Alliance for Transportation Electrification

April 25, 2025

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

Filed electronically

Subject: Case No. 18-E-0138 - Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure

Dear Secretary Phillips:

Enclosed for filing please find Comments of the Alliance for Transportation Electrification in response to the Notice of Commencement of Make-Ready Program Review soliciting comments in the above-captioned proceeding, dated March 12, 2025, as amended March 28, 2025.

Respectfully submitted,

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Enclosure

NEW YORK STATE
PUBLIC SERVICE COMMISSION

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

COMMENTS OF
THE ALLIANCE FOR TRANSPORTATION ELECTRIFICATION

The Alliance for Transportation Electrification (ATE) hereby submits these comments in response to the Commission's Notice of Commencement of Make-Ready Program Review inviting comments on a series of questions, to which we provide answers below.

ATE is a 501(c)(6) non-profit corporation; the organization engages with regulators and policymakers at the State and local government levels to remove barriers to EV adoption and to encourage the acceleration of EV infrastructure deployment with a particular emphasis on open standards and interoperability. We consist of nearly 60 industry members that include electric utilities, auto and bus manufacturers, EV charging infrastructure providers, and related trade associations and other non-governmental organizations. We have been actively engaged in each of the Commission's various EV charging proceedings since their inception. Our comments on the questions presented in the March 12 Notice are described in the following.

Program Effectiveness

Q 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?

Facilitating EV charging station deployments generally, including public DC fast charging, is the single biggest action that the Public Service Commission can take to achieve the State's light-duty EV goals under the Climate Leadership and

Community Protection Act of 2019 ("CLCPA"). The lack of adequate charging infrastructure to meet the needs of EV customers is well understood in the EV ecosystem to be a significant, and perhaps the largest, impediment to further widespread adoption of EVs.

ATE is active in utility EV filings, including workshops on transportation electrification, in over 25 states. In these forums, as well as through our own experiences and members, we interact routinely with practitioners on the ground as well as auto OEMs, auto and truck dealers, fleets, and others who are actively developing EV charging infrastructure. Consistent in each proceeding is a keen anxiety among customers about the lack of infrastructure that is adequate and reliable.

Many drivers expect to have a fueling experience that Americans have enjoyed over the past century with gas and diesel fueling stations. The business models and use cases for EV charging are, of course, more varied and quite different with charging at residences, multi-unit dwellings, workplaces, highway corridors, and public stations. Some of the leading concerns of new EV customers are: (1) What is the range of the battery? (2) How long does it take to charge? and (3) Where can I charge? The answer to these questions is ubiquitous, reliable, and reasonably priced charging, particularly DC fast charging.

Most regulated utilities engage in communications (and regular surveys) with their customers through their websites and education and outreach activities, including both EV owners and people who may consider buying an EV. For example, in this docket Con Edison customers were surveyed most recently in early 2025 regarding the major barriers to an EV purchase.[1] Not surprisingly, 66 percent of respondents cite charging access as the major barrier, followed by vehicle cost

[1] See "2025 Make-Ready Program & Load Management Technology Incentive Program Review Kickoff," March 25, 2025, available at https://documents.dps.ny.gov/public/MatterManagement/MatterFilingItem.aspx?FilingSeq=357426&MatterSeq=56005 at 14.

(47%) and the vehicle or battery range we mention above (46%).

Cox Automotive, the world's largest automotive services and technology provider, recently performed a study titled the "2024 Path to EV Adoption Study."[2] The study classifies the potential consumers as "EV Considerers" and "EV Buyers" and ranks the importance of possible barriers to an EV purchase and use, of which there are many including vehicle cost, battery range, and operating cost. Among "considerers," (those who intend to purchase an EV within the next 24 months), the biggest barrier after the cost of the vehicle is the lack of charging stations. For "skeptics," those who are not considering buying an EV within the next 24 months, the single biggest obstacle is a lack of charging infrastructure. Also, the study reviewed the potential barriers among fleet owners which usually include a mix of light-duty and medium-duty vehicles. Again, the major concern of these potential customers was "the availability of charging stations" (46%).

