

**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)
for Approval of a Tariff Setting a Rate for)
Electric Vehicle Charging Stations.)

Case No. ET-2016-0246

OBJECTION TO MOTION TO SUSPEND TARIFF

Comes now Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”) and requests the Missouri Public Service Commission (“Commission”) reject the Motion of the Public Counsel to Reject or Suspend Tariff Filing and Order Contested Case Proceedings (“Motion”). In support of its position, Ameren Missouri states as follows:

1. On August 15, 2016, Ameren Missouri submitted its Application for Approval of Tariff Authorizing a Pilot Program for Electric Vehicle Charging Stations, together with supporting testimony and tariff sheets (collectively, "Application"). In its Application, Ameren Missouri expressed the need to avoid delay in any decision in this proceeding so that, if the decision was in its favor, the Company would be more likely to complete construction of the first charging island in 2016 and take advantage of certain federal and state tax incentives to keep pilot project costs down.

2. Also on August 15, 2016, the Commission issued its Notice of Tariff Filing and Order Establishing Time to File Recommendations (“Notice and Order”). The Commission's Notice and Order provided that any party to this proceeding wishing to submit a recommendation regarding the Application "shall do so no later than September 28, 2016."¹ At the time, the Notice and Order did not provide for any hearing on the matter.

3. On September 28, 2016, the Commission Staff (Staff), the Natural Resources Defense Council, and the Sierra Club submitted timely comments regarding Ameren Missouri's application. For whatever reason, the Office of the Public Counsel (“OPC”) did not submit a recommendation by this deadline.

¹ Notice and Order, p. 2.

4. On September 30, 2016, two days after comments in this docket were due, OPC submitted its Motion, indicating its agreement with Staff's recommendation, and requesting a hearing on the proposed tariff.

5. The OPC's Motion raises no justifiable reason for hearing or further delay. In support of its request, the OPC claims there is a significant difference between statements in Ameren Missouri's Application and Staff's recommendation. This, however, is inaccurate. While the OPC accurately quotes both Ameren Missouri and Staff, it does so in a misleading manner: Ameren Missouri's statement that "the Company's customers will provide little, if any, subsidy to the projects they pay for electric service" specifically referred to the period between now and future rate cases. The subsequent sentence, which the OPC omitted – "Instead, throughout the period rates set in the pending case remain in effect, the project will be subsidized by Ameren Missouri's shareholders through reduced earnings" – clarifies the meaning. There is no conflict, as the OPC claims.

6. The OPC also states that a hearing is necessary "to enable the Commission further opportunity to examine its jurisdiction to approve Ameren's tariff and the public policy considerations presented..." However, it is up to the Commission, not the OPC, to determine whether additional time is needed. Further, Ameren Missouri has proposed this project as a pilot, as a learning opportunity, which allows more freedom for examination of this issue on an ongoing basis through the study period.

7. Additionally, the OPC's Motion is inappropriate and troubling for the following reasons:

- The Motion ignores the Commission's directive to submit comments within a required time period. This disregard of the established Commission timelines causes disruption of the orderly conduct of the proceeding; the OPC did not even request permission to submit a late filing. The Commission's authority to issue directives becomes eroded when parties disregard them without permission or cause.
- The Motion requests a hearing, even though none is required by law and all parties were afforded equal opportunity to submit written recommendations regarding Ameren Missouri's proposal.

- The establishment of a hearing in this proceeding, given the current caseload of all parties involved, only serves to delay the implementation of this pilot program should it be approved. Excessive delay will accomplish nothing more than construction delays, potentially increasing the costs of the pilot project; delays increase the risk that Ameren will miss the December 31 in-service date required to qualify for federal and state tax credits.
- No other party that submitted written recommendations in this proceeding felt that the matter warranted a hearing for resolution of issues raised by the Application.

8. Notably, the OPC has already attempted once to delay a decision in this case. On September 12, 2016, the OPC (along with certain other parties) requested that this case be consolidated with Ameren Missouri's rate case in File No. ER-2016-0179. The Commission denied that request in part because, "consolidation would create unnecessary costs and delay of the resolution of this tariff case."² The Commission also acknowledged that unsupported delay "would not justify Ameren Missouri's loss of federal tax credits, resulting in increased costs of the pilot program." OPC's current Motion has no more substantive argument for delay than its previous request for consolidation. The Motion gives no adequate reason for why the OPC alone feels a hearing is needed, why it was not able to submit a written recommendation on the merits of the Application in a timely manner as other parties did, or why any further docket activity that could jeopardize federal tax incentives is warranted.

9. The OPC's Motion should be rejected. The Commission gave all parties the opportunity to submit written recommendations and established deadlines to maintain structure, efficiency, and order in this proceeding. The OPC disregarded proper procedure, and suggests an alternative whose only purpose is to delay a decision in this proceeding, even though OPC's previous attempt to delay a decision by consolidating this case with Ameren Missouri's pending rate case, was rejected. The OPC has offered nothing new to strengthen its argument for delay, and should be rejected.

² Order Denying Motion for Consolidation issued September 28, 2016, p. 3.

WHEREFORE, for the reasons stated in this application, Ameren Missouri objects to the OPC's Motion, and requests that the Commission deny it.

Respectfully submitted,

By: /s/ Paula N. Johnson

Wendy K. Tatro, #60261
Director – Assistant General Counsel
Paula N. Johnson, #68963
Senior Corporate Counsel
Ameren Missouri
1901 Chouteau Ave.
P. O. Box 149 (MC 1310)
St. Louis, MO 63166
(314) 554-3533 (telephone)
(314) 554-4014 (facsimile)
AmerenMOService@ameren.com

L. Russell Mitten, #27881
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
(573) 635-7166 (telephone)
(573) 634-7431 (facsimile)
rmitten@brydonlaw.com

**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 4th day of October, 2016.

/s/ L. Russell Mitten