

# **NEW YORK ELECTRIC VEHICLE INFRASTRUCTURE MAKE-READY PROGRAM**

## **Amended Participant Guide Submitted by:**

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

Rochester Gas & Electric Corporation

Orange & Rockland Utilities, Inc.

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**Case 18-E-0138**

Pursuant to New York Public Service Commission's Order dated November 16, 2023 *Order Approving Midpoint Review Whitepaper's Recommendations with Modifications*

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## SECTION 1: OVERVIEW

### EV Make-Ready Program Introduction & Benefits

The goal of the Electric Vehicle (“EV”) Make-Ready Program (“EV Make-Ready Program”) is to support the development of electric infrastructure and equipment necessary to accommodate increased deployment of EVs within New York State by reducing the upfront costs of building charging stations for light-duty EVs. Through this EV Make-Ready Program, entities seeking to install or participate in the installation of Level 2 (“L2”) and/or Direct Current Fast Charging (“DCFC”) chargers can earn incentives that will offset a large portion of, or in some cases, all, of the infrastructure costs associated with preparing a site for EV charger installation.

This Amended Program Participant Guide (“Guide”) outlines important details of the EV Make-Ready Program, such as eligibility criteria, enrollment process, and post-enrollment requirements.

### Background

The Climate Leadership and Community Protection Act<sup>1</sup> (the “CLCPA”) of 2019 codifies ambitious targets governing economy-wide reductions in greenhouse gas emissions. To support these goals and in alignment with the State’s policy goal on light-duty vehicle electrification outlined in the 2013 multi-state zero-emission vehicles (“ZEV”) MOU,<sup>2</sup> the New York State Public Service Commission (“Commission”) issued an order on July 16, 2020 approving the EV Make-Ready Program.<sup>3</sup> Following a Midpoint Review, the Commission issued an order on November 16, 2023 approving modifications to the EV Make-Ready Program.<sup>4</sup> The requirements of the 2020 and 2023 Orders will help New York meet its emissions reduction targets by supporting increased adoption of EVs through statewide deployment of over 38,350 L2 plugs and 6,300 DCFC plugs by the end of 2025. The Orders incentivize the Joint Utilities<sup>5</sup> and developers to expand the number of charging locations and authorizes \$1.24 billion of

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<sup>1</sup> Chapter 106 of the Laws of 2019. CLCPA is available at <https://legislation.nysenate.gov/pdf/bills/2019/S6599>. See also, the Climate Act Fact Sheet, available at: <https://climate.ny.gov/-/media/CLCPA/Files/CLCPA-Fact-Sheet.pdf>

<sup>2</sup> On October 24, 2013, Governor Cuomo entered into a Memorandum of Understanding (“MOU”) with the Governors of California, Connecticut, Maryland, Massachusetts, Oregon, Rhode Island, and Vermont agreeing to coordinate and collaborate to promote effective and efficient implementation of ZEV regulations. Since 2013, additional states have joined the ZEV MOU. Available at [http://www.dec.ny.gov/docs/air\\_pdf/zevmou.pdf](http://www.dec.ny.gov/docs/air_pdf/zevmou.pdf)

<sup>3</sup> Case 18-E-0138, *Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure* (“EVSE & I Proceeding”), Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (issued July 16, 2020) (“2020 Order”).

<sup>4</sup> EVSE & I Proceeding, Order Approving Midpoint Review Whitepaper’s Recommendations with Modifications (issued November 16, 2023) (“2023 Order”).

<sup>5</sup> The Joint Utilities are Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSE&G), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange & Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E).

spending, with \$372 million of that amount allocated for plugs benefitting Disadvantaged Communities (as defined below in Section 2).

The Orders require the Joint Utilities<sup>6</sup> to file individual implementation plans along with this common Guide. This Guide provides specific information for Participants to better enable their participation in the EV Make-Ready Program. The Guide may need modification as the EV Make-Ready Program and/or the application process evolve. Revised versions of this Guide will be posted on the Commission's Document and Matter Management system and at the Joint Utilities' website, [www.jointutilitiesofny.org](http://www.jointutilitiesofny.org).

## SECTION 2: DEFINITIONS

**Approved Contractor:** A contractor who has met the utility's approval criteria to install EV charging infrastructure incentivized through the EV Make-Ready Program.

**Disadvantaged Communities (DAC):** Communities that bear burdens of negative public-health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate-income households, ECL § 75-0101(5). The Climate Justice Working Group (CJWG) adopted final criteria to identify DACs in the State on March 27, 2023. The DAC map can be accessed at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>.

