

**BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

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

PETITION TO MODIFY ORDER

The New York Power Authority (NYPA)¹ submits this petition to modify the *Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs* (the Make-Ready Order) in the above-captioned matter, issued on July 16, 2020.² The Order allocated \$15 million in Make-Ready Program funding to NYPA to support the development of up to ten electric vehicle (EV) fast charging sites (hereinafter referred to as direct current fast chargers or DCFCs) in each Regional Economic Development Council (REDC) region by 2022.³ However, due to COVID-19 work restrictions and supply chain shortages, NYPA has not completed the deployment of all of the planned sites in the REDC regions, but is actively working to do so. Therefore, NYPA respectfully requests that the “by 2022” limitation in the Make-Ready Order for use of the allocated funds be removed and NYPA be granted permission to access the funds for EV charger deployments in the State’s REDC regions through the end of the Make-Ready Program.

¹ NYPA is the largest state public power organization in the nation, operating 16 generating facilities and more than 1,400 circuit-miles of transmission lines throughout New York State. More than 80 percent of the electricity NYPA produces is clean renewable hydropower. NYPA has a direct interest in this matter, for it participates in the Make-Ready Program, pursuant to [Case 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure](#), Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (issued July 16, 2020) (2020 Make-Ready Order), and further pursuant to NYPA’s implementation plan, Case 18-E-0138, [Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure](#), Electric Vehicle Infrastructure Make-Ready Program Implementation Plan (filed Oct. 23, 2020).

² 2020 Make-Ready Order, [supra](#).

³ [Id.](#), at p. 39. The State has a target of 10 DCFC sites in each REDC region and it is the expectation that this target will be reached by a combination of deployments by the private sector, the New York State Energy Research and Development Authority (NYSERDA), and NYPA.

Background

On July 16, 2020, the New York State Public Service Commission (Commission) issued the Make-Ready Order, which established a \$701 million Electric Vehicle Charging Infrastructure Make-Ready Program (the Program) to support the development of electric vehicle supply equipment and infrastructure (EVSE&I) for light-, medium-, and heavy-duty EVs and electric transit fleet vehicles through 2025.⁴ Of the total \$701 million originally allocated to the Make-Ready Program,⁵ the Commission allocated \$30 million to NYPA, \$15 million to build up to ten DCFC sites in every REDC region by 2022 and \$15 million for the deployment of additional DCFCs to help build a robust, statewide network of fast charging sites under the EVolveNY Program.⁶

The stated objective of the \$15 million allocation for deployments in REDC regions was to ensure that EVSE&I is developed in all areas of the state, not just those areas where the demand for charging is expected to be higher.⁷ In order to eliminate range anxiety, which is the fear of not being able to get a sufficient charge for an EV when it is needed, the State needs a reliable and accessible statewide network of EV charging infrastructure, even in areas where utilization of that charger is expected to be low, such as in rural and moderate-to-low income areas.⁸ The State's REDC regions cover the entire state, so requiring EV charging site development in each REDC region ensures the development of a statewide network, not just deployments where EVs are most prevalent today.

The New York Power Authority offers vehicle electrification and EV charging solutions through its eMobility team. The eMobility team offers a full range of customer solutions from planning, energy efficiency, distributed energy resource (DER) advisory, and electrification. Since inception the NYPA eMobility team has installed over 750 EV charger ports across the State, including Level 2, DCFCs and transit bus specific charging solutions. NYPA's expertise in design, procurement and construction affords NYPA's customers, such as governmental entities, a seamless turn-key product for cost efficiency and schedule adherence, allowing the customer to focus on their core competency. As part of its larger eMobility program, NYPA has established the EVolveNY network of DCFC. The EVolveNY Program deploys publicly available DCFC with a focus of deploying in areas of the state where the private sector is not expected to go due to low utilization. The overarching goal of the program is to ensure that New York State has a

⁴ Id., at 5.

