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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

January 12, 2017
Jefferson City, Missouri
Volume II

In the Matter of the Application of)
Union Electric Company d/b/a Ameren)
Missouri for Approval of a Tariff)Case No. ET-2016-0246
Setting a Rate for Electric Vehicle)
Charging Stations.)

MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY JUDGE

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A P P E A R A N C E S (CONTINUED)

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1 P R O C E E D I N G S

2 JUDGE BUSHMANN: All right. Let's go on
3 the record. Today is January, 2017. The
4 Commission has set this time for an evidentiary
5 hearing In the Matter of the Application of Union
6 Electric Company d/b/a Ameren Missouri for Approval
7 of a Tariff Setting a Rate for Electric Vehicle
8 Charging Stations, File No. ET-2016-0246.

9 My name is Michael Bushmann. I'm the
10 Regulatory Law Judge assigned to this matter.
11 Let's have the Counsel for parties make their
12 entries of appearance. For Ameren Missouri?

13 MS. JOHNSON: Paula Johnson, Senior
14 Corporate Counsel.

15 MR. MITTEN: Russ Mitten, Brydon,
16 Swearngen & England, 312 East Capitol Avenue,
17 Jefferson City, Missouri, for Ameren Missouri.

18 JUDGE BUSHMANN: Commission Staff?

19 MS. PAYNE: Whitney Payne and Kevin
20 Thompson for Commission Staff. And we have
21 previously provided our information to the court
22 reporter.

23 JUDGE BUSHMANN: Public Counsel? Public
24 Counsel is not here. The Division of Energy?

25 MR. ANTAL: Good morning. Alex Antal with

1 the Missouri Division of Energy, 301 West High
2 Street, Jefferson City, Missouri, 65102.

3 JUDGE BUSHMANN: Sierra Club?

4 MR. ROBERTSON: For Sierra Club and, also,
5 Natural Resources Defense Counsel, Henry Robertson,
6 Great Rivers Environmental Law Center, 319 North
7 Fourth Street, Suite 800, St. Louis Missouri,
8 63102.

9 MR. HALSO: For Sierra Club 3--

10 JUDGE BUSHMANN: Go ahead.

11 MR. HALSO: -- Joe Halso, 1536 Wynkoup
12 Street, Suite 312, Denver, Colorado, 80206.

13 JUDGE BUSHMANN: Consumers Council of
14 Missouri?

15 MR. COFFMAN: Appearing on behalf of the
16 Consumers Council of Missouri, John B. Coffman, 871
17 Tuxedo Boulevard, St. Louis, Missouri, 63119.

18 JUDGE BUSHMANN: For Charge Point,
19 Incorporated?

20 MR. COMLEY: Good morning, Judge Bushmann.
21 For Charge Point, Inc., let the record reflect the
22 entry of Mark W. Comley, Newman, Comley & Ruth.
23 Our business address is 601 Monroe Street, Suite --
24 Suite 301, Jefferson City, Missouri.

25 JUDGE BUSHMANN: And Kansas City Power &

1 Light Company?

2 MR. FISCHER: Thank you, Judge. On behalf
3 of Kansas City Power & Light Company and KCP&L
4 Greater Missouri Operations Company, let the record
5 reflect the appearance of James M. Fischer, Fischer
6 & Dority, PC. Our address is 101 Madison, Suite
7 400, Jefferson City, Missouri, 65101.

8 JUDGE BUSHMANN: Anybody I've missed? All
9 right. I'd like to remind people in the audience
10 at this time to please silence any cell phones or
11 mobile devices so that there's no interruptions
12 during the hearing.

13 There are no preliminary motions that I'm
14 aware of. Do any of the parties have any
15 preliminary matters that they need to discuss? I
16 don't hear any.

17 As far as the order of witnesses, we'll
18 follow the Order filed by the parties in their
19 Joint List of Witnesses. I believe all the
20 exhibits should be premarked at this point. Is
21 there anybody that needs to come forward and mark
22 any exhibits before we get started? Also don't see
23 any.

24 At this time, let's go ahead and begin
25 with opening statements. And the first up opening

1 statement would be by Ameren Missouri.

2 OPENING STATEMENT

3 BY MS. JOHNSON:

4 MS. JOHNSON: Your Honor, Commissioners,
5 good morning and thank you. I -- I assume the
6 microphone is on and I'm good to go?

7 COMMISSIONER STOLL: Yeah.

8 MS. JOHNSON: Great. Hopefully, this will
9 be the longest opening statement you hear this
10 morning, but we do have the -- we are the ones
11 bringing this application forward, so I want to
12 make sure that we give you all the information that
13 you need that's relevant to help you make a
14 decision.

15 And kind of leading into that, if opening
16 statements have a theme, my theme today is going to
17 be ignore the noise. Sometimes when you're at a
18 concert and the crowd is around you, you can't hear
19 the music unless you're able to tune out all the
20 people around you.

21 And that's essentially what is happening
22 in this case. You've all been inundated with so
23 many facts and so many potential issues regarding
24 Ameren Missouri's pilot proposed in this case that
25 I wanted to tell you quickly what we're not

1 requesting before we get into what we are
2 requesting just so we can hopefully help eliminate
3 some of that noise.

4 We're not asking for any state-wide policy
5 directives. We're not asking for any decision on
6 jurisdiction or lack of jurisdiction over third
7 parties entering into electric vehicle charging
8 market.

9 We're not trying to choke off competition,
10 and we are not proposing a burden on some customers
11 in order to unfairly benefit another group.

12 All these things that have come up with
13 regard to our proposal are irrelevant. As I said,
14 they're just noise, and we shouldn't allow those
15 things to over complicate this case.

16 So let's talk a little bit about what
17 really matters. What we're requesting is a very
18 simple and small scale pilot project. We just want
19 approval of a tariff that will let us implement
20 this project that, despite its small size and small
21 investment, has a lot of potential for benefit.

22 So what is our project? We're planning to
23 install only six electric vehicle charging islands
24 for an anticipated cost of less than \$600,000
25 positioned at certain points along a well-traveled

1 part of the Interstate running through the center
2 of Missouri within our service territory that
3 currently does not have a kind of DCFC fast
4 charging for long distance vehicle owners who need
5 and want that capability. And that's it.

6 Why do we want to do this? We have two
7 primary reasons in mind for why. One, we want to
8 encourage electric vehicle adoption within our
9 service territory. And, two, we want to gather
10 data, not just for our company, but for the
11 Commission, for the interest of stakeholders so
12 that we can use that data to help determine whether
13 projects such as this should be expanded. And if
14 so, what is the most beneficial and high impact way
15 you can do so.

16 It will at least give us a little more
17 guidance than we currently have to figure out a
18 little bit more going forward. So we get this done
19 if we can get your approval.

20 Now, if you, the Commissioners, see the
21 benefits that we are seeing, and several other
22 parties of this case also see, then you only need
23 to answer yes to three very simple questions. And
24 I laid these questions out.

25 First, does the Commission have

1 jurisdiction? Second, is the pilot project good
2 public policy? And third, have we proposed a
3 reasonable tariff to enact this? And that's it.
4 If you answer yes to these three questions, then
5 you should approve this project.

6 So let's start with jurisdiction because I
7 know that has been a hot topic for a lot of people
8 in this case. And I'm going to bring up another
9 visual, but we'll be coming back to this one
10 several times just because this is of such
11 importance.

12 Coincidentally enough, there are also
13 three primary hurdles to get through to determine
14 whether or not there's jurisdiction. First, Is
15 Ameren Missouri an electric corporation? Second,
16 Is Ameren Missouri using electric plant to provide
17 the service? And third, Is Ameren Missouri
18 offering this service to the public for
19 compensation?

20 If you meet those three hurdles, then you
21 can have a positive jurisdiction decision over this
22 project.

23 Now, we provided all the citations and
24 legal principles behind these in several pleadings
25 and in the testimony of Mr. Byrne that he'll be on

1 the stand later today. So I'm not going to drag
2 you through a lot of that if I don't have to. I'm
3 going to try to keep this clean for you. So let's
4 just jump in.

5 And the first one, I think no party in
6 this case has disputed that Ameren Missouri is an
7 electrical corporation. So that one, honestly, is
8 a pretty easy question.

9 CHAIRMAN HALL: Let me stop you there,
10 Ms. Mitten (sic). What statute are you looking at
11 that indicates that the first factor is whether or
12 not Ameren is an electric corporation? Are you
13 looking at 386.250?

14 MS. JOHNSON: Let me have a quick look. I
15 believe -- I don't always have the most immediate
16 recall. I believe I was going to the Definitions
17 section, first of all, because a public utility --
18 the definition of public utility references
19 electrical corporations. So I think that was where
20 we were pulling that into. And I think that's
21 386.020.

22 CHAIRMAN HALL: I mean, can't we --
23 doesn't this really come down specifically to
24 whether or not the Commission believes that the
25 sale of this electricity at these charging

1 stations, whether that is for light, heat and
2 power? I mean, doesn't that -- isn't that the
3 crux? Because that goes to both electric plant and
4 -- and to the 386.250 (1).

5 MS. JOHNSON: That is a big part of it.
6 But there is light, heat and power that goes to the
7 electrical plant definition. And there is -- there
8 are some nuances there because of the Danciger and
9 the Hurricane Deck cases that talk about that
10 electric plant providing the light, heat and power
11 has a little more public interest and a little more
12 of a global look of several factors leading into.
13 So that's -- that pulls into that a little bit,
14 too.

15 CHAIRMAN HALL: Okay.

16 MS. JOHNSON: So -- but it does ultimately
17 -- I mean, electric corporation would be the one
18 utilizing that in order to do that. So there are
19 kind of several factors that pull into that.

20 Now, I want to say, obviously, we're going
21 to be using -- let's just go ahead and move on to
22 electric plant a little bit more.

23 We're obviously going to be using
24 generation transmission and distribution systems in
25 order to transmit the electricity that we're

1 selling through these charging islands, rough the
2 charging islands to recharge the vehicles. And,
3 again, that -- as you noted, that power will be
4 used for, heat or power within the vehicle itself.
5 Mr. Byrne and Ms. Deitrich both address this in
6 their testimonies.

7 So, actually, you just helped me answer
8 the second question. Would these charging stations
9 be electric plant? And the answer -- the answer
10 ultimately is yes.

11 Now, I do want to point out that the OPC
12 and Charge Point have both talked about -- at this
13 -- they have disputed the classification of these
14 charging stations as electric plant.

15 But the problem with their argument, kind
16 of as we were discussing earlier, is that they are
17 looking at -- their interpretation is looking at it
18 too much in isolation.

19 To reject -- you are looking at all of the
20 pieces feeding together in order to get there. And
21 if you rejected this as a portion of our electric
22 plant, you could technically do the same thing for
23 a generator.

24 If we have a generator but that generator
25 itself is not distributing the power, that

1 generator itself is not transmitting the power,
2 it's just doing the generation, but you don't do
3 that. You don't look at one piece of the equipment
4 in isolation. You look at how all the equipment
5 works together in order to serve the public
6 interest.

7 So the electric charging stations and the
8 island may be at the end of the line, but they're
9 part of a contiguous way in order to provide that
10 service at the end. Excuse me. So I hope that
11 helps a little bit, too.

12 And that kind of feeds into our third
13 question with regard to offered to the public for
14 compensation. Again, I've referenced the Danciger
15 case earlier, and it specifically found that the
16 electric plant must, in short, be devoted to a
17 public use before it's subject to public
18 regulation.

19 So what is devoted to public use?
20 Ultimately, it's when you offer the service
21 indiscriminately and reasonably available to the
22 general public. And that comes from, more
23 recently, the Hurricane Deck holding case.

24 In that case, there was a developer that
25 had worked on a development and had an agreement

1 with the water and sewer company to go ahead and
2 operate and maintain the water system and provide
3 the service for a certain subdivision.

4 Now, because they were offering -- because
5 they were owning -- or excuse me. Because they
6 were operating and maintaining the systems
7 necessary to provide the service in that
8 development, and the case does say systems,
9 implying that there were several factors involved
10 -- several pieces of equipment involved in getting
11 that service provided, and because the company also
12 held themselves out as available to everyone in
13 that subdivision who is able to take service and
14 qualify for it, and because they rendered bills for
15 it, even if no one paid a bill, Hurricane Deck was
16 considered a public utility.

17 So if they can qualify as a public utility
18 providing that service, surely Ameren Missouri can
19 also qualify as a public utility providing that
20 service.

21 Now, there was a little bit of noise
22 around this issue. Does it matter that only
23 electric vehicles can use these charging islands?
24 And I'm telling you the answer is no.

25 And the reason is, it's a tariff service.

1 The inherent nature of tariffs are if you qualify
2 for the service provided for by that tariff, then
3 we are -- we have to offer that to you
4 indiscriminately.

5 And that's exactly what we're doing.
6 Anyone who qualifies to use the electric vehicle
7 tariff may use that tariff and take service under
8 that rate.

9 So after getting -- when you exclude the
10 noise, when you exclude the fact that only vehicle
11 owners can use it, you know, you can make the same
12 argument only certain customers can use, for
13 example, interruptible service. Only certain
14 customers can use lighting service.

15 That isn't what matters. What matters is
16 are we offering it to everyone who qualifies for
17 that service under the tariff? And, again, the
18 answer is yes.

19 And when you get yes to all these of these
20 answers, then we're an electric public utility
21 operating within the Commission's jurisdiction.

22 So let's move back to the other -- when we
23 look at this, do we have jurisdiction? Again,
24 we've met the three criteria for jurisdiction, so
25 that answer is yes.

1 So let's go ahead and move on to the
2 second question now. Is Ameren Missouri's pilot
3 project good public policy? And, obviously, we
4 think it is.

5 And we are removing a known barrier right
6 now to electric vehicle adoption. We are on the
7 cusp of new vehicles coming out with longer ranges,
8 but we have with our service territory an
9 approximate hundred mile stretch of interstate
10 between Wentzville and Boone that currently does
11 not have any non-proprietary high fast chargers so
12 that these people can do the travel they want.

13 Now, I do want to clarify non-proprietary
14 means, basically, in this case, non-Tesla. Tesla
15 does have charging stations. Only Tesla vehicles
16 can use them.

17 So if you are buying the new Chevy Bolt
18 that is coming out that Mr. Nealon referenced in
19 his testimony, you can't use that charger station.
20 You have to use a standard charging station, which
21 takes a long time to get through.

22 Now, we are creating -- by filling this
23 gap and hopefully promoting electric vehicle
24 adoption, we're creating an opportunity for a lot
25 of significant benefits, and we are doing it all

1 for negligible cost.

2 Now, I do want to point out as far as
3 filling the gap, this removing the barrier, there
4 are two witnesses who have alleged that there are
5 plenty of charging stations. But I want to look a
6 little bit closer at that.

7 First, we have maps that were provided in
8 testimony. And one map was the one provided by
9 Dr. Marke in his testimony. This comes from
10 plugshare.com.

11 What I want to point about this map is
12 there are a few issues. You see here on the key,
13 if it's blue, it's a residential charger. If it's
14 green, it's a public station. If it's orange, it's
15 high power. All of these are included there.

16 So if you take the blues out, and there
17 are a lot of blues along this line, you're
18 automatically losing some of the 68 chargers that
19 he says are on this route.

20 If you take out public stations that
21 aren't designated as high power, then you're losing
22 more in the middle.

23 And the high power, we have no indication
24 of whether or not these are -- from this map, we
25 can't tell whether these are Tesla only stations.

1 So you have to dig a little deep -- a little bit
2 deeper.

3 The next map was the one presented by
4 Ms. Smart for Charge Point, and this comes from the
5 Charge Point site. And, again, I want to point
6 out, this one, we don't have any real level of
7 granularity to determine do any of these stations
8 have fast charging capabilities? We don't know how
9 late they're open. We don't know if these stations
10 might be associated with, say, a hotel that only
11 allows this service to its guests. So we don't
12 know if these are truly available stations.

13 What we do finally have, however, is the
14 map provided by our witness, Mr. Mark Nealon. He
15 used Plugshare like Dr. Marke did, and he went back
16 and he removed everything that was residential. He
17 removed all of the standard charging capability.
18 And he removed all the Tesla or proprietary --
19 proprietary charging stations.

20 And this is what we're left with is an
21 obvious gap. We do have a need that needs to be
22 served, and we are just proposing to fill this gap
23 and try to increase adoption of electric vehicles.

24 Now, there are obvious benefits to this,
25 and we -- there are some witnesses that you'll see

1 today that will talk about a lot of the
2 environmental benefits.

3 Another benefit is that this is being
4 proposed at a very low cost. At the end of the
5 day, even assuming that we did begin charging
6 customers, that we put this in our rate a base and
7 everything from Day 1 -- which we are not doing.
8 We're waiting until the rate case -- after the rate
9 case currently pending.

10 But even assuming we put all of these
11 costs in from Day 1, it would be less -- an average
12 of less than one cent per customer per month to
13 fund this project.

14 That is simply not a burden. If you had a
15 \$29.99 electric bill, having to pay 30 is not going
16 to make a significant difference. So that is one
17 more thing that we truly don't need to worry about.

18 COMMISSIONER KENNEY: Excuse me. I have a
19 question for you. I don't know if my mic's working
20 or not. Can everybody hear me? Hear me now? Hear
21 me now?

22 MS. JOHNSON: Are you advertising for
23 Sprint all of a sudden, Commissioner Kenney?

24 COMMISSIONER KENNEY: I have a question
25 for you. Thank you. Thank you. Of those -- how

1 many of those DC charging stations are in Ameren's
2 -- Ameren's service territory?

3 MS. JOHNSON: This map, we would be
4 looking about here to here.

5 COMMISSIONER KENNEY: Do you know how many
6 -- I saw one note there were eight -- eight DC
7 charging stations in Ameren territory, but I'm not
8 sure. Do you know how many there are?

9 MS. JOHNSON: I'm not entirely sure, but I
10 do know they're all in -- the ones in our territory
11 would all be within the City of St. Louis itself
12 and not along the corridor.

13 COMMISSIONER KENNEY: I have -- I have a
14 question regarding that. What's Ameren's position
15 -- other than a tariff situation where you have a
16 wholesale purchaser, what's Ameren's situation with
17 about one of their customers being able to lawfully
18 resell electricity?

19 MS. JOHNSON: Well, we don't currently
20 have a tariff that prohibits sale for resale.

21 COMMISSIONER KENNEY: So Ameren's position
22 is that anybody can purchase or resell electricity?

23 MS. JOHNSON: I think that's the position
24 we're in inherently because of our tariff
25 situation.

1 COMMISSIONER KENNEY: All right. Thank
2 you.

3 MS. JOHNSON: No problem. Now, I also
4 want to note that there were some concerns brought
5 up with regard to potential competition that,
6 because we're a utility, we're going to have
7 advantages that other -- if some of these sale for
8 resale situations arose in our territory, which,
9 ultimately, we actually want to encourage because
10 we want more EV charging stations and we want to be
11 able to facilitate people being able to cross the
12 State and use these vehicles for more purposes than
13 just driving around town.

14 CHAIRMAN HALL: Excuse me. Let me follow
15 up on that line of questioning. So it's -- it's
16 the company's position that there is nothing in
17 statute that would prohibit sale for resale; is
18 that correct?

19 MS. JOHNSON: That's correct.

20 CHAIRMAN HALL: Okay. Well, I've got what
21 appears to me to be a tariff signed -- or dated
22 June 2013, which may not be the operative tariff in
23 place, which would prohibit the sale for resale.
24 So maybe one of your witnesses could explain
25 whether -- whether what I'm looking at is accurate

1 or not.

2 MS. JOHNSON: Yeah. May I ask what the
3 tariff is specifically so we can make sure we
4 address that?

5 CHAIRMAN HALL: Sheet No. 137, May 31st,
6 2013. I'd be more than willing to -- Warren L.
7 Baxter, President and CEO. I don't know if --

8 MS. JOHNSON: Okay. We will look that up
9 and have a look. Without looking at it and having
10 time to go over it, I don't know if it's limited to
11 a certain situation.

12 I -- there might be a tariff that in a
13 specific circumstance that was not allowed. But to
14 my knowledge, there's not an overall prohibition.
15 But we'll have a look at that and make sure we can
16 address that.

17 CHAIRMAN HALL: It says, Applying to the
18 Missouri service area. So I -- I --

19 MS. JOHNSON: Okay. Thank you. We'll
20 have a look and follow up on that for you.

21 COMMISSIONER KENNEY: I have one more
22 follow up since we're talking about tariffs. Why
23 is Ameren seeking a tariff for this? Why don't you
24 just put up -- put up six stations and come to us
25 in a rate case?

1 MS. JOHNSON: We're putting up tariffs
2 partially because we want to make sure that we are
3 charging -- kind of getting some buy-off from not
4 just the Commission but a lot of stakeholders on
5 the front end. That's one of the reason.

6 COMMISSIONER KENNEY: Does Ameren believe
7 they need a tariff for this?

8 MS. JOHNSON: We believe we do.

9 COMMISSIONER KENNEY: You don't believe
10 you can just go up and put up six charging
11 stations?

12 MS. JOHNSON: Not if we want to charge a
13 rate for it because we do see it as a regulated
14 service. We believe it falls under our
15 jurisdiction. And if we're going to charge a rate
16 for it, we have to --

17 COMMISSIONER KENNEY: If you did like
18 KCP&L and provide the service free or had one of
19 their host providers provide it, then you wouldn't
20 -- you could do it without a tariff.

21 MS. JOHNSON: Honestly, that's not a
22 situation we considered ourselves, so we haven't
23 done enough analysis to tell you if -- if that that
24 is a position we would also take.

25 COMMISSIONER KENNEY: Thank you.

1 MS. JOHNSON: Okay. Let's see. Let me
2 see. I'm just going to go ahead and -- another
3 benefit I want to note that from this program,
4 again, is we want to gather data.

5 We want to figure out what would be the
6 best way to deploy a lot of these situations going
7 forward just to encourage even more adoption and to
8 encourage more growth of -- we actually want some
9 competition along this line just so people are more
10 able to adopt electric vehicles because that -- if
11 there is significant growth, if there is enough
12 growth, that will give us more reason and more
13 ability to begin looking into some of the other
14 items that have come up that, frankly, aren't ripe
15 yet for trying to make some of these
16 determinations.

17 So public policy, we're filling
18 infrastructure gap. We're going to gather good,
19 long-term information so we can figure out how to
20 continue to deploy it. We want a little bit more
21 information before we build it and hope they come.

22 And we're doing it at a cost that is
23 minimal. We don't reach this kind of situation
24 very often, and we'd hate to let this one slip
25 through our fingers.

1 So as far as we can see on Question 2, Is
2 this project good public policy? Yes. We strongly
3 believe it is.

4 Now, is our proposed tariff reasonable?
5 There hasn't been as much discussion about the
6 tariff. I'm not going to bore you with all the
7 details of it. But we worked with NRDC and Sierra
8 Club, and we believe we've struck an appropriate
9 balance between making sure the fast chargers have
10 an incentive to -- people using the fast chargers
11 have an incentive to finish up and move on as
12 quickly as possible by doing a time based rate.

13 And we feel like we have done a good job
14 setting a tariff that will have the standard
15 charging vehicles which can take -- you know,
16 different makes and models will take various
17 amounts of time to charge.

18 We think we have done a good job making
19 sure that by paying for the energy unit that they
20 are going to get the appropriate service they need
21 without -- without any kind of undue penalty for
22 sitting there.

23 So I'll move on from the rate fairly
24 quickly. But at the end of the day, Is it an
25 appropriate rate? Yes, we believe it is because,

1 even from our projections, even noting that we have
2 struck that balance and even noting that from the
3 projections there will be that minor subsidy, it is
4 so minor.

5 It is one -- like I said, less than --
6 essentially less than one penny per customer per
7 month. So is the rate reasonable? Yes. We
8 believe it is.

9 So I'm going to go ahead and begin
10 wrapping up just to pull this back around full
11 circle. It's very important to remember to ignore
12 the noise in this case.

13 This -- these three questions are really
14 the only things you need to focus on. Over the
15 course of the proceeding, we have laid out
16 significant legal argument and evidentiary facts to
17 show that the answers to all three of these
18 questions are yes.

19 You have jurisdiction over this pilot
20 project because Ameren is going to use its
21 generation, its transmission and its distribution
22 systems to transmit this electricity that it's
23 proposing to sell through to the charging islands
24 and then providing an electric charging service to
25 anyone who qualifies under that tariff to use that

1 service.

2 The answer to Question 2, it's good public
3 policy because it's designed to promote electric
4 vehicle adoption with obvious environmental
5 benefits for everyone by providing services that
6 are currently unavailable on a 100 mile stretch of
7 Interstate from Boonville to Wentzville in a
8 limited manner intended to gather information that
9 we can extrapolate for a wider purpose.

10 And if successful, we'll have a better
11 idea of how this particular service can be
12 appropriately expanded. And if unsuccessful, we
13 can walk away with minimal financial impact.

14 And, finally, we see that the proposed
15 tariff, which is supported by NRDC and Sierra Club,
16 is reasonable because it strikes an appropriate
17 balance between all the appropriate interests.

18 And, again, I just want to get into,
19 ironically enough, what we don't need to get into.
20 We don't need to make a determination today
21 regarding if or how this decision might impact
22 third party stations.

23 Like I said, we are anticipating that that
24 will build up. But right now, we are ultimately
25 looking at no more whether than -- no more than are

1 we, Ameren Missouri, allowed do this project.

2 And we don't need to decide how
3 infrastructure can be appropriately deployed
4 because, ultimately, hopefully, the information
5 we're going to gather is going to give us some
6 insight to at least a portion of this question.

7 And we don't even need to really decide
8 whether these pilot projects present any
9 competitive concerns because, No. 1, this is
10 limited in scope. We are talking about six
11 charging islands total, and that's it.