**Disadvantaged Community Zone (DAC Zone):** An area surrounding a Disadvantaged Community within a specified radius. DAC Zones vary by utility and location<sup>7</sup>:

- Within a DAC in the Con Edison territory,
- Within one mile of a DAC in Central Hudson, O&R, or RG&E service territories
- Within one or two miles of such communities in the NYSEG and National Grid service territories (depending on location).

**EV Make-Ready Program:** A program that provides incentives for the installation of electric infrastructure to support the deployment of L2 and DCFC light-duty EV chargers in New York State.

**Multi-Unit Dwelling (MUD):** A multi-unit residential building with five or more dwelling units.

**Participant:** An entity that applies for and receives the incentives available through the EV Make-Ready Program. This could be any entity including:

- Developer: An entity responsible for designing, constructing, and commissioning an EV charger site. This entity may also be responsible for owning, managing, and operating the chargers.

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<sup>6</sup> For ease of reference, the text refers to Joint Utilities. The use of the team also includes actions or program design parameters that would be applicable to an individual utility's program.

<sup>7</sup> Please refer to utility websites for more information on DAC Zones.

- Equipment Owner: The entity that purchases and owns the EV charging equipment once it is installed.
- Site Host: The owner of the site on which the EV charging equipment is installed. The Site Host may or may not be the Equipment Owner.
- Customer: An entity taking service from the utility.
- Approved Contractor: As defined above.

**Publicly Accessible**: An EV charging station that is accessible to public EV drivers without an access fee during charging.

### SECTION 3:

## EV MAKE-READY PROGRAM ELIGIBILITY AND INCENTIVES

To qualify for receiving incentive payments under the EV Make-Ready Program, the following criteria must be satisfied.

### Equipment or Infrastructure

Two categories of equipment or infrastructure are eligible for incentives:

1. **Utility-side Make-Ready Infrastructure**: Utility electric infrastructure needed to connect and serve a new EV charger. This may include traditional distribution infrastructure such as step-down transformers, overhead service lines, and utility meters that will continue to be owned and operated by the utility.
2. **Customer-side Make-Ready Infrastructure**: EV equipment or infrastructure necessary to make a site ready to accept an EV charger that is owned by the charging station Developer, Equipment Owner, or Site Host. This electric infrastructure may include conductors, trenching, panels, and advanced technologies including energy storage and Automated Load Management Systems needed for the EV charging station.

Additional costs to future proof a site may also be approved as part of eligible infrastructure. All EV supply equipment must be installed by an Approved Contractor to be eligible for the incentives.

Note that the EV chargers themselves (including bidirectional chargers) and associated equipment such as power blocks, modules, mounting hardware, co-located distributed generation, or networking fees, are ineligible for incentives under the EV Make-Ready Program.

### Other Eligibility Requirements and Incentives

To receive incentives through the EV Make-Ready Program, a project must satisfy the following criteria:

1. **Approved Application:** Participant must apply to be accepted into the EV Make-Ready Program by the utility in whose electric service territory the proposed EV charging station will be located. Upon receipt of a completed application, the utility will review, evaluate, and approve applications meeting the applicable criteria.
2. **Station Maturity:** Construction of the EV charging station must have commenced on or after July 16, 2020.
3. **Location Capacity:** EV charging stations must conform to capacity guidelines including:
  - a. EV charging stations must have a minimum of two plugs.<sup>8</sup>
  - b. DCFC sites with more than 30 plugs and/or demand in excess of 6MW in Con Edison's territory or more than 10 plugs and/or demand in excess of 3MW for all other JU territories will be allowed to participate in the EV Make-Ready Program under the condition that developing the site does not cause the utility to incur new business costs greater than those that would have been incurred to develop a site with a maximum demand of 6MW or 3MW, respectively. The number of plugs at locations in excess of 30 plugs in Con Edison's territory or 10 plugs for all other JU territories shall not exceed 50 percent of the target number of plugs established under the Program for each utility.<sup>9</sup>
4. **Equipment Eligibility:**
  - a. Make-Ready projects that are **committed<sup>10</sup> on or after December 16, 2023, and complete<sup>11</sup> installation of chargers before November 16, 2024**, must use chargers that are ISO 15118 hardware capable.
  - b. Make-Ready projects that **complete installation on or after November 16, 2024**, must use chargers that are ISO 15118 hardware and software capable, and OCPP version 2.0.1 (or later) hardware capable, regardless of the date the project is committed.
  - c. Make-Ready projects that were committed before December 16, 2023, and complete installation before November 16, 2024, do not have to comply with these requirements.

