December 16, 2021

The Honorable Kathleen Hochul
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Re: Enactment of A.3876/S.3929 to Support Electric Transportation for All New Yorkers

Dear Governor Hochul:

We, the undersigned organizations, write to reiterate our strong support for A.3876/S.3929. Failure to enact this legislation as passed by the legislature will undermine New York’s ability to reach our nation-leading climate goals, hamstring our effort to implement the 2035 Zero Emission Vehicle Law and Advanced Clean Trucks Regulation, and squander New York’s opportunity to take full advantage of hundreds of millions of dollars in federal funding to decarbonize light-, medium-, and heavy-duty vehicles.

We are concerned by reports that your office is considering chapter amendments to A.3876/S.3929 that would undermine the bill’s intent and entrench the status quo.¹ These amendments would hold back clean transportation in New York and continue to saddle our most vulnerable communities with disproportionately higher risk of exposure to harmful pollutants.

A.3876/S.3929 would address the outdated way that utilities set electricity rates in New York State, in which demand charges effectively penalize operators of electric vehicle (“EV”) charging stations for light-, medium-, and heavy-duty electric vehicles. This bill would require utilities to propose innovative electricity rates for transparent review by the Public Service Commission that better reflect unique loads like high-powered EV chargers. Signing this bill will enable New York’s entire transportation ecosystem to go electric, from public transit to school buses to delivery vehicles to drivers without dedicated parking. Unless we decarbonize the entire transportation sector, New York will not be able to meet our Climate Leadership and Community Protection Act (“CLCPA”) goals.

The concept of A.3876/S.3929 — setting tariffs to address specific electricity load profiles — is not new. More than 30 states have already addressed the issue of demand charges in utility electricity tariffs. In fact, New York State enacted a similar bill four years ago (A.288 of 2017) that required utilities to provide rates for single-family residential customers who purchase electricity for EV charging.

Unfortunately, the rumored chapter amendments would perpetuate two realities in New York: one where suburban drivers can charge their EV at home at low cost, and the other where punitive demand charges limit charging infrastructure for personal, public transit, and fleet electrification across all communities.

We cannot accept an inequitable, two-tiered system of electric transportation in New York.

We thank you in advance for your attention to this important issue and urge you to sign A.3876/S.3929 as passed by the Assembly and Senate when it is delivered to you. Enacting this law will be a great step forward to ensure equitable, widespread, and sustainable access to electric transportation for all New Yorkers and make the most of federal infrastructure funds. Now is the time for New York to join 30 other states that already address the biggest barrier to deploying high-powered EV charging with the same tool: electricity rates.

Sincerely,

¹ French, Marie. “EV charging rate bill faces amendments.” Politico. Available at: https://subscriber.politicopro.com/article/2021/12/07/ev-charging-rate-bill-faces-amendments-1398404
Conor Bambrick  
Director of Climate Policy  
Environmental Advocates

Uchenna Bright  
Northeast Advocate  
Environmental Entrepreneurs

Bill Carpenter  
President  
New York Public Transit Association

Andrew Dick  
State Gov’t Affairs & Public Policy Manager  
Electrify America

Carine Dumit  
Director, Market Development & Public Policy  
EVgo

Roger Downs  
Conservation Director  
Sierra Club – Atlantic Chapter

Corey Ershow  
Sr. Manager, Public Policy & Sr. Counsel  
Rivian

Ruth Fasoldt  
Senior Manager, Public Policy  
Lyft

Frank Girardot  
Director of Communications  
BYD

Chris Gilrein  
Executive Director – Northeast  
TechNet

Kathy Harris  
Clean Vehicles and Fuels Advocate  
National Resources Defense Council

Zachary Kahn  
Senior Policy Advisor, Northeast  
Tesla

Megha Lakhchaura  
Director, Policy & Utility Programs  
EVBox

Alana Langdon  
Sr. Manager, External Affairs & Public Policy  
Nikola Corporation

Ben Mandel  
Northeast Regional Director  
CALSTART

Suzanne Merkelso  
Policy and Government Affairs  
Arrival

Jonathan Miller  
SVP, Public Affairs  
Volvo Group North America

Kevin George Miller  
Director, Public Policy  
ChargePoint

Hayley Prim  
Policy Manager  
Uber

Ben Prochazka  
Executive Director  
Electrification Coalition

Robert Reid  
Executive Director  
Independent Petroleum Marketers of NY

Anne Reynolds  
Executive Director  
Alliance for Clean Energy New York

Renae Reynolds  
Executive Director  
Tri-State Transportation Campaign

David Schlosberg  
VP, Solutions  
TeraWatt Infrastructure, Inc.

Julie Tighe  
President  
New York League of Conservation Voters

CC: Elizabeth Fine, Counsel to the Governor