12 Even if it weren't so limited, we are
13 looking at this currently in an area where there
14 are no non-Tesla fast charging stations available.
15 You can't compete with something that doesn't yet
16 exist.

17 If we determine that charging
18 infrastructure needs to be expanded state-wide,
19 we're going to have more opportunities and RFPs for
20 other vendors to enter the market for that purpose.

21 And kind of like I alluded to on the great
22 quote from Field of Dreams earlier, If you build
23 it, they will come. That's our hope. That is our
24 belief.

25 And if we build it, if we get more EV

1 chargers -- or EV drivers, there's just going to be
2 more demand for more electric vehicle charging
3 stations.

4 So at the end of the day. When we're
5 looking at drivers for long hauls, the demand for
6 charging is actually going to grow.

7 So just remember this. Truly, this is all
8 we need. This is all we need to look at. This is
9 all we need to determine in this proceeding.

10 We have gone over this extensively in our
11 testimonies and in our pleadings. And we've
12 answered all these three questions yes already.

13 I'd just ask you to keep these three
14 questions at the top of your mind. And I'm
15 confident you'll reach the conclusion that we have
16 and approve the tariff so we can get this pilot
17 going.

18 I thank you for time and attention, and
19 I'm happy to take any other questions you might
20 have.

21 CHAIRMAN HALL: Okay. I -- I do have a
22 couple. I want to make sure I understand one
23 thing. It's my sense that Issue 1 is solely a
24 legal question, and it's essentially a statutory
25 interpretation question.

1 And Issues 2 and 3 are what we have -- are
2 what we have factual evidence presented and what
3 we're going hear today. Would you agree with that?

4 MS. JOHNSON: I think that is overall a
5 good assessment.

6 CHAIRMAN HALL: Do you believe that the
7 first -- that there's any discretion implicit in
8 the -- in our jurisdiction statute, or do you
9 believe we either have it or we don't?

10 MS. JOHNSON: I believe as far as the
11 public utilities themselves are concerned, you
12 clearly have the jurisdiction.

13 CHAIRMAN HALL: Yeah. That wasn't my
14 question.

15 MS. JOHNSON: Okay.

16 CHAIRMAN HALL: My -- my question is, do
17 you believe that when we interpret the statute that
18 we have some -- some discretion to determine
19 whether or not we want to exercise jurisdiction, or
20 do you believe that the statute when it -- when it
21 says -- or the 386.250 where it says, The
22 jurisdiction, supervision powers and duties of the
23 Public Service Commission herein created and
24 established shall extend upon -- under this Chapter
25 2, X, Y and Z, when it -- where it says duties,

1 does that eliminate discretion and -- and thereby
2 if we determine that -- that this service falls
3 between those enumerated sections, then we have to
4 exercise jurisdiction?

5 MS. JOHNSON: I think when the service
6 provided by a public utility falls within those,
7 then, yes, you have to exercise jurisdiction over
8 us doing that.

9 CHAIRMAN HALL: Okay.

10 MS. JOHNSON: I do believe that, as far as
11 third parties, whether they would qualify as
12 electric plant or electric corporations in the
13 first place is still an issue.

14 CHAIRMAN HALL: Okay. Well, that actually
15 goes right into my second -- second question. I
16 don't see -- I mean, when I look at 386.250, I -- I
17 see a statute that says that our jurisdiction goes
18 to seven different sections.

19 And the first of which is -- is at issue
20 here to the sale of electricity for light, heat and
21 power. And if we determine that the service that
22 you are providing or that you want to provide at
23 these charging stations is electricity for light,
24 heat and power, then we have jurisdiction over you.

25 But I don't understand how with that

1 interpretation we could not determine that we also
2 have jurisdiction over Charge Point when it -- when
3 it wants to offer the same service.

4 And I understand that you don't want us to
5 think about that, but I don't see how we don't
6 because I don't see a logical distinction between
7 Ameren providing that service and Charge Point
8 providing that service.

9 MS. JOHNSON: Okay. I understand that.
10 And it is a very nuanced position. I would suggest
11 -- and, again, this isn't -- isn't something that
12 we had anticipated meeting head on.

13 But I would suggest that if you look at
14 the Hurricane Deck case that that might provide
15 some guidance because it does specifically talk
16 about -- that was a non-standard -- it was a
17 developer. He had nothing to do with public
18 utility business.

19 And in that case, they were operating out
20 of systems, and I emphasize it was systems,
21 multiple pieces of that plant were working together
22 to do the distribution.

23 I don't know and I don't know exactly how
24 the operations work, but I don't know that someone
25 who had a single unit whose only intent was to

1 provide a charging service and were going use a
2 sale for resale opportunity from a utility, I don't
3 know that they would have sufficient systems or
4 plant vested with the public interest to be able to
5 do that.

6 They also wouldn't necessarily have
7 non-discriminatory. Like I said, things exist now,
8 but some of them -- they're available to hotel
9 guests only.

10 So I think you would -- because of a lack
11 of public availability, I would think you would
12 have a real struggle trying to argue that that was
13 providing a public utility service.

14 If -- we're also looking at -- we don't
15 know that they would keep these charging stations
16 open 24 hours or that they would install something
17 that everyone could use as opposed to a Tesla only
18 station.

19 So I think there are other nuances like
20 that that have to be looked at when you are looking
21 at the third party. I mean, for us, it's clear.
22 When we're transmitting that electricity, and it's
23 ultimately used for light, heat and power, we're
24 jurisdictional. It's another extension of our
25 service.

1 But -- and kind of playing off a little
2 bit of the example that has been used in some of
3 the OPC's statements, they argue that bottled water
4 isn't necessarily regulated. Well, water service
5 is regulated.

6 Now, if the water condition were -- the
7 water company is providing water. And,
8 essentially, that's what we're doing, too. We are
9 providing electricity.

10 Whereas the Culligan man is providing a
11 bottled water. He's doing one off. He does not
12 have an entire bank of facilities ready to run
13 through the tap.

14 And that is why we would be regulated.
15 This is a part of our system. When we hook it in
16 for the transmission of electricity, because that
17 provides a very specific type of infrastructure,
18 it's like the end use shifts almost like at that
19 point of interconnection.

20 We're feeding it straight into the car.
21 That's the point of interconnection whereas, the
22 charging station, we're only feeding it to that
23 station. That's where our involvement stops.

24 A charging station, is that going to
25 qualify as an electric plant if it's standalone for

1 a single purpose and they don't have to offer it to
2 the public indiscriminately? And I think that's
3 why they have problems meeting that burden for Part
4 3 and being considered a regulated service.

5 And, again, this is something I could
6 state far more articulately in a brief. And it's
7 something that we hadn't anticipated going into in
8 too much detail at this point because, ultimately,
9 we don't feel it involves our pilot project.

10 And I'm not necessarily stating -- I am
11 not stating that that's the position of the
12 utility. I'm just saying there are some nuances
13 you may want to look at when you're trying to make
14 that determination.

15 CHAIRMAN HALL: Okay. Thank you.

16 MS. JOHNSON: No problem. I hope I didn't
17 ramble too much on that one.

18 COMMISSIONER STOLL: No questions. Thank
19 you.

20 COMMISSIONER RUPP: Good morning. I have
21 a couple of questions.

22 MS. JOHNSON: Certainly.

23 COMMISSIONER RUPP: So just walk me
24 through this process. So let's say I buy an
25 electric vehicle, the one that GM makes. There's a

1 GM plant in Wentzville, and I support local --
2 local town heroes. And, you know, and I'm driving
3 and I stop off at Boonville and I want to charge my
4 car.

5 So, obviously, it's going take a little
6 bit of time. So I walk downtown and meet an old
7 time doctor, you know, Archie Graham, and, you
8 know, and we talk about his wife Alecia and he's
9 out buying her blue hats, you know.

10 And then I sit down at a park bench, and I
11 read a book by Terrence Mann. And then I head back
12 over to my -- to my car. What happens then? How
13 do I pay?

14 MS. JOHNSON: Honestly, Mark Nealon could
15 address that better. I believe -- and I want to be
16 subject to him correcting me when he's on the
17 stand. I believe we're doing like a credit card
18 swipe for that.

19 COMMISSIONER RUPP: Does it make any
20 difference if I'm an Ameren customer or if I'm not
21 an Ameren customer?

22 MS. JOHNSON: It does not. No.

23 COMMISSIONER RUPP: Okay. And then you
24 made a comment, something about -- back when you
25 were talking about how this process was offered to

1 everybody.

2 So this tariff, that if I were to have an
3 electric vehicle in my home, do I pay the same rate
4 as if I were to charge it up at this charging
5 station that I do in my home? Or would I pay, you
6 know, the basic rate that I have in my home?

7 MS. JOHNSON: The rate on the home, that's
8 coming back to a different type of tariff for
9 residential use. That is something that we
10 actually hope this pilot will also shed some more
11 light on depending on adoption, what other
12 possibilities there might be for other things such
13 as time of -- time of use tariffs.

14 Right now, we don't have enough
15 information to determine how that might be
16 impacted. But the rate you pay at your home will
17 be separate from the rate you pay on the road.

18 But, you know, if you're on I-70 and
19 you're late for work, you're going to appreciate
20 that fast charging station being available for you.

21 COMMISSIONER RUPP: Yeah. I'd hate to be
22 late to a hearing.

23 MS. JOHNSON: I know. You're missing all
24 the fun if you do that.

25 COMMISSIONER RUPP: A couple people

1 laughed out there. I'm going to write down those
2 names.

3 MS. SHEMWELL: I'm laughing at myself.

4 COMMISSIONER RUPP: So you said that this
5 issue would not preclude any third party in the
6 future. You're not making any, you know,
7 statements about anything in the future.

8 So is it your position that if -- that if
9 we do have a case in the future where we have a
10 third party that wants to come in and provide this,
11 will Ameren -- are you saying you will not take the
12 position that no third party should enter in
13 because this is a regulated process, it's in your
14 service terri -- service territory, and, therefore,
15 they should not be -- be allowed to offer that
16 service?

17 MS. JOHNSON: Right. At this point, we
18 don't think there is any statutory prohibition
19 against that service or any tariff, although,
20 again, subject to looking into it, Chairman Hall
21 brought it up, we don't believe that would be
22 prohibited.

23 And, ultimately, we hope to promote
24 additional charging station availability in there.
25 We just -- we just want to prime the pump. So --

1 but I don't think there is, at this time, any
2 prohibition. If for some reason that's not clear,
3 you know, there might be ways to -- to fix that.

4 COMMISSIONER RUPP: So I will not read in
5 a brief or an argument in a future case arguing
6 against a third party coming in for electrical
7 vehicle charging stations that it should not be
8 allowed because it's a regulated process and it's
9 in your service territory?

10 I -- I understand you're not saying that
11 now. But I don't want to say, Hey, well, give me
12 this. We got it. And then we use this to argue
13 against somebody else in the future. So is that
14 what you're saying, I will not see that in a future
15 argument or brief?

16 MS. JOHNSON: I want to be very honest.
17 We have looked at some of the nuances of both the
18 statutes and the case law to see if we could
19 readily come to a decision.

20 At this point, we haven't found an
21 expressed prohibition. There are some nuances of
22 the electric plant definition in particular in
23 light of the Hurricane case that need to be worked
24 through. So I want to be clear on that.

25 Right now, we don't necessarily see a

1 prohibition. I can't guarantee stuff in the
2 future. But we -- like one of our stated positions
3 is we want to grow it.

4 The only reason I'm equivocating at all in
5 giving an answer is just because we haven't
6 finished that entire analysis ourselves. So we've
7 been focusing on this rather than that.

8 Do we anticipate something? No. Do they
9 hope to encourage that kind of competition? Yes.
10 Can we state unequivocally at this point right now
11 that there's not a problem? We just don't have
12 such information right now.

13 COMMISSIONER RUPP: I appreciate you going
14 the distance.

15 MS. JOHNSON: Thank you.

16 JUDGE BUSHMANN: Any other questions?
17 Thank you.

18 MS. JOHNSON: All right. Thank you very
19 much.

20 JUDGE BUSHMANN: Next opening would be by
21 Commission staff.

22 OPENING STATEMENT

23 BY MR. THOMPSON:

24 MR. THOMPSON: May it please the
25 Commission. With respect to Issue 1, the Staff

1 agrees whole-heartedly with what the Chairman
2 observed earlier. This is a legal question. It's
3 a legal issue. It's not a matter for opinion by
4 experts from different professions. It's a matter
5 of statutory interpretation.

6 What administrative tribunals do is they
7 take existing law and they apply it to the facts to
8 determine an answer. Under existing law, the
9 activity of selling electricity to the general
10 public for light, heat and power is the activity of
11 being an electrical corporation and public utility.

12 It's Staff's opinion that this is
13 certainly a regulated service, whoever is providing
14 it, whether it is Ameren Missouri providing it
15 using electricity that it has generated and then
16 transmitted and then distributed to that charging
17 point or whether it is a third party who is
18 reselling electricity that they're buying from
19 Ameren Missouri or someone else.

20 The Courts of Missouri have said whether
21 someone is engaged in public utility business
22 depends on what they actually do. In other words,
23 you'd have to parse the facts and determine, Are
24 they selling a utility service such as electricity
25 to the general public for light, heat and power?

1 In this case, that is certainly what these charging
2 stations do.

3 And Staff views charging stations as being
4 simply one more variety of electric plant as
5 defined in 386.020. And, therefore, persons
6 operating it for the purpose of selling it to the
7 general public are engaged in utility business.

8 So you can only do that in Missouri,
9 lawfully, if you have a certificate from this
10 Commission allowing you to do that.

11 Ameren has several certificates, each of
12 which defines an area within which Ameren can
13 engage in this business. Whether or not that area
14 is exclusive depends on whether or not this
15 Commission grants other certificates to other
16 entities to engage that business in some part of
17 that territory.

18 Traditionally, Ameren's service territory
19 has been a monopoly service territory. The
20 Commission has not granted any certificates to
21 other entities to sell power within that area.

22 So what about these third party sellers
23 like Charge Point? In staff's opinion, they are
24 engaged in utility business. They do need a
25 certificate in order for that activity to be

1 lawful.

2 Commission has discretion over the
3 question of monopoly. You do have discretion to
4 grant a certificate to a third thirdparty to sell
5 power within Ameren's service territory.

6 You do not have discretion over the
7 question of jurisdiction itself. You're stuck with
8 what the law does. The law, as it exists, as
9 applied to these facts, clearly brings that
10 activity within your jurisdiction. You have no
11 discretion but to regulate it.

12 However, you do have discretion to allow
13 competition, if you choose. As to those providers
14 that are already selling power to people at
15 charging stations in Ameren's territory who are not
16 Ameren, they're breaking the law. They need
17 certificates.

18 This situation existed in the past.
19 Remember pay telephones? I know you can't find one
20 today, but they used to be common. You may not
21 know that in the old days when we had pay
22 telephones, every third party pay telephone
23 provider had a certificate from this Commission.

24 There were many, many hundreds of active
25 pay telephone certificates at any give time. If I

1 ran a Quick Stop, and I wanted a pay telephone and
2 I was going to own that phone, wasn't going to
3 belong to Ma Bell, I had to get a certificate from
4 this Commission allowing me to operate that pay
5 telephone.

6 I suggest to you that the pay telephone
7 model is perhaps the best way for this Commission
8 to understand electric vehicle charging stations
9 unless the Legislature changes the law in some way.

10 But if they do not, then you're stuck with
11 regulating this activity because it falls within
12 the statute. So that's staff's view of Issue
13 No. 1.

14 Issue No. 2, public policy, Staff has no
15 position on that. Issue No. 3, it's a little bit
16 confusing because there's two different issue lists
17 flying around here.

18 But Issue No. 3 on the issues list that
19 Staff has subscribed to has to do with rates.
20 And the question is, Does Ameren Missouri's
21 proposed tariff represent the proper rate design?

22 And Staff says, actually, both Level 2 and
23 Level 3 charging stations should charge the same
24 way. Whether it's permitted or per kilowatt hour,
25 we don't have a preference, but it should be the

1 same standard for each of those rather than one
2 standard for one and one standard for the other.

3 With respect to the extra issues on that
4 renegade issues list, Issue 2-A has to do with
5 whether or not Ameren is acting as a regulated
6 utility in offering this service?

7 Staff emphatically answers yes. It's a
8 regulated service. It's the sale of electricity to
9 the general public for light, heat and power.
10 There's no question.

11 2-C, Does the pilot design proposed by
12 Ameren impact competition with third parties for
13 charging station sites in its service territory?

14 That question has it backwards. As I
15 pointed out earlier, those third parties are
16 already in violation of Missouri law. They are
17 breaking the law. They do not have certificates
18 from this Commission authorizing them to engage in
19 that business inside Ameren's service territory, or
20 outside it, for that matter.

21 You cannot just go set up a charging
22 station, put the open for business sign on it and
23 start selling power to whoever happens to come by
24 that wants to buy it without first getting the
25 authorization from this Commission. That's the

1 law.

2 Issue 3-A, How should the cost be booked?
3 Staff has evolved its position on this question.
4 Originally, Staff was saying below the line. What
5 below the line means is treat it outside of the
6 rate structure. Treat it as an unregulated
7 activity.

8 The reason for this was not because Staff
9 thought it was unregulated but because Staff didn't
10 want the ratepayers to have to subsidize what is,
11 after all, Ameren's rolling out of a new service in
12 an effort to develop a new market.

13 So our thought has evolved. We want to
14 put it above the line. We want to book it as a
15 regulated service. But to the extent that revenues
16 do not cover the costs, we believe the Commission
17 should impute revenue to Ameren.

18 The effect of that will be to protect the
19 ratepayers from underwriting this speculative
20 venture in rolling out a new market, and it will
21 throw those costs to the shareholders.

22 And it is, after all, the investors in a
23 business who should underwrite efforts to expand
24 that business into a new market.

25 CHAIRMAN HALL: Mr. Thompson?

1 MR. THOMPSON: Sir.

2 CHAIRMAN HALL: This -- this evolution of
3 the Staff's -- on Staff's position on this confuses
4 me a little bit. I don't understand the
5 distinction between the two because the effect is
6 the same as the two positions whether looking at
7 below the line or looking at above the line.

8 But imputing the difference between cost
9 and revenues would result in shareholders covering
10 the difference in both cases.

11 MR. THOMPSON: The effect is the same in
12 terms of who pays to the extent there are costs
13 that are not offset by earnings.

14 The difference is that one treats it as a
15 regulated service and acknowledges that fact. And
16 the other treats it as an unregulated service.

17 CHAIRMAN HALL: I thought that Staff's
18 prior position was treat it -- treat it as a
19 regulated service but book all revenues and
20 expenses below the line. I mean, if we're going to
21 tariff it, it's a regulated service.

22 MR. THOMPSON: Right.

23 CHAIRMAN HALL: Staff's position was we
24 should tariff it, but take all revenues and
25 expenses and book them below the line. I don't see

1 how there's any difference between that and Staff's
2 evolved position.

3 MR. THOMPSON: Well, I believe there is a
4 difference, the difference being that, eventually,
5 they're going to make money on this service.
6 There's not always going to be a shortfall of
7 earnings versus cost.

8 CHAIRMAN HALL: I understand that
9 distinction.

10 MR. THOMPSON: And in that case, it's
11 going to be just like the regulated service Ameren
12 already provides. If you start it off below the
13 line, then I think it might be trouble getting it
14 above the line later when it's big and it's
15 self-sustaining and profitable.

16 CHAIRMAN HALL: So you indicated that you
17 believe that Charge Point and other charging
18 station owners are violating Missouri law by -- by
19 not -- by operating without a -- a -- a CCN.

20 MR. THOMPSON: Yes, sir.

21 CHAIRMAN HALL: Would you -- do you
22 believe that KCP&L is violating Missouri law as
23 well?

24 MR. THOMPSON: I don't know what the facts
25 are exactly on KCP&L.

1 CHAIRMAN HALL: How about Laclede?

2 MR. THOMPSON: My understanding is they're
3 not selling the electricity.

4 CHAIRMAN HALL: How about Laclede?

5 MR. THOMPSON: Laclede is selling
6 electricity?

7 CHAIRMAN HALL: They're selling liquefied
8 natural gas.

9 MR. THOMPSON: I think that is a regulated
10 service.

11 CHAIRMAN HALL: And they don't -- and it's
12 untariffed. So if -- if we're to be consistent,
13 they're violating the law, and I would -- and I
14 would -- well, okay. Is that correct?

15 MR. THOMPSON: I believe that to be true.
16 Now, I don't have the gas statute in front of me.
17 You understand each of these statutes is somewhat
18 different.

19 But to the extent the statute is similar
20 to the electric statute, then, yes, I believe
21 they're engaged in the utility business and it
22 should be tariffed, and it should be regulated.

23 CHAIRMAN HALL: Is it -- is it possible to
24 -- to tariff the service without mandating a price?

25 MR. THOMPSON: That's an interesting

1 question. And, in fact, I've been -- I've been
2 turning that over in my mind for -- for a couple
3 days.

4 Your job is to ensure that the price is
5 just and reasonable. So what that typically means
6 is that the price covers the cost so that it's not
7 being subsidized by somebody else.

8 So I think, at a minimum, you would have
9 to ensure that the -- that the price does that,
10 that it covers the cost, however that's measured.

11 CHAIRMAN HALL: Couldn't we assure the
12 lack of a subsidy in a late case as opposed to --

13 MR. THOMPSON: You could.

14 CHAIRMAN HALL: -- in this case setting
15 the tariff?

16 MR. THOMPSON: If you -- if you
17 essentially tracked or gathered or deferred the
18 cost to the revenues to a rate case and viewed them
19 all in a cumulative fashion, I think you could.

20 CHAIRMAN HALL: Do you -- do you agree
21 with Counsel for Ameren that there is nothing in
22 statute that prohibits sale for resale, and the
23 only issue are the actual tariffs that may or may
24 not prohibit that activity?

25 MR. THOMPSON: I disagree, to this extent.

1 No. 1, because that activity has to be authorized
2 by the Commission by obtaining a certificate. So,
3 yes, the statutes prohibit it, except to entities
4 that hold a certificate, No. 1.

5 No. 2, typically, the utility tariffs
6 forbid sale for resale. Now, I'm not going to
7 argue with Ameren's attorney about what their own
8 tariff says. But as I said, typically, they have a
9 prohibition against sale for resale.

10 CHAIRMAN HALL: Well, I actually may want
11 you to argue with Ameren's Counsel about that. I
12 mean, I'd like you to look at -- I'd like you or
13 your witnesses to look at that tariff and tell me
14 if I'm reading it correctly.

15 MR. THOMPSON: We will do that.

16 CHAIRMAN HALL: Because -- and the same
17 would apply to other parties as well.

18 MR. THOMPSON: Yes, sir.

19 CHAIRMAN HALL: Thank you.

20 MR. THOMPSON: Thank you. Any other
21 questions?

22 COMMISSIONER STOLL: I have no questions.

23 COMMISSIONER RUPP: I have questions.

24 COMMISSIONER KENNEY: I do, too.

25 MR. THOMPSON: Yes, sir.

1 COMMISSIONER KENNEY: Thank you. Now, you
2 noticed, I'm sure, in the testimony that there's a
3 lot of other groups here who have a differing
4 opinion about the resale of electricity, correct?

5 MR. THOMPSON: I'm aware of that.

6 COMMISSIONER KENNEY: And all these --
7 these charging stations that -- that, in your mind,
8 they are illegally selling electricity at this
9 point?

10 MR. THOMPSON: Yes, sir.

11 COMMISSIONER KENNEY: Or we're assuming.
12 Should we expect a slew of complaints to come
13 before us from Staff?

14 MR. THOMPSON: Well, you know, I'm just
15 the mouthpiece for Staff. Somebody else is the
16 Director of Staff. So I would think -- the
17 position that Staff will take, I can't tell you
18 because I don't make that decision. But I will
19 tell you this. If it were up to me, yes, that's
20 what you would see.

21 COMMISSIONER KENNEY: So if we had a
22 complaint, perhaps we could finally settle this.
23 Because I've been -- this has been a question of
24 mine for quite some time whether or not -- and it's
25 yet to be answered because I hear what you say, and

1 I hear what others say. And --

2 MR. THOMPSON: Some of what those others
3 are saying are based on public policy
4 considerations. It's like an Economist looking at,
5 a policy analyst looking at it. And those are
6 important and valid ways to look at this. I agree.

7 But as a lawyer, I have to look at
8 existing law and apply that to the facts. I don't
9 get the luxury of saying, What should the law be?
10 What could be the law be? What would be the best
11 law? That's not --

12 COMMISSIONER KENNEY: That's for them over
13 there to decide.

14 MR. THOMSON: That's for them. Exactly.
15 And -- and right now, the policy that they have
16 made makes this a regulated utility.

17 COMMISSIONER KENNEY: That's what you have
18 interpreted it to say?

19 MR. THOMPSON: Yes, sir.

20 COMMISSIONER KENNEY: Okay. Now, the
21 other thing I wanted -- you're wanting to -- I'm
22 trying to understand this right. You want Ameren
23 to assume a hundred percent of the risk of this new
24 endeavor?

25 MR. THOMPSON: Right.

1 COMMISSIONER KENNEY: But not reap -- reap
2 a hundred percent of the rewards in the future? It
3 seems to me that you want them to assume all the
4 risk, but you don't want them to benefit from that
5 in the future if it's successful.

6 MR. THOMPSON: No. I do. Once it's
7 self-sustaining, then I think they get to keep
8 whatever they earn.

9 The question is what about now when it's
10 just starting and the costs are expected to be more
11 than the earnings are going to be? Who pays for
12 the shortfall?

13 Staff is concerned that the traditional
14 ratepayers who live in houses and own stores and
15 factories not subsidize this rolling out and
16 development of a new market.