Projects developed by the New York Power Authority (“NYPA”) are eligible for two types of incentives: (i) incentives of up to \$15 million supporting fast charging development in Regional Economic Development Council (“REDC”) regions; and (ii) incentives of up to \$15 million supporting DCFC locations under NYPA’s EVolve NY program.

Participants in the EV Make-Ready Program are eligible to receive incentives covering up to the cost of Make-Ready infrastructure based upon the criteria detailed in Tables 1 and 2. No single Participant may

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<sup>8</sup> The number of two-plug stations that can receive incentives through the Program is limited to no more than 50 percent of the target number of plugs in the five boroughs of New York City and 25 percent of the target number in the remainder of the state.

<sup>9</sup> 2023 Order, pp. 22-23.

<sup>10</sup> A committed project is one that has received a Program Agreement from the utility for the incentive offered through the program.

<sup>11</sup> A completed project is one that is installed, operational, and has been paid an incentive or receives approval for payment.

receive incentives for greater than 50 percent of any utility-specific Make-Ready Program incentive budget.

**Table 1: Incentive Level Criteria<sup>12</sup>**

| Incentive Level   | Eligible Project Criteria  |
|---|--|
| <b>Up to 100%</b>   | <ul style="list-style-type: none"> <li>Publicly available DCFC projects with standardized plug types located within Disadvantaged Communities (DAC) or Disadvantaged Community Zones, as applicable.<sup>13</sup></li> <li>Publicly available DCFC projects with proprietary plug types that also include an equal number of standardized plugs of an equal or greater charging capacity to the proprietary plugs located within DAC or Disadvantaged Community Zones, as applicable.</li> <li>L2 projects located at eligible multi-unit dwellings (MUD) (see Table 2).</li> <li>L2 curbside projects within or adjacent to a DAC.</li> </ul> <p><i>Enhanced incentive eligibility by utility is described below and detailed in Table 2.</i></p> |
| <b>Up to 90%</b>  | <ul style="list-style-type: none"> <li>Publicly available L2 and DCFC projects with standardized plug types.</li> <li>Publicly available L2 and DCFC projects with proprietary plugs that also have an equal or greater number of standardized plugs of an equal or greater charging capacity to the proprietary plugs.</li> <li>Includes municipal pay-to-park locations and free parking offered while charging.</li> </ul>  |
| <b>Up to 50%</b>  | <ul style="list-style-type: none"> <li>Non-public L2 and DCFC projects, such as workplaces or MUDs with restricted access and privately owned pay-to-park lots that require payment for parking while charging.</li> <li>Public and non-public L2 and DCFC projects with proprietary plugs that do not include an equal or greater number of standardized plugs of an equal or greater charging capacity to the proprietary plugs.</li> </ul>  |
| <p><i>Table 1 is provided for illustrative purposes. Individual utilities reserve the right to make determinations regarding incentive level eligibility based on their assessment of the proposed project and available information at the time of review. Customers are responsible for all costs not eligible for incentives including the cost of chargers, maintenance, electricity, networking fees, and other operational costs.</i></p> |  |

Participants in the Make-Ready Program are eligible for an enhanced incentive tier, up-to 100% of eligible costs, if they meet the following criteria (eligibility varies by utility service territory, as shown in Table 2 below):

1. Publicly accessible non-proprietary DCFC sites within a DAC Zone.<sup>14</sup>
2. Statewide, MUD buildings that have an affordable housing regulatory agreement in place with a state, federal or city entity that requires at least 25% of units to be affordable to households at or below 80% of Area or State Median Income; or, alternatively, MUD buildings that can demonstrate via rent roll that at least 25% of the units have a calculated household income no more than 80% of the greater of the Area or State Median Income.

<sup>12</sup> 2020 Order, pp. 5, 44-46; 2023 Order, pp. 35-41.

<sup>13</sup> DAC Zones will be defined in each utility's implementation plan filings.

<sup>14</sup> Please refer to utility websites for more information on DAC Zones.

3. In all utility service territories, except Con Edison, MUD buildings located in a DAC census tract.
4. Statewide, curbside L2 chargers located in or directly adjacent to DACs. Participants must demonstrate that each curbside charger is associated with a designated EV charging parking space, and that a framework is in place to prevent non-charging vehicles from blocking access to charger.

