STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

In the Matter of Proceeding to establish alternatives to traditional demand-based rate structures for commercial electrical vehicle charging	**)**	**Case 22-E-0236**

COMMENTS OF THE ALLIANCE FOR TRANSPORTATION ELECTRIFICATION (ATE)

Case 22-E-0236: Proceeding to establish alternatives to traditional demand-based rate structures for commercial electrical vehicle charging

Regarding: 2025 Load Management Technology Incentive Program (LMTIP) Review (Order issued August 19, 2024)

Comments

The LMTIP program was established recently with funding from the discontinued PPI program as a means to test new methods and technologies for load management for EV commercial charging. This was meant to provide a source of funding for the utilities that would be incremental to other sources of rate design and make-ready infrastructure support. The Order stipulated that the JU utilities should engage with key commercial customers interested in deploying EV charging and design load management programs, which would be separate from other programs, to move charging loads off-peak. The Order was issued in August, 2024 and stipulated that the Commission should undertake a review of this program as part of the statewide make-ready review process (or when 75 percent of the available funding was achieved, whichever occurred sooner).

The Alliance believes that LMTIP should be reauthorized and continued. Although the utility programs and engagement with potential customers are still relatively new, the initial results to date are promising. The overall DC fast charging market in New York is still relatively nascent, and utilities and commercial customers should be encouraged with an incentive program like LMTIP to try new and innovative approaches to load management.

The incentive levels are still being tested in the market with customers, and it would be premature at this time to discontinue the outreach and program development efforts by the utilities to reach new customer loads. Based on early lessons learned to date, there is no

single “cookie cutter” approach toward load management techniques that customers wish to use. Accordingly, we urge the Commission to allow a variety of approaches to be used that reflect the specific geography, charging patterns, and specific use cases of the customers so that more data can be developed on the load profiles and customer characteristics. For many commercial customers who are new to EV adoption and charging infrastructure, it is critical that a consistent and persistent approach by the utilities in terms of education and outreach be maintained for a sustained period of time. From a distribution grid perspective and the assessment of impacts on summer (and increasingly winter) peaking on either a coincident or non-coincident peak, it is important for the utilities to tailor these incentives in a way that mitigates these peaks, and therefore provides overall rate and other benefits to customers.

ATE has been engaging with utilities and vendors in several key states across the country on these issues of load flexibility, and techniques for vehicle-to-grid integration. While some of the technologies and use cases are fairly developed and applied, there are a few challenges and issues to address from both a technology and policy standpoint. Programs like LMTIP in an advanced state like New York can assist the entire industry and overall EV ecosystem in addressing these challenges, as well as opportunities.

In this nascent stage of the program, we believe that the advantages of having a separate program that can focus specifically on load management issues, both technical and policy, outweigh other factors in a larger or consolidated program. As stated above, compared to the much larger make-ready programs for either Level 2 or DCFC that focus on siting, infrastructure, procurement, permitting, easements and others issues, this type of program can focus more narrowly on the evolving technologies in this space both hardware and software. It can be focused on the use-case specific interests and needs of the customers for load management, which will vary and be quite different across the state.

We will not answer the specific questions set forth under Question 3, since we believe the utilities are best suited to answer those based on their engagement with customers to date. But generally, ATE believes that while the Commission should allow programs to develop consistently over time, it should allow for multiple approaches that produce the outcomes in load management that are desirable. ATE has advocated for technological neutrality in dockets in other jurisdictions, although this should not be applied in such a rigid way to restrict the development of newer approaches and technologies. Moreover, we have advocated for open-source software and protocols as these technologies are applied, such as OCPP and other standards, so that customers can migrate with confidence from one vendor to another to meet a number of contingencies.

As a final note, although not raised by the Commission in its Questions for Review published on March 6, the Alliance would like to stress that state leadership, such as that in New York, is more critical in load management for EV charging today due to the change in Administration and the likely changes in policy and funding (for states, EV service providers, utilities, municipalities and others) at the federal level. We have been coordinating and cooperating actively with the federal agencies, such as the Joint Office on Energy and Transportation, as well as USDOE, FHWA in USDOE, federal EPA and others over the past several years on issues in managed charging, VGI, and other technologies. We believe that it is critical to move from smaller pilot programs to greater scale for these technologies, both within states like New York and on an interstate basis.

Yet without such federal support and leadership, in our view, it becomes increasingly important for states to take a leadership role. The re-authorization of the LMTIP program would be a step in that right direction. On balance, we believe that the importance of load management for EV charging and the education of commercial customers justifies the continuation of a separate program, such as LMTIP, with a separate enrollment pathway and focus, especially for the downstate utilities. But we would also support the inclusion of LMTIP or a similar program, as an alternative, in the overall make-ready program if justified by the utility, as the upstate utilities favor. We believe the Commission can craft overall outcomes and metrics for the continuation of load management programs on a statewide basis while allowing flexibility for the utilities. In summary, it is critical that the Commission keep a strong focus on load management programs as EV charging deployments proliferate in the state.

Sincerely,

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