17 Who should subsidize that? We think it
18 should be the investors. In the same way that if
19 I'm Target and I want to open a bunch of stores in
20 Canada, well, I'm going to shell out my money to do
21 that, right?

22 And if it fails, I'm the one stuck with
23 the loss as, in fact, we've seen happen to Target
24 for exactly that activity.

25 So, here, Ameren is seeking to develop a

1 new market for what is, after all, its traditional
2 product, electricity. Here's a new way to sell
3 electricity, right? What a great idea.

4 Okay. I agree it's a great idea. But who
5 should bear the risk of developing that market? I
6 think it's the investors. Equally, who should reap
7 the reward that comes? It should be the investors.

8 COMMISSIONER KENNEY: And -- and Staff's
9 position is they do need a tariff if they want to
10 sell the electricity?

11 MR. THOMPSON: Yes, sir.

12 COMMISSIONER KENNEY: Unlike KCP&L who had
13 their providers pay for it?

14 MR. THOMPSON: Yeah. The peculiarity of
15 the electric statute is if you give electricity
16 away, that's an unregulated activity.

17 COMMISSIONER KENNEY: Okay. Thank you.

18 COMMISSIONER RUPP: So to follow up on
19 Commissioner Kenney's comments, so there's a
20 pending rate case before us with the company. And
21 part of the reason they're asking for an increase
22 is because of the -- the demand has gone down.

23 MR. THOMPSON: Right.

24 COMMISSIONER RUPP: And so would not an
25 electrical vehicle new market provide revenues and

1 fill the -- the demand gap potentially to where all
2 ratepayers would benefit?

3 MR. THOMPSON: Yes, sir.

4 COMMISSIONER RUPP: So why wouldn't we
5 just treat it all from the beginning rather than
6 separate it out the way that you're -- the way that
7 you're looking to book it?

8 MR. THOMPSON: Well, the ratepayers are
9 already being asked to cover the shortfall caused
10 by reduced demand.

11 So now they're going to cover the short
12 fall in the roll-out of this new market. That's
13 asking the ratepayers to pay for a lot. Why can't
14 the investors pay for it?

15 Staff's view is simply that it seems most
16 sensible to make the investors bear the risk and
17 the cost of developing this new market. But you're
18 certainly right. It will benefit the ratepayers
19 once it starts making money.

20 COMMISSIONER RUPP: I'll save the rest for
21 -- for witnesses. Thank you.

22 JUDGE BUSHMANN: Thank you.

23 MR. THOMPSON: Thank you.

24 JUDGE BUSHMANN: Natural Resources Defense
25 Counsel?

1 OPENING STATEMENT

2 BY MR. ROBERTSON:

3 MR. ROBERTSON: May it please the
4 Commission. We are, for a change, aligned with
5 Ameren in this case. This case demonstrates the
6 chicken and egg problem with the electric vehicles.

7 No private third party will come in and
8 provide this service in a competitive market while
9 there are so few EVs on the road. So there is room
10 for a utility to build that market even if their
11 role in doing that should turn out to be only
12 temporary.

13 We think this service is squarely within
14 the Commission's jurisdiction as a provision of
15 electrical service to the public by an electrical
16 corporation.

17 Now, this whole third party issue is not
18 necessarily presented in this case, but I can tell
19 we're going to have to brief it. I'm not prepared
20 yet to deliver an oral brief here, but it seems to
21 me to be an extreme interpretation of the statute,
22 however broad they may be, to say that whoever has
23 essentially an electrical trick outlet and charges
24 for charging, whether it be a car or a cell phone,
25 is automatically transformed into a public utility.

1 As with many end uses of electricity, not
2 all customers will use this service, but there are
3 benefits for all customers.

4 Following up on Commissioner Rupp. The
5 increased load can be absorbed by the existing
6 grid, and that puts downward pressure on rates by
7 allowing fixed costs to be spread over a larger
8 number of kilowatt hours.

9 The price of EVs is falling, and it's
10 cheaper to recharge with electricity than to fill
11 with gas. In fact, that's the primary driver of
12 sales for the EVs.

13 EVs completely eliminate the tailpipe
14 pollution that plagues our cities. They reduce
15 greenhouse gas pollution, and they reduce our
16 reliance on oil with its volatility of price and
17 supply.

18 And, finally, we support the rate design.
19 We think it is more equitable to charge a much
20 slower AC charging on a per kilowatt per hour basis
21 than the DC charging on the per minute basis. And
22 that's all I have if there are no questions.

23 COMMISSIONER KENNEY: I have one question.
24 Regarding -- regarding the -- the DC fast chargers,
25 do -- are there vehicles that cannot handle that

1 fast charger right now? Do you know?

2 MR. ROBERTSON: I do not know for sure.

3 COMMISSIONER KENNEY: I'm sure -- I mean,
4 otherwise, I imagine we'd have all DC because it
5 would be so much faster, five times faster?

6 MR. ROBERTSON: Yes. And I -- I can't see
7 the AC chargers on the highway have much use except
8 for local customers, but --

9 COMMISSIONER KENNEY: Well, they take 15
10 minutes to get 15 miles. And that doesn't seem --

11 MR. ROBERTSON: Yeah.

12 COMMISSIONER KENNEY: Okay. Thank you.

13 COMMISSIONER RUPP: I have a question for
14 you, sir.

15 MR. ROBERTSON: Okay.

16 COMMISSIONER RUPP: Did I hear you
17 correctly that you said that you believe that the
18 role of the company is to provide -- to temporarily
19 build out the system to then create a competitive
20 market? Is that what you said?

21 MR. ROBERTSON: I'm not saying it's
22 necessarily temporary. This being a pilot, it will
23 be a learning experience for everybody. Until I
24 heard Mr. Thompson, I didn't think anybody was
25 arguing that this could not become a competitive

1 market. That's for the market itself to determine.

2 COMMISSIONER RUPP: So do you -- do you
3 think it is -- it is our position that we should
4 decide whether this should be a competitive market
5 or not or we should allow the company to build it
6 out and then decide if it should be a competitive
7 market?

8 MR. ROBERTSON: You should let the company
9 build out this very modest project and see what --
10 what they report to you, the data that they gave
11 you and see if that tells you whether we're ready
12 for a competitive market or whether this is a
13 proper utility offering.

14 COMMISSIONER RUPP: Thank you.

15 COMMISSIONER STOLL: I have a question,
16 too. To follow up on one other thing you said, you
17 -- as far as booking the -- the expense above or
18 below the line, you feel that even in a pilot
19 project, those folks who don't use electric
20 vehicles should -- should be paying to -- for that
21 service?

22 MR. ROBERTSON: Yeah. We think the
23 benefits to all customers are such that it does
24 justify that. And, of course, this pilot is an
25 extremely small subsidy by any principle. Yes,

1 there are benefits.

2 COMMISSIONER STOLL: Is there a certain
3 amount of time that -- during which they should
4 receive this benefit? I mean, are you saying that
5 right now they would receive that benefit? Is that
6 what you said?

7 MR. ROBERTSON: Yes. The downward
8 pressure on rates. It will be -- of course,
9 anything will be -- from this pilot project will be
10 extremely modest. But, conceivably, this will
11 drive some people to buy EVs expanding that market
12 and increasing the downward pressure on rates and,
13 also, the environmental benefits, which, of course,
14 are very important to us.

15 COMMISSIONER STOLL: Right now?

16 MR. ROBERTSON: Yes.

17 COMMISSIONER STOLL: How would -- how is
18 the electricity produced for the electric vehicles?

19 MR. ROBERTSON: It comes off Ameren's
20 grid. It's primarily coal, nuclear.

21 COMMISSIONER STOLL: Okay. So explain to
22 me how that -- how that helps.

23 MR. ROBERTSON: Well, its --

24 COMMISSIONER STOLL: -- the environment.

25 MR. ROBERTSON: Ideally, we look forward

1 to the expansion of renewables where the pollution
2 from the coal plants is -- is reduced.

3 But even now, the evidence shows it is
4 less polluting to charge with electricity than to
5 fill with gasoline.

6 COMMISSIONER STOLL: How many electric
7 vehicles are there in the state? Or in Ameren's
8 service territory. Do you know?

9 MR. ROBERTSON: Maybe a few thousand
10 state-wide. I don't remember offhand.

11 COMMISSIONER STOLL: State-wide. How
12 about in Ameren's service territory?

13 MR. ROBERTSON: I think it's over a
14 thousand anyway. But I could be wrong. The
15 testimony will show it.

16 COMMISSIONER STOLL: Okay. I'll wait for
17 that testimony. Okay. Thank you.

18 MR. ROBERTSON: Okay.

19 JUDGE BUSHMANN: Thank you. Sierra Club?

20 OPENING STATEMENT

21 BY MR. HALSO:

22 MR. HALSO: Thank you, Judge. Good
23 morning. May it please the Commission. I'll be
24 brief.

25 Sierra Club strongly supports Commission

1 approval of Ameren's proposed pilot program.
2 This program is reasonable in scope and design,
3 attracts best practices for installing public
4 charging infrastructure and we needed fast charging
5 for an important travel corridor in Missouri.

6 Access to DC fast charging is critically
7 important for EV drivers. The National Academy of
8 Sciences tell us it enables distance travel,
9 increases driver confidence, expands the EV market.

10 Moreover, there are numerous societal and
11 ratepayer benefits that can flow from vehicle
12 electrification, reducing oil dependence, providing
13 regional economic benefits, mitigating emissions
14 from vehicles, improving public health.

15 But most importantly for this Commission,
16 electric vehicles have been proven and have proven
17 capacity as a grid resource. Their widespread
18 adoption can result in benefits to all electricity
19 customers regardless whatever kind of car they
20 drive.

21 I'd ask you -- I'd encourage you to ask
22 our witness, Douglas Jester, who has 20 years of
23 experience in utility regulation more about these
24 benefits.

25 Some have questioned the environmental

1 benefit of EVs in light of Ameren's generation
2 profile. I'd like to say first driving an EV
3 today, in Ameren's territory today, has market
4 benefits over a conventional vehicle.

5 And, second, it would be a great thing to
6 decarbonize the electric sector on Day 1 and
7 electrify vehicles on Day 2. But we have to be
8 able to walk and chew gum at the same time.

9 Although this is a modest pilot program,
10 it will help put us on the right path to the
11 benefits I've described. But our immediate
12 benefits are serving drivers and they influence the
13 market and learning by doing.

14 Ameren appears to be dedicated to this
15 goal. Earlier in this case, in the design of the
16 tariff for the DC charging stations, they were
17 receptive to feedback provided by Sierra Club and
18 NRDC. As a result, we have a reasonable, strong
19 rate design.

20 And then, lastly, and I think I've already
21 given this away, but Sierra Club is of the view
22 that Commission has jurisdiction to regulate
23 utility owned and operated stations publicly
24 available within its service territory.

25 We believe this to be true even if EV

1 charging stations are found not to generally
2 constitute electric plant. This is because Ameren
3 would provide the charging services as an otherwise
4 regulated public utility.

5 The Commission's jurisdiction extends
6 broadly to entities engaged in manufacture, sale or
7 distribution of electricity. That's Section
8 386.250. And to those entities with direct control
9 over any electric plant. That's Section 386.020.

10 And so that charging stations are not
11 plant, but where utility owned and operated
12 stations are nonetheless subject to Commission
13 jurisdiction is the conclusion reached by
14 regulators in evaluating similar laws in other
15 states. And by similar, I mean laws that turn on
16 light, heat or power for the definition of a
17 electric plant.

18 With that, thank you. I'd be happy to
19 answer any questions.

20 CHAIRMAN HALL: Are you -- are you
21 familiar with how New York has answered this
22 question?

23 MR. HALSO: I am.

24 CHAIRMAN HALL: And my understanding is
25 that the New York statutory scheme is fairly

1 similar to ours here?

2 MR. HALSO: That's correct.

3 CHAIRMAN HALL: Explain to me what New
4 York did.

5 MR. HALSO: Yeah. So earlier, Chairman
6 Hall, you -- you stated you thought the crux was
7 whether light, heat or powered was being provided
8 here.

9 And so the question is, is a charging
10 station alone electric plant. Sierra Club has
11 offered in past proceedings in here that it is not.

12 The way the New York Public Service
13 Commission answered the question is that while a
14 customer using electricity and charging an electric
15 vehicle that that is incidental to the transaction
16 and that, in fact, the primary purpose of charging
17 the car and the primary transaction between the
18 provider services and the driver is the provision
19 of charging services is the terminology that the
20 Commission used.

21 CHAIRMAN HALL: So is it tariffed in New
22 York?

23 MR. HALSO: So in New York State, pilot
24 programs by utilities are still in the early stages
25 of being formulated. And so I'm not aware of

1 utility installation or proposals where they have
2 yet sought a tariff. But I have to make that
3 statement subject to a check.

4 CHAIRMAN HALL: Okay. So I'm -- I'm still
5 confused as to how -- how -- I thought that New
6 York made the determination that -- actually --
7 well, I'll be interested in -- in what the lawyers
8 say as to what New York did. And -- and maybe
9 that's something for the briefs.

10 MR. HALSO: Okay.

11 COMMISSIONER STOLL: I have no questions.

12 JUDGE BUSHMANN: I have one follow-up
13 question to that. You indicated that if the
14 charging station was not electric plant, but if a
15 utility is engaging in that service that that
16 should be regulated.

17 Can you tell me of any other situations
18 where the company is engaging in something that's
19 dealing with non-electric plant, but it's still
20 regulated by the Commission?

21 MR. HALSO: And you're talking within
22 Missouri?

23 JUDGE BUSHMANN: If you know something
24 within Missouri.

25 MR. HALSO: Sure. So the way I sort of --

1 we formulated this in our jurisdictional briefing
2 in this case is that once you answer the question
3 of whether the service being provided is public
4 facing, which is what Ameren proposes to do and
5 would certainly serve the public, then the question
6 is, is the entity providing that service otherwise
7 regulated by the Commission?

8 The way that 386.250 is framed, it would
9 provide jurisdiction to -- to this Commission the
10 way I read it, plainly, even in absence of a
11 definition of charging stations and electric plant.

12 One example is in Ameren's service
13 territory where you have a service provided as a
14 regulated service by Ameren, but there's also the
15 potential for a provision by an unregulated entity
16 is public lighting.

17 Ameren has a tariff whereby they can
18 provide public lights -- public lighting equipment
19 as a regulated service to a customer, the
20 municipality. Or that customer can provide public
21 lighting facilities on on their own, but still --
22 but still receive a paper power under the tariff.

23 And so that provides a potential model for
24 -- for an arrangement in Missouri where you have
25 third party providers of electric vehicle providing

1 stations able to provide those and -- and sell
2 those electricity absent the Commission's
3 jurisdiction.

4 And yet where you have a utility engaging
5 in this activity, the Commission would have
6 jurisdiction over that activity.

7 JUDGE BUSHMANN: Okay. Thank you.

8 MR. HALSO: Thank you.

9 JUDGE BUSHMANN: Charge Point?

10 OPENING STATEMENT

11 BY MR. COMLEY:

12 MR. COMLEY: May it please the Commission.
13 I'm going to start out first with a little
14 description of Charge Point, I think, to clarify a
15 few points that have been raises in the questions
16 from the Commissioners.

17 Charge Point is engaged in the business of
18 engineering, manufacturing and selling the
19 equipment and network services necessary for
20 electric vehicle charging station owners to provide
21 charging services to drivers who visit their
22 properties.

23 In all cases, Charge Point does not own
24 the charging station or any related equipment. The
25 site host, as the owner and operator of the

1 charging station, is free to set the price to
2 electronic -- excuse me -- electric vehicle drivers
3 who use the charging station, or they may offer
4 that service for free.

5 Charge Point does not set the pricing for
6 any drivers at any station. Charge Point sells
7 Level 2 and DC fast charging products and services.

8 For station owners, Charge Point provides
9 subscriptions to a crowd-based platform, which
10 allows the owner to manage electric vehicle
11 charging operations, including online tools for
12 data analysis, payment processing, load management
13 and access control.

14 Stations are connected to the Charge Point
15 network over a secure cellular data network,
16 allowing stations owners to manage all their
17 charging operations from a single dashboard.

18 Charge Point also offers a comprehensive
19 set of support services for both electric vehicle
20 drivers and station hosts. These include a hotline
21 for drivers, operation on a 24-hour day, 7 days a
22 day, 365 days a year basis. The industry's first
23 parts and on-site labor warranty, site
24 qualification, installation and validation
25 services.

1 For drivers, Charge Point provides a
2 single mobile and web application for all aspects
3 of their public work place and electrical vehicle
4 charging.

5 Charge point drivers have access to
6 real-time information and payment and support
7 services through the information available on the
8 screen of the charging station in their mobile
9 application, via e-mail and text notifications are
10 on the Charge Point web site.

11 Charge Point's customers include public
12 utilities, including KCP&L and Ameren. It includes
13 Governments, hotels, colleges and Universities,
14 hospitals, parking garages, airports, multi-family
15 housing, automobile dealerships and other
16 businesses.

17 Charge Point serves a nation-wide market.
18 In addition to the public utilities I just
19 mentioned, examples of customers in Missouri
20 include Washington University in St. Louis, the
21 Missouri Botanical Garden, Anheuser Busch Employees
22 Credit Union, Busch Stadium, the Missouri National
23 Guard at its Algoa facility, as I understand,
24 Mastercard, Nissan dealerships in the state and BMW
25 dealerships, among others.

1 Clearly, a growing number of non-public
2 utilities own charging stations and are controlling
3 the prices they charge electric vehicle owners or
4 operators for charging services.

5 And based upon what Mr. Thompson said, I
6 think it would be a surprise that the Missouri
7 Botanical Garden would be expected to come in and
8 seek a certificate from this Commission.

9 Ms. Anne Smart, who has served as Director
10 of Government Relations and Regulatory Affairs for
11 Charge Point and now, after her promotion, serves
12 as Vice President of Public Policy will be
13 testifying today about the scope of the competitive
14 market for electric vehicle charging services in
15 Missouri and elsewhere.

16 She supplies details of the number of
17 charging ports already providing service in the
18 large population centers in the state and along the
19 I-70 corridor.

20 Also, you will note from her testimony
21 that Charge point, in general, agrees with the
22 intent of Ameren's pilot, which is to encourage
23 electric vehicle adoption by supporting the
24 installation of electronic vehicle charging
25 stations.

1 Charge Point agrees that there are
2 societal benefits and grid benefits associated with
3 electronic vehicle adoption and the associated --
4 which is associated with the utility role in
5 supporting electric vehicle as mentioned in
6 Ameren's testimony and in the testimony sponsored
7 by Sierra Club and the Natural Resource Defense
8 Counsel whose attorney just -- just gave their
9 remarks.

10 However, Ms. Smart delivers a very serious
11 warning. She is warning that the design of
12 Ameren's pilot, including the blocking of customer
13 choice by selecting a single vendor for the
14 charging stations and seeking to regulate pricing
15 to drivers will adversely affect the competitive
16 electric vehicle charging market in Ameren's
17 service territory.

18 To avoid what is expected to be a negative
19 impact on the competition that is already
20 insistenty urgent, Ms. Smart recommends that the
21 Ameren pilot be altered so that it will, one,
22 qualify multiple respondents -- respondents to its
23 request for proposal, to provide charging station
24 equipment and network services.

25 Two, allow the customer, the site host,

1 rather than Ameren to choose from the qualified RFP
2 respondents, choose the equipment and services that
3 will be used on customers' property from those
4 qualified respondents.

5 Three, require that site hosts have some
6 investment, some skin in the game as she mentioned
7 in her testimony. And four, give the site host
8 control over pricing to drivers.

9 She also suggests that there are alternate
10 means of accomplishing the intention of the pilot
11 in ways that are not anti-competitive. And those
12 are explained more in detail in her testimony.

13 Staff announced today that it takes the
14 position that electronic -- excuse me -- electric
15 vehicle charging station constitutes statutory
16 electric plant, which by virtue of the Public
17 Service Commission law if used to distribute
18 electricity subjects the owner to regulation.

19 This raises a significant question about
20 the legal authority of a non-utility charging
21 station operator to operate that charging station
22 for public use.

23 It also raises a secondary policy question
24 about the legal authority of a non-utility charging
25 station order to charge per kilowatt hour for a

1 charging station -- or a charging station.

2 Whether intended or not, this case has
3 become the setting in which these important
4 questions should be clarified.

5 What the evidence in this matter will
6 establish is that this is not a monopoly service.
7 Public charging stations have been adequately and
8 reliably provided by unregulated entities and at
9 prices the users have agreed to pay and are glad to
10 pay, if not provided for free.

11 Work places, Universities, apartment
12 buildings, hotels and tourist attractions have
13 purchased charging stations from the competitive
14 market and chosen to own and operate those stations
15 themselves in order to receive a direct or indirect
16 benefit from attracting electric vehicle drivers to
17 their property.

18 This public offering is no different than
19 those same site hosts offering outlets for cell
20 phone chargers or offering wi-fi access to
21 visitors.

22 In all cases, the site host is the
23 customer of record with this utility and pays the
24 full cost of the electricity being consumed
25 on-site.

1 Charging batteries for devices that
2 require stored power is not a historical monopoly
3 service, nor is it typical of an energy company's
4 service offerings.

5 This Commission, as far as I know, has
6 never been asked to regulate a battery charger.
7 And, truly, I think that's what's involved -- is
8 what is involved here.

9 Even though it may be an elaborate piece
10 of equipment connected to software, and with
11 software and connected to a network, a charging
12 station is nothing more than a battery charger.

13 In this respect, it functions very much
14 like a common extension cord. And I don't think
15 extension cords are electric plant.

16 There is every reason in this case for the
17 Commission to conclude that non-utility companies
18 may own and operate electric vehicle charging
19 stations and charge a fee.

20 The evidence will also support a
21 conclusion that public utilities may, one, own and
22 operate electric vehicle charging stations as well,
23 but through a program designed that supports
24 customer choice and enables competition. And, two,
25 utilities may charge a fee in competition with all

1 others doing the same.

2 Short of these conclusions, Ameren's
3 proposed pilot should not be approved by this
4 Commission without the safeguards to competition
5 that Ms. Smart has endorsed in her testimony.

6 Thank you.

7 COMMISSIONER RUPP: No questions. Thank
8 you.

9 COMMISSIONER STOLL: Thank you for your
10 testimony.

11 JUDGE BUSHMANN: Thank you. Consumers
12 Council?

13 OPENING STATEMENT

14 BY MR. COFFMAN:

15 MR. COFFMAN: Good morning. May it please
16 the Commission. I am John Coffman representing the
17 Consumers Council of Missouri. And our primary
18 interest in this, as in most Public Service
19 Commission matters, is the residential captive
20 consumer.

21 And this jurisdictional question, I think,
22 is very interesting, you know, from a -- from the
23 perspective of a lawyer and statutory
24 interpretation.

25 And we don't see that the Commission has

1 jurisdiction over this, and our opinion on that is
2 -- is based on our understanding that the -- the
3 core important function of the Public Service
4 Commission is to protect those customers who are at
5 the mercy of a monopoly system and that the heat,
6 light and power that was intended when the statutes
7 were written are the folks who need electricity to
8 live or to be part of our modern society.

9 But I'm not going to dwell on the
10 jurisdictional question. We can brief that. And
11 our most -- our priorities in this case really
12 don't hinge on whether or not you find jurisdiction
13 or not.

14 Our main concern is that there not be
15 cross-subsidization between those folks who are
16 able to buy an electric car and benefit from a
17 charging station and those customers who have no
18 other choice but to have Ameren Missouri be their
19 electric provider.

20 And we see these services, really, should
21 be segregated in the accounting that the Commission
22 does and in the regulation that it has.

23 One service is essential. One is not. One is
24 subject to competitors, and one is not. One is
25 captive customers. So we -- you know, we -- we

1 hear Ameren Missouri say, Well, it may only be a
2 penny right now.

3 But this is still a very important issue
4 that -- that we avoid subsidization of basic
5 ordinary folks that -- that sometimes, you know,
6 have a hard time paying their monthly bills and
7 make sure they aren't subsidizing those folks that
8 have the means and ability to afford a fancy
9 electric car.

10 I think that the, you know -- you know,
11 whether or -- you know, if you find jurisdiction as
12 the Staff is urging to you do, we certainly support
13 the Staff's idea that you ensure that the costs and
14 the revenues related to this service are treated
15 and segregated from the cost of the basic captive
16 service territory basic electric service.

17 But we also feel like the Commission
18 should pay attention to what Charge Point says and
19 other competitors. We don't think this service,
20 particularly if it's subsidized, could have an
21 impact on the competitive market.

22 We don't think the Government should get
23 involved in a way that props up one provider at the
24 expense of others and may actually inhibit the
25 pre-barriers for other enterers in the market.

1 So from a consumer perspective as far as
2 an electric vehicle driver, we want to make sure
3 that it's a fair market place and that we are
4 encouraging competitive business that that would
5 have an effect on price down the road.

6 The other issue that I'm surprised has not
7 been discussed more amongst all the other issues,
8 and that is, When are you encouraging this use to
9 take place?

10 If you are looking at a tariff that would
11 be for a homeowner to charge their electric vehicle
12 at night, that seems like a very beneficial thing
13 for the entire system.

14 And I know State Utility Commissions have
15 done that, encourage a very attractive rate to
16 charge your electric vehicle in your garage at home
17 when the rate for per power to time of use rate
18 would be very -- very low.

19 When you're looking at charging stations
20 that are in shopping areas and in -- are going to
21 be used during the peak times, I mean, that can
22 actually create more cost on the system. And from
23 an environmental perspective and load management
24 perspective, we do have a concern about that.

25 So I think that the Commission, if you are

1 going to get into this area regulate electric
2 charging rates, you should look at where it fits
3 within the utility's load management because it can
4 have a big -- big effect down the road.

