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## **Interested Persons Statement**

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### **INTERESTED PERSONS**

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## **Agency**

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### **PUBLIC UTILITIES > BOARD OF PUBLIC UTILITIES**

### **Administrative Code Citation**

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**Proposed New Rules: N.J.A.C. 14:8-11**

### **Text**

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### **Electric Vehicle Infrastructure Minimum Filing Requirements**

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Bob Gordon, Commissioners.

Authority: N.J.S.A. 48:25-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: QO20100671

Comments may be submitted through April 10, 2021, by e-mail in Microsoft Word format, or in a format that can be easily converted to Word, to: [rule.comments@bpu.nj.gov](mailto:rule.comments@bpu.nj.gov) or on paper to:

Aida Camacho-Welch, Secretary  
New Jersey Board of Public Utilities  
ATTN: QO20100671  
44 S. Clinton Ave., 9th Floor,  
PO Box 350  
Trenton, NJ 08625-0350

The agency proposal is as follows:

### Summary

The New Jersey Board of Public Utilities (Board) proposes new rules and amendments to N.J.A.C. to establish the minimum filing requirements for utility filings regarding light-duty, publicly-accessible EV charging infrastructure.

New Jersey's transportation sector accounts for 43% of the State's net greenhouse gas emissions, making it the largest emissions source in the state and a critical place to start when tackling the issue of mitigating the impact of climate change, as documented in the 2019 Energy Master Plan (2019 EMP).

New Jersey has long recognized that climate change, caused by increased greenhouse gas emissions, will result in catastrophic effects on human, animal, and plant life. Despite the enormity of the climate change problem, the New Jersey Legislature understood that solutions exist to reduce emissions of greenhouse gases, and "as a State, there are specific actions that can be taken to attack the problem of global warming," as noted by the Global Warming Response Act, P.L. 2007, c.112 (C.26:2C-37 et seq.) (GWRA).

The 2019 EMP found that one way the State can cost-effectively reach its legislative and gubernatorial goals on climate is through the electrification of the transportation sector. 2019 EMP at 12. The 2019 EMP provides that the transportation sector should be almost entirely decarbonized by 2050, primarily through electrification. More so, the 2019 EMP urges that the State must take "concrete steps to start to phase out motor gasoline and conventional diesel consumption as quickly as possible." 2019 EMP at 60. The goal is clear: rapid and widespread EV adoption. In order to achieve this goal, residents must have confidence that they can charge their EVs and have access to charging in their homes, workplaces and public locations. One of the concrete steps to encourage EV adoption is the swift expansion of the number of publicly accessible locations to charge electric vehicles.

More generally, the Legislature reflected this sentiment when it provided the Board with the authority to "require any public utility to furnish safe, adequate and proper service, including furnishing and performance of service *in a manner that tends to conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State. . . .*" N.J.S.A. 48:2-23 (Emphasis added).

Governor Murphy continued these efforts to combat greenhouse gas emissions when he released the 2019 EMP, which provides a roadmap for the State to reach 100% clean energy and 80% emission reductions from 2006 levels by 2050. The 2019 EMP begins by stating, “[t]here is near unanimous scientific consensus that the global threat of climate change is grave and that it demands swift local action and focused state leadership.” 2019 EMP at 11. The threats reach beyond environmental risks and include economic and health-related impacts. With this understanding, Governor Murphy’s 2019 EMP seeks to chart a path including many actions to address climate change so that New Jersey may limit the increasing consequences impacting public health, our roads, water systems and buildings, and the overall economy.

In 2020, the State took another step to effectuate the goals of the GWRA and the 2019 EMP by enacting the Electric Vehicle Act of 2020, N.J.S.A. 48:25-1 et seq. (EV Act). Finding that “vehicle electrification offers a wide range of benefits, such as improved air quality, reduced greenhouse gas emissions, and savings in motor vehicle operating costs for vehicle owners,” the EV Act statutory codified aggressive goals and specific steps to increase widespread EV adoption. N.J.S.A. 48:25-1. Some of these goals include:

1. At least 330,000 light-duty, plug-in EVs shall be registered in New Jersey by December 31, 2025, and at least 2 million EVs shall be registered in New Jersey by December 31, 2035.
2. At least 85% of all new light-duty vehicles sold or leased in New Jersey shall be plug-in EVs by December 31, 2040.
3. At least 25% of State-owned non-emergency light duty fleet shall be plug-in EVs by December 31, 2025.
4. At least 400 DC Fast Chargers shall be available for public use at no fewer than 200 charging locations in the state by December 31, 2025.
5. At least 1,000 Level Two chargers shall be available for public use across the state by December 31, 2025.
6. At least 15% of all multi-family residential properties in the state shall be equipped with Electric Vehicle Service Equipment (EVSE) for routine charging of EVs by December 31, 2025.
7. The Department of Environmental Protection (DEP), in consultation with the Board, shall establish goals for vehicle electrification and infrastructure development for medium and heavy duty vehicles by December 31, 2020.

The EV Act also mandated that the Board establish incentive programs for both EVs and EV charging and provided that the Board may “adopt policies and programs to accomplish the goals established pursuant to this section.” N.J.S.A. 48:25-3(b).

The Legislature and the Governor have made it clear that in order to combat the consequences of climate change, the electrification of the transportation sector is in the public interest. This includes various use cases that range from light duty passenger vehicles to fleets and medium/heavy duty electric vehicles. All of New Jersey — its residents, its businesses, its economy, its environment — will benefit from the widespread adoption of EVs.

With the directives and authority provided by the GWRA, 2019 EMP and the EV Act, the Board built on its efforts to assist in electrifying the State’s transportation sector when it released its Electric Vehicle Infrastructure Ecosystem 2020 Straw Proposal (“Straw Proposal”) on May 18, 2020.

Board Staff provided an opportunity for interested stakeholders to comment on the straw proposal, which described these roles and responsibilities. The straw proposal and a notice of request for comments was distributed to all interested parties and posted on the Board's website on May 18, 2020. A public meeting was held virtually on June 3, 2020 to provide interested stakeholders with an opportunity to provide written comments on or before June 17, 2020. Board Staff posted all written comments on the Board's website and convened meetings with stakeholders to solicit additional input. Upon review and consideration of all comments and input received, the Board hereby submits this rulemaking to the Office of Administrative Law for publication in the New Jersey Register.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendments and new rule will have a positive social impact for New Jersey by supporting the widespread adoption of electric vehicles across New Jersey. The relative impact, however, may depend on Board approval of the proposed filings by the Electric Distribution Companies (EDCs) and the number of EV chargers and EVSE. Actual social benefits associated with each EDC proposal will be calculated and evaluated as part of the Board approval process. Once approved and operational, each EDC program will reduce greenhouse gases through the increased electrification of the State's transportation sector. When fully implemented, the intent is that each EDC program will lead to increased private investment in EV chargers and EVSE throughout the State, and thus, facilitate the transition to the electrification of the transportation sector and overall reduction of emissions and the social impacts associated with those emissions.

### **Economic Impact**

The proposed new rule will impact ratepayers and utilities as the rulemaking requires that utilities establish minimum filing requirements for publicly accessible EVSE.

### **Federal Standards Statement**

No Federal standards analysis is required because the proposed amendments and new rule is not proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

### **Jobs Impact**

The proposed new rule is designed to encourage the widespread adoption of EVs in the State. The rulemaking is critical to reaching the goals set forth in the EV Act, and will result in the creation of new jobs associated with the development, construction, and operation of publicly accessible EVSE as well as the growth of the EV market in the State of New Jersey.

### **Agriculture Industry Impact**

The Board does not expect any direct agriculture industry impact from the proposed new rule other than those associated with the reduction of greenhouse gases to mitigate the effects of climate change.

### **Regulatory Flexibility Statement**

The proposed new rule will not impose any recordkeeping, reporting, or other compliance requirements on small businesses. A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. is a business that has fewer than 100 full-time employees, of which no regulated entity so qualifies.

### **Housing Affordability Impact Analysis**

The proposed new rule will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs of housing.