Another well-recognized entity that carries out an annual national survey (including customers in New York) on the views of EV owners is Plug in America, a national non-profit organization specializing in EV issues. The study is quite detailed and is organized by the following sections: the EV market; charging at home and in public; the buying experience; EV driver profiles; non-EV drivers; and key takeaways and breakdowns. The issue of "public charger availability" consistently ranks among the top concerns (above 45%). For the non-EV drivers, the concern about public charging availability was higher on the list (56%).

In summary, while we recognize that there are other important barriers that may inhibit EV adoption in New York, it is clear both from these studies, and our work in many other states in the country, that the lack of adequate public EV charging is one of the primary barriers to EV adoption from the standpoint of the customer. Moreover, especially for the non-EV driver profiles who are not generally

[2] See https://www.coxautoinc.com/wp-content/uploads/2024/05/2024-Path-to-EV-Adoption-Study-Summary.pdf at 5.

aware of the specifics of charging by type and power level, these concerns apply to both public Level 2 and DC fast chargers.

Q 2. Is there evidence of increased adoption of light-duty EVs in areas within New York State with greater access to L2 infrastructure?

Refer to our answer to Question 1 above. For a non-EV driver, the concern about the lack of adequate public EV charging applies equally to DCFC and Level 2 chargers. This applies equally to New York as well as other states. The use cases for Level 2 (and DCFC) depend on a few factors related both to the host site (cost, location, etc.) and the customers who will use the equipment. Some customers may prefer to "top up" their battery at a Level 2 charger at a grocery store (slower but cheaper), rather than use a DC fast charger even if the vehicle is capable, particularly if the vehicle is a Plug-In Hybrid EV ("PHEV"), which requires relatively frequent charging to maximize electric miles driven. Level 2 is also important on long journeys, whether at a hotel where the driver stays overnight or a different location where a driver might charge at Level 2 while taking a nap for a few hours.

We are still learning much about consumer behavior and load profiles based on these use cases and location analysis. Finally, we would also make the point that the auto OEMs plan to introduce a larger number of PHEVs to the market in the next several years due to certain consumer preferences, and the ability under the ACC II regulations (developed by CARB) to utilize such vehicles for compliance (in Section 177 states like New York). Accordingly, we believe that PHEVs will continue to have an important role in the "electrified market" over the next decade, which means that public Level 2 infrastructure will continue to be vital.

In summary, ATE believes that both a robust and continued building out of Level 2 as well as DC fast chargers will be necessary to meet New York's ambitious vehicle targets contained in the ACC II estimate – about 3 million electric vehicles on the road by 2035 compared to 199,000 today.

Q 3. Are certain L2 use cases (e.g., public, multi-unit dwellings (MUD), workplace) more effective at driving EV adoption?

Visible and convenient Level 2 charging in public settings increases awareness of EV charging and therefore promotes the purchase of electric vehicles. Ubiquitous public Level 2 charging also helps achieve New York's GHG reduction goals by making charging convenient for drivers of plug-in hybrid EVs (PHEVs), thereby increasing the number of zero-emission electric miles driven instead of miles through an ICE combustion engine.

Level 2 charging in multi-unit dwellings is also exceptionally effective at driving EV adoption. The reason is that residents who do not have access to on-premises charging are unlikely to purchase an EV. Because providing charging removers this barrier in a single stroke, Level 2 charging at MUDs is without a doubt highly effective at driving EV adoption.

Q 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?

Incentives up to 100% have been effective at supporting the build-out of light-duty charging infrastructure in disadvantaged communities (DACs), as evidenced in part by the high levels of uptake. ATE believes that the utilities have provided persuasive data to demonstrate the higher installation rates of charging in the DACs, along with commitments. To date, DAC incentive commitments have far outpaced the other related incentive commitments (95%), which indicates a strong ongoing interest in these programs.

Q 4a. Are there modifications that could improve program effectiveness in disadvantaged communities?

The program has been effective as implemented, and should be continued.

Progress Towards Plug Goals

Q 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.

Accelerating the pace of applications at the local government level, or Authorities Having Jurisdiction would be beneficial, however we understand that the Commission lacks control over AHJs and permitting agencies. Nonetheless, we encourage the Commission to consult with sister state agencies and local governments about how best to streamline these often-complex processes.