5 The primary concern that we would -- we
6 have in this case and we hope at the end of the day
7 whether you find jurisdiction or not is that you
8 not leave the door open to have residential
9 electric customers subsidizing this activity.

10 We -- I mean, we're fine with Ameren
11 Missouri getting into unregulated businesses or
12 into this -- this business and -- but we don't want
13 to create the precedent where electric captive
14 customers are used as a source of funding for
15 ventures that are not related to the core emission
16 of central utility service. That's all I have.
17 Any questions?

18 COMMISSIONER KENNEY: Unless we have time
19 of use rates, can you see how -- I mean, how we, as
20 a Commission, take care of your concerns about when
21 -- you know, if it's during the day, a heavier
22 load, just like, you know, charging stations for
23 homes, I understand. But unless we have time of
24 use rates, how can we do that?

25 MR. COFFMAN: You can assume if it is

1 charging at home that it would be primarily at
2 night. You can approve at time of use rate.

3 COMMISSIONER KENNEY: Yeah. That's what
4 we'd have to do, right?

5 MR. COFFMAN: Yes.

6 COMMISSIONER KENNEY: I mean, I can't
7 think of any other way to do it unless you just --
8 we change the system and we -- and several people
9 may like that. I've heard that brought up several
10 time. That's the only way I think you can do a
11 home charging station anyway.

12 You've got a meter. Unless that meter is
13 regulated by time of use, it's not going to matter.

14 MR. COFFMAN: The State of California and
15 I think some other states do have that type of rate
16 where you are -- it's almost free if you charge
17 after midnight.

18 COMMISSIONER KENNEY: That makes sense.
19 All right. Thank you.

20 COMMISSIONER STOLL: No questions.

21 JUDGE BUSHMANN: Thank you.

22 COMMISSIONER STOLL: Thank you.

23 JUDGE BUSHMANN: Kansas City Power &
24 Light?

25 OPENING STATEMENT

1 BY MR. FISCHER:

2 MR. FISCHER: Good morning. My name is
3 Jim Fischer, and I'm representing Kansas City Power
4 & Light and KCP&L Greater Missouri Operations
5 Company in the proceeding today. I appreciate your
6 time in listening to this important issue.

7 We -- we will be sponsoring the testimony
8 of Tim Rush in this case. He's the Director of
9 Regulatory Affairs for to Kansas City Power &
10 Light.

11 And he can discuss with you KCP&L's
12 experience with EV charging and where we're at in
13 the process.

14 KCP&L and GMO believe it's appropriate for
15 electric public utilities in Missouri to be
16 expanding the infrastructure to include electric
17 vehicle charging stations.

18 In fact, we believe that Missouri electric
19 utilities have an obligation to serve the public in
20 their certificated area in accordance with the
21 Commission's approved tariffs, terms and
22 conditions, and that would include the provisions
23 of EV charging stations.

24 Like Ameren and the Staff and other
25 Interveners in the case, KCP&L and GMO believe the

1 Commission does have jurisdiction over electric
2 vehicle charging stations provided by Missouri
3 electric utilities within their certificated area.

4 We addressed at some length that
5 jurisdictional question in our comments in the
6 workshop case, Case No. EW-2016-0123.

7 On the second issue listed on the list of
8 issues, public policy, we believe that all Missouri
9 electric utility customers, both EV users and
10 non-EV users alike will benefit from the
11 installation of EV charging stations.

12 Benefits include environmental benefits
13 from reduced CO-2 emissions and lower ozone
14 producing pollutants. Economic impacts resulting
15 in job creation and lower costs and greater
16 efficiency by having the utility install, own and
17 operate EV charging stations.

18 The increase in home based usage to charge
19 EVs will also provide a broader base to spread the
20 system cost. In other words, you're doing it off
21 peak. We're filling in the -- in the valley with
22 the additional load, and that's going to help
23 everybody by making a more efficient system.

24 As the Commission is aware, KCP&L and GMO
25 are the sponsors of the Clean Charge Network, which

1 is an initiative to install and operate more than
2 1,000 EV charging stations throughout the greater
3 Kansas City region.

4 KCP&L also has an EV tariff pending in our
5 current rate case, Case No. ER-2016-0285. Our
6 proposed tariff is slightly different than the one
7 that Ameren has on the table in this case.

8 As a result, we're not taking a position
9 on the proposed rates and tariff that Ameren is
10 proposing.

11 I would suggest, though, that we believe
12 that it is a regulated service. And as a regulated
13 service, it should be provided above the line.
14 That includes both the costs and the revenues.

15 And while we appreciate Staff's change of
16 position to take it above the line, we are
17 concerned that, going to Commissioner Kenney's
18 question, if we're going to have it above the line,
19 it's a prudent investment, if it's a prudent thing
20 to do, we should get the benefit of putting it
21 above the line and, also, the revenues as well.

22 We believe the State of Missouri should
23 move forward with implementing EV charging station
24 initiatives, including the one sponsored by Ameren
25 in this case. I appreciate your attention today,

1 and I'd be happy to answer any questions you might
2 have.

3 COMMISSIONER KENNEY: I just have one
4 question, and it's just more curiosity. I don't
5 want to get in any depth because I know you do have
6 a pending -- one pending before us.

7 On your -- how many of -- and I'm very
8 familiar with your many of your locations. You
9 contract with Hyvee and shopping centers and
10 parking garages. I've seen several in the area.
11 How many of your ports are fast chargers? Do you
12 know? The DC fast chargers?

13 MR. FISCHER: I think that would be a
14 better question for Tim Rush, who is going to be
15 closer to the facts on that. I think --

16 COMMISSIONER KINNEY: I'm just curious. I
17 know you have one in St. Joe, and I've heard that
18 there's --

19 MR. FISCHER: Yeah. I think it's -- I
20 think it's in the neighborhood of 20 percent or so.
21 But I think we better have Tim Rush --

22 COMMISSIONER KENNEY: All right. I'll
23 wait. Thank you.

24 COMMISSIONER STOLL: No questions. Thank
25 you.

1 JUDGE BUSHMANN: Thank you.

2 MR. FISCHER: Thank you.

3 JUDGE BUSHMANN: Missouri Division of
4 Energy?

5 MR. ANTAL: If I counted right, I think
6 we'll be okay. One, two, three -- five, six copies
7 for the Bench.

8 OPENING STATEMENT

9 BY MR. ANTAL:

10 MR. ANTAL: Well, good morning. May it
11 please the Commission. My name is Alex Antal, and
12 I'm representing the Missouri Division of Energy.

13 The -- I guess the drawback of batting
14 ninth -- or eighth, rather, this morning is,
15 inevitably, other attorneys will cover aspects that
16 you prepared to discuss. So I will try to move
17 expeditiously through my opening and not belabor
18 points that have already been covered.

19 However, I do think it is important for
20 the Commission to observe Missouri case law on the
21 matters that have been brought to its attention in
22 this case.

23 I say this because the Commission has an
24 obligation to support its decisions based on
25 current case law while it has discretion in

1 determining issues such as -- and has a role in
2 developing what is the public interest and what is
3 public policy in relation to public utilities in
4 this state.

5 These decisions have to be in conformity
6 with current case law and the statutes of the
7 state. I mention this, also, because in my review
8 of the various pleadings and testimonies of the
9 opponents of this pilot program, I have found very
10 little, if any, support for their novel
11 interpretations of Missouri statutes supported in
12 Missouri case law.

13 So as others have mentioned, the leading
14 case on how the -- the Commission should determine
15 -- or the Courts -- and the Courts should determine
16 when an entity or person is acting as a public
17 utility, there are two primary considerations.

18 Is that person or entity operating
19 electric plant, and are they devoting that electric
20 plant to a public use? Without meeting those two
21 requirements, the Commission does haven't
22 jurisdiction over that person or entity.

23 Again, in the Danciger case, the Supreme
24 Court relied on the following definition or test,
25 rather, for determining when a person or entity

1 operating electric plants is devoting that plant to
2 a public use.

3 And that is that the fundamental
4 characteristic of a public calling is
5 indiscriminate dealing with the general public.

6 As I also said, the other aspect of
7 determining when a person or entity is operating as
8 a public utility in the state of Missouri is
9 whether or not they're operating electric plants.

10 The definition of electric plants, amongst
11 other things, includes fixtures and personal
12 property owned to facilitate the distribution, sale
13 and furnishing of electricity for light, heat and
14 power, a matter that has been discussed quite a bit
15 this morning.

16 So I also wanted to highlight a couple
17 relatively recent cases that the Commission has
18 determined relating to the issue of electric plant.

19 In a very recent case, EC-2015-0309,
20 that's the All Connect case, the Commission stated
21 in relevance and in relation to electric plants
22 that it includes tangible items of property used to
23 provide electric service.

24 Now, I think any layman can determine that
25 these charging stations are tangible property and

1 that they are used to provide electric service.

2 There should be no dispute over that point.

3 Additionally, in a -- a -- a little bit
4 later case, EO-2011-0090, the Commission actually
5 previously exercised its jurisdiction over electric
6 vehicle charging stations in approving an
7 encumbrance of charging stations that Kansas City
8 Power & Light wanted to purchase.

9 To give you a little bit more color on
10 that case, Kansas City Power & Light had a -- it
11 was a subgrantee under a U.S. Department of Energy
12 grant that provided them funds to purchase electric
13 vehicle charging stations as part of DOE's Clean
14 Cities Initiative.

15 Kansas City Power & Light asked for a
16 waiver of Commission statute, which prohibits you
17 -- the utilities from encumbering parts of their
18 electric works.

19 The Commission, with the recommendation of
20 their Staff, granted this waiver of its rules and
21 regulations, essentially allowing -- because they
22 were -- DOE had certain pre-conditions on the use
23 and future sale of these facilities, that they had
24 to come in and get this, you know, waiver of the
25 encumbrance rule. So the Commission has already

1 exercised its jurisdiction over these types of
2 facilities as it relates to electric plants.

3 The Commission didn't say, Oh, no this
4 isn't an electric plant. You don't need our, you
5 know, permission or electric authority to buy these
6 facilities. They said, No, yeah, you guys are good
7 -- good to go. The requirement is waived.

8 So turning now to the specific statements
9 made in Ameren's application in the current case,
10 Ameren has stated that the charging island which
11 will traverse I-70 and Highway 54 corridors will be
12 -- will serve the general public.

13 This is an affirmative representation that
14 they don't -- that they intend to deal with the
15 public indiscriminately and that everyone is going
16 to having charged -- or be charged the same
17 Commission-approved rates.

18 Going back to the Danciger, you know,
19 test, this fulfills that, indiscriminate dealing
20 with the public. And as we already discussed,
21 these facilities are electric plants under, you
22 know, Missouri case law as, you know, past -- you
23 know, recent Commission decisions.

24 I also wanted to highlight some other
25 court -- Missouri court cases relating to the

1 Commission's jurisdiction. In the Laundry case --
2 many of you may be familiar with the Laundry case.
3 It's an often cited case by -- by attorneys before
4 the Commission.

5 The Supreme Court of the state said that
6 the Public Service Commission laws are a remedial
7 statute and are akin to the police power of the
8 state and that, therefore, they should be liberally
9 construed with a view of the public welfare.

10 That is to say that they shouldn't be
11 narrowly construed, that -- that, Oh, these aren't
12 historically considered electric plant and,
13 therefore, they fall outside the bounds.

14 To that point, I wanted to highlight
15 another Commission case. This one's a little bit
16 older, 1977. The Commission, who had previously
17 regulated one-way and two-way radio paging
18 services, we're talking about relatively outdated
19 technologies.

20 I think everyone can -- most everyone in
21 the room can remember pagers. I remember my
22 parents, you know, had them for work. They -- they
23 just gave me a calling card to use at the high
24 school pay phone back before, you know, I was
25 allowed to have a cell phone.

1 In the matter of -- or matter of nature of
2 paging, the Commission, as I said, who had already
3 been in the practice of regulating paging services,
4 for whatever reason, wanted to readdress the issue
5 and see if whether or not there was -- there was
6 still a need and a legal basis for them to regulate
7 this service.

8 And as some -- as, you know, Mr. Thompson
9 pointed out earlier, this was an area where the
10 Commission had allowed regulated competition, that
11 there -- that is, there were entities providing
12 paging services in the same geographical areas in
13 the state.

14 The Commission in this case in their -- in
15 their report and order, similar to the Supreme
16 Court case that I just mentioned, discussed the
17 extent of their jurisdiction stating the Commission
18 should not apply a rigid historical construction to
19 its jurisdictional terms.

20 Rather, the Commission should read these
21 terms to include those technological advances which
22 have occurred since the enactment of the Public
23 Service Commission law in 1913.

24 Additionally, they went on to say the
25 Commission does not have an unfettered discretion

1 to exercise or not exercise its jurisdiction over a
2 particular service when the Generally Assembly has
3 directed the Commission to exercise its regulatory
4 control over the service; that is, electric service
5 in this case.

6 They further went on to say, This is true,
7 even though some factors may be present which
8 undercut a pure natural monopoly justification for
9 regulation.

10 The Commission observed in that case that
11 in -- outside of the major Metropolitan areas of
12 the state that there were insufficient providers of
13 paging services to effectively regulate -- regulate
14 the price in a competitive market.

15 That is, if you were outside of St. Louis
16 or Kansas City Metro, you may have -- you may only
17 one provider of paging services or possibly two,
18 and that that wasn't a sufficient number of
19 providers over the entirety of the state to justify
20 not regulating the service anymore.

21 Very similar to the facts in this case,
22 we're talking about an area of the state that is
23 outside of a major Metropolitan area.

24 Turning now to the issue of public policy.
25 Missouri courts have stated that it's -- the very

1 highest evidence of the public policy of any state
2 is found in its statutory law, that if there is
3 Legislation on a subject, the public policy of the
4 state should be derived from Legislation.

5 The Commission recently observed that
6 public policy must be found in a Constitutional
7 provision, a statute regulation promulgated
8 pursuant to statute or a rule created by a
9 Government body.

10 The public -- they also observed the
11 public interest is a matter of policy to be
12 determined by the Commission.

13 Turning now to some of the stated public
14 benefits in the Division of Energy's testimony,
15 I'll briefly highlight these. One of the
16 Commissioners asked earlier whether or not if they
17 charged at one of these proposed charging stations,
18 would they be paying the same rates as if they were
19 charging at home.

20 The answer is at least in terms of Level 2
21 AC, no, that the tariff rate for Level 2 AC
22 charging is actually higher than Ameren's current
23 summer energy charge for general residential
24 customers.

25 We think that this is -- this is

1 reasonable given some of the uncertainty of, you
2 know, how many revenues are going to come in for
3 this and, you know, the projected cost of the pilot
4 program.

5 Additionally, Division of Energy has
6 testified that based off of the calculations done
7 by Ameren Missouri that electric vehicle charging
8 station customers would make a net contribution to
9 fixed plant investment beginning in Year 5 of -- of
10 operating, and, also, that over a 15-year time
11 horizon that there would be a cumulative
12 contribution of roughly \$1.9 million resulting in
13 lower rates for all residential customers in Ameren
14 Missouri's service territory.

15 So, yeah, there's maybe a little -- maybe
16 residential customers have to pick up a little bit
17 of the upfront costs. But there's benefit on the
18 back end.

19 We believe these to be reasonable
20 assumptions based off of our review of third party
21 studies that show that EV revenues are more than
22 marginal cost in numerous, you know, future
23 scenarios.

24 I just realized that this is an older
25 version of my Powerpoint presentation up here.

1 It's loaded up on the screen. So I'm going to --
2 thankfully, I brought extra copies, so I'm going to
3 refer now to the hard copy version. Never fails.

4 All right. I'm going to pick up on page 6
5 if you're following along. Second slide. Some of
6 the other evidence that Division of Energy has
7 provided in its testimony.

8 This is one issue that I don't think any
9 other party has touched upon yet this morning. So
10 we're talking about public policy and finding
11 public policy in -- in statutes and rules and
12 regulations.

13 In 2015, the U.S. Congress passed a
14 bipartisan Bill called Fixing America's Surface
15 Transportation Act. Or FAST. Under this law, the
16 Federal Highway Administration has adopted this
17 alternative fuel corridors designation of which
18 Missouri is one of those designees.

19 Now, under the alternative fuel corridor
20 designation, there are two subdesignations. There
21 are -- there is signage ready, and there is signage
22 pending.

23 Now, what's the difference? Signage ready
24 designation is conferred when there are charging
25 stations within 50 miles of one another on a

1 Interstate highway and within -- those charging
2 stations are within 5 miles of that Interstate
3 states.

4 So you only have -- you would only have to
5 go 5 miles off the Interstate to get to a charging
6 station. And along that Interstate, there are at
7 least 50 miles apart.

8 Signage ready -- or signage pending, that
9 isn't the case. Now, as Division of Energy has
10 testified in this case, along the I-70 corridor in
11 the state, signage ready destination has been given
12 to the area between St. Louis and Wentzville and
13 between Kansas City and Oak Grove.

14 The area of I-70 between Oak Grove and
15 Wentzville is signage pending. And Missouri's
16 pilot program would move that section of -- between
17 Wentzville and Boonville to a signage ready
18 designation.

19 It's very important that -- and shows that
20 based off the Federal Highway Administration
21 designations that there isn't sufficient charging
22 infrastructure along this stretch of highway in the
23 state of Missouri.

24 Secondly, I'd like to point the
25 Commission's attention to Missouri's alternative

1 fuel investment tax credit. It's a tax credit that
2 the Division of Energy administers.

3 Under the tax credits, it gives tax
4 credits for various alternative fuel
5 infrastructure, including electric charging
6 stations.

7 The particular benefit is a -- it gives
8 the recipients the lesser of \$20,000 or 20 percent
9 of costs of installation of those facilities. And
10 the Missouri General Assembly has appropriated
11 funds for this tax credit for the last two tax --
12 last two fiscal years, rather.

13 Finally, in the area of looking for public
14 policy and regulation and rules, I would point you
15 -- the Commission to Missouri's comprehensive State
16 Energy Plan.

17 Among the recommendations in that plan a
18 diversity and security of supply recommendation,
19 that diversifying the State's energy supply,
20 including transportation energy that will lead to
21 economic development growth, will provide a hedge
22 against future price instability, will provide
23 additional security to the state and less reliance
24 on out-of-state petroleum products.

25 I would note Division of Energy has

1 testified that looking at a 14-year compound annual
2 growth rate, the gas compound growth rate over the
3 last 14 years is 7.5 percent while electricity is
4 only 2.5 percent. That's a 5 percent difference.

5 I know it can be misleading -- you know,
6 it can be slightly misleading based -- you know,
7 we've enjoyed relatively low gas prices over, you
8 know, the last couple years. But gas is volatile.

9 You know, I remember, you know, it
10 costing, you know, me twice as much to fill up my
11 car not too long ago when I was in college. And I
12 was in less debt at the time, too.

13 So it is a matter of security and benefit
14 to the people in the State of Missouri to have to
15 have less volatility in the prices they're paying
16 for -- and I -- I -- I caution to say it, an
17 essential part of their life.

18 Very few of us have the opportunity to get
19 around and do our -- our daily business getting to
20 and from work and chores without purchasing some
21 sort of fuel for our vehicles, where that be
22 petroleum or electricity.

23 Turning to the rates, I would offer to you
24 that Missouri case law states that the test for
25 determining propriety of a rate design is whether

1 the rates are just, reasonable and in the public
2 interest.

3 To the issue of just and reasonable, the
4 Courts have also said that it's the result reached,
5 not the method employed, which is controlling. It
6 is not theory, but the impact of the rate order
7 which counts.

8 Now, the opponents of this pilot program
9 haven't really addressed the issue of the just and
10 reasonableness of this rate. Based off my review
11 of their position statements that they're just
12 restating their jurisdictional arguments and their
13 public policy concerns.

14 The only party that has come close to
15 challenging the just and reasonableness of this
16 rate is Staff. And my understanding of their
17 position on this issue is that both AC -- Level 2
18 AC charging and Level 3 DC charging should be in
19 the same unit.

20 As has been explained earlier, AC charging
21 is based upon a per kilowatt unit, and DC fast
22 charging is based on a unit of time.

23 Now, as I said, it's not the method is
24 that is controlling. It's the results. I have
25 seen no analysis in the testimony provided by

1 customers that the rates that Ameren and the other
2 parties have endorsed in this case would lead to an
3 unreasonable or unjust result.

4 However, Ameren Missouri has provided
5 rationale for the decision to go with the
6 recommendation of other parties to base AC Level 2
7 charging on a KW basis rather than providing both
8 on a time basis.

9 And as -- as was stated earlier, that is
10 because not all AC equipped electric vehicles
11 charge at the same rates. So charging on a per
12 time basis would -- or, rather, yes, a per time
13 basis would potentially be discriminatory to EV
14 drivers who have slow charging cars.

15 But there was still a reasonable rationale
16 for charging a time based rates for DC fast
17 charging because, A, they charge at the same rate.
18 And, two, that there was a -- and incentive for DC
19 drivers to move their cars after their car was done
20 charging so that someone else could utilize that
21 station. Reasonable basis for that distinction.

22 In closing, I want to mention one other
23 court case that I think really sums up the decision
24 or the -- the matter that the Commission has before
25 it in this case.

1 That would be the U.S. Supreme Court case
2 New State Ice Company versus Leadman. It's an old
3 case, 1936 if I'm correct. And what's interesting
4 about that case, it dealt with a Oklahoma statute
5 requiring providers of ice to get a Certificate of
6 Convenience & Necessity from the Oklahoma PUC.

7 It's not the decision so much as it is the
8 dissent. My -- my favorite Supreme Court Justice,
9 Lewis Brandice, wrote an often cited in that case
10 where he described the issue or concept of
11 laboratories of Democracy.

12 He stated, and I paraphrase, that it is
13 one of the benefits of our Federal system that
14 individual states can experiment with economic and
15 social policy to address the issues that they find
16 happening in their state, and that the Supreme
17 Court, while it may have the ability to strike down
18 such laws, should be careful to do so because
19 they're not on the ground.

20 They're not -- you know, it's the
21 Legislators, the General Assemblies the states who
22 have to address the issues of their constituents
23 and try to find novel ways to address those issues.

24 And I think that's what the Commission has
25 before it today. You know, there's no national

1 consensus on this issue. There are -- you know,
2 there are states who have said utilities shouldn't
3 be -- they shouldn't be a regulated service.

4 There are other states who have said, you
5 know, this is a regulated service. You know, but
6 there's no natural consensus.

7 Missouri has an opportunity to -- to be a
8 laboratory of Democracy in this particular
9 instance. So I -- I'll leave it -- my prepared
10 remarks with that -- with that note. And I'll
11 entertain any questions from you.

12 CHAIRMAN HALL: I have no questions.
13 Thank you.

14 COMMISSIONER KENNEY: Me either.

15 COMMISSIONER STOLL: No questions. Thank
16 you.

17 JUDGE BUSHMANN: Final opening would be
18 from Office of Public Counsel?

19 MS. SHEMWELL: Good morning.

20 COMMISSIONER COLEMAN: Good morning.

21 OPENING STATEMENT

22 BY MS. SHEMWELL:

23 MS. SHEMWELL: May it please the
24 Commission. I'm Lera Shemwell. I represent the
25 Office of the Public Counsel.

1 Public Counsel supports Ameren and the
2 Commission's desire to promote EV adoption. Public
3 Counsel's position is that this Commission needs to
4 focus on what is the most effective way to actually
5 promote EV adoption and move forward with effective
6 EV promotion programs that does not include remote
7 EV charging stations along I-70, which the company
8 itself admits may be used one or two times per day.

9 Public Counsel says -- suggests that the
10 Commission interpret its statutes that these
11 charging stations do not provide service for light,
12 heat or power or the idea that the vehicle is a
13 mobile premises or a possibly home in which
14 customers eat, sleep, work and play.

15 I don't know about you, but I rarely
16 sleep, work or play while I'm driving down I-70. I
17 may eat occasionally.

18 The Commission has direction from the New
19 York Commission as to whether or not -- let me say
20 the Commission's statute is identical to the New
21 York Commission. This Commission adopted the New
22 York statute in 1913, virtually the whole clause of
23 that statute.

24 And the New York Commission could provide
25 guidance to the Commission as to whether or not it

1 should take jurisdiction. Here, there is no
2 natural monopoly, and there is no lack of a
3 competitive market.

4 Public Counsel recommends that the
5 Commission approach promotion of EV adoption in a
6 way that benefits shareholders, all ratepayers and
7 all EV owners. That is through a time of use rate.

8 There is no question the utility is the
9 only entity in a position to take this approach.
10 And time of use rates would be much more effective
11 in sending price signals to customers and reducing
12 demand during peak hours.

13 Time of use rates are not temporary, and
14 this approach has many other benefits. And let me
15 say a time of use rate is an issue in Ameren's
16 current rate case.

17 A time of use rate allows Ameren to manage
18 the electric vehicle charging to ensure that
19 environmental benefits are actually realized and
20 can only suggest that environmental benefits might
21 be realized from these EV charging stations.

22 This encourages EV owners to avoid adding
23 to peak demand by charging during off peak hours.
24 And charging during peak times can harm all
25 customers by driving electric rates higher.

1 Virtually all EV charging today occurs at
2 home. 99.96 of Ameren's customers do not own
3 electric vehicles. But 80 percent of that small
4 number, they charge at home.

5 Why? It's safe and it's convenient. Pull
6 the car in the garage and plug it in. You don't
7 have to dwell someplace. You don't have to look
8 for something to do. You don't have to look for a
9 rest room, any of those kinds of things when you --
10 you just go in and charge it.

11 If the customer charges at night as
12 opposed to when they get home at 5 or 6 p.m., then
13 that reduces peak flow. This -- all EV owners,
14 regardless of whether or not they drive I-70 can
15 participate in a time of use.

16 This also represents an opportunity for
17 Ameren to partner with EV dealer to educate
18 customers who are there to buy an electric vehicle
19 as to how they can control their fuel costs.

