

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application	)	
Of Union Electric Company	)	File No. ET-2016-0246
d/b/a Ameren Missouri for Approval	)	
of a Tariff Setting a Rate for	)	Tracking No. YE-2017-0030
Electric Vehicle Charging Stations	)	

**OFFICE OF THE PUBLIC COUNSEL'S  
STATEMENT OF POSITION ON THE ISSUES**

**COMES NOW** the Office of the Public Counsel (OPC) and ChargePoint, Inc. (ChargePoint), and hereby submit this separate list or statement of the issues:

**LIST OF ISSUES**

**1. Commission Jurisdiction**

Does the Commission have jurisdiction to regulate utility-owned and operated electric vehicle charging stations operated in a utility's service area?

*Response:* Public Counsel's position is that provision of electric vehicle battery charging stations is not a regulated service. As stated in the rebuttal testimony of Geoff Marke p. 7, 2-8.: the Commission does not regulate the resale of water from Anheuser Busch or Coca-Cola. Both entities repackage and resell water as part of their respective products even though that water service was obtained from a single point supplied through Missouri American Water—a faucet—in order for it to serve its intended purpose. Certainly competitive private firms operating EV charging stations would be adversely affected if the Commission were to permit Ameren Missouri as a regulated entity to enter the field of electric vehicle charging stations.

2. **Public Policy**

A. Are there public benefits realized if the Commission approves Ameren Missouri's proposal to installation of six electric vehicle charging stations in Ameren's service territory?

Response: No. As witness Geoff Marke explains, Ameren Missouri's proposal is effectively a subsidy for affluent households. Given Ameren Missouri's generation mix, the environmental externalities are at best minimally positive and at worst more negatively pronounced. The project is not cost-effective, has potential safety and marketing constraints that Ameren Missouri has not fully explored, runs counter to national strategic studies, runs a heightened risk of creating stranded assets and minimizes the effect of a free market. Ameren's proposal is not in the public interest.

B. Is Ameren acting as a regulated utility in offering this service?

Response: Ameren is proposing to act as a regulated utility in offering this service. By Ameren Missouri's own admission, however, this is not an essential service for its customers.

C. Does the pilot design proposed by Ameren, impact competition with third parties for charging station sites in its service territory?

Response: Yes. As stated in the rebuttal testimony of Geoff Marke p. 8, 15-16 & p. 9, 1-12.: Regulated utilities operate in a system that is designed, in part, to provide a level of certainty to investors based on the large sums of capital needed to finance long-term generation, transmission and distribution projects. EVs and the current and future state of the transportation market is one shrouded in uncertainty with outstanding questions leading to a greater level of investment risk.

Introducing a regulated entity, a protected incumbent, into a competitive market creates the potential for eliminating competitive entries into the market as the risks are simply shifted to

captive ratepayers. If competition is thwarted, technological innovation is less likely to proliferate. Competitors are more likely to respond to market demand efficiently. In other words, non-regulated EV charging stations let the free market effectively determine the appropriate demand and response. Regulated utilities are less nimble and are likely slower to respond efficiently, increasing the risk ratepayers will bear the financial burden of stranded assets with minimal emissions reductions.

3. **Costs**

Should the cost of installing the electric vehicle charging stations be booked below the line or above the line and recovered from ratepayers?

*Response:* Below the line.

4. **Rates**

Does Ameren Missouri's proposed tariff represent the proper rate design for its EV charging station pilot project?

- *Response:* No. There should be no EV charging station tariff as this should be deemed an unregulated activity. The market should set the appropriate price without government intervention.

**WHEREFORE**, the Office of Public Counsel respectfully requests the Commission to accept Public Counsel's responses to the List of Issues submitted on January 4, 2017 and grant such other relief as the Commission deems just.

Respectfully submitted,

**/s/ Lera L. Shemwell**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 6<sup>th</sup> day of January 2017.

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