STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

ANNUAL EV CHARGING PROGRAM REVIEW – YEAR 6	**:**	**DOCKET NO. 26-08-06**
	:	**FEBRUARY 2, 2026**

JOINT MOTION FOR REVIEW AND APPROVAL OF ORDER NO. 14

The Connecticut Light and Power Company d/b/a Eversource ("Eversource") and The United Illuminating Company ("UI," and collectively the "Companies" or "EDCs") hereby submit the following filing, for review and approval, in compliance with Order No. 14 of the December 17, 2025 Decision (the "Decision") of the Public Utilities Regulatory Authority (the "Authority") in Docket No. 25-08-06. More specifically, Order No. 14 provides:

> *No later than February 2, 2026, the EDCs shall submit, via motion for review and approval in the 2026 Annual Review Docket, a revised uptime requirement and associated enforcement mechanism proposal, as discussed in Section IV.C.1, DCFC Uptime Requirement Proposal and Interpretation of Section 2 of Public Act No. 25-173. The proposal shall consider that incentives for uptime performance either four or five years from site electrification will be available. Further, the proposal shall consider stakeholder feedback including but not limited to potentially increasing the 2.5% withholding amount, the imposition of monetary penalties, and amending the "Terms and Conditions" of the commercial program to require "Uptime Data" reporting.*

In compliance with Order No. 14, the Companies provide the following analysis and proposal for the Authority's review and approval.

The EDCs address, below, both the uptime requirement and enforcement of the uptime requirement.

A. Uptime Requirement Proposal: Align with National Electric Vehicle Infrastructure Program ("NEVI") Uptime Requirement.

The EDCs propose alignment with the 97% uptime requirement, as defined and required as part of NEVI at 23 C.F.R. § 680.116(b), for DC Fast Charger ("DCFC") stations awarded after January 1, 2027, for the following reasons:

- Uptime is critical to good customer experience, to building confidence in the state's charging infrastructure, and to ensuring that ratepayer funds are optimally deployed.
- Adopting the Connecticut Department of Transportation's ("ConnDOT") NEVI uptime requirement would nominally align the two programs, holding all Connecticut DCFC projects going forward that receive either federal or utility incentives to a universal uptime accountability standard.
- Stakeholders are supportive of the requirement as established by the NEVI program. Specifically, the Decision states:

> *Electrify America recommends that any regulatory framework for Program DCFC uptime mirrors the requirements of the NEVI program as closely as possible. Electrify America Comments, June 17, 2025, p. 1. The EV industry already established the infrastructure and operating procedures to meet the national NEVI program's 97% uptime requirement and reporting regimen. Id. Electrify America opposes the EV Charging Program implementing a unique and divergent regulatory framework because differences among jurisdictions can discourage investment since the industry already established the infrastructure and operating procedures to meet the national standard. Id.*[1]

The ability to report uptime data fields to the EDCs should be a prerequisite before a DCFC project can apply to and participate in the Connecticut Electric Vehicle ("EV") Charging Program (the "Program").

The "Terms and Conditions" of the commercial program, which already require that participants authorize the Electric Vehicle Supply Equipment ("EVSE") manufacturer/network integrator to provide the utility with "Utilization Data"[2] and "Financial Data," should be amended to also require "Uptime Data," mirroring the current requirements of the NEVI program. The

[1] Decision at 30.

[2] Note that Save the Sound in their comments referred to "Overutilization Data." The EDCs interpret this to mean the "Utilization Data" already provided.

Program currently requires participants to report data on a quarterly basis. For alignment with the NEVI requirements, the EDCs propose that Uptime Data be reported every 6 months.

The EDCs respectfully provide the proposed required uptime reporting fields as Attachment Appendix A - Uptime Field Requirements, which is consistent with the data fields as presented in guidance from The Joint Office of Energy and Transportation's "Data Format and Preparation Guidance Version 6.0 (October 2025)" for reporting to its Electric Vehicle Charging Analytics and Reporting Tool ("EV-ChART"), which provides a centralized hub for submitting EV charging infrastructure data directed by the Federal Highway Administration (23 C.F.R. § 680.112(a)-(c)). Please note that the EDCs are only proposing that sites send the fields that are required as part of the NEVI uptime requirement, and not that the EV-ChART tool be used.

Additionally, given that the application window for 2026 DCFC Program Area applications begins in March 2026 and in order to: 1) allow for sufficient time to receive Authority and stakeholder feedback on this proposal; 2) ensure that applicants to the Program are aware of and can comply with the requirements and are aware of any associated enforcement and the enforcement's impact on their business model; and 3) ensure that the EDCs have adequate time to update Terms and Conditions and verify the EDCs' respective ability to receive and interpret the proposed data fields, the EDCs propose that these requirements begin with DCFC stations awarded after January 1, 2027.