20 What's going to appeal to an EV owner?
21 Fuel cost, the cost of operating the vehicle. This
22 is a more immediate incentive to a potential EV
23 buyer in that they might, on a rare occasion, need
24 to charge a vehicle while driving down I-70.

25 Reducing the electric bill is a far more

1 effective incentive than five remote charging
2 stations. Most EV customers will never use these
3 charging stations.

4 Also, there's no risk to shareholders with
5 they approach. Shareholders would benefit as well.

6 Public Counsel recommends a Government
7 intervention in a competitive aspect of EV charging
8 stations is not necessary.

9 Ameren has thousands of EV charging
10 stations exactly where they are used. Every home
11 that has an electrical outlet is potentially an EV
12 charging station.

13 Ameren receives 100 percent of the
14 revenues from EV home charging, work place charging
15 and competitor charging.

16 This is transportation fuel. The
17 electricity provided is for transportation. Ameren
18 asserts that the real breakthrough for EV adoption
19 will be the 300-mile battery average.

20 And, in fact, the new Chevy Bolt is out.
21 I understand one has been spotted in Jefferson
22 City. That has a 200-plus mile battery charge. So
23 the customer leaves home. They can go 200 miles
24 without worrying about recharging. There are EV
25 charging stations available within 200 miles in any

1 direction.

2 There are only about 530,000 electric
3 vehicles being operated in the entire United States
4 today. In contrast, last year, customers purchased
5 17 million new vehicles. So the EV penetration at
6 this point is very low.

7 The Commission should look at the best and
8 most effective way to encourage additional adoption
9 of a variety of alternative fuel vehicles.

10 It's not the lack of charging
11 infrastructure that's preventing EV adoption. It's
12 the battery charging range. It's the cost of
13 electric vehicles. It's the fact that customers do
14 not buy new cars. It's the fact that gasoline
15 prices are low.

16 Customers are happy with their current
17 experience. Mileage is increasing for vehicles,
18 and they're happy with the vast array of gas
19 stations where they can fill.

20 They're also more comfortable with hybrids
21 than they are with pure electric vehicles. And,
22 again, one thing that can shift customers to buy
23 EVs is cost savings.

24 Time of use rates also allows Ameren the
25 opportunity to reach out and talk with customers

1 about using other of their electric uses, like
2 drying and off peak times.

3 There's a lot of uncertainty around these
4 charging stations. Ameren hasn't told us where
5 they will be. We know that there will be no
6 attendant to assist the charging process to ensure
7 the customer follows safety instructions, to
8 provide assistance with payment or ensure payment
9 is in a safe or good condition.

10 Commissioner Rupp, in response to your
11 question, you were assuming that you could leave
12 your vehicle charging and walk to meet a friend or
13 read a book or so on.

14 We don't know that that will be available.
15 The EV charging station may leave the driver
16 sitting right there alone, potentially at night
17 with no attendant to help them monitor.

18 We don't know what emergency services will
19 be available or if there will be any surveillance.
20 That's the reason that most charging stations are
21 located in heavily traveled areas with nearby
22 amenities and not out in the remote or rural areas.

23 Public Counsel suggests that these are
24 battery chargers, much as the New York Commission
25 determined. They're not readily available to the

1 vast majority of Ameren's EV owners. Just those
2 few that drive on I-70.

3 The Commission does need to decide if this
4 small project is, in fact, the most effective way
5 for the Commission and Ameren to promote the
6 purchase of EVs specifically, especially
7 recognizing that Ameren is a carbon intensive
8 generating company, which would reduce the
9 potential for environmental impacts. That's all I
10 have.

11 CHAIRMAN HALL: I have no questions.

12 COMMISSIONER KENNEY: I just have one.
13 Except for the process of a tariff dealing with the
14 wholesale power, does it -- doe OPC believe it's
15 illegal for a third party to resell electricity
16 that they purchase from Ameren?

17 MS. SHEMWELL: We do not.

18 COMMISSIONER KENNEY: You do not. Thank
19 you.

20 JUDGE BUSHMANN: Thank you.

21 MS. SHEMWELL: Thank you.

22 JUDGE BUSHMANN: Why don't we take a --
23 Yes.

24 COMMISSIONER KENNEY: Judge, I just wanted
25 -- Staff has got a copy of the tariff that the

1 Chairman reference earlier and has examined it.
2 And it's clear that the tariff prohibits reselling
3 of electricity.

4 CHAIRMAN HALL: Thank you

5 JUDGE BUSHMANN: Why don't we take a short
6 break and recess for about ten minutes?

7 (Break in proceedings.)

8 JUDGE BUSHMANN: Let's go back on the
9 record. We're ready for Ameren Missouri's first
10 witness.

11 MS. JOHNSON: Thank you, your Honor. We
12 call Mark Nealon.

13 JUDGE BUSHMANN: Would you raise your
14 right hand, please?

15 MARK NEALON,
16 being first duly sworn to testify the truth, the whole
17 truth, and nothing but the truth, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. JOHNSON:

20 JUDGE BUSHMANN: State your name.

21 A My name is Mark Nealon.

22 JUDGE BUSHMANN: You may proceed.

23 MS. JOHNSON: Thank you.

24 Q (By Ms. Johnson) Are you the same Mark J.
25 Nealon who pre-filed direct and surrebuttal

1 **testimony in this case?**

2 A Yes.

3 **Q And do you have any corrections or**
4 **additions to make to your testimony today?**

5 A Yes, I do.

6 **Q Thank you. If could you start with the**
7 **corrections in your direct, please.**

8 A First off, on Page 5, in the footnote, the
9 definition of participating customer needs to have
10 the -- the word "not" removed from the last line.
11 So the last phrase should read, who is also an EV
12 customer.

13 **Q All right. And the next one?**

14 A Page 8. There is a typo there. On Line
15 18, there is no hyphen between the words "interest"
16 and "specific."

17 **Q Continue.**

18 A On page 11, line 18, the last two words
19 should not be "learning the." The last two words
20 should be the learnings, plural.

21 **Q And the next revision?**

22 A Page 18, Line No. 8, the first four words
23 after the second item as they're printed now say,
24 They are already accustomed. It should read
25 instead, Their, possessive, their already being

1 accustomed.

2 **Q And the next correction?**

3 A Page 34. Page 34 in the footnote, Nancy
4 Ryan's name is in the middle line of that footnote.
5 Her name, Nancy E. Ryan, is actually the first
6 words in what should be Footnote No. 5.

7 Footnote No. 5 itself should be on Page
8 35, Line 3 after the very first word,
9 vehicles.

10 **Q And do you have any -- oh, I'm sorry.**

11 A One -- one more in direct. Page 37, line
12 16, the word "participant" should be the word
13 "participating."

14 **Q And that concludes your corrections to**
15 **direct testimony?**

16 A Yes.

17 **Q And you also have corrections to your**
18 **surrebuttal testimony; is that correct?**

19 A Yes. There are two.

20 **Q Okay.**

21 A First, on page 9, line No. 18, those last
22 three words and the first word of Page 19, "for the
23 sake of," should be replaced with the single word
24 to, t-o.

25 **Q And --**

1 A And the change is on Page 13. In the
2 question on line 14, the last four words, Does is
3 make more -- the word is should be it, and that's
4 it.

5 Q Okay. Thank you. Okay. Now, if I were
6 to ask you the same questions in your written
7 testimony today as corrected, would your answers be
8 substantially the same?

9 A Yes.

10 Q Okay. All right. Thank you.

11 MS. JOHNSON: Your Honor, Commissioners, I
12 move that Mr. Nealon's direct testimony be labeled
13 as Exhibit 001 and 002 and be entered into the
14 record.

15 JUDGE BUSHMANN: Any objections to their
16 receipt? Hearing none, they're received into the
17 record.

18 MS. JOHNSON: I will now tender the
19 witness for cross-examination.

20 JUDGE BUSHMANN: First cross would be by
21 Staff.

22 MS. PAYNE: Thank you, Judge.

23 CROSS-EXAMINATION

24 BY MS. PAYNE:

25 Q Mr. Nealon, do you have your direct

1 testimony in front of you, I assume?

2 A Yes, ma'am.

3 Q On Page 3, in talking about your work for
4 Ameren Missouri, you mentioned that, beginning in
5 2009, your work included building on Ameren
6 Missouri's previous work in the electric vehicle
7 space. Can you please clarify what previous work
8 you're referencing?

9 A Can you cite the line number? I'm sorry.

10 Q Absolutely. It is Page 3 --

11 MR. THOMPSON: 15.

12 Q (By Ms. Payne) Yes, on Line 15.

13 A Oh, very good. Yes. In -- in 2009 when
14 -- when the electric vehicle revival began again
15 from its former popularity in the 1990s, my
16 position at Ameren Missouri was Director of Smart
17 Grid, Strategy and Implementation.

18 Q Okay.

19 A We investigated a number of new types of
20 technologies that potentially represented new
21 services for customers. And among them was the --
22 a very new technology in terms of electric vehicles
23 and electric vehicle charging.

24 Because this was very new to us, we
25 actually -- I did some -- some work investigating

1 the nature of electric transportation, the -- the
2 various EV models that were being offered for the
3 first time, I -- I believe starting in 2010.

4 We studied the various charging means that
5 were commercially available and actually installed
6 some of those charging means and actually purchased
7 a couple of electric vehicles for our
8 self-education, should I say, so that when
9 customers would call inquiring after what electric
10 transportation was about that we could speak
11 intelligently and with a degree of experience.

12 **Q Thank you. Can you tell me, has Ameren**
13 **sought rate-making treatment for any of these**
14 **previous activities that you've worked on?**

15 A Yes.

16 **Q And can you clarify what?**

17 A The -- the charging stations that -- that
18 we purchased with which to charge our fleet
19 vehicles --

20 **Q Okay.**

21 A -- that we -- that we purchased were --
22 were included in the rate base in a -- in a
23 previous case, full rate case.

24 **Q Okay. So the Commission did order to**
25 **include those in rate base?**

1 A To my knowledge, yes.

2 Q Okay. Thank you. All right. Let's go
3 ahead and move on to page 16 of your direct. And
4 this is on page 13 -- or line 13, I'm sorry, of
5 that page.

6 You reference the net revenues from
7 corridor charging over the 15-year operating life
8 of the charging equipment. And is this Ameren's
9 projection of the duration of these charging
10 stations?

11 A Yes. Yes. Yeah. That's a fair
12 statement.

13 Q So you expect the equipment to be in use
14 for 15 years?

15 A Absolutely. Yes.

16 Q Okay. All right. And moving on to page
17 19. Okay. And this is looking at lines 12 and 13.
18 You reference that electric utilities are in a
19 unique situation due to the revenues generated from
20 both the corridor, projected corridor, and
21 residential charging activities.

22 Can you tell me, has Ameren included
23 revenue generated from at-home charging in any of
24 the projections that they have provided before this
25 Commission in this case?

1 A I couldn't find -- I couldn't find the
2 quote that you were citing.

3 Q **I'm sorry?**

4 A Yeah. I'm --

5 Q **It's starting on line 12. It's**
6 **immediately after the colon.**

7 A Oh, okay. Very good. I was looking above
8 that, not below. Okay. Restate, please.

9 Q **Has -- has Ameren included at-home**
10 **charging revenues in any of the projections that it**
11 **has presented in this case before the Commission?**

12 A Yes.

13 Q **Okay. Can you clarify where those --**
14 **those revenues have been included?**

15 A What we included -- the home charging
16 revenues that we included in our projections in the
17 UCC -- the UCT or RIM test were those represented
18 25 percent of what we consider the accelerated EV
19 adoption model that we believe -- long and short,
20 the 25 percent of -- of that accelerated adoption,
21 we believe, will be brought about solely because
22 customers who are thinking about buying electric
23 vehicles, you know, will be confident that they
24 will be able to charge on long distance corridors.

25 Q **Okay.**

1 A So the 25 percent basically is what Ameren
2 Missouri lays claim to being directly responsible
3 for as a result of long distance charging stations
4 along the I-70 corridor.

5 Q Okay. And are you expecting that 25
6 percent to offset the cost of these -- of the --
7 the stations to be installed or -- have you -- have
8 you included any of the revenues that you project
9 to come from at-home charging to offset the cost of
10 this corridor proposition?

11 A Yes.

12 Q Okay. Thank you.

13 A The 25 percent, by the way, is roughly
14 accounts for what we project would be roughly 7,000
15 electric vehicles by 2030.

16 Q Okay. Thank you. And moving on to your
17 surrebuttal, on page 2 -- and we are looking at
18 lines 11 through 15, you -- you reference that
19 Mr. Murray misstated some things.

20 But you state that time-based rates would
21 solve the problems of a customer leaving their
22 vehicle plugged in long after its been charging.

23 Has Ameren made some kind of allowance for
24 customers that are using the vehicles that are
25 measured by the kilowatt hour to be left plugged

1 in?

2 A Can you restate the question? I'm not
3 sure I understand that.

4 Q Let me -- yeah. Let me step back for a
5 minutes. Okay. So right now, Ameren is proposing
6 that Level 2 charging stations would be measured on
7 a per minute basis for charging the rate; is that
8 correct?

9 A That is correct.

10 Q And a Level 3 charging station would be
11 measured by the kilowatt hour for that?

12 A The Level 2 AC would be -- would be
13 leveled by the --

14 Q Oh, Level 2 AC.

15 A The Level 2 AC charger, the slower
16 charger, we have proposed to charge on a kilowatt
17 hour basis, not a time basis.

18 Q Okay. So it's the DC fast charge that you
19 are -- what's commonly known as the DC fast charge
20 that would be by a per minute basis?

21 A On a time basis, on a per minute basis,
22 yes, that is correct.

23 Q Correct. For the purpose of charging
24 rates to the customers using these?

25 A Yes.

1 Q So what I'm asking is, is in your
2 testimony you state that a per minutes rate would
3 fix the problem of a customer who charges their
4 vehicle and then leaves it similar to what Mr. Rupp
5 was discussing earlier. Has Ameren made some
6 allowance for the rates to be charged on a per
7 kilowatt hour basis to encourage customers to not
8 leave their vehicle plugged in for an extended
9 period of time?

10 A No. We found that the encouragement will
11 -- will come from the fact that if charging has
12 stopped, they remain plugged in and continue to be
13 charged 17 cents a minute that that would provide
14 more than an incentive to come back to the car and
15 unplug it for the sake of whoever else is due there
16 next.

17 Q So what you're saying is that if a per
18 kilowatt hour rate -- if a person using that
19 charger were to leave their vehicle plugged in,
20 they would still continue to be charged even when
21 once their vehicle is fully charged?

22 A That's correct. There's an opportunity
23 cost associated with a car occupying a plug that is
24 not charging when --

25 Q Thank you. You've answered my question.

1 I appreciate it.

2 MS. PAYNE: That's all the questions I
3 have.

4 A Okay.

5 JUDGE BUSHMANN: Cross by Charge Point?

6 CROSS-EXAMINATION

7 BY MR. COMLEY:

8 Q Mr. Nealon, we had a moment to meet each
9 other, but for the record, my name is Mark Comley,
10 and I represent Charge Point.

11 And I'm going to risk a few direct
12 examination questions for you. And I know there's
13 a tendency for witnesses to sometimes expand upon
14 their direct testimony. I'm hoping that your
15 answers might be succinct, although I understand
16 you may have the urge to talk a little more.

17 To the extent we can and with the time
18 restraints we're trying to impose in this hearing,
19 I'm going to try to make my questions so that
20 they're not going to be complicated.

21 First question, did Ameren consider using
22 an alternative charging station ownership model for
23 this pilot?

24 A No.

25 Q Did you ever consider a model which the

1 site host would own the facility?

2 A No.

3 Q Or even own it partially?

4 A No.

5 Q Or did you consider one involving a
6 rebate?

7 A No.

8 Q Are you familiar with the model that is
9 called the Make Ready model for electric vehicle
10 charging?

11 A Yes.

12 Q Can you describe that briefly for the
13 Commission?

14 A I believe the -- the Make Ready model
15 involves a utility basically providing a line
16 extension of their own grid to the very site where
17 charging stations would -- would exist, bring the
18 extension -- or a service, so to speak, electric
19 service out of a transformer, and, I believe, up to
20 and including a distribution panel from that point.

21 All that would be left for whoever the
22 owner of that station would be -- would be to tap
23 into that panel, just go a few feet with additional
24 electrical conductors to the actual charging
25 station equipment itself.

1 Q And under that model, the owner of the
2 charging station is the site host. Would that be a
3 fair statement? It's not the utility?

4 A Correct.

5 Q And I'm gathering that Ameren did not
6 consider making use of the Make Ready model for
7 purposes of the pilot?

8 A We did consider that, and, in fact, Charge
9 Point was -- was the entity that introduced that
10 possibility to us. But in the end, we decided
11 against it.

12 Q Has Ameren had any previous experience
13 with ownership and installation of fast charging
14 stations?

15 A No.

16 Q Can you name on the electric vehicle
17 models that can use the fast chargers you have
18 selected for your pilot?

19 A Most battery electric vehicles, including
20 the Nissan Leaf, including my Nissan Leaf, can make
21 use of DC fast chargers, yes.

22 Q Can a plug in hybrid like the Chevy Volt
23 use that fast charger?

24 A It cannot.

25 Q Do you know what network the fast charging

1 **stations for your pilot will be on?**

2 A Are you talking -- or are you referring to
3 the managing network?

4 **Q Managing network.**

5 A Yes.

6 **Q What -- what network will you be on?**

7 A It is BTC Powers managing network.

8 **Q How many fast charging stations do you
9 anticipate installing for this pilot?**

10 A Twelve.

11 **Q Have you selected the site hosts for the
12 pilot, for these charging stations?**

13 A No. We're still in discussions with them.

14 **Q Have you explored how they're going to be
15 owned or used by Ameren, whether by real estate
16 ownership or easement?**

17 A Easement.

18 **Q So you will not own any of the property on
19 which the stations are located?**

20 A No.

21 **Q Do you know offhand what the power
22 requirements are for installing the fast charging
23 stations?**

24 A Yes.

25 **Q What are they, please?**

1 A A 50 kilowatt service equivalent between
2 the conductors going to it and the transformer
3 involved.

4 **Q What size transformer would you be using?**

5 A We will have two transformers side by side
6 and a dual port Level 2 AC charger next to those.
7 And so they -- the demand equivalent would have to
8 be on the order of around 150 KV to speak in
9 standard transformer sizes.

10 **Q Do you have locations along the I-70**
11 **corridor where those power levels and equipment are**
12 **installed?**

13 A Yes.

14 **Q Let me ask you this. And I'm kind of**
15 **following up on what was stated by Ms. Johnson**
16 **during the opening remarks.**

17 **For this pilot, you're involved in some**
18 **data gathering for all stakeholders. Would that be**
19 **fair to say?**

20 A Yes.

21 **Q Say, for instance, a third party would**
22 **want to be interested in a location where Ameren**
23 **has facilities that would handle a fast charging**
24 **station. Would Ameren willingly give that to a**
25 **third party?**

1 MS. JOHNSON: I object because it calls
2 for speculation, and it's outside the scope of what
3 we've been discussing.

4 JUDGE BUSHMANN: Response, Mr. Comley?

5 MR. COMLEY: Your Honor, I think that this
6 goes to the heart of competition in this field. If
7 they're not willing to give up some data that
8 they're accumulating, then I think the pilot has
9 some serious issues.

10 JUDGE BUSHMANN: Overrule the objection.
11 You may answer the question, sir.

12 A And the question is?

13 Q (By Mr. Comley) If a third party were to
14 come to Ameren and ask for information about what
15 facilities are in place on the I-70 corridor that
16 would allow the installation of a fast charging
17 station, would Ameren willingly give that
18 information?

19 A Information like what is installed there,
20 what -- what we have placed there?

21 Q Is there equipment that would be available
22 to install a fast charging station at this
23 location?

24 A I am sorry. I'm afraid I still don't
25 understand the question.

1 Q Let's -- let's say that you have a site in
2 Sedalia, and I know it may be outside your -- well,
3 St. Peters. And you have all the equipment that
4 you've just described for the installation of a
5 fast charging station.

6 A A third party is interested in installing
7 a fast charging station in St. Peters, would you
8 give them the location where that equipment and
9 power is located?

10 A Oh, certainly.

11 Q Then the next question would be this. Now
12 that you know that a third party is interested in
13 using that location, would you use that as an
14 opportunity to install one there yourself?

15 A I have -- I have no idea. I mean, we --
16 we would make independent decisions as to where we
17 thought our charging islands would be best located.

18 Q Would you agree that there are fast
19 charging stations already providing service in
20 Missouri?

21 A Yes.

22 Q In Ameren's service -- excuse me. In
23 Ameren's service territory, are there fast charging
24 service stations?

25 A Yes.

1 **Q And can you tell the Commission where**
2 **they're located?**

3 A There are -- are we -- are we talking
4 about all fast chargers?

5 **Q Yes.**

6 A Okay. In the City of Columbia, there are
7 a bank of Tesla super chargers. And --

8 **Q Let me redirect the question. Public.**
9 **We'll just say public, not proprietary.**

10 A Oh, okay. I believe that in -- in
11 testimony, I -- I indicated having found about 37
12 or --

13 **Q And these would be public charging**
14 **stations all together, I think.**

15 A Oh.

16 **Q I'm thinking fast charging stations alone.**

17 A Fast charging stations. There are a
18 number of fast charging stations in the St. Louis
19 Metropolitan area and as far west as Wentzville,
20 though there are only eight that I found amongst
21 whatever that -- that total number is that exists
22 within five miles of I-70, our intended corridor.

23 **Q You indicated, I think, during examination**
24 **that -- from Ms. Payne that the stations you expect**
25 **to have a 15-year useful life. Is that a correct**

1 reflection of your statement -- or testimony?

2 A Yes.

3 Q Based upon your experience in this market,
4 are you aware of any changes to station technology
5 that would be expected in the next 15 years?

6 A Yes.

7 Q And because of changes in technology, will
8 you be replacing the older and outdated charging
9 stations as this technology takes place?

10 A No. Perhaps adding to it, but not
11 replacing.

12 Q So the charging stations you're talking
13 about are things that you could reconfigure or to
14 re-fit?

15 A I don't -- there wouldn't be any
16 reconfiguring or refitting. They would continue to
17 exist in their current -- in their current state.

18 Q Ameren sent out a request for proposal to
19 charging station vendors in connection with this
20 pilot. Am I correct?

21 A Yes.

22 Q Now, to the extent you can, and I know you
23 may not be able to do it without some
24 confidentiality concerns, and if that's the case
25 we'll not deal with this question, but can you tell

1 the Commission the qualifications that were set out
2 in that RFP for the vendors?

3 A Qualifications for -- for what?

4 Q How you were going to select the RFP
5 respondent. How were you going to select the
6 vendor?

7 A Okay.

8 Q What qualifications did the vendor have to
9 have to be selected?

10 A There were -- there were requirements
11 categorically in the way of -- of safety, price,
12 project management, the managing network and the
13 quality of the data that it -- that it provides. I
14 would call those the -- the major -- major
15 categories.

16 Q Can you tell the Commission how many
17 vendors responded to the RFP?

18 A Five.

19 Q And which vendor was selected?

20 A BTC Power out of Santa Anna, California.

21 Q And it has its own network; is that
22 correct?

23 A Correct.

24 Q Do you know whether this vendor can supply
25 fast charging stations?

1 A Yes, they can.

2 Q Do you know how the drivers through the
3 BTC Power network will find the stations that
4 you're going to install?

5 A Yes. The -- yes.

6 Q How is that going to happen?

7 A The way virtually all EV drivers find
8 charging stations, through cell phone apps of EV
9 web site registers.

10 Q Well, do you know how many stations
11 nationally that BTC Powers has on its network?

12 A It's in the thousands. But I -- I --- I
13 can't recall the number -- the specific number.

14 MR. COMLEY: That's all I have. Thank
15 you.

16 JUDGE BUSHMANN: Consumers Council?
17 Mr. Coffman? Kansas City Power & Light?

18 CROSS-EXAMINATION

19 BY MR. FISCHER:

20 Q Mr. Nealon, over here in the back here.

21 A Oh, sorry.

22 Q Did I understand the answer to one of the
23 questions from Counsel that -- that you are
24 personally an owner of a Leaf?

25 A Yes.

1 Q So you have personal experience with
2 driving an electric vehicle?

3 A Yes. Yeah.

4 Q Did you drive your Leaf here to the
5 hearing today?

6 A No.

7 Q Why not?

8 A I can't make it here.

9 Q Okay. If -- if the Ameren proposal is
10 adopted by the Commission, would the next hearing
11 or down the road, would you able to drive your Leaf
12 to Jefferson City?

13 A Yes, I would.

14 Q Okay. Just to give the Commissioners kind
15 of a practical idea of what it is like to be a Leaf
16 owner or an electric vehicle owner, can you
17 describe what you would do if you were leaving,
18 say, St. Louis to come to Jefferson City on a trip
19 in your Leaf?

20 A Well, first off, I would not because of
21 the incredible inconvenience that I would
22 experience as a means of getting to this Point B
23 from -- from my Point A.

24 There are charging stations at various
25 locations in route to Jefferson City from St.

1 Louis. But none of them -- none of them, save for
2 the westernmost charger in Wentzville, which is at
3 a bank branch, a Commerce Bank branch, would be
4 able to refuel my vehicle in a timely fashion.

5 And when I say a timely fashion, these DC
6 fast chargers will recover about 75 miles of range
7 in about 30 minutes. So I still wouldn't make it
8 here with -- with the range of -- of my Leaf.

