

# 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:

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.