Reduction: Future-proofing	Total Incremental Ports
Con Edison	380	247	427	278	78
National Grid	120	102	135	115	27
O&R	0	33	0	37	4

Adder Adjustments

Con Edison offers incentive adders to support market outcomes that may not be addressed through their company-specific incentive cap, which is set below the baseline. See Con Edison's supplemental filing for its proposed modifications to these adders.

Conclusion

The Indicated Utilities support continuation of the existing program to continue DCFC deployment and maintain market momentum beyond the authorized plug targets.