9 And so I would be forced, then, to
10 consider fueling with a Level 2 AC charger which
11 charges electric vehicles, predominantly hybrids,
12 but they can charge my Leaf, at a speed that's
13 about ten times slower than what a DC fast charger
14 offers. And so as a means of being able
15 to get here, I would have to literally plan hours
16 in advance to get here and actually spend as much
17 time refueling along the way as I would driving to
18 get here, and, in fact, more. Or suffer the
19 inconvenience of having to be towed the rest of the
20 way to this location.

21 Our pilot -- our pilot is specifically
22 tailored to the long distance driver as a means of
23 enabling the electric ranges of vehicles like my
24 Leaf so that drivers on those traveled corridors,
25 can get in, pay a reasonable non-volatile price for

1 that fuel and get back on the road as quickly as
2 possible.

3 Q Let's assume just for purposes of a
4 hypothetical here that there was a fast charger at,
5 say, Kingdom City, that exit there. If -- if you
6 pulled in there with your Leaf and used one of the
7 fast chargers, how much time would you spend
8 getting that re -- regenerated or battery filled or
9 whatever you want to call it or --

10 A I need to make sure I can -- I can get
11 there first.

12 Q Okay.

13 A I'm just doing some math in my head. I --
14 I believe I would be able to get to Kingdom City
15 with my -- with my Leaf. I would look -- what --
16 all I would have to travel from Kingdom City to get
17 here is another 25 or 30 miles.

18 If I chose just to restore that much range
19 in my Leaf, I would be sitting at DC fast charger
20 in Kingdom City for about 10 to 15 minutes. If I
21 chose to fill my tank, which would be virtually
22 depleted by the time I got to Kingdom City, the
23 fast charger would take about 30 to 35 minutes to
24 -- to refuel.

25 So even with we -- even with fast

1 charging, I would have to plan for up to a
2 half-hour, perhaps a little more, as I determine
3 when to leave to get here in a timely fashion. But
4 it is a far cry better than if I had to rely on the
5 slower Level 2 AC charger.

6 And, again, the -- our service territory,
7 the westernmost location of any DC fast charger
8 that I would have at my disposal is Wentzville.
9 The next fast charger along I-70 to the west that I
10 would be able to use on I-70 is 190 miles away.

11 **Q And if I understand your testimony in your**
12 **surrebuttal in page 2 at line 12, Ameren's**
13 **proposing to charge 17 cents per minute for plug in**
14 **time for direct current fast charging; is that**
15 **right?**

16 A Correct.

17 **Q So if it takes 30 minutes for you to use**
18 **that, that total cost is around \$5; is that right?**

19 A Yes.

20 **Q Okay.**

21 MR. FISCHER: That's all I have. Thank
22 you.

23 JUDGE BUSHMANN: Division of Energy?

24 CROSS-EXAMINATION

25 BY MR. ANTAL.

1 Q Hello, Mr. Nealon.

2 A Hi.

3 Q I've got a few questions for you. The
4 opponents of this pilot program have raised an
5 issue about the lack of a time of use proposal; is
6 that correct?

7 A Yes.

8 Q And you -- you had reason to address that
9 -- those concerns in your testimony?

10 A Yeah. I addressed the issue in testimony.
11 Yes.

12 Q Okay. Along those lines, is it your
13 testimony that, even with this pilot program, that
14 the vast majority of charging will still occur at
15 home?

16 A Yes. The -- no degree of home charging
17 will be affected by the fact that an electric
18 vehicle can now, in addition to driving
19 parochially, travel long distance.

20 Q Okay. And are you generally familiar with
21 Ameren's residential tariffs?

22 A Generally.

23 Q All right. Is it your understanding that
24 Ameren Missouri currently has a time of use
25 residential rate?

1 A It is true. But it's a summer only rate,
2 to my understanding.

3 Q **Okay. But even with this existing minor**
4 **time to -- you know, limited time of use rate,**
5 **residential customers, at least during the summer,**
6 **could take advantage of at home charging on a time**
7 **of use basis?**

8 A Yes, they could.

9 MR. ANTAL: Okay. Thank you very much.

10 JUDGE BUSHMANN: NRDC?

11 MR. ROBERTSON: No questions.

12 JUDGE BUSHMANN: Sierra Club?

13 MR. HALSO: No questions, your Honor.

14 JUDGE BUSHMANN: Public Counsel?

15 MS. SHEMWELL: Thank you.

16 CROSS-EXAMINATION

17 BY MS. SHEMWELL:

18 Q **Good morning, Mr. Nealon. I'm Lera**
19 **Shemwell.**

20 A Good morning.

21 Q **Mr. Nealon, I was of the impression Ameren**
22 **was proposing six charging stations, and here you**
23 **testified 12.**

24 A I was asked how many DC fast chargers
25 would be installed. And, indeed, the number is 12.

1 What we're installing six of -- or what we're
2 referring to as charging islands, each island
3 includes two DC fast chargers and a single Level 2
4 AC chargers that has two plugs that's allowing --

5 Q Thank you?

6 A -- allowing two hybrid cars.

7 Q Thank you. Your testimony on page 6, you
8 indicate, Worry-free long distance driving will
9 only occur with batteries of --

10 A Is it direct?

11 Q Page 6 of direct.

12 A Okay.

13 Q I think you're probably -- oh, worry-free
14 long distance driving will occur with 200 and 300
15 mile battery ranges. And you consider that a
16 breakthrough; is that correct?

17 A Yes.

18 Q And it's happened recently with the Chevy
19 Bolt? That's B-o-l-t.

20 A B-o-l-t. Correct. But the Bolt does not
21 qualify for this breakthrough. Its range is only
22 just above 200 miles.

23 Q About 238, correct?

24 A Yeah.

25 Q And -- but it is falling within the price

1 vehicle range that you had mentioned somewhere in
2 the \$30,000 range with incentives?

3 A It is.

4 Q And you could, in fact, in a Chevy Bolt
5 drive to Jeff City easily with that range?

6 A Yes.

7 Q From -- from St. Louis. I'm sorry. From
8 St. Louis. I was referring to you in your Leaf.

9 A From St. Louis to Jeff City?

10 Q Yes.

11 A Yes. That's correct. It could get there.
12 It just couldn't get back.

13 Q But it could get back with a single charge
14 opposed to multiple charges?

15 A Yes.

16 Q A single?

17 A Yes.

18 Q You -- you stated the time to charge on
19 the AC, I believe, as three hours in your
20 testimony. I don't remember the exacts -- yes.
21 Page 18, Level 2 AC?

22 A Yeah. Yeah. That was based on having to
23 recover roughly 40 miles of electric range.

24 Q And that's roughly the electric range that
25 most current Ameren EV owners have, the cars

1 **they're driving?**

2 A Assuming that they're hybrid, plug in
3 hybrid electric vehicles, yes.

4 **Q Are there more hybrid electric vehicles in**
5 **Ameren's territory than pure electric vehicles?**

6 A It is split just about exactly 50/50.

7 **Q Can you predict how that will continue?**

8 A It's difficult to predict how that
9 continue, if you're referring to the split.

10 **Q Hybrid vehicle owners have the option of**
11 **filling up the a gasoline station, the gas taken at**
12 **a gasoline station?**

13 A Hybrid electric vehicle owners can only
14 fuel with gasoline.

15 **Q And we agree that gas stations are**
16 **ubiquitous?**

17 A I'd agree.

18 **Q And provide amenities, both generally for**
19 **gas consumers?**

20 A (Witness nods head.)

21 **Q You need to answer verbally, sir.**

22 A Oh, yes. Sorry.

23 **Q Thank you.**

24 A First time.

25 **Q The vast majority of EV owners charge at**

1 **home?**

2 A That they -- yeah. The vast majority.

3 Yes.

4 Q **And they're both safe and convenient to**
5 **charge at home?**

6 A It is.

7 Q **You, I think, have described adequately**
8 **that it really is not reasonable for an EV owner**
9 **with a 40-mile battery range to plan to drive to**
10 **Jeff City and charge with a Level 1 charger. It**
11 **would add six hours, essentially, to their trip?**

12 A They could just as easily continue under
13 gasoline power to get the rest of the way to
14 Jefferson City.

15 Q **You discussed about mimicking a liquid**
16 **charging experience, that that was a goal.**

17 A Yes. To the effect that the magnetic card
18 swipe, which we're all familiar with, will be a
19 feature on our stations.

20 Q **Was that only a reference to mimicking the**
21 **gas station experience is only with the charging?**

22 A Primarily. It's certainly not as fast as
23 liquid fueling is.

24 Q **And these are unattended locations, right?**
25 **The locations you choose will not have an**

1 attendant?

2 A Not a fueling attendant, no.

3 Q Will they have a surveillance camera?

4 A No.

5 Q Have you -- you haven't -- you mentioned
6 that you haven't chosen the location. I think
7 Boonville has been chosen; is that right?

8 A We've chosen the communities. And we're
9 in discussions with a number property owners now.
10 But I have no firm agreements yet with any of those
11 sites.

12 Q Your actual charging location, you will
13 not have an attendant there to assure safe use of
14 the fueling equipment?

15 A There will be no attendant.

16 Q Or to ensure compliance with safety rules,
17 no smoking, turn off vehicle?

18 A There will be no attendant there to do any
19 of those things.

20 Q Or to buy a fire extinguisher or anything
21 else?

22 A No.

23 Q There's also not access to food and
24 healthy snacks, other beverages, doughnut, coffee
25 or anything like that?

1 MS. JOHNSON: I have to object with regard
2 to relevance on that. It's a charging station and
3 not a vending machine.

4 JUDGE BUSHMANN: Overruled. You may
5 answer the question, sir.

6 A We've deliberately chosen the particular
7 potential sites that we have on the base of there
8 being a number of amenities and conveniences in the
9 immediate area that the drivers and their occupants
10 could occupy their time with.

11 Q (By Ms. Shemwell) And how close are those
12 to I-70?

13 A Ranging anywhere from a quarter of a mile
14 to three miles away.

15 Q The areas you've chosen, do you know how
16 many EV owners are there located within the
17 communities that you've chosen? We haven't
18 mentioned them specifically, so I can't refer to
19 them specifically.

20 A Would you -- would you like to know? I
21 mean --

22 Q Absolutely.

23 A Yeah. We're planning one in St. Louis
24 City, one in St. Charles, one in Warrenton.

25 Q As you go through those, can you tell me

1 **how many EV owners are in each area?**

2 A I can't.

3 **Q And another issue, particularly for me,**
4 **these will not offer rest rooms, the -- the**
5 **locations?**

6 A The -- the site host -- the site host
7 whose property these sit on will have rest rooms.

8 **Q And will they be 24-hour operations?**

9 A We are deliberately talking to site hosts
10 who offer 24/7 amenities.

11 **Q So this has not actually been firmed up**
12 **today?**

13 A No. We have no single agreement with the
14 site host yet.

15 **Q I would like to address your monitoring of**
16 **the safety of the equipment. How would Ameren**
17 **decide if the equipment had been vandalized? How**
18 **would you know that the equipment had been**
19 **vandalized?**

20 A The network manager whose services we're
21 purchasing, you know, for -- for monitoring the
22 health of these -- of these stations would be --
23 would receive a signal to the effect that a
24 charging station has been out of service.

25 They would proceed to go through a -- a

1 number of investigations remotely to see if
2 something non-physical was the problem. If they
3 could not determine remotely that there's a problem
4 with a vehicle, then we would approach our
5 maintenance partner to go investigate the site
6 physically.

7 **Q And how would you notify customers who**
8 **might be looking forward to charging at that**
9 **location that it was not operational?**

10 A The cell phone applications that I talked
11 about that all EV owners use in to order to also
12 provide information as to whether that charging
13 site is in service or even occupied by another
14 driver.

15 **Q So you could immediately notify other**
16 **drivers of a problem with the charging station**
17 **through apps if they're using their apps?**

18 A We would not be providing that
19 information. The web site app would be -- would be
20 providing that information to an EV driver who
21 brought the site up.

22 **Q What are the other locations? You**
23 **mentioned three.**

24 A West of Warrenton, we have Kingdom City
25 and then Boonville, and then we've also chosen

1 Jefferson City.

2 Q You didn't mention Columbia; is that
3 correct?

4 A That's correct. We don't have service
5 territory in Columbia.

6 Q Oh. What are you expecting the useful
7 life to be of these chargers, charging stations?

8 A We expect them to go 15 years, if not
9 more.

10 Q Is that based on your projection of
11 technology improvements in batteries?

12 A I don't understand the question.

13 Q Might improvements in battery range render
14 these stations obsolete?

15 A No. Not in a long distance setting. No.

16 Q You think these -- never mind. On page
17 23, how did you arrive at the conclusion that
18 Ameren's stations alone would induce 7,000
19 additional EV purchasers by 2031?

20 A First, we felt that if we built a long
21 distance corridor and truly enabled the electric
22 range that's inherent in electric vehicles today
23 and those in the future that will offer 200 miles
24 or more, we felt as though with that enablement,
25 that we would see EV adoption in the same snubs as

1 Missouri consumers showed us they adopted hybrid
2 electric vehicles when they first appeared on the
3 scene in the year 2000.

4 **Q So let me say that comparing hybrid to**
5 **electric vehicles is not apples to apples. Hybrids**
6 **can charge and do charge at gasoline stations.**

7 A The similarity is that we have in the
8 adoption of hybrid electric vehicles real consumer
9 data from real consumers regarding a new vehicle
10 technology that is about the most realistic
11 Missouri adoption of rates that we could fashion
12 and be confident that we were close to.

13 **Q How have you communicated the availability**
14 **of these vehicles to EV dealerships?**

15 A Communicated what to dealerships?

16 **Q Well, if you're going to promote EV**
17 **adoption, that means purchase of EVs, correct?**

18 A Uh-huh. Yes.

19 **Q So to promote EV adoption, the dealer has**
20 **to tell the consumer something that interests them**
21 **in buying an EV, right?**

22 A Yes.

23 **Q And would you agree with me that the cost**
24 **of fuel might be an important issue?**

25 A Absolutely.

1 Q You discussed time of use rates. If a
2 customer understood that they could save on their
3 electric bill substantially by charging at night,
4 do you think that would be important to their
5 decision to buy an electric vehicle?

6 A No.

7 Q Reducing their electric rate would not be
8 important to their decision to purchase?

9 A Not relative to the savings that would
10 certainly incent them when it comes to comparing
11 the cost of fueling with gasoline and making that
12 change to fueling with electricity, to say nothing
13 of the annual maintenance savings associated with
14 the vehicle, too.

15 Those levels of savings make what could be
16 saved by adopting a time of use rate, which is a
17 home charging consideration, not a long distance
18 charging consideration. The savings going from
19 gasoline to electricity and in annual maintenance,
20 those savings pale to in comparison to what an EV
21 owner could save by getting onto a time of use
22 rate.

23 And time of use rates incent those who
24 already own an electric vehicle to change their
25 charging behaviors at home.

1 Q Changing charging behaviors at home,
2 however, has benefits to the grid or off peak
3 charging?

4 A Yes.

5 Q Benefit to all other customers for off
6 peak charging. Just a load building activity.
7 Increases electric use in the home. And you can
8 increase that use during non-peak times, which
9 benefits shareholders?

10 A (Witness nods.)

11 Q You need to answer verbally, please, sir.

12 A Yes. That is true. All of that is true.

13 Q And it could impact environmental concerns
14 by charging during off peak times?

15 A I'm not -- I'm not sure how that would
16 come about. But --

17 Q Well, if the grid could employ less carbon
18 intensive generation facilities during off peak
19 times, that could reduce carbon emissions?

20 A Okay.

21 Q Is that a yes?

22 A Yes.

23 Q Has Ameren discussed with EV car
24 dealerships how they would promote EV purchase?

25 A No.

1 Q So you don't know if the difference in
2 fuel cost is one of the considerations that they
3 discuss with customers?

4 A I only know from the experience of
5 employees and Ameren Missouri customers who have
6 told me.

7 Q How many Ameren employees own EVs?

8 A It's over 30 now.

9 Q And those employees charge, typically, at
10 home or at Ameren's parking lot?

11 A Yes.

12 Q Do you think most people understand the
13 components of their Ameren electric bill?

14 A No.

15 Q Do you think implementation of this
16 program will stabilize Ameren's rates?

17 A I don't understand the question.

18 Q Will Ameren's rates stabilize as a result
19 of customers charging at these EV stations?

20 MS. JOHNSON: I would have to object that
21 this goes beyond the scope of his testimony. He's
22 talked about the impact the investment would have
23 on rates. But we're getting a little far afield on
24 how it affects the rates in total.

25 JUDGE BUSHMANN: He can answer if he

1 knows.

2 A I'm -- I'm still not comfortable with my
3 lack of understanding of the question.

4 Q (By Ms. Shemwell) We agree that this is a
5 load building activity, correct?

6 A Yes. Yes.

7 Q All EV charging is?

8 A Yes.

9 Q Home, business, wherever? Ameren
10 receives --

11 A Corridor.

12 Q Thank you. Ameren receives 100 percent of
13 the revenues from that charging activity?

14 A Yes.

15 Q Either at home or away from home?

16 A Yes.

17 Q Will installation of these stations help
18 stabilize Ameren's rates?

19 A Installation of these stations will help
20 apply downward pressure of rates for all utility
21 customers.

22 Q Can you estimate that downward pressure?

23 A Yes. We -- in fact, we did.

24 Q Okay. Thank you. You estimated two uses
25 per day per charging station, right?

1 A In the first year.

2 Q Okay. And talking about learning
3 opportunities to Ameren, you were not suggesting
4 that Ameren lacks expertise on getting easements or
5 rights-of-way?

6 A No.

7 Q In a couple of places, you -- you used the
8 term -- like at the bottom of page 3, This is a
9 pilot program for fueling electric vehicles,
10 correct?

11 A Yes.

12 Q And you talked about electric fueling
13 charges, page 5?

14 A What line?

15 Q 17.

16 A Yes.

17 Q You agree with me that Ameren's generation
18 portfolio is about 95 percent fossil fuel based?

19 A I know it's a majority. I don't know what
20 the percentage is.

21 Q Has Ameren specified the data it intends
22 to collect from anything it might learn from these
23 charging stations?

24 A We wrote data specifications into the RFP
25 that we wrote. And those were satisfied.

1 **Q You're saying the RFP requires your**
2 **provider to give you certain data?**

3 A Yes. We -- we indicated in the RFP that
4 we wanted particular data that would provide us
5 insight on the traffic on the plugs and -- and --
6 and other things.

7 **Q Thank you. You anticipate that**
8 **installation of these charging stations would**
9 **permit Ameren to retire the fossil fuel plants**
10 **during the next ten years?**

11 A No.

12 **Q If you are successful in reaching the**
13 **\$7,000 EV adoption -- I believe it was ten years;**
14 **is that right? Ten years?**

15 A 7,000 cars.

16 **Q 7,000 cars within the ten years?**

17 A 15. 15 years.

18 **Q What would be the effects on reduction of**
19 **carbon emissions in Ameren's territory?**

20 A There would be a net decrease in -- in --
21 the region's carbon footprints. No reduction in
22 our emissions.

23 **Q And we agree that EVs themselves do not**
24 **emit any carbon?**

25 A Battery electric vehicles do not.

1 Q Battery electric vehicles. What did I
2 say? Electric vehicles?

3 A Plug in hybrid electric vehicles emit
4 carbon.

5 Q Okay. I was --

6 A Battery electric vehicles do not.

7 Q Okay. I misspoke. Thank you. Do you
8 agree with the figure that there are only about
9 half a million electric vehicles in the United
10 States today?

11 A It's over 550,000. But yes, that's close.

12 Q I have the figure 530,000 in the entire
13 United States today?

14 A That's very close.

15 Q I think it was Noah Garcia that indicated
16 in his testimony that customers purchased
17 17 million new vehicles last year. That may have
18 been 2015. Do you agree with that?

19 A I -- I don't know what the number is.

20 Q Okay. Do you question that that might be
21 the number?

22 A No.

23 Q I need just a moment, please. If I might
24 just look through my notes for just a second,
25 please. Mr. Nealon, are you considering buying a

1 Bolt just to --

2 A I was until I bought a Leaf.

3 Q How long a life, useful life, does the
4 Leaf have? How long will the battery last is my
5 question.

6 A It's warrantied for eight years and
7 100,000 miles. At least that long.

8 Q And if you're driving anywhere besides the
9 I-70 corridor, will you be able to find DC fast
10 charging along any of the other corridors that lead
11 out of St. Louis?

12 A No.

13 Q Are you able today to know the charging
14 habits of your current EV customers, what time of
15 day they charge, how long?

16 A No.

17 MS. SHEMWELL: I think that's all I have.
18 Thank you.

19 JUDGE BUSHMANN: Questions by
20 Commissioners?

21 CHAIRMAN HALL: A few.

22 CROSS-EXAMINATION

23 BY CHAIRMAN HALL:

24 Q Good afternoon.

25 A Good afternoon.

1 Q You -- you indicated in your responses to
2 some questions from Counsel for Charge Point that
3 Ameren did consider the Make Ready system, but
4 chose not to employ that system; is that correct?

5 A Yes.

6 Q Why is that?

7 A Given that we were -- we are so close --
8 well, now we're in 2017. But at the time we made
9 the decision, we knew that we were going to see for
10 the first time battery electric vehicles in the
11 \$30,000 range that offered electric driving ranges
12 of 200 miles or more for th first time ever.

13 What we realized, and the reason this is
14 an urgent matter for us, this is because we think
15 that this is the start, not the end, but the start
16 of a real breakthrough in electric vehicles to the
17 effect that Missouri consumers are going to be
18 thinking about owning an electric vehicle and
19 driving long distance in the same mental sentence
20 for the first time.

21 What a lot of these new owners, these Bolt
22 owners, are going to expect is that that distance
23 is going to be enabled by charging means regardless
24 of whether where they drive, and they're going to
25 be mistaken.

1 There is a severe lack of charging station
2 connectivity and DC fast charging means along
3 Interstate corridors that is -- that represents a
4 distinct infrastructure gap whether the vehicle
5 barriers to consumer adoption are -- are going
6 away.

7 And so -- and so as a result, we didn't
8 want to take the time to find customers along I-70
9 who were willing to spend up to \$100,000 to own
10 charging stations on -- on their properties.

11 That's why we figured it would be far
12 faster and this infrastructure gap would be closed,
13 at least on I-70, far quicker if we assumed the
14 ownership operation and maintenance responsibility
15 of those items ourselves.

16 **Q But isn't that the future? I mean, isn't**
17 **the future -- 30 years from now, isn't the future**
18 **that we're going to see charging stations at gas**
19 **stations all along I-70? Isn't that what most**
20 **educated folks believe?**

21 A Absolutely, Chairman. Yes.

22 **Q Okay. Well, if that is the future, should**
23 **we not have a -- strike that. Okay. Tell me if**
24 **this type of system would work. And I believe it's**
25 **similar to a Make Ready system, but it's different**

1 in certain ways.

2 If we were to eliminate the tariff that
3 prevents sale for resale, then we were to institute
4 a tariff for charging stations that was significant
5 -- either at cost or even below cost and call it a
6 pilot and then set up a tariff that had some kind
7 of at cost or reduced cost for -- for connection,
8 and then open it up to the market and say, I'll
9 come, I'll offer, I'll come play, What -- why would
10 that -- why would that not work? I guess your
11 answer is that it's a short-term versus long-term
12 issue.

13 A Yes. The future that you speak of
14 actually is beginning right now. And there has
15 been no private sector involvement that has
16 expressed any interest to Ameren about installing a
17 long distance travel corridor charging network in
18 the least.

19 Q But isn't it possible that the private
20 sector might be aware of the same trends that you
21 are and they might realize that there is a niche
22 market and that by offering charging services at
23 your -- at -- at a gas station, for example, or a
24 McDonald's along I-70 that that would attract
25 customers and that would solve the infrastructure

1 **gap that you've identified in your testimony?**

2 A That would. I just wonder where those
3 players are.

4 Q Well, hopefully, they're listening. You
5 indicated a number of benefits to -- to ratepayers
6 from the -- from the charging systems. And most of
7 them, I believe, are difficult to quantify.

8 But -- but the one that I think can be
9 quantified and -- and you indicated in
10 cross-examination that you have quantified it, and
11 that is the -- the -- the benefit to the grid. Is
12 that -- is that correct? Or did I misunderstand
13 your testimony?

14 A I did. Yes. There are -- there are grid
15 benefits.

16 Q **And those can be quantified?**

17 A In -- in terms of -- it would be
18 difficult, I think?

19 A Well, are the grid benefits that you're
20 referring to the benefits associated with -- with
21 reliability or smoothing of -- of demand at
22 different times or as it gets to the --

23 Q **Yes.**

24 A Yeah. I would say that would be very
25 difficult to -- to quantify. Though we would --

1 I will say in thinking about it some more that we
2 would get an idea of -- of what the energies and
3 the demands were, you know, based on the traffic
4 that we see at all of those islands as a means of,
5 you know, determining whether or not the degrees to
6 which peaks increase or valleys are -- are evened
7 out and things of that nature.

8 **Q But could you determine a benefit to**
9 **ratepayers in terms of reduced rate by -- by**
10 **increased load?**

11 A Yes. We did calculate that.

12 **Q Where did you calculate that?**

13 A It's in my direct. I'm sorry. I didn't
14 know I was so wordy. Page 26. The 15-year net
15 present value of downward pressure upon rates as a
16 result of pre-conserved adoption increases that we
17 would see by enabling the long distance
18 capabilities in EVs is \$3.63. Line 9, per
19 residential utility customer.

20 The cost of that to utility customers in
21 the first four years is less than a penny per
22 month, per year for the first four years.

23 So a total cost of under 45 cents total
24 per customer in order to garner in that present
25 value -- 15 year, that value, that's downward

1 pressure of \$3.63.

2 Q Over a -- over a 15-year time period?

3 A Yeah. That's a 15-year net present value.

4 Q And that's assuming that the six islands
5 are -- are constructed and functioning for the --
6 for the 15-year time period and no other charging
7 stations are -- are put in place by Ameren?