We want to convey to the Commission that, despite the different pace of progress between Level 2 and DCFC, because Level 2 installations are considerably easier to achieve than DCFC, we are not surprised nor concerned that the Level 2 pace is faster. Now that momentum for DCFC is growing, it is imperative for the Commission to extend the timeframe for using the budget to allow for these critical and long lead-time projects.

Q 6. Provide suggestions on how to address barriers specific to the deployment of charging infrastructure at MUDs.

Increasing the incentive for market-rate MUDs outside of DAC census tracts in all utility service territories from 50% to 90% would improve the deployment of Level 2 chargers and ultimately the number of EVs purchased by consumers who don't own one today. One condition we recommend is that such chargers must be in a shared space or otherwise accessible to all residents of the building.

Q 7. Provide suggestions on how to address barriers specific to the deployment of charging infrastructure at workplaces.

Providing a higher incentive would be an effective way to spur the installation of chargers in workplaces.

Ramp Down of the Incentive Allocations

Q 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?

No, our observation is that continued incentives are necessary. Charging station operators companies (EVSPs, or EV service providers) are struggling, with major players exiting the business and the stock prices of others near or at all-time lows. Based on the standard of review that there is a rebuttable presumption to continue the program, we see no evidence that the market is self-sustaining enough to achieve the state's ambitious goals.

Q 9. At what level of EV saturation will L2 infrastructure deployment be self-sufficient?

Based on our work around the country with EV manufacturers, dealerships, site hosts, customers, and EV network operators, incentives will continue to be required for at least several more years under a best-case scenario. Indeed, with the recent change in the federal Administration and its abrupt withdrawal of support for EV adoption and infrastructure, we believe that strong state leadership in New York and other leading states will be necessary for more time. Most companies in the EV ecosystem have committed billions of dollars to EVs, batteries, supply chain, and infrastructure. Therefore, we believe, along with most transportation and energy analysts, that the medium and long-term trajectory of EV adoption will continue which will necessitate the need for enhanced infrastructure. Given the lead-time to install chargers, it is more important than ever to continue deployments so that when Federal policy once again shifts to favor EVs, the chargers will be in place.

In short, New York and other states have decided that electrifying transportation is a priority; as with other priorities, a significant and sustained investment over the long term will be required. The Commission should envision

these investments as public goods even when installed on private property because the lifetime of charging infrastructure is many decades and will persist for generations to come.

Q 10. Is the DCFC market self-sustaining enough to support current state EV adoption goals or are continued incentives necessary?

The DCFC market is not self-sustaining enough and continued incentives are necessary. See response to Question 8.

Q 11. At what level of EV saturation will DCFC infrastructure deployment be self-sufficient?

See response to Question 9.

Budget Modifications

Q 12. If additional incentives are necessary, should the current L2 incentive structure continue as is? Explain why or why not.

We believe the existing program is working well. For example, incentives for certain approaches or design such as increased ports, speed of installation, and reduced upgrade costs, which are already allowable within the program, should be continued.

Q 13. Should charging infrastructure at MUDs be incentivized at the same or a different level than public L2 chargers? Explain why or why not.

Charging at MUDs will likely incur lower utilization, therefore the incentive should be designed to accommodate this as discussed in response to Question 12.

Q 14. Should charging infrastructure at workplaces be incentivized at the same or a different level than public L2 chargers? Explain why or why not.

See response to Question 12.

Q 15. If additional incentives are necessary, how could the current DCFC incentive structure be modified to improve program performance?

We believe the existing program is working well. For example, incentives for certain approaches or design such as increased ports, speed of installation, and reduced upgrade costs, which are already allowable within the program, should be continued.

Q 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.

We believe the existing future-proofing component has been effective and should be continued. At a minimum, we believe that it should be provided as an option and if there is insufficient uptake, the funding allocation could be allocated to other incentives if unspent.

Q 16a. Are there modifications to the future-proofing component that would improve program performance?

See response to Question 16.

<u>Proprietary Technologies</u>

Q 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. Numerous comments were received, and parties stated their positions on the status of J3400 during the January 15, 2025 technical

conference. What further considerations regarding proprietary technologies should be addressed at this time?