⁵ On November 16, 2023, the Commission issued the *Order Approving Midpoint Review Whitepaper's Recommendations with Modifications* (the Midpoint Review Order) in [Case 18-E-0138](#), which increased the total program budget to \$1.243 billion and authorized the extension of the deadline of the Make-Ready Program if plug targets are not met. The allocation of funds to NYPA was not modified by the Midpoint Review Order. Case 18-E-0138, Midpoint Review Order (Nov. 16, 2023) p. 21.

⁶ Id., at p. 39.

⁷ Id., at 38-39.

⁸ Id.

reliable and publicly accessible backbone of EV fast charging stations. Of the 176 EVolve NY DCFC ports that are currently live, 50 DCFC ports are in DACs, with an additional 64 DCFC ports in development.

Discussion

Completed Site Deployments:

Through its EVolveNY Program, NYPA has developed 20 DCFC sites in 9 of the State’s REDC regions utilizing funds from the Make-Ready Program. A detailed breakdown of these deployments as of March 1, 2024 for each REDC through 2022 is as follows:

NYPA Sites, Ports Utilizing REDC Make Ready Program Funding ⁹	REDC Region	Make Ready Program for REDC received by NYPA
	Total Funding Available	\$15,000,000
Sites 5, Ports 18	Capital District Region	\$943,758
Sites 3, Ports 9	Central New York Region	\$609,455
Sites 2, Ports 6	Finger Lakes Region	\$270,383
Sites 0, Ports 0	Long Island Region	\$0 ¹⁰
Sites 3, Ports 12	Mid-Hudson Region	\$573,891
Sites 2, Ports 6	Mohawk Valley Region	\$206,893
Sites 0, Ports 0	New York City Region	\$0 ¹¹
Sites 2, Ports 8	North Country Region	\$423,623
Sites 2, Ports 12	Southern Tier Region	\$768,429
Sites 1, Ports 4	Western New York Region	\$225,399
	Sub-total	\$ 4,021,831
	Remaining	\$ 10,978,169

⁹ The State has a goal of at least 10 EVSE&I sites in each REDC region. NYPA had developed 18 sites (1 in Central New York Region, 5 in the North Country Region, 2 in the Mohawk Valley Region, 2 in the Mid-Hudson Region, and 1 in the Finger Lakes Region, 1 in the Capitol Region, 3 in the Southern Tier Region, and 3 in Western New York Region) that count towards this state goal but are not included in this chart because they were already completed or too far along in the development process to qualify for Make-Ready REDC Program funds or were completed post end of 2022 or are in Municipal Utility Service territories (but still in a REDC for example Richmondville, NY which is a Muni Utility territory and Mohawk Valley REDC).

¹⁰ To-date, NYPA has developed 3 sites on Long Island; however, all three are located in the Long Island Power Authority’s (LIPA) service territory and are therefore outside of the scope of the Commission’s Make-Ready Program. However, NYPA is utilizing the PSEG-LI/LIPA Make-Ready Program for these sites. These sites do count toward the State’s REDC target.

¹¹ NYPA is in the process of developing 13 DCFC sites in the New York City Region in partnership with New York City Department of Transportation; however, no sites have been completed, which is why the chart does not show any deployments. NYPA will be seeking Make-Ready funds for these 13 sites. Slower deployments in the downstate region are due to an early focus on upstate regions where the private sector is not expected to deploy and longer utility processing times in the downstate region.

To date, NYPA has utilized \$ 4,021,831 million through 2022 of the \$15 million allocated to develop these sites leaving almost \$11 million remaining that would support the development of additional DCFC charging sites throughout the state.

Challenges to Deployment:

As part of NYPA's continued effort to develop a statewide network of accessible and reliable fast chargers, NYPA is in various stages of building 26 DCFC sites in 9 of the State's 10 REDC regions for which NYPA plans to seek Make-Ready Program funds.¹² However, due to the effects of the COVID-19 pandemic and associated supply chain shortages, the development of many of these sites has been significantly impeded. New York State was impacted early and hard by the COVID-19 virus. To slow the spread of this virus, then-Governor Andrew Cuomo implemented restrictions for non-essential construction activity.¹³ Initially, these restrictions stopped non-essential construction work altogether, and later significantly restricted site access for on-site personnel. For sites that were at the stage of on-site work in early- to mid-2020, the non-essential construction ban halted development progress completely because the deployment of EV charging infrastructure was not classified as an essential construction activity. For sites in earlier stages of development, the restrictions created uncertainty, which made it difficult to work with potential site hosts and contractors. Once EVSE&I construction activities were permitted to resume, there remained restrictions on how many people could be on a site at a time, which further slowed deployments. While ordinarily NYPA might have several sets of contractors on-site at one time (such as electrical and cement workers) working simultaneously on different aspects of the project, this was not permitted under the COVID-19 construction restrictions.