8 A Correct. Yes.

9 Q Do you know, did any other witness for
10 another party contest that calculation?

11 A I believe that in OPC's rebuttal
12 testimony, I believe that it was alleged that it
13 would be very difficult to speculate on the
14 increased adoption that would result from our
15 building this long distance corridor.

16 Q Do you -- do you believe that the -- the
17 price that -- that's contained in the -- in the
18 tariff that's at issue here is below cost or above
19 cost?

20 A It is above cost. Let me -- sorry to
21 speak so soon. Are you -- are you talking about is
22 that rate similar to -- how does it compare to an
23 existing residential rate per kilowatt hour? Is
24 that what you're asking?

25 Q No. And it's my fault. That was a poorly

1 worded question. In terms of the cost to -- to
2 produce an offer that -- that service, how does the
3 price that you would receive from the customer
4 compare? Are you losing money on the -- on the
5 transaction? Or are you making money on the
6 transaction?

7 A Well, because adoption will continue to
8 increase over the years, in the -- in the first,
9 again, in the first four years, the -- the -- the
10 charge that -- the fee that the driver will pay
11 results in an under-earning situation. In Year 5,
12 that begins correcting itself. The see-saw goes
13 the other way. And free and clear downward
14 pressure begins then in Year 7.

15 Q How does -- if -- if a third party wanted
16 to offer this service and it would be a competitor
17 of yours, of -- of Ameren, and are you aware of
18 what its -- what its cost structure would be
19 generally and whether or not it could offer a price
20 identical to yours and still make money?

21 A We are skeptical that today any private
22 sector player could come in and install these
23 charging stations and expect a quick payback at
24 all.

25 Q I understand that. But I'm speaking

1 specifically about a quick payback at the price
2 that you are seeking. Could they -- were there --
3 is there an economic incentive for any other
4 competitor to come in and seek the same price or
5 offer the service for the same price that you are
6 asking us to -- to allow?

7 A They would likely not be making money at
8 that price.

9 Q So wouldn't -- if we approached the tariff
10 that's at issue here, would we not be -- would that
11 not be an anti-competitive move?

12 A It would not. And -- and the reason is
13 the thing that will make a private sector's
14 business case in a long distance EV charging
15 service viable is larger volume of electric
16 vehicles relative to what we see today.

17 I think as a result of our building this
18 corridor and hoping to spur that adoption that we
19 are actually advancing the point at which it
20 becomes viable for a private entity to come and do
21 the same thing.

22 Q Well, but I -- I understand why that is a
23 necessary component of an active, free, competitive
24 environment. I understand why that -- that demand
25 is a -- is a necessary component. But isn't --

1 **isn't there also a necessary component that the**
2 **price be competitively set?**

3 **So if a third party was interested and**
4 **offering this service, but they could not make a**
5 **profit and be at a competitive with your price, why**
6 **would they enter the market?**

7 A They likely wouldn't enter the market at
8 the same time that we did.

9 Q **Well, and that's why it occurs to me that**
10 **-- that approving the tariff with this price would**
11 **be anti-competitive.**

12 A Again, there has -- there has been no --
13 there's been no private sector player who has even
14 intimated of an interest in -- in -- in doing this.

15 We submit there is no competition out
16 there. There is no one interested in deploying a
17 long distance charging network.

18 Now, we feel as though on the basis of our
19 doing so and -- and having a discernible and
20 positive effect on EV adoption that we can
21 actually, again, advance the date when another
22 private sector, you know, could make this work.

23 Q **The -- the useful life of this equipment**
24 **is 15 years, is that correct, the -- the charging**
25 **station equipment?**

1 A Yes.

2 Q Yet what you're proposing here is a
3 three-year pilot program; is that correct?

4 A A three-year study period.

5 Q What happens in Year 4 to -- to the
6 equipment?

7 A We will just continue to operate it.

8 Q Without a tariff?

9 A I'm not -- I -- I don't feel qualified to
10 answer what would be necessary to continue in Year
11 4 with offering the same service.

12 Q I feel compelled just to -- just to make a
13 -- a comment which is not really a question. And
14 it's not really even appropriate, but I'm going to
15 do it anyway.

16 And that is, I mean, I am -- I am somewhat
17 skeptical of how this tariff might fit into a
18 competitive environment for charging stations.

19 Having said that, I very much appreciate
20 Ameren's interest in -- in -- in looking at the
21 issue and being interested in it. I think it's
22 forward-looking. I don't know where I'm going to
23 come down on -- on the appropriateness of -- of a
24 tariff in this environment.

25 But I just -- I am -- I've asked a lot of

1 pointed questions, and I -- I just -- I think it's
2 important to note that I -- I very much appreciate
3 Ameren's interest in looking at this -- this
4 particular type of project. I have no further
5 questions.

6 COMMISSIONER STOLL: No questions. Thank
7 you.

8 CROSS-EXAMINATION

9 BY COMMISSIONER KENNEY:

10 Q Hello.

11 A Hi.

12 Q Who makes a Leaf?

13 A Nissan.

14 Q Nissan. Nissan Leaf. Well, for full
15 disclosure, I have a gas guzzling four-door pickup.
16 But my wife has a 4C Max Hybrid.

17 A Excellent.

18 Q So she balances my carbon footprint. And
19 my daughter ordered a Tesla. I think it gets
20 delivered in 2018.

21 A Very good.

22 Q What is a plug in hybrid? I've never
23 heard of a plug in hybrid.

24 A A plug in hybrid electric vehicle is a --
25 is a vehicle that takes both electricity and

1 gasoline as fuel.

2 Ameren has -- has owned a Chevy Volt for
3 many years since 2010. And the way it operates is
4 that it has a -- I believe a 16 kilowatt hour
5 battery that allows for a 35 to 40 mile electric
6 range after being fueled electrically.

7 The driver will operate 100 percent of the
8 time under electric propulsion running on electric
9 fuel until the battery is depleted after which the
10 -- the vehicle throws over automatically to
11 combustion engine gasoline propulsion power, which
12 provides another 300 plus miles of range.

13 It has sold so well because it allows the
14 consumer public to take what I'll call baby steps
15 in -- in adopting electric transportation
16 technology with the comfort of knowing that it can
17 still travel 400 miles plus with both fuels.

18 **Q For my wife's, it's a combination that**
19 **works in conjunction with one another. And the bat**
20 **-- the engine recharges the batteries as she moves.**

21 A Yes. Yeah.

22 **Q And then it runs?**

23 A That is standard on -- on all plug in
24 hybrids that are battery electric.

25 **Q You said standard in all plug in. I**

1 thought you just said plug in electric hybrids run
2 all electrical and then they switch over to gas?

3 A Then they switch over to gas, yes.

4 Q Where my wife's does not do that. It goes
5 back and forth. And you can see on the transfer
6 case electric or gas. And you don't plug it in.
7 It just charges -- recharges the battery system.

8 A So a -- not a -- a hybrid electric
9 vehicle.

10 Q It's just a hybrid.

11 A Got it.

12 Q So that's the difference, right?

13 A Yes.

14 Q Okay. In your testimony, I've been trying
15 to -- the number of vehicles, I believe on page 11
16 of your direct, you mentioned that just the number
17 of electric vehicles in our state from 2011, the
18 percentage of registered vehicles in the state of
19 Missouri that were EV are .18 of 1 percent.

20 So in perspective, that is less than one
21 out of every 500 vehicles that's registered in our
22 state are EV?

23 A Correct.

24 Q And Ameren believes that by 20 -- what
25 year it's going -- what's that increase going to

1 take off? What's Ameren's belief? What time
2 frame?

3 A 37,000 vehicles --

4 Q What --

5 A -- by 2030.

6 Q I just -- one out of 500. Less than one
7 out of 500 right now. Are we talking five of 500?
8 Ten out of 500? Do you have a percentage?

9 A Of -- of what 37,000 is?

10 Q Well, what -- what number in -- that .18
11 of 1 percent since 2011, how many vehicles is that?

12 A In Missouri, there are just over 3,000
13 electric vehicles registered in the state of
14 Missouri.

15 Q So since 2011, registered vehicles, it's a
16 little over 3,000?

17 A Yes. In Missouri. Just over 2,000 in our
18 service territory.

19 Q Since 2011, is that the percentage of
20 registered vehicles in the state?

21 A .18 percent of new vehicle registration.
22 so -- so purchases s since 2011.

23 Q Okay.

24 A Purchases.

25 Q And that -- and that number is expected to

1 go from 2000 -- under 3,000 to what number?

2 A Again, three thousand registered in the
3 state now. We believe by enabling the -- the
4 electric range capability in these vehicles to be
5 driven long distance indiscriminately that adoption
6 will get as high at 37,000 vehicles compared --
7 compared to 3,000 today.

8 Q And what date?

9 A 2030.

10 Q Okay.

11 A Fifteen years.

12 Q So it will be ten fold in 15 years?

13 A Yes.

14 Q Okay. So it will go to -- still be less
15 than 10 percent of the vehicles on the road?

16 A Oh, yeah. Yes.

17 Q Okay. How many miles -- your Counsel for
18 KCP&L brought up -- how many miles does a Leaf get?
19 Like my -- my range is 450 miles on my truck.

20 What's your range?

21 A The EPA electric range of my 2017 Nissan
22 Leaf is 107 miles.

23 Q Did you -- why did you buy that vehicle?

24 A Because of the incentives and because my
25 wife had totaled our van -- our only other vehicle.

1 **Q The truth comes out.**

2 A Yeah. Yeah. A couple of weeks before.
3 So we were in a position where we needed a new
4 vehicle. I was -- I was set on, frankly, looking
5 at the 2017 Chevy Bolt for its 230 or 40 mile
6 range, but, indeed, the Nissan Leaf was what we
7 ended up choosing more out of necessity than --
8 than anything else. But I'm very happy with the
9 purchase.

10 **Q Did you buy that with the expectation of**
11 **driving to Jefferson City quite often?**

12 A Provide we get approval to build charging
13 stations along I-70, yes.

14 **Q Oh, so this is self-serving. You're in**
15 **charge of this project.**

16 A In part. In part, yes, it is.

17 **Q I mean, but if I had a -- a -- an electric**
18 **EV, I wouldn't be planning on making trips further**
19 **-- I mean, because I -- I mean, you've got to stop**
20 **and -- it's just a hassle to stop and charge that**
21 **long anyway.**

22 But you did say something, so -- that
23 brought interest to me. When someone plugs into
24 your station, whether they're there for 30 minutes
25 or -- 30 minutes or longer, they're paying by the

1 minute. Once that thing shuts off at 30 minutes or
2 whatever, they're still paying regardless by being
3 plugged in?

4 A At the DC fast chargers, yes.

5 Q At the DC fast chargers. So they're
6 paying for the plug in, not necessarily the
7 electricity?

8 A Yeah. They're paying for -- for plug in
9 time.

10 Q Just plug in time?

11 A Yes.

12 Q So if they're on that thing for three
13 hours, they're paying for three hours of plug in
14 time?

15 A That, they are. And we're confident that
16 virtually no one will. We're incenting velocity,
17 you know. As soon as a vehicle is done charging at
18 these DC fast chargers, we -- they will, after they
19 swipe their magnetic card, have the option of
20 entering in a cell phone number that will receive a
21 text message when the vehicle has finished charging
22 letting them know precisely when charging is done.

23 Q Now, is that -- is that -- so is there a
24 -- is there a maximum amount of time you can charge
25 your vehicle? Like a DC fast charger, you charge

1 it for -- like on your vehicle -- like a Chevy
2 Volt, if they're empty, they could be on there for
3 an hour and a half and get their 230 miles back up,
4 right?

5 A Yes.

6 Q Could they do -- can they do that if they
7 wanted to do that, stop at a restaurant, go have
8 lunch and keep it charging for an hour and pick up
9 another hour and a half -- or 130 miles worth or
10 140 miles worth?

11 A Yes. That's the idea. Precisely the
12 idea.

13 Q Okay.

14 COMMISSIONER KENNEY: All right. Thank
15 you.

16 CROSS-EXAMINATION

17 BY COMMISSIONER RUPP:

18 Q I just wanted to remind you that you are
19 under oath. So if your wife reads this testimony,
20 will she agree with everything that you said?

21 A I just hope she's not watching it on the
22 -- on the Internet.

23 Q I'm sure -- I'm sure she is. But it's
24 like, you know, probably the kids are home from
25 school and they're all huddled around the computer

1 monitor. I know that's where mine are.

2 So in the opening statement, the attorney
3 for Staff stated that they believe that like your
4 Tesla fast charging stations right now are
5 operating illegally in the state. Do you or your
6 company share that opinion?

7 A I am not qualified to say. I don't feel
8 qualified to say being an engineer and not knowing
9 anything about regulatory statutes or legal
10 questions.

11 Q After you're free of your pilot program
12 and you continue to -- you wish to continue to use
13 this and if you didn't have a tariff under the
14 current frame work of Missouri regulations, would
15 you be operating illegally in the state if you were
16 to continue past those three years without a
17 tariff?

18 A I have no idea. That would be a question
19 for Tom Byrne, who is coming up later.

20 COMMISSIONER RUPP: All right. Yeah.
21 That was all I had.

22 JUDGE BUSHMANN: Commissioner Coleman, do
23 you have any questions?

24 COMMISSIONER COLEMAN: Yes. Thank you.

25 CROSS-EXAMINATION

1 BY MS. COLEMAN:

2 Q Mr. Nealon, you were answering a question
3 earlier about where the six charging stations were.
4 I think that what I heard you mention, six. But I
5 only remember St. Charles, Warrenton and St.
6 Charles. Where -- what were the other ones?

7 A Heading from east to west, St. Louis City,
8 St. Charles, Warrenton, Kingdom City, Boonville,

9 Q Boonville?

10 A And then one here at Jefferson City.

11 Q Okay. So Commissioner Kenney touched upon
12 some of the questions that I had because you had
13 noted that you were a Leaf owner that was looking
14 at buying a Bolt, but now, of course, had changed
15 your mind because you're okay with what's going on
16 with your Leaf.

17 And my question was going to be that,
18 evidently, when you first bought this Leaf, your
19 intent was strictly to travel around the St. Louis
20 area? Is that appropriate -- correct?

21 A Yes. It -- with 107 miles of range, the
22 Nissan Leaf in the absence of any travel cording --
23 or travel corridor charging means, that is, indeed,
24 a commuter vehicle.

25 At home, though with -- it's -- it's my

1 wife, and we do have a second car. And I was at
2 the Boonville hearing just a couple of days ago,
3 and I had to ask my wife to -- for permission to
4 drive her gasoline car there.

5 COMMISSIONER COLEMAN: All right. Thank
6 you. That's all.

7 CROSS-EXAMINATION

8 BY COMMISSIONER KENNEY:

9 Q I do want to follow up -- excuse me,
10 Judge. Thank you. I did want to follow up. I did
11 have one follow-up. Have you -- since going to
12 Boonville, halfway to Kansas City, have you
13 discussed anything with any other utilities about
14 continuing this -- this charging network?

15 A Yes. Yes, indeed. There are about 90
16 miles of I-70 west of Blackwater that are not in
17 our service territory, so we have been in the
18 discussions with K C P&L about the prospect of
19 finish -- finishing what we're trying to start.

20 Q Because I think they go as far as -- right
21 now as far as Blue Springs with a fast charger --

22 A Yes.

23 Q -- if I recall right?

24 A Yes. In the -- in the western part of the
25 state, the easternmost fast charger is in Blue

1 Springs. And in our service territory in the
2 eastern part, the furthest west is Wentzville.

3 Q And I'm glad you were at that hearing in
4 Boonville because that Commissioner that was there,
5 one of the things he mentioned at that local public
6 hearing that he was looking forward to that
7 electrical transport station.

8 A Yes. Yes. That was exactly what he was
9 referring to.

10 Q A transport station.

11 A Dr. Dan. Yeah.

12 Q I didn't know if we were talking Back to
13 the Future or what.

14 A He was referring to the charging island
15 that we're -- that we would like to -- to install
16 in the City of Boonville.

17 JUDGE BUSHMANN: Okay.

18 COMMISSIONER KENNEY: Thank you, Judge.

19 JUDGE BUSHMANN: Recross based on Bench
20 questions? Commission Staff?

21 MS. PAYNE: No questions, your Honor.

22 JUDGE BUSHMANN: Charge Point.

23 RE CROSS EXAMINATION

24 BY MR. COMLEY:

25 Q You have a Leaf Nissan; is that correct?

1 A Yes.

2 Q Would you have privileges at Nissan
3 dealerships in St. Louis to go and have fast charge
4 services at those Nissan dealerships because you
5 own a Nissan?

6 A Yes. In fact, I've done so already.

7 Q How many Nissan dealership are within, I'd
8 say, a 50 mile range of -- of St. Louis Center? Do
9 you know?

10 A I don't.

11 Q Do you know Bommarito Nissan?

12 A Bommarito Nissan West County is my dealer.

13 Q And -- and you can go there and get fast
14 charging; is that correct?

15 A Yes. And I have already.

16 Q And that's located in Ballwin; is that
17 correct?

18 A Yes.

19 Q Have you ever been to St. Charles Nissan
20 in St. Peters?

21 A No.

22 Q But do you have privileges at a Nissan
23 dealership if it was in St. Charles?

24 A I don't know.

25 MR. COMLEY: That's all.

1 JUDGE BUSHMANN: Consumers Council?
2 Kansas City Power & Light?

3 MR. FISCHER: Just briefly.

4 RE CROSS EXAMINATION

5 BY MR. FISCHER:

6 Q In answer to Commissioner Kenney's
7 question, you mentioned that there were incentives
8 related to the Leaf. Are you familiar with the
9 substantial incentives related to the Leaf from the
10 manufacturer and, also, Federal tax credits?

11 A Yes.

12 Q Would you explain to the Commissioner what
13 those incentives are like, relatively speaking?

14 A The -- the federal tax?

15 Q And, also, the rebates that you might
16 receive from the manufacturer on a Leaf.

17 A Okay. Well, there are no rebates that I
18 took advantage of with regard to the Leaf from --
19 from Nissan. However, Nissan, through March 31st
20 of this year, is offering \$10,000 off of the MSRP
21 for its 2017 model to all Ameren Missouri employees
22 and customers.

23 As fate would have it, I -- I heard about
24 this \$10,000 on the day that my wife had her
25 accident and -- and we totaled our van. So for me,

1 it was an extremely timely thing.

2 So \$10,000 off MSRP for any Ameren
3 customer. The Federal Government offers a \$7,500
4 Federal tax credit based on the size of the
5 propulsion battery of both plug in hybrid electric
6 vehicles and -- and battery electric vehicles.

7 So that alone was -- represented about a
8 \$17,500 incentive between those -- between those
9 two things.

10 And -- and, again, all Ameren customers
11 are -- can take advantage of that for the 2017
12 Nissan Leaf through March 31st.

13 **Q So after those incentives and tax rebates,**
14 **what would typically be the cost of a Leaf today?**

15 A With 17,500 taken off?

16 **Q Yes.**

17 A About \$17,000.

18 MR. FISCHER: Thank you.

19 JUDGE BUSHMANN: Division of Energy.

20 MR. ANTAL: No questions. Thank you.

21 JUDGE BUSHMANN: NRDC?

22 MR. ROBERTSON: No questions.

23 JUDGE BUSHMANN: Sierra Club?

24 MR. HALSO: No questions.

25 JUDGE BUSHMANN: Public Counsel?

1 MS. SHEMWELL: Thank you.

2 RECROSS EXAMINATION

3 BY MS. SHEMWELL:

4 Q Do you know how many people have taken
5 advantage and purchased a new Leaf as a result of
6 the incentives?

7 A No.

8 Q We've agreed that most customers charge at
9 home?

10 A Yes.

11 Q The Chairman was asking you about the
12 benefits to the grid that might result from the
13 installation of these charging stations. Would you
14 also agree that time of use rates provide benefits
15 to the grid?

16 Let me -- let me rephrase. Effective time
17 of use rates that encourage off peak charging
18 provide benefits for the grid?

19 A Yes, they do.

20 Q Time of use rates that encourage off peak
21 charging of, let's say, not only EVs, but electric
22 use in general would be considered forward looking?

23 A Yes.

24 Q Increased load during off peak hours is
25 one of those grid benefits?

1 A Yes.

2 Q Reduction in peak pricing would be a grid
3 benefit? Peak usage would be a grid benefit?

4 A A time of use rate would likely decrease
5 peak usage.

6 Q Thank you. And that would decrease the
7 possibility of price hikes during peak times?

8 A Well, we don't change our price during --
9 during high peak times.

10 Q Does that increase the grid?

11 A I don't know.

12 Q The benefit of it to increase load is
13 almost entirely dependent on home charging?

14 A Say it again. I'm sorry.

15 Q The benefit of increased load is almost
16 entirely dependent on home charging?

17 A Yes.

18 Q We're making an assumption here -- I think
19 this is in response to one of Commissioner Hall's
20 questions -- that EV adoption will occur; is that
21 right?

22 A It will occur by itself with an added
23 component if we build our charging corridors as
24 well, yes.

25 Q And the added component could also be a

1 very attractive time of use rate?

2 A I don't understand the question.

3 Q Adoption will increase, we're assuming,
4 with your charging station. We could also assume
5 that it would increase if customers could lower
6 their electric bills by charging during off peak
7 times?

8 A Yes.

9 Q In other words, a fuel cost decrease is
10 what I'm trying to get at. That's okay. I'll
11 strike that.

12 So Commissioner Kenney mentioned his
13 daughter, I believe, has bought a new Tesla. Do
14 you know the average -- or the battery life of the
15 new Teslas?

16 A No.

17 Q He mentioned that his wife drives a
18 vehicle that never needs a charging station. Do
19 you remember that comment and discussion?

20 A Oh, because she has a hybrid electric
21 vehicle as opposed to a plug in?

22 Q Right.

23 A Yes. Okay. Yes.

24 Q We can't sit here and predict whether or
25 not that will be the choice of the future as

1 **opposed to a plug in electric. We can't know?**

2 A The question --

3 **Q I'm saying we can't know. We can't really**
4 **speculate that EV battery charging -- charged**
5 **vehicles might be more attractive to customers than**
6 **one that doesn't require a plug in?**

7 A It -- it would be difficult to tell.

8 **Q Your 107 mile Leaf battery is not typical**
9 **of the EVs that Ameren customers currently drive,**
10 **the battery life in those vehicles, right?**

11 A It is typical for any Leaf owner.

12 **Q But other EV owners probably have a**
13 **40-mile battery life?**

14 A Plug in hybrid electric vehicle owners
15 have closer to a 40 -- 40 mile or -- or even less
16 driving range.

17 **Q And just a quick point I would like to**
18 **distinguish between the Chevy Volt, which has about**
19 **a 40-mile range and the new Bolt, which has just**
20 **come out this year, right?**

21 A Yes.

22 **Q That has an estimated 230 mile battery**
23 **life range?**

24 A Yes.

25 MS. SHEMWELL: That's all I have. Thank

1 you.

2 JUDGE BUSHMANN: Redirect by Ameren
3 Missouri?

4 MS. JOHNSON: Thank you.

5 REDIRECT EXAMINATION

6 BY MS. JOHNSON:

7 Q I just want to -- I have a few questions.
8 One thing I wanted to follow up on was the
9 difference between the Volt and the Bolt. Just so
10 we're absolutely clear, which one starts with a V
11 and which one starts with a B? Like V as in Victor
12 and B as in Bob. Can you describe them and what
13 the equivalent mileage is for those?

14 A The Chevy Volt, which was introduced to
15 the market in -- in 2010 is considered a plug in
16 hybrid electric vehicle. It fuels with electricity
17 and gas. There's an initial electric range of
18 roughly 35 miles, after which there is a gasoline
19 powered range of 350 miles or so thereafter. It
20 requires fueling with both gasoline and
21 electricity.

22 The Chevy Bolt is Chevrolet's first mass
23 market battery electric vehicle which fuels only
24 with electricity and, remarkably, is -- is offering
25 for the -- for the first time a 230 to 240 mile

1 range at a cost point in the mid 30,000s.

2 Q Okay. Thank you. I just wanted to make
3 sure that that was clarified for the record. I
4 want to ask why there was some discussion regarding
5 the potential need to replace the stations as new
6 technologies have developed. Do you really
7 consider this a concern?

8 A Not at all. The reason I don't is -- is a
9 couple of reasons. You know, these charging
10 stations are -- are relatively simple devices that
11 we've had them installed at -- at our -- at various
12 work locations since 2011 and have never had
13 problems to speak of.

14 In fact, they're Charge Point units, and
15 they're outstanding. They're outstanding pieces
16 of hardware.

17 The other -- the other reason that I don't
18 think there's really a concern is because the plugs
19 that we're offering between the DC fast chargers
20 and these much slower Level 2 AC chargers are --
21 are industry standard plugs.

22 What the vehicle industry did right before
23 electric vehicles came out is they standardized on
24 -- on a discreet number of plugs that would remain
25 in existence for years and years and years. We are

1 offering every possible plug associated with every
2 commercially available vehicle in the United States
3 with each one of these charging islands in the
4 interest of offering a truly public service in a
5 long distance setting.

6 We expect that -- we know that all
7 vehicles up until now and the electric vehicles
8 that are produced years from now will all be able
9 to use these charging islands lands for -- for at
10 least 15 years. We're very, very confident in
11 that.

12 **Q Thank you. Kind of going, also, to the**
13 **questioning regarding time of use rates, why do you**
14 **feel that that is not really relevant to Ameren**
15 **Missouri's proposal?**

16 A The idea in the application of time of use
17 rates is a responsible thing to do. But it is a
18 home charging concern. Totally out of scope with
19 what we're proposing in the long distance corridor
20 setting.