### **Smart Growth Development Impact Analysis**

The proposed new rule should not have any significant impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rulemaking does not determine the impact of the EDC's minimum filing requirements on smart growth initiatives.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Board has evaluated the proposed new rule and determined that it will not have an impact on pretrial, detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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## **Regulations**

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

### **N.J.A.C. 14:8-11.1 Light Duty Electric Vehicle Infrastructure Minimum Filing Requirements**

#### **Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**“Community Location”** means a charging location that is not a travel corridor location and that is established in a town center, commercial area, or retail center or near concentrations of multi-family dwellings to provide vehicle charging services to local plug-in electric vehicle drivers near where they live and work.

**“DC Fast Charger” or “DCFC”** means EVSE that provides at least 50 kilowatts of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

**“Demand Charges”** are an existing feature of many rates whereby large users of the electric system pay for their contribution to the fixed costs of operating the electric system. In most cases, Demand Charges are set at a customer's peak annual usage.

**“Density of an Area”** refers to the quantity of people in a given area or space and the impact that population has on the EV charging needs of an area and the proximity of the EV charging necessary.

**“Electric Vehicle Service Equipment”** or **“EVSE”** means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. EVSE may deliver either alternating current or direct current electricity consistent with fast charging equipment standards. “Electric Vehicle Service Equipment” is synonymous with “EV Charger” and “Charging Station Infrastructure.”

**“EVSE Infrastructure Company”** refers to an entity using private capital to deploy Electric Vehicle Service Equipment (i.e., “Charging Station Infrastructure”). An EVSE Infrastructure Company cannot be an EDC, affiliated with an EDC, or controlled by an EDC, unless otherwise approved by the Board.

**“EV Ecosystem”** or **“Ecosystem”** refers to all of the physical equipment necessary to charge a vehicle, which includes the Electric Vehicle Service Equipment (i.e., “Charging Station Infrastructure”), the Make-Ready portion of the electrical system, as well as distribution upgrades on the utility-side of the meter.

**“EV Mapping Effort”** refers to the effort to map existing and proposed EV Ecosystem investments, under the lead of the New Jersey Department of Environmental Protection in conjunction with the Board and other Agencies.

**“Heavy-Duty Fleet”** refers to the Federal Highway Administration definition of heavy-duty vehicles used to report vehicle activity: heavy-duty vehicles are those which weigh at least 26,001 pounds. Medium-duty fleet vehicles are further divided between vehicles classified by federal emission control regulations and serve a specific function that is pre-determined by the fleet owner or operator. These vehicles are Class 7-9, and examples include city transit buses, mobile cranes, cement mixers, refuse trucks, and tractors designed to pull refrigerated trailers, dry vans and other equipment.

**“Last Resort”** Areas of Last Resort are locations that have not generated private investment interest for a minimum of 12 months after the EDC program has begun, for overburdened communities, or 18 months for other areas. Utilities may petition the Board to own and operate charging stations in these areas after those timeframes.

**“Light-Duty Fleet”** refers to the Federal Highway Administration VM-1 definition of light duty vehicles used to report vehicle activity: light duty vehicles weighing less than 10,000 pounds, except trucks with two or more axles or with six or more tires. Light duty fleet vehicles are further divided between vehicles classified by federal emission control regulations, as either passenger cars or trucks (Classes 1-3), and serve a specific function that is pre-determined by the fleet owner or operator.

**“Low-Income Household”** means a household with adjusted gross income at or below 200% of the federal poverty level.

**“Make-Ready”** means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Service

Equipment, including, but not limited to, Level Two EVSE and DC Fast Chargers. Making a site charger-ready includes expenses related to service panels, junction boxes, conduit, wiring, etc., necessary to make a particular location able to accommodate Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “Charger-Ready.”

**“Make-Ready Map Proposal”** is a proposal from an EDC which pre-identifies areas that are suitable for installation of Level Two or DC Fast Chargers. “Operational” means a charging location that the operator of an EV charging station would be required to maintain and promptly fix, in accordance with industry standards, in the event of malfunctioning hardware or software that would impede the use of the equipment by a consumer.

**“Medium-Duty Fleet”** refers to the Federal Highway Administration definition of medium-duty vehicles used to report vehicle activity: medium-duty vehicles are those which weigh between 14,001 and 26,000 pounds, including trucks with two or more axles or with six or more tires. Medium-duty fleet vehicles are further divided between vehicles classified by federal emission control regulations and serve a specific function that is pre-determined by the fleet owner or operator. These vehicles are Classes 4-6, and examples include box trucks, firetrucks, and school buses.

