

**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)	Case No. ET-2016-0246
Of a Tariff Setting a Rate for Electric Vehicle)	Tariff No. YE-2017-0030
Charging Stations.)	

**THE CONSUMERS COUNCIL OF MISSOURI'S
STATEMENT OF POSITION ON THE ISSUES**

COMES NOW the Consumers Council of Missouri (“Consumers Council” or “CCM”), and hereby submits its statement of positions on the issues in this case:

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?

CCM Response: Consumers Council’s position is that provision of electric vehicle battery charging stations is not a regulated service.

The Commission lacks jurisdiction to approve the proposed tariff because Ameren Missouri’s proposal to install and operate EV charging stations is not a “public utility” service under Missouri law.¹ Moreover, EV charging stations not “electric plant” as used within the definition of “electric corporation”.² EV charging stations are not designed nor intended to provide Ameren’s ratepayers with safe and adequate electric service.³

¹ Section 393.140(1) RSMo.

² Section 386.020 (14) RSMo.

³ Section 393.130 RSMo.

The EV charging stations contained in Ameren Missouri's proposed tariff are being made available to consumers who are not among its captive electric consumers who reside within its monopoly service territory.

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?

CCM Response: No. Consumers Council's position is that, while a few wealthy electric car owners may benefit from Ameren Missouri's proposal, captive residential customers (the vast majority of whom cannot afford an electric car) should not be forced to subsidize electric car battery charging services.

Ameren Missouri's generation mix is primarily generated from fossil fuels, and thus the environmental externalities of its electric car charging stations are potentially harmful, particularly if the electric vehicle battery charging under the pilot program is expected to occur during peak time periods.

The evidence also shows that Ameren Missouri's pilot project is not cost-effective, and could create *constraints on the development of a free market* for electric vehicle charging, which in turn could impact the ability of competition to keep electric car charging prices reasonable.

Thus, the underlying facts of this case show that Ameren's proposal is not in the public interest.

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

CCM Response: No. Consumers Council's position is that while Ameren is asking to be treated as if it is acting as a regulated utility by offering this electric vehicle charging services, that is not the case. Ameren Missouri admits that electric vehicle charging is not an essential service.

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

CCM Response: Yes. Consumers Council's believes that Ameren Missouri's pilot program has the potential to create barriers to the entry of other companies into the electric car charging business, and thus could detrimentally impact customer choices and thus contribute to higher prices for electric car charging services.

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?

CCM Response: These costs should be booked "below the line". Captive residential customers who need electric utility service in their homes (an essential monopoly service) should not be forced to cross-subsidize electric car charging activities (which is a competitive service, and not an essential service).

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

CCM Response: No. EV charging station services should be deemed an unregulated activity. The market should set appropriate prices without Commission regulation. The proposed EV charging station "pilot programs" are an activity taking place in a competitive market, and thus should be the responsibility of Ameren Missouri's shareholders, not its captive customers.

If the utility wants to risk its own money in an unregulated competitive business, that's fine. However, Ameren Missouri's electric ratepayers should be shielded from subsidizing the utility's unregulated ventures, and protected from the dangers of being saddled with any future stranded costs from these ventures.

Respectfully submitted,

/s/ John B. Coffman

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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 listed on the official service list for Case No. ET-2016-0246 on this 6th day of January, 2017.

 /s/ John B. Coffman