

**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-2018-0132
for Approval of Efficient Electrification)	
Program)	

**MISSOURI DIVISION OF ENERGY’S RESPONSE TO THE
STAFF’S RECOMMENDATION AND OPC’S MOTION TO DISMISS**

COMES NOW the Missouri Department of Economic Development, Division of Energy (“DE”) and in response to the Staff’s Recommendation and the Office of the Public Counsel’s (“OPC”) Motion to Dismiss Union Electric Company d/b/a Ameren Missouri’s Application (“Motion”), states as follows:

1. OPC’s Motion requests the Commission dismiss Ameren’s proposal to adopt new tariff sheets for its proposed Charge Ahead – Electric Vehicles and Charge Ahead – Business Solutions programs. OPC’s Motion raises a number of legal issues regarding the tariff changes, including the argument that the request is beyond the Commission’s jurisdiction. OPC also states, should the Commission not reject the tariff sheets, that the Commission suspend the tariff sheets and conduct an evidentiary hearing.

2. The Staff’s Recommendation states the Staff is “generally supportive of the modifications in the Company’s line extension policy” but recommends rejection of the tariff sheets due to the Staff’s single-issue ratemaking concern. Throughout the Staff’s recommendation, the Staff repeatedly states the Staff’s “discovery is not complete.”

3. The Division of Energy urges the Commission to suspend the proposed tariff sheets and set this matter for hearing, rather than reject the proposal. Suspension will give

the parties an opportunity to engage in discovery that the Staff states it has not completed, and will provide an opportunity for further discussions among the parties regarding the proposals, and the possibility of working towards a resolution.

4. Review of the Commission’s decision in Case No. ER-2016-0285 is currently pending before the Missouri Court of Appeals in Case No. WD80911. An issue in that appeal is whether electric vehicle charging stations constitute “electric plant” under the Missouri statutes. The case has been argued and submitted, and an opinion should be issued in the near future that may help guide the issues raised by this case.

WHEREFORE, the Division of Energy respectfully requests that the Commission suspend the tariff sheets and direct the parties to submit a proposed procedural schedule.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 20th day of April 2018.

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