B. <u>Enforcement Mechanism Proposal</u>: The Uptime Requirement Should Be Enforced by PURA Office of Education, Outreach & Enforcement.

The EDCs do not recommend alignment with the NEVI program for the enforcement mechanism of the uptime requirement for the following reasons:

- As previously outlined in Motion No. 003, the EDCs' Joint Motion for Review and Approval of Order No. 12, dated May 1, 2025, in Docket No. 25-08-06 ("Motion No. 003"),

the awards in the DCFC EV Program Area already constitute a somewhat low percentage of total project costs; on average, incentives amount to approximately 30 percent of total project costs (vs. the 80 percent of project costs covered by the NEVI program). Therefore, the existing structure already provides an intrinsic incentive for facilities to maintain uptime in order to recoup their contribution to initial installation costs that account for approximately 70 percent of the typical project cost.

- Given that difference in upfront incentive structure, if upfront incentives were withheld at the same percentage as the ConnDOT NEVI deployment (2.5% total, 0.5% disbursed annually for 5 years), the relative dollar amounts withheld in the Program would be small. These relatively smaller amounts may be insufficient to incent site operators to achieve uptime requirements.

To evaluate the withholding percentage amount that potentially could meaningfully motivate operators to comply with the 97% uptime requirement (beyond the intrinsic motivation based on the large upfront costs they already bear in the current program structure), the EDCs calculated the annual performance payout that would be greater than or equal to the estimated incremental annual operation and maintenance ("O&M") spend, plus a slight margin for reporting & verification. If the payout is smaller than the real cost to comply, it likely will not have the intended effect of increasing uptime.

Typical incremental costs to ensure high uptime for DCFC sites include extended warranties, maintenance contracts, parts, field response, and connectivity resilience. Conservative public sources suggest $800 or more per DC fast charging port per year for

extended warranties[3] (e.g., $3,200 or more for a four port site), plus other O&M. In practice, many operators budget $5,000 to $15,000 per site per year.

Using the baseline $150,000 rebate under the current Program structure, the withholding percentage required to cover this range of costs would be as follows:

Annual payout = (r × $150,000) / 5 years, where **r** is the rebate holdback percentage.

- To fund **$5,000/year → r ≈ 16.7%** of rebate (total $25,000).
- To fund **$10,000/year → r ≈ 33.3%** of rebate (total $50,000).
- To fund **$15,000/year → r ≈ 50.0%** of rebate (total $75,000).

Given that the biggest challenge and financial hurdle for DCFC operators to overcome on the path to DCFC station profitability is the significant upfront deployment costs, the EDCs do not believe that withholding such high of upfront funding would be reasonable and would be counter to the goals of the Program.

- An enforcement mechanism that requires the program administrators to withhold a portion of the incentive for later disbursement based on achieving uptime goals creates administrative burdens and costs for utilities, which were previously outlined in Motion No. 003.
- The incentive structure in the Program is subject to change in the future. As part of the Decision, the Authority has ordered the EDCs to review incentives and port deployment goals.[4] Should the enforcement be based on withholding a percentage of upfront award, and the upfront award should change in the future, different sites would be subject to different enforcement amounts, further complicating administration.

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[3] See, e.g., https://afdc.energy.gov/fuels/electricity-infrastructure-maintenance-and-operation

[4] See, Decision at 52, Order 18.

- In its Decision, the Authority offered the following proposal:

  > [t]o address the EDCs' concerns over how delayed incentives to encourage or enforce uptime may work with the Statutory Expense Cap, the Authority suggests that the EDCs consider a model where the full EVSE or wiring incentive awarded in a given year is counted towards that year's cap, including any amount withheld for uptime enforcement. If the withheld portion of incentive is not ultimately paid out due to poor uptime performance, in the year that decision is made, the Statutory Expense Cap for that Program Year should increase by the amount of the unspent withheld incentive.[5]

  The EDCs have determined that this proposed solution is unworkable given that the Program does not extend beyond 2030. For example, if a DCFC project was awarded Program funding in 2027 and did not meet the uptime requirements in 2031 or 2032, there would be no program to which an increased incentive could be applied. This would result in incentive funds going unutilized and would fail to maximize the impact of the Program.

The EDCs agree with the alternative that "the imposition of penalties on EVSE operators for non-operable chargers is a practical approach to ensuring that the public has reasonable access to working chargers"[6] and recommend enforcement of the uptime requirement through the imposition of monetary penalties. This approach has several advantages, including:

- Preserves full upfront rebate, therefore helping to address the biggest barrier to DCFC installations (i.e., deployment cost).
- Easier for operators to finance projects since rebate is fully available.
- Penalties can be scaled to severity (e.g., per day of downtime).
- Simplifies administration if incentives change for future application cohorts.

