

STATE OF NEW YORK

491--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. WOERNER, GRIFFIN -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to building make-ready electrical infrastructure for the charging of electric vehicles for public serving fleet 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 public serving fleet
8 vehicles; and provide for certain costs of such infrastructure to be
9 included in electric corporations' rate bases and generally recovered
10 through rates or surcharges, instead of directly from the public serving
11 fleet customers served by such infrastructure. Nothing in this section
12 shall modify any obligation of an electric corporation to provide a full
13 and accurate accounting of costs related to electrical distribution
14 infrastructure needed to charge 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.

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

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

5 (c) "Customer-owned make-ready costs" means any capital investment in
6 equipment or infrastructure beyond the utility service point necessary
7 to make a site ready to accept an electric vehicle charger, including
8 conductors, trenching, and panels.

9 (d) "Disadvantaged community" means a community defined as a disadvan-
10 taged community under article seventy-five of the environmental conser-
11 vation law.

12 (e) "Public serving fleet" means a fleet of vehicles owned, leased, or
13 contracted by the state, any municipality, public authority or school
14 district.

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

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

26 (a) provide for such electric corporation to deploy or reimburse the
27 customer's reasonable costs, subject to reasonable conditions, of
28 customer-side make-ready infrastructure for public serving fleets;

29 (b) authorize such electric corporation to include in its rate base
30 one hundred percent of all reasonable and prudent utility-owned make-
31 ready costs incurred to serve electric vehicle charging loads of public
32 serving fleets;

33 (c) authorize such electronic corporation to include in its base rate
34 of reasonable and prudent customer-side make-ready costs needed to
35 prepare a public serving fleet's site for electric vehicle charging in
36 the following manner:

37 (i) a minimum fifty percent or higher where authorized by the commis-
38 sion, of reasonable customer-owned make-ready costs in locations that
39 are not within a disadvantaged community or a disadvantaged community
40 zone;

41 (ii) a minimum ninety percent, or higher where authorized by the
42 commission, of reasonable customer-owned make-ready costs located within
43 a disadvantaged community or disadvantaged community zone; and

44 (d) provide that the portion of customer-owned make-ready costs
45 included in the electric corporation's rate base shall not be charged
46 directly or solely to the customer served by such make-ready infrastruc-
47 ture; except where the customer is not a public entity, and within ten
48 years of receiving a customer-side make-ready incentive at a location
49 pursuant to this section, reduces the number of electric public serving
50 fleet vehicles operating at such location. The tariff shall provide for
51 the electric corporation to recover a prorated portion of the customer-
52 side make-ready incentive directly from the customer in such instance.

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

55 6. Cost treatment and recovery for utility-owned make-ready costs. All
56 electric corporations shall maintain budgets for its costs incurred

1 under this section. The portion of customer-owned make-ready costs
2 incurred by an electric corporation pursuant to subdivision four of this
3 section shall be treated in accordance with a depreciation or amorti-
4 zation schedule as authorized by the commission. Any electric corpo-
5 ration may recover the incremental revenue requirement associated with
6 such costs through a surcharge mechanism until its base rates are reset.
7 Any electric corporation seeking to recover such costs through a
8 surcharge mechanism shall include such proposal as part of its applica-
9 tion filed pursuant to subdivision four of this section.

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

13 § 2. This act shall take effect immediately.