**“Multi-Family Dwelling”** refers to apartments, condominiums or mixed residential locations that feature a minimum of five units.

**“Operational”** refers to a charging location that the operator of an EV charging station would be required to maintain and promptly fix, in accordance with industry standards (greater than 95% up time throughout a calendar year) for 5 years after installation, in the event of malfunctioning hardware or software that would impede the use of the equipment by a consumer.

**“Overburdened community”** means any census block group, as determined in accordance with the most recent United States Census, in which at least one half of the households qualify as low-income households and either: (1) at least 40% of the residents of the census block group identify as Black, African American, Hispanic or Latino, Asian, Pacific Islander, or as members of a State-recognized tribal community; or (2) at least 40% of the households in the census block group have limited English proficiency. Overburdened community is synonymous with the previously used term “Equity Area.”

**“Poor Performing EVSE Infrastructure Companies”** means EVSE Infrastructure Companies that fail to regularly maintain or promptly fix malfunctioning locations in accordance with industry practices, i.e., EVSE Infrastructure Companies that fail to maintain operational charging locations, as defined above.

**“Proprietary charging connector”** is defined as a charging connector that is incompatible with vehicles that utilize ‘standard connector port.’

**“Publicly-accessible charging”** means a charger located on public land, a community location, or a travel corridor. Such chargers are owned and operated by site owner, property manager or management company, EVSE Infrastructure companies or, in limited cases, an EDC that is accessible to the public 24 hours a day, 7 days a week. For parking lots and other paid parking, restrictions and requirements may exist regarding entrance fees, hours of operation, emergency restrictions, etc., however, restrictions regarding access to the charger are prohibited. Such chargers may charge the EV owner a fee for charging; such fees will be clearly displayed to the user.

**“Site Owner and Operator”** means site host, property manager, an EVSE Infrastructure Company, or an EDC with Board approval that is responsible for installing EVSE.

**“Standard connector port”** is defined a port that meets the technical specifications of Combined Charging System (CCS) and Charge de Move (CHAdeMO) connectors for DCFC stations and J1772 connectors for Level-Two stations.

**“Travel Corridor”** means heavily used public roads in the state, as designated by the New Jersey Department of Environmental Protection, which shall include, but need not be limited to, the Garden State Parkway, the New Jersey Turnpike, the Atlantic City Expressway, federal interstate highways, and the subset of federal or State roads which collectively support the majority of long distance travel through and within the state, as well as the majority of daily travel by local drivers.

**“Workplace”** is defined as place of business where primarily employees would utilize charging services provided to charge non-fleet vehicles; this definition includes but is not limited to commercial office parks and office buildings, schools, industrial facilities, etc.

**N.J.A.C. 14:8-11.2 The EDC requirements for Light Duty Make-Ready Locations is as follows:**

1. When an EVSE Infrastructure Company or Site Host files an application for the appropriate EDC for their enrollment in the EV charging incentive program or their intent to install publicly accessible EVSE at a specific location, the EDC will be responsible for the wiring and backbone infrastructure necessary to enable a robust number of Make-Ready locations.

2. The EDC will develop and own the traditional utility infrastructure, such as, but not limited to, the transformers, utility services, and meters necessary for the charging stations, which are largely, but not necessarily, located on land owned or controlled by the utility, as well as the panels, conduits, and wiring which would support the charging station, which may often be located on land not generally owned by the utility and available for use through easement.

3. Any location within the program where the total cost borne by the utility of making the site ready is anticipated to exceed \$100,000, the EDC shall notify Staff and New Jersey Division of Rate Counsel (“Rate Counsel”) of the cost estimate before any work is conducted.

i. In its notification to Staff and Rate Counsel, the EDC will also provide commentary on why the site warrants the expense, with additional input from the EVSE Infrastructure Company and/or Site Host.

ii. Unless Staff or another Party objects to the expenditures within 60 days from the Staff being notified, the Make-Ready work may continue provided the costs do not exceed the estimate previously provided to Staff. Otherwise, the EDC may file a petition with the Board.

4. Any Make-Ready installation funded by a utility incentive program anticipated to cost more than \$250,000 must seek Board approval before any work is conducted.