The effects of the COVID-19 pandemic also created global supply chain shortages that still persist today and have directly impacted NYPA's ability to deploy DCFCs statewide. EVSE&I deployments, especially the make-ready work needed to power these sites, require several pieces of specialized electrical equipment, such as transformers and switchgears. The global supply chain crisis has significantly impacted the availability of this equipment. Switchboard timelines prior to COVID-19 were in the 20-week range and during and after the pandemic, lead times increased to over 50 weeks. For transformers, lead times increased from 2-4 months to over 1 year. DC Fast Chargers experienced similar lead time changes. While these

¹² Currently, NYPA has no further plans to develop EVSE&I in the Mohawk Valley REDC. Charging needs in this region have been met by existing investment and planned New York State Thruway Authority investments. Also, in addition to the 26 sites in development that are eligible for Make-Ready Program funds, NYPA is also developing 12 sites will not participate in the Make-Ready Program because these sites are not served by utilities administering the Program, such as sites served by municipal or cooperative utilities and sites served by LIPA. As stated above, for the sites in development on Long Island, NYPA does plan to utilize the PSEG-LI/LIPA Make-Ready Program. These 12 sites will, however, count towards the state's overall REDC target.

¹³ See, Executive Order (A. Cuomo) 202.8, 9 NYCRR 8.202.8 (March 20, 2020).

supply chain issues are outside of the direct control of NYPA, NYPA has done its best to ensure that our development planning factors in the most accurate supply chain information.

Deployment Strategy:

NYPA is committed to continuing to develop sites throughout the State to ensure that EVSE&I is developed in all areas of the state. As stated above, NYPA is in various stages of building 26 DCFC sites in 9 of the State's 10 REDC regions for which NYPA plans to seek Make-Ready Program funds. These sites are in addition to the 20 sites already developed. In 2024 EVolveNY is targeting to bring online 14 sites, with the remaining 12 sites targeted to come online in 2025.¹⁴ Many of these sites are located in regions of the state where utilization is expected to be low due to low EV penetration and/or where significant infrastructure work will need to be performed to adequately support DCFCs. Therefore, access to the funds allocated to NYPA for deployment in REDC regions will be critical to improving the economics of these sites.¹⁵ Therefore, this modification, if granted, would allow us to continue working to achieve the objective of the Commission for NYPA to build a robust, statewide network of fast charging sites to eliminate or reduce range anxiety for potential EV buyers in New York State.

Conclusion:

NYPA respectfully requests that the Commission modify the Make-Ready Order to permit NYPA to access the \$15 million of funds earmarked for deployments of DCFSs in REDCs through the duration of the Make-Ready Program by removing "by 2022" from this provision. NYPA is committed to continue developing sites throughout the states, focusing on areas where the private sector market has not yet developed and where utilization is expected to be low for the near- to mid-term future, but NYPA needs access to these funds to continue this important work.

¹⁴ Per NYPA's Implementation Plan for the Make-Ready Program, NYPA is required to file a list of sites it has in development throughout the state. This list is updated monthly and is filed at the beginning of each month. This document contains the site location, charger details (such as number of chargers and charging speed), and the site's stage of development. This document can be found in [Case 18-E-0138, Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure](#).

¹⁵ As was recognized by the Commission in the 2020 Make-Ready Program Order, make-ready costs can make up a significant portion of a project's cost and where make-ready work is expected to be extensive and/or where station utilization is expected to be low in the near- to medium-term, make-ready incentives are necessary to improve station economics. 2020 Make-Ready Order, [supra.](#), at 19-21.

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Albany, New York

Respectfully submitted,

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