STATE OF NEW YORK

9114

IN SENATE

April 26, 2024

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

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

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

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

(a) "Electrical distribution infrastructure" means any utility facilities used to distribute electric service to customers, and includes poles, vaults, service drops, transformers, mounting pads, trenching, conduit, wire, cable, meters, other equipment as necessary, and associated engineering and civil construction work.

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

(c) "Customer-owned make-ready costs" means any capital investment in 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.

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

(d) "Disadvantaged community" means a community defined as a disadvantaged community under article seventy-five of the environmental conservation law.

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

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

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

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

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

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

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

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

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

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

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

6. Cost treatment and recovery for utility-owned make-ready costs. All electric corporations shall maintain budgets for its costs incurred under this section. The portion of customer-owned make-ready costs incurred by an electric corporation pursuant to subdivision four of this section shall be treated in accordance with a depreciation or amortization schedule as authorized by the commission. Any electric corporation may recover the revenue requirement associated with such costs through a surcharge mechanism until its base rates are reset. Any electric corporation seeking to recover such costs through a surcharge mechanism shall include such proposal as part of its application filed pursuant to subdivision four of this section.

7. Approval of tariffs. The commission shall, after notice and opportunity for public comment and within ninety days of the filing of the tariff, approve, or modify and approve, such tariff.

§ 2. This act shall take effect immediately.