J3400 is clearly the new standard, as demonstrated by its adoption by every OEM, and it should be treated equally with CCS. A common question is the plug mix that a developer should deploy, i.e., how many J3400 and how many CCS. We believe that this question is best decided by the station developers, as the answer will change over time and will also vary by location or customer profile. We would urge the Commission to adopt the technology-agnostic approach that it applies in other areas, allowing the market to determine the specific details of plug type deployments based on customer behavior.

Cost Containment

Q 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? Are they reflective of the costs developers reasonably expect to encounter over the next five years?

In any economic period, let alone today, projecting construction costs five years in advance is not possible because of price fluctuation and the impossibility to pre-determine costs. Overall, the trend is certainly upward, however. The approach taken to date, which utilizes baselines determined by real-world costs but no hard caps, has worked well. We anticipate that continued use of the EAM with the framework of a baseline will serve the market and customers well.

The detailed pricing data the utilities receive from each project provides current information on individual cost items, allowing the utilities to compare costs as varied as engineering services to concrete. This knowledge, paired with the lack of hard caps and the EAM, provides the appropriate incentives to ensure cost containment. In the event a utility would want to obtain independent construction market data, services exist to provide unit pricing for labor and materials.

Q 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.

The EAM is well-understood and has been effective at driving cost effectiveness in New York, and as such is a time-tested and proven methodology. There is no reason to expect an alternative to be better, and therefore the EAM should be continued in the Make-Ready Program. One challenge of the Make-Ready Program that lends itself to the EAM is that reimbursable participant costs are not reported until long after they are incurred; this timing issue can present challenges but the utilities, incentivized by the EAM as well as project goals, have succeeded in balancing these factors and are making excellent progress toward their goals.

Q 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.

The EAM framework has been effective across a number of programs and should be continued beyond 2025. Moreover, any unmet budget and plug targets should get wrapped into the next phase of the Make Ready Program.

Q 21. Would another method of cost containment be equally or more effective than a share-the-savings EAM? If so, describe the alternative measure.

No, the EAM is the framework we recommend.

Q 22. Would per-plug cost caps be an effective cost control measure? Explain why or why not.

We do not recommend a Commission-defined cost cap per se because the utilities have been effectively managing their programs based on the baselines which are set by the Commission, as complemented by the EAM. A hard cap would also preclude the occasional use of adders (such as >25 Level 2 ports and speed bonuses) and limited time offers, which provide the ability to test the efficacy of

new offerings. The ability to iterate and evolve programs to meet customer needs is especially important to meet changes in technologies as we approach greater scale. The use of these and other program features should be left to the utilities to implement, subject only to the current program requirements.

Q 23. If per-plug cost caps were implemented, what would be an appropriate cap on incentive dollars for L2 and DCFC respectively?

See Response to Question 22.

Q 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.

The program should not be modified to reduce incentives when certain plug count targets are met. Achieving the program's goals is a success. Reducing incentives would diminish interest and slow deployment. This would also inject uncertainty as the caps are approached. The plug count targets are not "the finish line." Infrastructure facilitated by the Make-Ready Program is surely an excellent start, but the market's actual needs far exceed even the ambitious nature of this program. Moreover, a reduction in incentives mid-stream in the program confuses the developers and market participants, who value the consistency of a single offering and seeing it through to completion.

As discussed previously, and as indicated by the increasing costs being submitted to the utilities, installation costs are increasing and not decreasing. Many economists, and frankly consumers as well, expect general costs to increase over the next year or two due to the tariffs and macroeconomic pressures. Therefore, a reduction in incentives would result in net less incentives for developers, which could slow participation and good projects.

Program Review

Q 25. Are there any other considerations within the relevant program review topics that should be taken into account?

See response to Question 26.

Q 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?

Consistency is paramount and we encourage the Commission to streamline reviews and minimize program disruption and administrative engagement from stakeholders. For example, the next phase should be at least five years with one midpoint review to potentially implement limited refinements while maintaining stability.

Conclusion

ATE sincerely appreciates the deliberate approach and thoughtful questions directed at utilities and stakeholders in the make-ready programs. Since its inception over five years ago, New York has been a leader in the creation of forward-leaning policies toward EV infrastructure. We urge the state and the Commission especially to continue its strong leadership in this area and we look forward to continuing to be involved in this important proceeding.

Respectfully submitted,

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