

STATE OF NEW YORK

10383

IN ASSEMBLY

May 21, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --
read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to building make-ready electrical infrastructure for the charging of electric vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section
2 66-x to read as follows:

3 § 66-x. Make-ready electrical infrastructure. 1. Legislative intent
4 and purpose. It is the intent and purpose of this section to implement
5 cost effective and unified treatment by electric corporations of elec-
6 trical distribution infrastructure, and certain customer-owned make-
7 ready infrastructure, needed to charge electric vehicles; and provide
8 for certain costs of such infrastructure to be included in electric
9 corporations' rate bases and generally recovered through rates or
10 surcharges, instead of directly from the customers served by such
11 infrastructure. Nothing in this section shall modify any obligation of
12 an electric corporation to provide a full and accurate accounting of
13 costs related to electrical distribution infrastructure needed to charge
14 electric vehicles.

15 2. Definitions. For the purposes of this section the following terms
16 shall have the following meanings:

17 (a) "Electrical distribution infrastructure" means any utility facili-
18 ties used to distribute electric service to customers, and includes
19 poles, vaults, service drops, transformers, mounting pads, trenching,
20 conduit, wire, cable, meters, other equipment as necessary, and associ-
21 ated engineering and civil construction work.

22 (b) "Utility-owned make-ready costs" means any capital investment in
23 electrical distribution infrastructure needed to connect and serve a new
24 electric vehicle charger, including step down transformers, overhead
25 service lines, and utility meters.

26 (c) "Customer-owned make-ready costs" means any capital investment in
27 equipment or infrastructure beyond the utility service point necessary

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15064-02-4

1 to make a site, other than a single-family residence, ready to accept an
2 electric vehicle charger, including conductors, trenching, and panels.

3 (d) "Disadvantaged community" means a community defined as a disadvan-
4 tagged community under article seventy-five of the environmental conser-
5 vation law.

6 (e) "Public serving fleet" means a fleet of vehicles owned, leased, or
7 contracted by the state, any municipality, public authority or school
8 district that owns, leases, or contracts more than twenty-five vehicles.

9 3. Reasonable efforts required. Electric corporations shall make
10 reasonable efforts to ensure that any infrastructure built pursuant to
11 this section is efficiently sized and operated. Such efforts may
12 include, but not be limited to, considering customers' reasonably fore-
13 seeable load management activities and deployments of distributed energy
14 resources.

15 4. Application. No later than sixty days after the effective date of
16 this section, all electric corporations shall file an application with
17 the commission to establish a tariff that shall replace the line exten-
18 sion rules currently used by such electric corporations. Such tariff, at
19 a minimum, shall:

20 (a) provide for such electric corporation to deploy customer-side
21 make-ready infrastructure;

22 (b) authorize such electric corporation to include in its base rate
23 one hundred percent of all reasonable and prudent utility-owned make-
24 ready costs;

25 (c) authorize such electronic corporation to include in its base rate
26 of reasonable and prudent customer-side make-ready costs needed to
27 prepare a site for electric vehicle charging in the following manner:

28 (i) a minimum fifty percent or higher where authorized by the commis-
29 sion, of customer-owned make-ready costs in locations that are not with-
30 in two miles of a disadvantaged community zone;

31 (ii) one hundred percent of customer-owned make-ready costs located
32 within a disadvantaged community or disadvantaged community zone;

33 (iii) one hundred percent of customer-owned make-ready costs for
34 public serving fleets; and

35 (d) provide that the portion of customer-owned make-ready costs
36 included in the electric corporation's rate base shall not be charged
37 directly or solely to the customer served by such make-ready infrastruc-
38 ture.

39 5. Disadvantaged community zone. For the purposes of this section the
40 commission shall define the term "disadvantaged community zone".

41 6. Cost treatment and recovery for utility-owned make-ready costs. All
42 electric corporations shall maintain budgets for its costs incurred
43 under this section. The portion of customer-owned make-ready costs
44 incurred by an electric corporation pursuant to subdivision four of this
45 section shall be treated in accordance with a depreciation or amorti-
46 zation schedule as authorized by the commission. Any electric corpo-
47 ration may recover the revenue requirement associated with such costs
48 through a surcharge mechanism until its base rates are reset. Any elec-
49 tric corporation seeking to recover such costs through a surcharge mech-
50 anism shall include such proposal as part of its application filed
51 pursuant to subdivision four of this section.

52 7. Approval of tariffs. The commission shall, after notice and oppor-
53 tunity for public comment and within ninety days of the filing of the
54 tariff, approve, or modify and approve, such tariff.

55 § 2. This act shall take effect immediately.