

**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	)	<b>Case No. <u>ET-2016-0246</u></b>
of a Tariff Setting a Rate for	)	Tracking No. YE-2017-0242
Electric Vehicle Charging Stations	)	

**STAFF'S RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

1. The Commission in its *Report and Order* for this matter ordered Ameren Missouri to file revised tariff sheets relating to the sale for resale of electricity to electric vehicle charging stations. Specifically the Commission in the final order section of its *Order* directed Ameren Missouri to file a proposed tariff sheet the Company had included in its *Reply Brief*. Ameren Missouri filed revised tariff sheets May 18, 2017, in accordance with the Commission's *Report and Order*. The Commission ordered Staff to review the tariff sheets for compliance and file its *Recommendation* by June 1, 2017.

2. The proposed tariff sheet Ameren Missouri had included in its *Reply Brief* included language the Company thought appropriately reflected the necessary provision regarding the sale for resale of electricity as applied to electric vehicle charging stations. The revised tariff sheets filed May 18 bear the same language as that in the proposed revised tariff sheet included with the *Reply Brief*.

3. Staff's Memorandum, attached to this pleading as *Attachment A*, reflects Staff's recommendation that the language in Ameren Missouri's proposed tariff sheets

does not match the explanatory language in the Decision portion of the Commission's *Report and Order*. The Commission's *Order* states that Ameren Missouri shall,

“file an amended tariff to revise the existing prohibition on the resale of electricity in order to clarify that EV charging stations are not reselling electricity.”

However, Ameren Missouri's proposed tariff sheets state that,

“The furnishing of metered electric service by a customer of Company to a third party for a specific identifiable charge based upon such metered consumption is prohibited ... except where the resale of electricity is for the purpose of electric vehicle charging.”

4. As outlined in Staff's attached Memorandum, the difference between the two proposals is that the Commission designates electricity for electric vehicle charging as not constituting the sale for resale of electricity, whereas Ameren Missouri's language creates an exception to the prohibition of sale for resale of electricity for the purpose of electric vehicle charging. Staff proposed the following alternative to Ameren Missouri in an attempt to align the proposed tariff sheets with the Commission's *Order*:

**RESALE OF SERVICE**

The furnishing of metered electric service by a customer of Company to a third party for a specific identifiable charge based upon such metered consumption is prohibited except where such practice originated prior to July 24, 1958, ~~and except where the resale of electricity is for the purpose of electric vehicle charging.~~ Where such practice has continued since July 24, 1958, the charge for electric service from customer to a third party shall not exceed the charge which would result from the application of Company's appropriate rate, contained herein, for comparable electric service. For such exceptions, the practice of resale shall be discontinued when such premises are remodeled, rebuilt or replaced.

**Electricity from electric vehicle charging service by a third party does not constitute metered electric service or the resale of electricity.**

Ameren Missouri responded to Staff's suggestion with the following language:

**RESALE OF SERVICE**

The furnishing of metered electric service by a customer of Company to a third party for a specific identifiable charge based upon such metered consumption is prohibited except where such practice originated prior to July 24, 1958, ~~and except where the resale of electricity is for the purpose of electric vehicle charging.~~ Where such practice has continued since July 24, 1958, the charge for electric service from customer to a third party shall not exceed the charge which would result from the application of Company's appropriate rate, contained herein, for comparable electric service. For such exceptions, the practice of resale shall be discontinued when such premises are remodeled, rebuilt or replaced. **The resale of electricity by a customer, when purchased from Company for the provision of electric vehicle charging services, shall not be prohibited.**

However, Ameren Missouri's proposed language still creates an exception to the prohibition of sale for resale of electricity for the purpose of electric vehicle charging. Staff does not agree that this language accurately reflects the language in the Decision portion of the Commission's *Order*.

5. Staff recommends the Commission approve Ameren Missouri's proposed tariff sheets filed May 18 unless the Commission finds it appropriate to issue a clarification to its *Order*.

**WHEREFORE**, Staff recommends that the Commission approve the proposed tariff sheets 1<sup>st</sup> Revised Sheet No. 137 and 1<sup>st</sup> Revised Sheet No. 138 or issue a clarification to its *Report and Order* and direct Ameren Missouri to file new proposed tariff sheets bearing language aligned with the Commission's *Report and Order* filed in this matter; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully Submitted,

**/s/ Whitney Payne**

Whitney Payne

Legal Counsel

Missouri Bar No. 64078

Attorney for the Staff of the

Missouri Public Service Commission

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 1<sup>st</sup> day of June, 2017, to all counsel of record.