5. Each EDC shall make an informational filing every year with the Board, including total Make-Ready expenditures.

6. Any ratepayer-funded Make-Ready work shall be conditioned on:

i. Site Type;



- Public access to the DCFC and/or Level-Two EVSE: Seven days a week, 24 hours a day, provided, however, that generic parking restrictions or requirements, such as in a commercial garage, or emergency restrictions, including construction, street cleaning, etc., do not disqualify a site.
  - Level-Two: available to a community of individuals and accessible to the public at least 8 hours a day, included in the EV goals set forth by N.J.S.A. 48:25-1 and the EMP, including: Workplace, Fleets, Multi-Unit Residential, and Franchised Overnight Lodging Establishments.
- ii. Network interoperability to enable data sharing; and
  - iii. Chargers being listed on the United States Department of Energy Fueling Station Locator.
  - iv. All data collected through ratepayer funded programs shall:
    - a. Be publicly available on an aggregated basis, and available to other entities that have a legitimate commercial or research need for the data, at no cost to bona fide users of the data;
    - b. Have stations which utilize standard connector ports available for use by all EV drivers. These may be in the form of a charging bank, or collocated with stations which utilize proprietary charging connectors, but they must be at a minimum ratio of 2:1 (standard to proprietary), or such other ratio as the Board shall approve via order to account for changes in technology or demand, in order to meet the needs of the general public; and
    - c. All EDCs and Board Staff will work together to standardize the data collected and reported. The EDC will provide an annual report of the data to the Board and a copy to the Division of Rate Counsel, with breakdowns of appropriate data sets which may include, but are not limited to:
      - Location (latitude/longitude in decimal degrees to 5 decimal places);
      - Location category;
        - Residential, Single Unit
        - Residential, Non Single Unit (ie; Apartment/MUD/Condo)
        - Retail
        - Tourism
        - Park/Outdoor Space
        - Parking Garage/Lot (Above & Below Ground)
        - Transportation Hub/Station
        - Place of Worship
        - College/University
        - Primary Schools K-12
        - Stadium/or Similar Attraction
      - Charging session duration;
      - Session frequencies;
      - Load curves; and
      - Utilization of the EVSE.

EDCs will provide a semi-annual report on EVSE deployment to the Board Staff and Rate Counsel ("EV Report"). The reports shall be due to the Board by March 1st and September 1st of each year. All EDCs will utilize the uniform reporting process, detailed below. This standardized data

collection process and reporting encompasses both residential and public charging to inform and allow EDCs to improve upon existing practices in order to ensure reliable service and quality of performance for EV charging for all customers.

**Standardized Reporting** - The EV Report shall include the following information:

- The estimated quantity of work and the quantity completed to date or, if the activity cannot be quantified with numbers, the major tasks completed, e.g., Residential, Mixed Use Commercial Level-Two, and DCFC Public Make-Ready to Charger Stub units completed and number of service upgrades;
- The forecasted and actual EV capital costs to date for the reporting period and for the program-to-date; and
- The forecasted and actual EV and/or EVSE operations and maintenance expenses to date for the reporting period and for the program-to-date.

The project expenditures shall be broken out between labor, material and other costs. This reporting will commence 9 months after the program begins based on actual results for the first 6 months. The second semi-annual report will be submitted 15 months after the program began based on actual results for the first year. The EDCs will continue to submit semi-annual reports by March 1st and September 1st of each year through the completion of the program's investment.

7. The EDCs, in coordination with each other, must create an application and administrative process that includes a standard set of criteria for owners/operators, a standard contract for owners/operators, a queue, and an available map of all requests currently in process. Each EDC shall coordinate with the BPU and all other EDCs to ensure the application and administrative process created and applied within their respective territory is as standardized as reasonably possible across all New Jersey EDCs' territories. The EDCs shall provide maps of sites available for make-ready work for public EV chargers. These maps will be prepared and updated by each EDC on a regular basis and made available to the public in a timely manner in order to provide the most current maps and allow for the private sector to understand the existing layout and options for EV charging in the EDCs territory.