**Table 2: Enhanced Incentive Eligibility Criteria<sup>15</sup>**

|  | Utility Service Territory                       | Affordable MUD L2 | Market Rate MUD L2 | Public Curbside L2 | Public DCFC   |
|--|---|-------------------|--------------------|--------------------|---|
| <b>Inside of DAC census tract</b>  | Con Edison                                      | Up to 100%        | Up to 50%          | Up to 100%         | Up to 100%  |
|  | Central Hudson, National Grid, NYSEG, O&R, RG&E |                   | Up to 100%         |                    |   |
| <b>Outside of DAC census tract*</b>  | Con Edison                                      | Up to 100%        | Up to 50%          | Up to 90%          | Up to 90%   |
|  | Central Hudson, National Grid, NYSEG, O&R, RG&E |                   |                    |                    | Up to 100% within a 1- or 2-mile radius of a DAC census tract. Up to 90% outside of 1- or 2-mile radius of a DAC census tract.* |
| <p><i>*The DAC Zones vary by utility and location. Please refer to utility websites for more information on DAC eligibility.</i></p> |   |                   |                    |                    |   |

<sup>15</sup> 2023 Order, pp. 35-41

**SECTION 4:**  
**APPLICATION & ENROLLMENT**

Participants interested in applying for the EV Make-Ready Program may access the necessary application form and supporting information online at each utility’s website, as indicated in Table 3 below. Participants in the EV Make-Ready Program may also participate in other incentive programs that each utility may have available over time, as long as permitted.

**Table 3: EV Make-Ready Program Application Form Location**

| Utility                                       | Program Application Web Address   |
|---|---|
| Central Hudson Gas & Electric Corporation     | <a href="https://www.cenhud.com/my-energy/electric-vehicles/EV-make-ready-program/">https://www.cenhud.com/my-energy/electric-vehicles/EV-make-ready-program/</a>   |
| Consolidated Edison Company of New York, Inc. | <a href="https://www.coned.com/powerready">Coned.com/powerready</a>   |
| New York State Electric & Gas Corporation     | <a href="https://www.nyseg.com/smartenergy/electricvehicles/ev-charger-make-ready-program">https://www.nyseg.com/smartenergy/electricvehicles/ev-charger-make-ready-program</a>   |
| National Grid                                 | <a href="https://www.nationalgridus.com/Upstate-NY-Business/Energy-Saving-Programs/Electric-Vehicle-Charging-Station-Program">https://www.nationalgridus.com/Upstate-NY-Business/Energy-Saving-Programs/Electric-Vehicle-Charging-Station-Program</a>                                 |
| Orange & Rockland Utilities, Inc.             | <a href="https://www.oru.com/en/our-energy-future/technology-innovation/electric-vehicles/new-york/commercial-ev-drivers/power-ready-program">https://www.oru.com/en/our-energy-future/technology-innovation/electric-vehicles/new-york/commercial-ev-drivers/power-ready-program</a> |
| Rochester Gas and Electric Corporation        | <a href="https://www.rge.com/smartenergy/electricvehicles/ev-charger-make-ready-program">https://www.rge.com/smartenergy/electricvehicles/ev-charger-make-ready-program</a>   |

**Approved Contractors**

Participants are required to use utility-approved contractors as a condition of program participation. Lists of Approved Contractors are available on the EV Make-Ready Program web page, located at each utility’s website, and on the Joint Utilities’ website.<sup>16</sup>

**Becoming an Approved Contractor**

To become an Approved Contractor for the EV Make-Ready Program, interested entities must complete and submit an Approved Contractor Application to each utility in whose territory the contractor is interested in working. The Approved Contractor Application is available on the Joint Utilities’ website.

Within thirty days of receiving a completed application, the Joint Utilities will review the applications, agreements, and supporting documentation and determine if the contractor is accepted into the EV

<sup>16</sup> See the Joint Utilities website for more information about Approved Contractors ([jointutilitiesofny.org/ev/make-ready/approved-contractors](http://jointutilitiesofny.org/ev/make-ready/approved-contractors)).

Make-Ready Program as an Approved Contractor. The Joint Utilities will notify the applicant of their application status via email. Upon acceptance, the Joint Utilities will place the Approved Contractor on the list of approved contractors for potential Participants in the Program.

Entities may apply to become an Approved Contractor at any time. The Joint Utilities will provide the basis for rejecting an entity as an Approved Contractor and permit that entity to correct deficiencies in their application and re-apply. Each utility retains the right to place Approved Contractors on probation or remove them from the EV Make-Ready Program for nonperformance.

## **SECTION 5: OPERATIONAL REQUIREMENTS**

The EV Make-Ready Program requires that all sites meet a specific minimum set of performance standards, which will be tracked and reported by the Participant as part of the overall reporting requirements outlined in Section 6 below. These operational standards are as follows:

- DCFC plugs must be operational 95 percent of the time (annually);
- DCFC charging stations must be operational 99 percent of the time (annually), with a minimum of 50 percent of the plugs considered to be “up” at all times;
- All charging stations in the EV Make-Ready Program must operate for a minimum of five years;
- Ownership of EV charging stations may change or stations may be upgraded during the five-year term, as long as the number of plugs and the capacity of the station does not decrease, and the site continues to meet all performance and reporting obligations of the Program; and
- All chargers in the EV Make-Ready Program (committed after January 12, 2024 )must display easily identifiable, up-to-date contact information for the EV charging service provider.

