

to “satisfy the Commission’s . . . concern regarding how to characterize electricity provided by third parties for electric vehicle charging service. . . .” (Motion at para 6.)

4. Ameren’s proposal, stating electric vehicle charging service is “not prohibited,” fails to comply with the Commission’s directive requiring Ameren: “clarify that EV charging stations are not reselling electricity.”

5. In its June 1, 2017 Memorandum, Staff proposed the following tariff language: “Electricity from electric vehicle charging service by a third party does not constitute metered electric service or the resale of electricity.”

6. In contrast to Ameren’s proposal, Staff’s proposed language straightforwardly accomplishes the Commission’s directive and eliminates the issue of potential future tariff interpretation problems. OPC supports Staff’s proposed language as it accomplishes the Commission’s order.

7. The Commission should order Ameren to comply with its Orders and revise its tariff and adopt Staff’s proposed language.

8. If Ameren fails to do so, under Section 386.570 RSMo (2016), the Commission may assess a penalty: when a “public utility fails, omits or neglects to obey, observe or comply with any order, decision . . . direction, . . . or requirement, or any part or provision thereof, of the commission . . . of not less than one hundred dollars nor more than two thousand dollars for each offense.”

WHEREFORE Public Counsel respectfully recommends the Commission reject Ameren’s *Motion to Substitute Tariff* as contrary to the Commission’s June 7 Order in this case, Order Ameren submit a new tariff sheet including language proposed by Staff

to comply with the Commission's Orders, and consider penalties for Ameren's refusal to comply with the Commission's Orders.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 12th day of June, 2017.

/s/ Lera L. Shemwell