

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

NOTICE OF COMMENCEMENT
OF MAKE-READY PROGRAM REVIEW

(Issued March 12, 2025)

PLEASE TAKE NOTICE of the commencement of the Make-Ready Program Review. The Make-Ready Program was initiated by the Public Service Commission (Commission) in the Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs, issued July 16, 2020, in this proceeding (Make-Ready Order). The purpose of the Make-Ready Program is to support increased adoption of electric vehicles (EV) in New York State by providing charging infrastructure incentives to developers of EV chargers throughout the State. The ratepayer funded incentives are issued by the New York State investor-owned utilities, in compliance with the directives in the Make-Ready Order.¹ On November 16, 2023, the Commission issued an Order Approving Midpoint Review Whitepaper's Recommendations with Modifications (Midpoint Review Order) in this proceeding.

While the Make-Ready Order initially directed the Make-Ready Program to sunset in 2025, the Midpoint Review Order

¹ The investor-owned electric utilities include Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Utilities).

authorized the Make-Ready Program to continue until the Utilities' plug goals are met or budgets are depleted. To limit uncertainty in the market and facilitate a smooth transition of the ramping-down of the program, the Midpoint Review Order directed Department of Public Service (Department) staff (Staff) to commence a review of the Make-Ready Programs run by the Utilities by no later than November 16, 2025. The Commission stated that the program review should evaluate: 1) the Make-Ready Program's effectiveness; 2) progress towards plug goals; 3) budget modifications; 4) the impact of proprietary technologies; 5) the ramping down of the incentive allocations; and 6) should include a proposal regarding cost containment.

PLEASE TAKE FURTHER NOTICE that stakeholders interested in the Make-Ready Programs are invited to submit comments responding to the attached questions, prepared by Staff. Comments should be filed by April 11, 2025. All comments should refer to "Case 18-E-0138."

Comments should be submitted by e-filing through the Department's Document and Matter Management (DMM) system.² Those unable to file electronically may mail their comments to the Hon. Michelle L. Phillips, Secretary to the New York State Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350.³ All comments submitted to the Secretary will be posted on the Department's website and become part of the record in this case.

Information and instructions related to subscribing to

² For DMM Login, please go to: <https://dps.ny.gov/dmm-login-document-and-matter-management-system>. For DMM Help: Electronic Filing Registration Instruction, please go to: <https://dps.ny.gov/dmm-help-electronic-filing-registration-instructions>.

³ Filing electronically is strongly encouraged.

the service list or otherwise monitoring the status of this case are available on the Department's website.⁴

Questions regarding this Notice should be directed to EVSE@dps.ny.gov.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

⁴ <https://dps.ny.gov/participating-or-monitoring-psc-proceedings>.

Make-Ready Program Review Questions for Stakeholders

The Make-Ready Program was designed to increase the number of EV chargers throughout New York and subsequently the number of EVs on New York roads. After the issuance of the Make-Ready Order, the New York State Environmental Conservation Law (ECL) was amended in 2021 and now includes the goal that all new light-duty passenger vehicles offered for sale or lease, or sold, or leased, for registration in the state be zero-emissions by 2035, and all new medium- and heavy-duty vehicles by 2045.⁵ Staff has developed the following questions to gain a comprehensive understanding of the current program's advantages and difficulties to assist with future recommendations for program design that would enable achievement of New York State's zero emissions vehicle policies. To the extent that your answers rely on studies, analyses, or actions taken by another state, please provide a link or copy.

Program Effectiveness

1. To what extent does the availability of public direct current fast charger (DCFC) infrastructure promote the adoption of light-duty electric vehicles (EVs) in New York State?
2. Is there evidence of increased adoption of light-duty EVs in areas within New York State with greater access to L2 infrastructure?
3. Are certain L2 use cases (e.g., public, multi-unit dwellings (MUD), workplace) more effective at driving EV adoption?

⁵ ECL §19-0306-b.

4. Currently, DCFC and L2 installations in or near disadvantaged communities may receive Make-Ready Program incentives up to 100% of their eligible costs. Has this structure been effective at supporting the buildout of light-duty charging infrastructure in disadvantaged communities?
 - a. Are there modifications that could improve program effectiveness in disadvantaged communities?