**N.J.A.C. 14:8-11.3 The EDC requirements for Areas of Last Resort for Light Duty EV charging is as follows:**

1. EDCs may file for approval of utility ownership of chargers in areas of Last Resort after the time lines established by the Board Order. The filing must include:
  - a. Justification for each site as an area of last resort, considering the below referenced criteria;
  - b. Costs for installation, maintenance and operation; and
  - c. Cost for proposed incentive as required below
2. No applications may be made until 12 months after the EDC's program is approved for chargers proposed for overburdened communities and 18 months after the EDC's program is approved for all other areas;

ii. An EDC may file an application to locate an EV charger in a given area by filing a petition with the Board, which will then require a public comment period and Board approval. Thereafter, the EDC will be allowed to begin the process of siting the charger;

iii. The EDC will make public semi-annual informational updates on its progress identifying locations suitable for Make-Ready work, including identifying any lease or other arrangements;

iv. The EDC must offer an incentive, of up to 50% of the expected capital cost of the charging station, for an approved Last Resort location to induce private sector investment;

v. After the EDC application is filed with the Board, but prior to the installation of a charger, a private owner may opt to become the owner/operator of the equipment, under comparable terms and conditions to those that the EDC had negotiated, or may notify the Board that it intends to request a Make-Ready in a comparable location such that the utility ownership is obviated; and

vi. EDCs may not petition the Board for Last Resort locations after December 31, 2025.

2. An EDC's application to have a potential charger location designated as an area of Last Resort, and therefore eligible for EDC ownership, the application must address the following criteria:

i. Whether the proposed charging site is more than 25 miles from another public charging station of the same type;

ii. For overburdened communities, whether the utility has had a minimum of 12 months of no expressions of interest from private EVSE Infrastructure Companies;

iii. For non-overburdened communities, whether the utility has had a minimum of 18 months of no expressions of interest from private EVSE Infrastructure Companies;

iv. Density of the area; and

v. Other factors that the EDC may determine are relevant to why utility ownership is appropriate.

3. For determinations on Last Resort, "no interest" is defined as no applications from non-utility actors for a Make-Ready to install a DC Fast Charger within a three-mile radius.

4. Upon deeming an application for Last Resort complete, Board Staff will have 120 days to initiate the public comment process.

#### **(new subsection) Ratepayer Costs for Light Duty EV Infrastructure**

1. Each EDC may propose its own method to address demand charge concerns, and those solutions must:

i. Incorporate managed charging solutions, either through hardware or software; and

ii. In determining which method best addresses demand charges in their area, EDCs must consider:

- A strong preference that there be parity between single-family and multi-family dwelling rates for EV charging;
- That charging should remain competitive between publicly and privately held assets, but also with liquid fuels on a per-mile-traveled basis to the best extent possible;

- If utilizing a benchmarking method, the utility should explain how the benchmark promotes savings against a publicly accessible fuel index; and
- If a temporary solution such as set-point or waivers is utilized, that solution must show meaningful reductions over a length of time and include a sunset provision.

### **(new subsection) Shifting of Budgets within EV Sub-Programs by EDCs**

An EDC can shift its sub-program budgets for offerings related to residential smart charging, mixed use commercial level-two charging, and DCFC sub-programs up to 5% of each subprogram's total budget with notification to Staff and Rate Counsel (which should be provided 30 days in advance of the change), 5-25% with Staff approval, and over 25% with Board approval. All requests for budget adjustments shall be submitted to Staff and Rate Counsel. Staff retains the right to reject shifts requiring Staff notification. All requests for budget adjustments, including those necessitating Staff approval shall be submitted to Staff and Rate Counsel with a written description of and rationale for the proposed transfers, and objections, if any, shall be made within 30 days.

### **N.J.A.C. 14:8-11.4 EV Infrastructure Mapping**

The DEP EV Mapping Effort was conducted in order to identify areas that need EV charging infrastructure and address range anxiety and travel needs. In addition to these efforts, site owners and EVSE Companies need to understand which locations are well suited for installation due to underutilization of the grid, as well as upgrades to support the additional supply required for EV charging. These three pieces of information are vital for generating private investment in the proper locations to encourage EV adoption. To that end, EDCs must execute and provide up-to-date maps which illustrate areas in which EV charging equipment is well suited for installation due to underutilization of the grid, as well as areas in need of upgrades to support the additional supply required for EV charging. These EDC maps must be updated on a quarterly basis in order to ensure that the information is as current as possible.