

**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) Case No. ET-2016-0246
for Approval of a Tariff Setting a Rate for)
Electric Vehicle Charging Stations.)

**THE OFFICE OF THE PUBLIC COUNSEL’S
MOTION TO REJECT AMEREN MISSOURI’S
ELECTRIC VEHICLE CHARGING STATION TARIFF**

COMES NOW the Missouri Office of the Public Counsel (“Public Counsel”) and, pursuant to Commission Rule 4 CSR 240-2.065(3) for its Motion to Reject Ameren Missouri’s (“Ameren”) electric vehicle (“EV”) charging station tariff states:

1. On August 15, 2016, Union Electric Company d/b/a Ameren Missouri (“Ameren”) filed its Application for Approval of Tariff Authorizing a Pilot Program for Electric Vehicle (“EV”) Charging Stations.

2. On October 6, 2016, the Commission issued its Order Rejecting Tariff Filing and Directing Filing, rejecting Ameren’s tariff and ordering it to refile a new tariff consistent with the sample tariff proposed by NRDC and Sierra Club.

3. The Commission also ordered any party wishing to comment or respond to a new tariff filed by Ameren Missouri, to do so no later than October 13, 2016.

4. For all the reasons listed below, Public Counsel urges the Commission to reject Ameren’s proposed tariff.

5. The Commission lacks jurisdiction to approve the proposed tariff because the company’s proposal to install and operate EV charging stations is not a public utility service.

6. Since it is purely a creature of statute, the Commission's powers are limited to those conferred in Chapter 393 and, more specifically, by Section 393.140,¹ either expressly, or by clear implication as necessary to carry out the powers specifically granted. *State ex rel. City of West Plains v. Public Service Comm'n*, 310 S.W.2d 925, 928 (Mo. banc 1958). The Commission is charged with oversight of electric corporations under Section 393.140(1).

7. Electric corporations are required to provide their captive customers with safe and adequate service, at just and reasonable rates. Section 393.130.

8. A reading of relevant statutes reveals this authority includes “general supervision” of investor-owned electric utilities and, specifically, “electric plant.” Electric plant is defined under section 386.020 (14);²

real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

9. In contrast to electric plant, which is for “light, heat, or power,” EV charging stations provide transportation fuel for electric vehicles. It is an electric service for transportation purposes and not contemplated by the definition of this statute.

10. Not only are EV charging stations not “electric plant,” EV charging stations are not designed nor intended to provide Ameren’s ratepayers with safe and adequate electric service. Section 393.130. Instead, the EV charging stations are designed to serve the general public.

¹ All Missouri statutory references are to RSMo (Supp 2006) unless otherwise indicated.

² RSMo 2000.

11. In its Application for Approval of Tariff Authorizing A Pilot Program for Electric Vehicle Charging Stations, Ameren states: “[e]ach of the proposed charging sites, or “charging islands,” would be available for use by the general public to charge electric vehicles used for both long-distance driving and driving within communities situated along the I-70 corridor.” (App. p. 3 pp. 7.)

12. Under Section 393.130, this plant is not “in all respects just and reasonable.” EV charging is a specialized service that will be of use to only a select few, if any, Ameren customers. Only a tiny percentage (.14 %), less than *one fifth of one percent*, of Ameren’s customers even own electric vehicles. Statistically, this is a blip, and essentially *none* of Ameren’s customers are even *able* to use this non-utility service. This reason alone is sufficient for the Commission to reject this proposed tariff.

13. Another reason the Commission should reject the tariff is subsidization of a tiny subset of customers by all Ameren customers. In its September 28, 2016 Memorandum (“Staff Memo”), Staff said: “[t]he tariff is designed in a manner that requires a subsidy from the approximate 1.198 million customers that do not own electric vehicles and cannot benefit from this service.” (Staff Memo p. 4.) The 99.86% of Ameren’s customers, who will never use this service, should not be burdened with costs for a service from which they receive zero benefit.

14. A second example of subsidization is that all Ameren’s customers could be subsidizing the general populace of EV owners driving across Missouri.

16. The cost of EV charging stations should be borne by only those who directly benefiting from these services – the EV operators themselves. Ameren’s ratepayers who

are not receiving any benefit from these EV charging stations should not be required to subsidize the general public.