Progress Towards Plug Goals

5. DCFC infrastructure installations lag behind Level 2 (L2) infrastructure installations in meeting their respective Make-Ready Program goals. Provide suggestions on how to address the barriers specific to the DCFC sector in New York State.
6. Provide suggestions on how to address barriers specific to the deployment of charging infrastructure at MUDs.
7. Provide suggestions on how to address barriers specific to the deployment of charging infrastructure at workplaces.

Ramp Down of the Incentive Allocations

8. Many of the utility L2 programs are at or nearing program targets. Is the L2 market self-sustaining enough to support current state EV adoption goals or are continued incentives necessary?
9. At what level of EV saturation will L2 infrastructure deployment be self-sufficient?

10. Is the DCFC market self-sustaining enough to support current state EV adoption goals or are continued incentives necessary?
11. At what level of EV saturation will DCFC infrastructure deployment be self-sufficient?

Budget Modifications

12. If additional incentives are necessary, should the current L2 incentive structure continue as is? Explain why or why not.
13. Should charging infrastructure at MUDs be incentivized at the same or a different level than public L2 chargers? Explain why or why not.
14. Should charging infrastructure at workplaces be incentivized at the same or a different level than public L2 chargers? Explain why or why not.
15. If additional incentives are necessary, how could the current DCFC incentive structure be modified to improve program performance?
16. Currently no more than eight percent of each of the utility's overall Make-Ready Program budget can be spent on future-proofing costs. Additionally, there is a site-specific future proofing cap whereby incentives for future-proofing are capped at ten percent of the site-specific make-ready cost. Has the future-proofing component of the program sufficiently enabled developers to engage in future-proofing at sites where appropriate? Explain why or why not.
 - a. Are there modifications to the future-proofing component that would improve program performance?

Proprietary Technologies

17. On November 22, 2024, the Secretary to the Commission issued a Notice Announcing Technical Conference, the purpose of which was to discuss proprietary technologies in the Make-Ready Program. The November 2024 Secretary's Notice included questions from Staff focusing on the recent vote by the Society of Automotive Engineer (SAE) to adopt the Recommended Practice for SAE J3400.⁶ Numerous comments were received, and parties stated their positions on the status of J3400 during the January 15, 2025 technical conference.⁷ What further considerations regarding proprietary technologies should be addressed at this time?

Cost Containment

18. Are the current per-plug or per-kW cost baselines for utility- and customer-side make-ready costs reflective of the costs that developers encounter today?⁸ Are they reflective of the costs developers reasonably expect to encounter over the next five years?
19. The Make-Ready Earning Adjustment Mechanism (EAM) is designed as a share-the-savings EAM. Is the current EAM effective at containing costs? Explain why or why not.

⁶ Case 18-E-0138, Notice Announcing Technical Conference (issued November 22, 2024).

⁷ Case 18-E-0138, EVSE Plug Standards Tech Conference Cover Letter with Recording Link (filed January 16, 2025).

⁸ Case 18-E-0138, Order Approving Midpoint Review Whitepaper's Recommendations with Modifications (issued November 16, 2024) (Midpoint Review Order), Appendix B, Tables 1 and 2.

20. As currently structured the Make-Ready EAM only functions through 2025, though the programs are authorized to continue until the plug targets have been reached. Provide recommendations for cost containment beyond 2025.
21. Would another method of cost containment be equally or more effective than a share-the-savings EAM? If so, describe the alternative measure.
22. Would per-plug cost caps be an effective cost control measure? Explain why or why not.
23. If per-plug cost caps were implemented, what would be an appropriate cap on incentive dollars for L2 and DCFC respectively?
24. Should the program be modified to require the utilities to reduce incentives when certain plug count targets are met? Explain why or why not.

Program Review

25. Are there any other considerations within the relevant program review topics that should be taken into account?
26. If the Make-Ready Program were to continue, what program duration and cadence of program reviews and reporting would best promote the goals of plug achievement, market stability, and cost containment?