## **SECTION 6: REPORTING REQUIREMENTS**

The Joint Utilities are expected to report on granular, confidential data outside of the annual report filings and therefore Participants are expected to make the information available on a quarterly basis, or potentially more frequently if necessary and feasible. Specific information required in each category is listed below including an indication of whether the Joint Utilities or the Participant is responsible for providing the data.

- Program Participation: (Provided by the Joint Utilities)
  - Reporting year;
  - Site ID;
  - Census Tract;

- Whether the site is located in a geographic Disadvantaged Community;
  - Percent of service applications that have matured into operating stations;
  - Number of station owners participating;
  - Number of sites for which incentives were issued;
  - Number of plugs installed;
  - Aggregated kW Nameplate Capacity;
  - Infrastructure costs (broken out by customer and company infrastructure, allocated by make-ready costs and new business costs);
  - Incentive levels a site received (up-to-50, 90, or 100 percent); and
  - Total incentives paid per site.
  - Whether the site received funding from the Medium- and Heavy-Duty Pilot.<sup>17</sup>
  - Whether the site received funding from the Transit Authority Make-Ready Program.
  - Whether the site received Operating Cost Relief from a Demand Charge Alternative Program.
- Plug and charging session data, including: (Provided by the Participant)
    - Number of sessions daily;
    - Start and stop times of each charge;
    - Amount of time each vehicle is plugged in per session;
    - Peak kW per charging site (aggregated monthly per site; including site capacity, charger nameplate capacity, and peak kW load management adjustment);
    - Annual aggregated kWh per charging site;
    - Annual aggregated percent utilization per site;
    - Annual aggregated hours charging; and
    - Plug outage information (the number and duration of outages, differentiated by expected outage and unexpected outages).

All data subject to the reporting requirements identified in this section will be provided, at minimum, on a quarterly basis to the Joint Utilities after a third-party consultant designated by the Joint Utilities anonymizes and aggregates the data.

Consistent with the 2020 and 2023 Orders, program Participants that fail to meet the operational requirements or fail to provide the required data will not be eligible for new Make-Ready Program

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<sup>17</sup> See the Joint Utilities website for more information about the Medium- and Heavy-Duty Pilot Program ([jointutilitiesofny.org/ev/make-ready/mhd-pilot-program](http://jointutilitiesofny.org/ev/make-ready/mhd-pilot-program)).

incentives and will either be subject to claw back of the make-ready payments received or revocation of service so that the station can be operated by an alternate market Participant.<sup>18</sup> Additionally, the Joint Utilities will develop a preferred network list as part of a Data Reporting Compliance Plan by March 1, 2024. After March 1, 2024, networks will be given more information about how they can be added to the preferred network list, and how to maintain their status on the list. The Joint Utilities will provide Participants with the preferred network list and educational materials about data collection and the consequences for failing to provide the data.

The Joint Utilities will publish a publicly accessible tracker that monitors both the committed and completed L2 and DCFC plug installations, as well as committed and completed L2 and DCFC budgets reported as separate dollar figures and by service territory and will designate, at a minimum, incentives and plug totals committed and installed to benefit Disadvantaged Communities. The tracker will be updated monthly and made available at the Joint Utilities website at [jointutilitiesofny.org/ev/make-ready](http://jointutilitiesofny.org/ev/make-ready).

**SECTION 7:  
PROGRAM SUPPORT**

For questions about the eligibility/application process, or the ongoing requirements for Program participation, please submit inquiries to the addresses below.

**Table 4: EV Make-Ready Program Support Contact Information**

| Utility                                       | Program Support Email Address             |
|---|---|
| Central Hudson Gas & Electric Corporation     | <i>EVMakeready@cenhud.com</i>             |
| Consolidated Edison Company of New York, Inc. | <i>EVMRP@coned.com</i>                    |
| New York State Electric & Gas Corporation     | <i>EVPrograms@nyseg.com</i>               |
| National Grid                                 | <i>EVNationalGridUNY@nationalgrid.com</i> |
| Orange & Rockland Utilities, Inc.             | <i>ev@oru.com</i>                         |
| Rochester Gas & Electric Corporation          | <i>EVPrograms@rge.com</i>                 |

<sup>18</sup> 2023 Order, p. 74.