17. Not only does Ameren propose for its customers to subsidize the general public's use of these charging stations, the Commission should reject this tariff because EV charging is a competitive service, not a regulated utility service.

18. When a monopoly utility company enters into a competitive market, its goal is not to serve its own customers. Its goal is to make money serving a more diverse population. Staff noted that “[a]lthough, the stations are located in Ameren Missouri’s territory, any person owning or operating electric vehicle can use the charging stations.” (Staff Memo p. 1.) This activity in a competitive market is the responsibility of shareholders, not captive customers.

WHEREFORE for all of the reasons stated above the Public Counsel recommends the Commission reject Ameren’s tariff proposal.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties of record electronically on this 13th day of October 2016.

/s/ Lera Shemwell
Lera L. Shemwell

APPLYING TO MISSOURI SERVICE AREA

ELECTRIC VEHICLE CHARGING PILOT PROGRAM

PURPOSE

The purpose of the Electric Vehicle Charging Pilot Program (Program) is to offer charging service to owners or operators of electric vehicles within portions of the Company's Missouri service territory.

PROGRAM DESCRIPTION

Company will make charging facilities available at up to six (6) locations roughly adjacent to Interstate 70 and Highway 54 in Company's certificated service territory in order to establish a long-distance corridor for electric vehicles to operate.

AVAILABILITY

Charging service under this Program is available to any owner or operator of an electric vehicle that can be charged from a Level 2-AC (Standard) or Level 2-DC (Fast) charger. Customers will complete their payment transaction (via credit card payment, eligible RFID card, or promotional code) through a third party contracted by Company.

DEFINITIONS

Level 2-AC (Standard) Charger - A charging facility designed to provide charging at a rate of up to 7.4 kW.

Level 2-DC (Fast) Charger - A charging facility designed to provide charging at a rate of up to 50 kW.

Total Connection Time - The length of time, in minutes, between when a customer fully seats the charger plug into the charging port of the electric vehicle before fueling begins to the time when the customer disengages the charger plug from the charging port of electric vehicle after fueling has stopped. All charging time and non-charging time within the Total Connection Time is billed at the same rate.

CHARGING SERVICE RATES

	<u>Rate(1)</u>
Level 2-AC (Standard)	\$ 0.20/kWh
Level 2-DC (Fast)	\$ 0.17/minute (2)

(1) Prices will be clearly posted prior to customer initiating charging and accepted by customer prior to charging commencing.

(2) Based on Total Connection Time

TAX ADJUSTMENT

Any license, franchise, gross receipts, occupation or similar charge or tax levied by any taxing authority on the amounts billed hereunder will be so designated and added as a separate item to bills rendered to customers under the jurisdiction of the taxing authority.

DATE OF ISSUE October 7, 2016 DATE EFFECTIVE November 6, 2016

ISSUED BY Michael Moehn President St. Louis, Missouri
NAME OF OFFICER TITLE ADDRESS

UNION ELECTRIC COMPANY

ELECTRIC SERVICE

MO.P.S.C. SCHEDULE NO. 6 Original SHEET NO. 166.1

CANCELLING MO.P.S.C. SCHEDULE NO. _____ SHEET NO. _____

APPLYING TO MISSOURI SERVICE AREA

ELECTRIC VEHICLE CHARGING PILOT PROGRAM (Cont.'d)

BILLING

All charges to the customer will be completed at the time of sale and participant's relationship to Company will end when the payment of transaction has been completed.

TERM OF PROGRAM

The term of the Program will be three (3) years from the initial effective date of this tariff. However, this tariff shall immediately become void, and the Company shall have no further obligations or liabilities hereunder, if any term or terms of this Program are determined to be discriminatory or otherwise unlawful by a court of competent jurisdiction.

ANNUAL REPORT

Within sixty (60) days of each anniversary of the implementation date of the Program, the Company will submit a written report detailing usage at each charging facility; revenue generated from vehicle charging, in total and at each charging facility; costs of the Program, in total and for each charging facility; impact on customer bills; and any ancillary benefits or costs of the Program.

GENERAL RULES AND REGULATIONS

Company's Mo.P.S.C. Schedule No. 6 General Rules & Regulations pertaining to providing service and billing a customer for service as well as deposit practices do not apply to this tariff.

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ISSUED BY Michael Moehn President St. Louis, Missouri
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