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5 Id. at 33

6 Id. at 30 (citing Save the Sound Comments, June 17, 2025, at 30).

As stated in the EDCs' Joint Written Exceptions, dated November 25, 2025, in the above-captioned proceeding ("Joint Written Exceptions"), "[t]he EDCs are not aware of any statute that would authorize PURA to deputize the Companies with the power to impose monetary penalties."[7] Therefore, the EDCs propose that the enforcement mechanism for compliance with the 97 percent uptime requirement be a monetary penalty imposed by Authority's Office of Education, Outreach and Enforcement ("EOE") in an amount determined by EOE.

C. Update on Uptime Requirements and Associated Enforcement Mechanisms in Other Jurisdictions

As noted in the Decision, other jurisdictions (in all cases by order of each state's legislature) have considered models of uptime enforcement for publicly funded EV charging stations.[8] An update on the status of those efforts is provided in the table below:

State	Uptime Required	Agency Responsible	Enforcement Mechanism	Status
California[9]	97%	CA CEC	Not Yet Determined – proposed as monetary penalty imposed by CA CEC	All EV stations statewide that have ever received any taxpayer or ratepayer funds are required to report uptime to the CA CEC. Network operators are responsible for data reporting. Site operators are responsible for reporting physical fault reasons. Currently no enforcement mechanism is in place, though it has been proposed to be a monetary penalty enforced by the CA CEC.
New Jersey[10]	97%	NJ BPU	Not Yet Determined	Not applicable to current EDC Light Duty Programs which are expiring this year. Expect that uptime will be addressed in future Light Duty

7 Joint Written Exceptions at 4.
8 See, Decision at 30.
9 See, California Public Resources Code at § 25231.5.
10 See, New Jersey Legislative Statutes § 48.25-12.

				program Minimum Filing Requirements later in 2026.
New York[11]	None	NY PSC	None	In 2023 New York vetoed an uptime bill, citing that responsibilities towards enforcing/measuring uptime standards are outside of the scope/purview/budget/responsibility of the NY PSC.
Maryland[12]	97%	Weights and Measures / PSC	Not Yet Determined	Utilities are required to report to the state's Public Service Commission on the reliability of their utility owned chargers, and are required to maintain 97% uptime, PSC may impose a penalty on or take additional remedial action against an electric company that fails to satisfy the uptime requirements. Recommendation that the Implementing Agency be given authority to establish civil penalties for non-utility owned chargers based on guidance from the legislature. No action taken yet.

As noted above, in no jurisdiction to date has the enforcement mechanism for non-NEVI DCFC sites to ensure compliance with uptime requirements been for utilities to withhold a percentage of upfront incentives, or for utilities to be responsible for enforcement of uptime requirements in any other way. The EDCs' proposal to require 97 percent uptime and that the enforcement of this requirement be a penalty imposed by EOE is in alignment with the current status of developments in other jurisdictions to date.

[11] See, New York A 1721 (vetoed) at https://www.nysenate.gov/legislation/bills/2023/A1721/amendment/A.
[12] See, Maryland HB 0834 at https://mgaleg.maryland.gov/2023RS/bills/hb/hb0834E.pdf.

D. Conclusion

Beginning with DCFC stations awarded in 2027 by the Program, the EDCs recommend that: the uptime requirement be aligned with the NEVI program, the ability to report uptime data be included in Program Terms and Conditions, reported to the EDCs, and uptime enforcement should be through monetary penalties to be determined and assessed by PURA EOE.

This filing has been prepared in good faith and in accordance with the requirements of the Decision. The Companies appreciate the Authority's review and respectfully request approval of the same.

RESPECTFULLY SUBMITTED,

THE CONNECTICUT LIGHT AND POWER COMPANY

Daniel T. Crisp

Daniel T. Crisp
Senior Counsel
As Agent for The Connecticut Light and Power Company d/b/a Eversource Energy
P.O. Box 270
Hartford, CT 06141

THE UNITED ILLUMINATING COMPANY

Alex E. Soter

Alex E. Soter
Counsel
As Agent for The United Illuminating Company
180 Marsh Hill Road
Orange, CT 06477

CERTIFICATION

This is to certify that on this 2nd day of February 2026, the foregoing document was filed with the Authority, and copies of the foregoing document were served upon each person designated on the Authority's official service list in this proceeding in accordance with R.C.S.A. § 16-1-15.

By: *Daniel T. Crisp*
Daniel T. Crisp