

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

In the Matter of the Application of Union )	
Electric Company d/b/a Ameren Missouri )	<u>File No. ET-2016-0246</u>
for Approval of a Tariff Setting a Rate for )	Tariff No. YE-2017-0242
Electric Vehicle Charging Stations. )	

**MOTION TO SUBSTITUTE TARIFF**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”) and in response to the Missouri Public Service Commission’s (“Commission”) Order Rejecting Tariff Filing and Directing Filing issued June 7, 2017, and the Commission’s Order Denying Motion to Modify Schedule issued June 8, 2017, submits for consideration the attached proposed Substitute Tariff, intended to replace the earlier tariff compliance filing the Company submitted on May 18, 2017, in this docket. In support of this Substitute Tariff, Ameren Missouri states as follows:

1. On January 12, 2017, during the hearing in File No. ET-2016-0246, Mr. Thomas Byrne stated Ameren Missouri’s willingness to add a specific exclusion for charging stations in its sale-for-resale tariff.<sup>1</sup> Ameren Missouri suggested specific language in its Initial Brief submitted on February 15, 2017. On April 19, 2017, the Commission issued its Report and Order, which rejected Ameren Missouri’s tariff designed to implement a three-year pilot program to provide long-distance fast-charging islands along the I-70 corridor. In that Report and Order, the Commission ordered Ameren Missouri to submit a revised tariff excluding electric vehicle charging from its tariff prohibition on electric sales-for-resale. On May 18, 2017, in order to honor the commitment made on the stand and in briefing, the Company submitted the language it proposed in its Initial Brief. Specifically, Ameren Missouri added

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<sup>1</sup> January 12, 2017 Transcript, p. 234.

language to its tariff stating that third-party resale of electricity was prohibited "... except where the resale of electricity is for the purpose of electric vehicle charging."

2. On June 1, 2017, the Commission Staff ("Staff") submitted its recommendation ("Staff's Recommendation") noting that the language proposed in the Company's tariff was not strictly aligned to the Commission's language. Staff instead suggested striking Ameren Missouri's proposal and adding a sentence that read, "Electricity from electric vehicle charging service by a third party does not constitute metered electric service or the resale of electricity."

3. On May 17, 2017, Ameren Missouri submitted an Application for Rehearing of the Commission's Report and Order, asking the Commission to take up the issue of jurisdiction over utility-owned electric vehicle charging services. The Commission has not yet issued a decision on the Company's Application for Rehearing. One of the key issues in that case involves whether electric vehicle charging services involve the sale of electricity.

4. On June 7, 2017, the Commission issued its Order Rejecting Tariff Filing and Directing Filing. At page 2, the Commission stated that Ameren Missouri's proposed tariff language:

... refers to electric vehicle charging as an exception to the general prohibition on the resale of electricity, but the Commission's Report and Order stated its intention for Ameren Missouri to revise its tariff to state that electric vehicle charging is not reselling electricity.

The Commission stated that Ameren Missouri, no later than June 9, 2017,<sup>2</sup> should resubmit a corrected tariff.

5. A unique situation has been created by Ameren Missouri's tariff submission and the Commission's rejection of that tariff. The Commission asks that the tariff be revised to

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<sup>2</sup> On June 8, 2017, Ameren Missouri submitted a Motion to Modify Schedule and for Expedited Consideration, given that its Application for Rehearing remains outstanding. However, that request was denied in the Commission's Order Denying Motion to Modify Schedule, issued the same day.

specifically state that electric vehicle charging does not constitute a resale of metered electric service, while Ameren Missouri's position in this case – and a pivotal part of its pending Application for Rehearing – is that the third-party provision of electric vehicle charging *is* a resale of electricity. In fact, that is why Mr. Byrne proposed an exemption from the Resale of Service tariff during his testimony.

6. In the spirit of cooperation, and in an effort to maintain its commitment to revise its tariff language, Ameren Missouri offers alternative language for the Commission's consideration.<sup>3</sup> In order to satisfy both the Commission's and the Company's concerns regarding how to characterize electricity provided by third parties for electric vehicle charging service, Ameren Missouri proposes to add the following sentence to its tariff in place of that suggested in Staff's Recommendation: "The provision of electric vehicle charging service is not prohibited by this tariff." This language takes no position on whether the provision of electricity by a third party for electric vehicle charging service is a resale; it simply notes that such an activity is not prohibited by the tariff. In this way, the ultimate goal of both the Company and the Commission is met: the clarification that the tariff does not prohibit third-party electric vehicle charging service. Further, the language accomplishes this goal in a manner that does not compromise the Company's position in its Application for Rehearing, and does not ask the Commission to accept Ameren Missouri's characterization of electric vehicle service.

7. The Company has included with this pleading its Substitute Tariff reflecting this proposed compromise language for stakeholder comment and Commission decision. Ameren Missouri consulted with Staff regarding this alternative language, and Staff indicated they had no opposition to it.

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<sup>3</sup> In submitting this proposed alternative language, Ameren Missouri is not acquiescing to any position or decision in contravention of its position expressed in its Application for Rehearing or other matters that may arise related to this matter.

WHEREFORE, for the reasons stated above, Ameren Missouri requests that its suggested alternative language, as included in the Substitute Tariff attached hereto, be approved.

Respectfully submitted,

By: /s/ Paula N. Johnson

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**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served via e-mail on counsel for all parties of record on this 9<sup>th</sup> day of June, 2017.

*s/ Paula N. Johnson*  
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MO.P.S.C. SCHEDULE NO. 61st RevisedSHEET NO. 138CANCELLING MO.P.S.C. SCHEDULE NO. 6OriginalSHEET NO. 138APPLYING TO MISSOURI SERVICE AREAGENERAL RULES AND REGULATIONSV. BILLING PRACTICES (Cont'd.)**M. RESALE OF SERVICE (Cont'd.)**

For such exceptions, the practice of resale shall be discontinued when such premises are remodeled, rebuilt or replaced.

- \* The provision of electric vehicle charging service is not prohibited by this tariff.

**N. PARTIAL PAYMENTS**

If a partial payment is made on a billing including only current charges, the Company shall first credit the payment to the balance outstanding for utility charges before crediting a deposit. If a partial payment is made on a billing which includes a previous balance, the Company will credit the payment first to previous utility charges, then to previous deposit requirements before applying any payment to current charges. No portion of any payment will be applied to special charges until all utility charges are paid in full and all required deposits have been made. (This section reflects a variance from Rule 4 CSR 240-13.020(11) granted by the Commission in Case No. EO-98-263.)

\*Indicates Addition.

DATE OF ISSUE May 18, 2017DATE EFFECTIVE June 17, 2017ISSUED BY Michael Moehn  
NAME OF OFFICERPresident  
TITLESt. Louis, Missouri  
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