**/s/ Whitney Payne**

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File,  
Case No. ET-2016-0246, File No. YE-2017-0242, Union Electric Company  
d/b/a Ameren Missouri

FROM: Byron M. Murray, Regulatory Economist III, Tariff/Rate Design Unit

/s/ Robin Kliethermes 5/31/2017                      /s/ Whitney Payne 5/31/2017  
Manager, Tariff & Rate Design / Date                      Staff Counsel's Office / Date

SUBJECT: Staff Recommendation for the Commission to approve Ameren Missouri's  
requested revisions regarding its resale of electric service provisions in its General  
Rules and Regulations unless the Commission finds clarification to its *Report and  
Order* appropriate

DATE: May 31, 2017

### BACKGROUND

On August 15, 2016, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company) filed an Application (Application) with the Missouri Public Service Commission (Commission) requesting that the Commission approve proposed tariff sheets (File No. YE-2017-0030) to implement a three-year pilot program to provide long-distance electric vehicle charging facilities and services along the Interstate 70 ("I-70") corridor at various locations within the Company's service area.

On April 19, 2017, the Commission issued its *Report and Order*, which denied the Company's application for approval of a tariff authorizing a pilot program to install and operate electric vehicle charging stations. In the Decision section of the *Report and Order*, the Commission directed the Company to submit an amended tariff to revise the existing prohibition on the resale of electricity to clarify that EV charging stations are not reselling electricity; however, the Commission expressly ordered the Company to file the changes proposed in the exemplar tariff attached as Appendix D to Company's reply brief.

On May 18, 2017, Ameren Missouri filed revised tariff sheets with an effective date of June 17, to comply with the Commission's *Report and Order*. The tariff sheets included the exemplar tariff attached as Appendix D the Company included in its reply brief. The Commission then issued an *Order Directing Filing of Staff Recommendation Regarding Compliance Tariff* no later than June 1, 2017.

Staff has determined that the tariff revision submitted by the Company on May 18, 2017, complies with the Commission's April 19, 2017 *Report and Order*; however it does not clarify that electricity for vehicle charging is not reselling electricity. The proposed tariff sheets state

that electric vehicle charging is reselling electricity but that it is exempt from the resale prohibition.

Staff suggests the revised language, bolded below, better reflects the Commission's Decision.

**\*M. RESALE OF SERVICE**

The furnishing of metered electric service by a customer of Company to a third party for a specific identifiable charge based upon such metered consumption is prohibited except where such practice originated prior to July 24, 1958. Where such practice has continued since July 24, 1958, the charge for electric service from customer to a third party shall not exceed the charge which would result from the application of Company's appropriate rate, contained herein, for comparable electric service.

For such exceptions, the practice of resale shall be discontinued when such premises are remodeled, rebuilt or replaced. **Electricity from the electric vehicle charging service by a third party does not constitute metered electric service or the resale of electricity.**

**RECOMMENDATION**

Staff reviewed the compliance tariff sheets submitted by the Company as directed by the Commission. Staff recommends the Commission approve the revised tariff sheets as they comply with the *Report and Order*, or in the alternative, issue a clarification to the *Report and Order* that states the Company shall submit an amended tariff that clarifies that EV charging stations are not reselling electricity.

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First Revised SHEET No. 137 Canceling Original SHEET No. 137

First Revised SHEET No. 138 Canceling Original SHEET No. 138

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

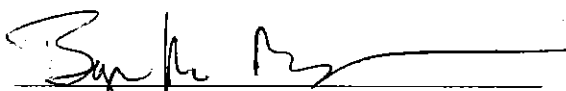
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Of a Tariff Setting a Rate for Electric Vehicle )  
Charging Stations )

**AFFIDAVIT OF BYRON M. MURRAY**

STATE OF MISSOURI )  
 ) ss  
COUNTY OF COLE )


**COMES NOW** Byron M. Murray and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing Staff Recommendation; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

  
Byron M. Murray

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 1st day of June, 2017.

  
Notary Public

DIANNA L. VAUGHT Notary Public - Notary Seal State of Missouri Commissioned for Cole County My Commission Expires: June 28, 2019 Commission Number: 15207377
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