

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, hamstringing 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A.3876/S.3929 would address the outdated way that utilities set electricity rates in New York State, in which demand charges effectively penalize operators of electric vehicle ("EV") charging stations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>

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