21 Long distance drivers traveling on the
22 Interstate are not going to concern themselves with
23 what time they show up at a -- at any fueling
24 station to fuel.

25 And if nothing else, they're concerned

1 with what time they're going to arrive at their
2 destination, wherever it is that they're going.

3 And so it really doesn't make a lot of
4 sense to incorporate in case -- this is what the
5 design was to incorporate time of use rates in --
6 in a long distance corridor charging setting.

7 It just doesn't make a lot of sense. It
8 does make a lot of sense, though, in a home
9 charging setting which really has nothing to do
10 with -- with this pilot project at all.

11 **Q So by that logic, do you think that this**
12 **pilot would prohibit any examination of use of --**
13 **time of use rates in a different proceeding?**

14 **A In -- in no way. No.**

15 **Q Okay. I also wanted to clarify, earlier,**
16 **you kind of generally described the characteristics**
17 **of different locations you were looking at.**

18 **I would just like to ask you to -- I'm not**
19 **sure we got the entire description out. I just**
20 **wondered if you could describe generally what**
21 **characteristics we're looking at for these**
22 **locations?**

23 **A Yes. Very early on, we got advice,**
24 **actually, from -- from Charge Point and a number of**
25 **-- of other charging station vendors and the U.S.**

1 Department of Energy that -- to consider locating
2 charging facilities the likes of which we're
3 proposing.

4 If we're going to stick to travel
5 corridors, like we're insisting, that -- that we
6 situation those in communities. And the reason to
7 do so is to provide for a number of amenities with
8 which the driver and their occupants -- and their
9 occupants can -- can occupy themselves with during
10 the period of time that it takes to charge their
11 vehicle.

12 We were -- it was suggested to us to --
13 and so what we considered were parking lots of --
14 of various property owners in this communities that
15 are central to a whole host of -- of shopping and
16 dining and, in some cases, casino amenities.

17 It was suggested that for the sake of
18 public safety that we situate these things in what
19 are already established parking spaces that are
20 well-lit and pedestrian friendly as -- considering
21 the fact that none of these islands would be manned
22 with any type of attendant.

23 Charge Point had recommended to us that we
24 at least engage a number of employees or -- or --
25 or workers in the -- in the surrounding amenity

1 locations just to give them the ability to help an
2 EV driver who might have questions on how the
3 charging station operates if they couldn't figure
4 that out from the very driver friendly screen that
5 is instructing them on the face of the charging
6 station equipment.

7 So -- so situated in communities on -- in
8 -- in parking lots that are well-lit and offer a
9 number of possible amenities for the dwell times
10 involved and pedestrian friendly were all -- were
11 all themes associated with this. And we've taken
12 that advice.

13 Q Thank you. And I -- I believe I have just
14 one more question because I'm hearing stomachs
15 rumbling. So unless someone corrects me, we should
16 be able to finish up shortly.

17 I just want to make sure the record is
18 perfectly clear on one more point. You had
19 discussed some savings that the owners of electric
20 vehicles might realize, some related to time of use
21 rates, others related to gasoline versus electric
22 cost, lower maintenance cost, et cetera. Do you
23 recall that?

24 A Yes.

25 Q And you said that one category of savings

1 would dwarf the other. Which category of savings
2 dwarves the other just so that we're absolutely
3 clear?

4 A The annual maintenance cost and the cost
5 associated with fueling with electricity, which are
6 roughly half the cost of fueling with gasoline at
7 \$2 a gallon will dwarf the savings associated with
8 any EV owner who goes onto a time of use rate and
9 changes his or her charging behavior at home.

10 MS. JOHNSON: I have nothing further.
11 Thank you.

12 JUDGE BUSHMANN: Thank you, Mr. Nealon.
13 You may step down now. Your testimony is
14 completed. Why don't we take a break for lunch?
15 In the interest of trying to speed this hearing
16 along, why don't we take a slightly shortened break
17 for 45 minutes, and we'll be in recess until 1:45.

18 (Break in proceedings.)

19 JUDGE BUSHMANN: All right. Let's go back
20 on the record. And we're ready for the next Ameren
21 Missouri witness.

22 MR. MITTEN: Ameren Missouri calls Thomas
23 M. Byrne to the stand, please.

24 THOMAS BYRNE,
25 being first duly sworn to testify the truth, the whole

1 truth, and nothing but the truth, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MITTEN:

4 JUDGE BUSHMANN: Please be seated.

5 MR. MITTEN: Your Honor, I have no
6 objection to Mr. Byrne's testimony going in under
7 the strength of his affidavit.

8 JUDGE BUSHMANN: Okay.

9 MR. MITTEN: Should I qualify the witness
10 first?

11 JUDGE BUSHMANN: Why don't you go ahead
12 and do that.

13 Q (By Mr. Mitten) Could you please state
14 your name and business address for the record?

15 A Sure. Thomas M. Byrne, 1901 Chouteau
16 Avenue, St. Louis, Missouri, 63103.

17 Q Mr. Byrne, do you have before you
18 pre-filed surrebuttal testimony, which has been
19 marked as Exhibit 3?

20 A Yes, I do.

21 Q Did you prepare that testimony?

22 A Yes.

23 Q Are there any changes or corrections you
24 need to make at this time?

25 A No.

1 Q If I asked you the questions contained in
2 Exhibit 3, would your answers be the same as appear
3 there?

4 A Yes.

5 Q And are those answers true and correct to
6 the best of your knowledge and belief?

7 A Yes.

8 MR. MITTEN: I have no further questions
9 for Mr. Byrne. He's available for
10 cross-examination. And I would ask for the
11 admission into evidence of Exhibit 3.

12 JUDGE BUSHMANN: Mr. Comley has no
13 objection.

14 MR. COMLEY: Certainly. You could have
15 done that without doing all that, Russ.

16 JUDGE BUSHMANN: Any objections? Hearing
17 none, Exhibit 3 is received into the record.

18 (Exhibit 3 was offered and admitted into
19 evidence.)

20 JUDGE BUSHMANN: And the first cross would
21 be by Staff.

22 CROSS-EXAMINATION

23 BY MS. PAYNE:

24 Q Good afternoon, Mr. Byrne.

25 A Good afternoon.

1 Q In your surrebuttal testimony, bottom of
2 page 6 and top of page 7 --

3 A Yes.

4 Q -- there, you state your opposition to
5 Staff's position to records things below the line.
6 I wanted to ask you, have you had an opportunity to
7 read Staff's position statement filed in this case?

8 A Yes.

9 Q And would you change your response to that
10 question based on the evolution of Staff's
11 position?

12 A Well, I think we're still opposed to
13 Staff's position. I think it's better that the --
14 that the costs are above the line.

15 But as I understand the Staff's position,
16 they -- they are -- their position is that revenues
17 should be imputed equal to the cost. And so,
18 effectively, what would happen is the shareholders
19 of Ameren Missouri would pay for the cost of the
20 project when it -- when it was not -- when the
21 revenues weren't sufficient to pay the costs.

22 But then later, if the revenues became
23 high enough that they were more than the cost, the
24 -- the customers would get the benefit of that --
25 of that extra money.

1 And so I guess we're opposed to that. We
2 believe that it should be above the line, and we
3 believe that the costs should be included in our
4 revenue requirement immediately.

5 **Q So to clarify, you believe that the**
6 **ratepayers should bear the risk of this beyond the**
7 **revenues that are recovered from the charging**
8 **stations?**

9 A Yes. We -- we believe the -- in the early
10 years when a subsidy is needed, the customers
11 should provide that subsidy, small that it is.

12 And then later on when -- when the -- it
13 turns around, they should reap the benefits of the
14 higher revenues.

15 MS. PAYNE: I have no further questions.

16 JUDGE BUSHMANN: Cross by Charge Point?

17 CROSS-EXAMINATION

18 BY MR. COMLEY:

19 **Q Mr. Byrne, let me ask you, is it Ameren's**
20 **position that a car dealership like Bommarito**
21 **Nissan that owns and operates a fast charging**
22 **station where, in fact, Mark Nealon has his Nissan**
23 **Leaf recharged, constitutes an electrical**
24 **corporation that is subject to the jurisdiction of**
25 **the Public Service Commission?**

1 A No. That's not our position. I
2 understand there's -- there's some question about
3 how the statutes apply. Different parties have
4 different positions.

5 But Ameren Missouri's position is not now
6 and is not going to be in the future that -- that
7 -- that those providers should be regulated.

8 MR. COMLEY: Thank you. That's all my
9 questions.

10 JUDGE BUSHMANN: Consumers Council?
11 KCP&L?

12 MR. FISCHER: No questions.

13 JUDGE BUSHMANN: Division of Energy?

14 MR. ANTAL: No questions.

15 JUDGE BUSHMANN: NRDC?

16 MR. ROBERTSON: No questions.

17 JUDGE BUSHMANN: Sierra Club?

18 MR. HALSO: No questions.

19 JUDGE BUSHMANN: Public Counsel?

20 MS. SHEMWELL: Questions. Thank you.

21 Just an aside, might we get this down, the screen?

22 JUDGE BUSHMANN: I don't have control if
23 that. Mr. Antal, do you have the remote for the
24 screen? Thank you, sir.

25 CROSS-EXAMINATION

1 BY MS. SHEMWELL:

2 Q Mr. Byrne, good afternoon.

3 A Good afternoon.

4 Q On page 3, you say, The expectation --

5 A I'm sorry. What page are you on?

6 Q Page 3.

7 A Okay.

8 Q Line 6, The expectation is that once this
9 barrier -- with this barrier, you're referring to
10 infrastructure for long distance driving?

11 A Yes. The lack of charging stations for
12 long distance driving.

13 Q Thank you. The adoption rate for EVs,
14 electric vehicles in Ameren Missouri's service
15 territory will increase to the ultimate benefit of
16 all Ameren Missouri's customers, correct?

17 A Yes.

18 Q How many total EVs are there in Missouri
19 today?

20 A As I understand it from Mr. Nealon's
21 testimony, it -- there are 3,000 EVs in Missouri
22 today.

23 Q Okay. In Ameren's territory?

24 A I believe Mr. Nealon testified there are
25 2,000 within Ameren's -- Ameren Missouri's service

1 territory.

2 **Q When you say that the adoption will**
3 **increase, by what percentage in 2018?**

4 A I don't know off the top of my head.
5 Mr. Nealon provided that information in his
6 testimony. He -- he provided a curve of -- that
7 showed year by year what our expectations were.

8 And I believe he was attributing 25
9 percent of the growth to the installation of long
10 distance vehicle charging stations.

11 **Q You made a very positive statement here**
12 **that the adoption will increase. So what hard**
13 **numbers do you have to show that it will increase**
14 **in 2018?**

15 A Well, by hard numbers, we have -- we have
16 estimates that are in the record. It's just that
17 I'm not the witness sponsoring those estimates.
18 It's Mr. Nealon.

19 **Q And he's using hybrid vehicles as a**
20 **comparison; is that correct?**

21 A Yes. He's -- his --

22 **Q That's fine.**

23 A Yes.

24 **Q Thank you.**

25 A Yes, he is.

1 **Q When does the ultimate benefit occur?**

2 **What year will the ultimate benefit occur?**

3 A I believe Mr. Nealon's testimony was in
4 Year 5. The first four years, the -- it would
5 require a subsidy.

6 And then in Year 5, it would turn around
7 and begin to be positive based on his estimates of
8 the adoption rate. And then I think in Year 7, it
9 would -- become a net positive. And then in -- of
10 course, by Year 15, it's a pretty significant net
11 positive.

12 **Q I have to assume that you're still**
13 **operating these past your three-year pilot program?**

14 A Yes.

15 **Q Do you drive an EV?**

16 A I do not.

17 **Q Did Ameren offer an incentive to employees**
18 **-- I don't think I'm going say the dollar amount --**
19 **and I think it's still in existence to purchase an**
20 **EV?**

21 A Yes.

22 **Q In fact, 99.96 of Ameren's customers do**
23 **not currently own EVs?**

24 A That's the figure you quoted. And I have
25 no reason to disbelieve it.

1 Q I got it from Staff, I think. Of the .04
2 percent of EV owners, the vast majority charge at
3 home?

4 A I -- I guess the only thing I might
5 disagree is I might think 100 percent of them
6 charge at home. But surely, yes, at least the vast
7 majority charge at home.

8 Q Well, do you know that some Ameren EV
9 owners have the opportunity at least to charge at
10 Ameren's, I guess, headquarters?

11 A Sure. They probably charge at home, too,
12 though, you know.

13 Q Does the adoption rate that you propose on
14 Page 3, does -- is that based upon -- or does that
15 include the fact that these EVs are essentially
16 located in rural locations?

17 A I -- I don't know if I'd describe them as
18 rural locations. We -- we picked communities along
19 I-70, so -- so I don't know that I would describe
20 Boonville as a rural location, you know.

21 Q Compared to St. Louis, it is at least a --

22 A Sure.

23 Q -- much smaller population?

24 A Sure. That's fair.

25 Q Do you agree that the Missouri Public

1 **Service Commission law is virtually identical to**
2 **the New York Public Service Commission law, the**
3 **State of New York's Public Service Commission law**
4 **in terms of its definitions?**

5 A Yeah. I -- I believe you -- you correctly
6 stated that back in 1913 when Missouri adopted its
7 Public Service Commission law, it was -- it was
8 based on the New York law.

9 And they were -- at the time in 1913, they
10 were virtually identical. I believe that's true.
11 And a lot of other states adopted that same law.

12 **Q Thank you.**

13 A But -- but it may have -- in some ways, it
14 may have changed since then.

15 **Q You don't assert that Ameren employees**
16 **lack expertise in getting easements or**
17 **rights-of-way?**

18 A No, I do not.

19 **Q Is it your opinion that infrastructure or**
20 **lack of infrastructure is a more significant**
21 **barrier for adoption than the cost of electric**
22 **vehicles?**

23 A Yes. I don't believe the cost of electric
24 vehicles is a barrier at all. I think -- I think
25 it's a -- it's a positive. It's a reason people do

1 adopt electric vehicles is cost of the -- of the
2 fuel. But I think the lack of long distance
3 chargers is a -- is a barrier.

4 Q Well, do you agree with me that the cost
5 of Tesla vehicles runs in the \$70,000 plus range?

6 A Yes.

7 Q Do you think -- what about limited battery
8 range? Do you think that's a significant barrier
9 to EV adoption?

10 A Well, I think it's the other side of the
11 coin of not having long distance charging. So,
12 yes, that's -- it's sort of another way of
13 stating --

14 Q Do you think it's --

15 A -- stating the same problem.

16 Q Do you think it's a significant barrier to
17 EV adoption?

18 A Yes.

19 Q What about low gasoline prices? Is that a
20 barrier to EV adoption?

21 A I think it has an impact. Yes.

22 Q Customers, when they pull in to fill up,
23 can see the price right there on the sign or on the
24 pump, correct?

25 A Correct. For -- for gasoline you're

1 talking about?

2 Q Gasoline. Yes. Looking at their bill,
3 their Ameren electric bill, customers would have no
4 way of knowing what portion of that bill was for EV
5 charging; is that right?

6 A You mean charging at home, I guess you're
7 talking about?

8 Q Home charging. Yes.

9 A That's correct.

10 Q You testify on page 5, excuse me, about
11 the small investment and the small price.

12 A Yes. Yes, I did.

13 Q Would you agree with me that developing a
14 time of use rate would be -- or setting rates --
15 let me start with -- setting rates in general is
16 something that is a very common and typical
17 activity for Ameren?

18 A Yes.

19 Q When I'm referring to Ameren, I'm
20 referring to Ameren Missouri.

21 A Yeah. That's how I took it.

22 Q Time of use rates are an issue in your
23 current rate case?

24 A Yes.

25 Q Do you know if there are examples out

1 **there of other states that have developed time of**
2 **use rates?**

3 A Yes. I do know that there are.

4 Q **On page 7, 12 through 17, you talk about**
5 **Ameren not being a charity.**

6 A Well, actually, I talk about that we
7 contribute to a lot of charities, and those
8 charitable contributions are below the line.

9 Q **Okay. But you're not willing to sponsor**
10 **development of this as a charitable endeavor?**

11 A Correct.

12 Q **So ratepayers will be essentially paying**
13 **this charity?**

14 A I -- we -- we are -- in the -- in the
15 early years when -- when the costs exceed the
16 revenues, we are asking for a subsidy from -- from
17 the ratepayers.

18 And we believe it will turn around, as
19 Mr. Nealon has testified. But you're correct. In
20 the -- in the early years, we're not -- we're not
21 willing to have our shareholders sponsor the
22 shortfall.

23 Q **What would the cost be to shareholders per**
24 **share?**

25 A I don't know.

1 **Q Might it be in the one to two cent range?**

2 A I don't know. It -- it might be. I
3 guess -- and I -- let me correct an answer. I said
4 we're not willing to have our shareholders sponsor
5 or it.

6 We are willing to have our shareholders
7 sponsor it to the extent there's a delay getting it
8 into rates. So in between the time when we put --
9 in between the time when we put the chargers in
10 service and when they eventually are put into rate
11 base, there's a lag. And -- and the shareholders
12 have to pay that, and we are willing to pay that
13 portion of the project.

14 **Q By what date do you expect all chargers to**
15 **be in place?**

16 A I think if we got approval in the next
17 month or two, we could probably get them all in in
18 2017.

19 **Q You hedged your answer. You're not**
20 **certain?**

21 A I'm -- you can't ever be certain, 100
22 percent certain about any construction project.
23 But -- and I think it's kind of close based on my
24 discussion with Mr. Nealon. But I think we expect
25 we could get them in by the end of 2017.

1 Q It's been established here that there are
2 other providers of charging stations throughout the
3 State. Or in Ameren's territory, let's say. There
4 are other providers?

5 A In some locations in Ameren's service
6 territory, there are. But I guess the reason --

7 Q Thank you. Thank you?

8 A Okay.

9 Q Well, and Ameren, in fact, has thousands
10 and thousands of charging stations in people's
11 homes. People plug into an electric outlet to
12 charge in their homes?

13 A Yeah. If -- if you're defining an
14 electric charging station as an outlet, we've got
15 millions of them, I guess.

16 Q Well, other people may provide charging
17 stations. Only ameren could adopt a time of use
18 rate?

19 A Ameren and other electric utilities.
20 Yeah.

21 Q In your territory, only Ameren can, as an
22 electric company, set a time of use rate?

23 A Yes.

24 Q Would a time of use rate provide an
25 opportunity for Ameren to educate customers about

1 **the benefits of off peak charging?**

2 A Sure. I guess it would. We -- we already
3 do have one time of use rate. As Mr. Nealon
4 testified, it's a summer only rate. But -- but we
5 do -- we do have an existing time of use rate.

6 Q I'm a long-time Ameren customer. I was
7 completely unaware of that. Now, that may be on
8 me. But -- or it is on me. But if I don't know
9 about it, I'm going to think others don't know
10 about it. Has Ameren included a bill insert or
11 done any marketing to customers?

12 A We -- we have communicated it. But -- but
13 I think probably could communicate it more than we
14 do.

15 Q You agree with me that Ameren is a carbon
16 intensive generation company?

17 A Compared to what? I mean, we do -- we do
18 -- there is carbon in our generation, but it's
19 relative, I think.

20 Q They're a fossil fuel intensive generating
21 company?

22 A Yes.

23 Q You have portrayed this in your testimony
24 as a three-year pilot program?

25 A Yes.

1 Q Has Ameren made public comments regarding
2 the future of -- or its intent regarding the future
3 of EV charging investment beyond this pilot
4 program?

5 A I think -- I think the point of the pilot
6 is to try to learn some things --

7 Q No. Please answer -- respond to my
8 question. Has Ameren made any public comments
9 regarding its intentions for the future regarding
10 EV charging investment beyond this pilot?

11 A No. Those would depend on what we learn
12 in the pilot.

13 Q Are you -- are you aware of Ameren
14 Missouri's building a smarter energy grid for the
15 future document?

16 A I -- I've read a lot of documents. If you
17 have one you'd like me to look at, I'll be glad to
18 look at it.

19 Q It's in EW-2016-0313.

20 A Oh.

21 Q Which was the investigatory docket, I
22 guess, or the working docket?

23 A That was comments on September 23rd from
24 that docket? Is that what you've got?

25 Q I think that's right.

1 A Okay. Yes. I'm aware of those.

2 MS. SHEMWELL: If I may approach?

3 JUDGE BUSHMANN: You don't need to ask me.

4 Q (By Ms. Shemwell) Mr. Byrne, this is from
5 Dr. Marke's testimony. Do you know if that's what
6 Ameren filed in that case?

7 A Yes. I think that's the -- has an
8 included an excerpt from Ameren Missouri's filing
9 on page 11, lines 17 to 18.

10 Q Do you need to keep that?

11 A No.

12 Q In there, Ameren suggests at least
13 43 million allocated for additional infrastructure
14 investment between 2018 and 2022, correct?

15 A I -- you took it back. If that's what it
16 says, that's what it says.

17 Q I --

18 A Yes. That's correct.

19 Q Thank you. If Ameren makes that
20 investment, do you think it would discourage other
21 competitors from entering the market?

22 A I'm not sure. Mr. Nealon said earlier
23 that -- that us building charging stations actually
24 might encourage competition. So I -- I'm not -- I
25 don't know what effect that would have on

1 competition.

2 **Q Mr. Nealon is not an Economist, is he?**

3 A I think he's an engineer. I don't know if
4 he has an Economics degree or not.

5 MS. SHEMWELL: That's all I have. Thank
6 you, Mr. Byrne.

7 JUDGE BUSHMANN: Questions from the Bench?

8 CROSS-EXAMINATION

9 BY CHAIRMAN HALL:

10 **Q Good afternoon.**

11 A Good afternoon, Mr. Chairman.

12 **Q It's -- it's Ameren's position that it
13 needs a tariff in order to offer this charging
14 station service; is that correct?**

15 A Yes. And -- but part of that is because
16 we're proposing a -- a specific rate that has to be
17 tariffed. So -- but --

18 **Q Well, that actually relates to my
19 follow-up question, which is what would Ameren's
20 position be if -- if the Commission were to
21 determine that a tariff is appropriate but a price
22 is not?**

23 A So -- so under your example, what -- what
24 price would we use then? Just what --

25 **Q Whatever the free market dictated.**

1 A I -- I think the Commission would probably
2 have the power to do that. And -- and so we would
3 -- we would live with that if that's what the
4 Commission decided.

5 **Q Could -- could Ameren make that work as a**
6 **business -- as part of a business model? I would**
7 **assume you don't -- I mean, that would be the best**
8 **of both worlds. I mean, you would -- you would be**
9 **a regulated entity providing regulated service, but**
10 **you could set the price?**

11 A At whatever the market would bear?

12 **Q Yeah.**

13 A I -- sitting here off the top of my head,
14 I -- I don't see any -- why that would be
15 objectionable necessarily.

16 You know, we can -- that would include the
17 option, I guess, charging the prices that we have
18 in the tariff. It's only --

19 **Q Absolutely.**

20 A It's only broader than what we've
21 proposed. So thinking about it for ten seconds, it
22 seems -- it seems like maybe it would work.

23 **Q What could Ameren -- strike that. If --**
24 **if we were to approve the tariff authorizing the**
25 **company to -- to offer this service, what could**

1 **Ameren do going forward that would increase the**
2 **competition in this area?**

3 A Well, I think just -- just offering the
4 long distance charging, as Mr. Nealon said, would
5 have the effect of -- of more people buying
6 electric vehicles.

7 And I think that's the -- that's the big
8 thing that's holding back private industry from
9 building these is not enough electric vehicles out
10 there. So I think that helps competition.

11 Q **How about directly with the third party**
12 **that might -- might offer that competition? If**
13 **there were companies out there, individual property**
14 **owners out there that wanted to offer this service**
15 **and they contacted Ameren and say -- and said, We'd**
16 **like to offer this service, what could Ameren do to**
17 **facilitate that?**

18 A Well, I think we could build facilities up
19 to their property that would allow them to -- to
20 provide that service. So that's one thing we could
21 do.

22 Q **And do you see any reason why Ameren might**
23 **or might not participate in those efforts?**

24 A I think we would participate in those
25 efforts.

1 **Q** Because, I mean, there are -- there are
2 some -- some who might say that what Ameren wants
3 is a monopoly on this service. And I'm not sure if
4 I believe that. But what -- what can you say to
5 disabuse those individuals of those notions?

6 A I mean, we really don't want a monopoly on
7 this. We're not -- we're not -- we're certainly
8 not challenging anybody who has any other kind of a
9 charging facility in our service territory saying
10 they need to be regulated or saying they are doing
11 anything illegal.

12 Mr. Nealon said if anybody along I-70
13 asked us to show them where we have the capability
14 of -- of providing service that would allow them to
15 put in their own charging system, we would -- we
16 would tell them about that. We really have no
17 desire to -- to have a monopoly service here.

18 And -- and I also -- the other thing is
19 this is a three-year pilot. I think some of those
20 questions we'll learn more about as the pilot goes
21 along and -- and we can decide what to do after the
22 three years based on -- based on what we learn.

23 **Q** Would you -- would you consider supporting
24 the elimination of the tariff prohibiting sale for
25 resale?

1 A Yes. I'm glad you asked about that. And,
2 you know, I think -- I think you make a good point
3 about the sale for resale tariff.

4 We -- when we first put it in -- put it in
5 place, we were thinking it was to prevent people
6 from -- like a subdivision developer from being the
7 -- you know, reselling the power to the houses in
8 the subdivision or an apartment owner reselling and
9 metering service to apartments in this complex.

10 We weren't really thinking about -- we
11 weren't really thinking about charging stations. I
12 don't -- I don't know if it exactly fits under
13 here.

14 Over lunch, we were talking about it. It
15 is resale of service, and, you know, the -- the --
16 particularly if you're doing a DC fast charging
17 station, the charge, it gets transformed into a DC
18 by the operator.

19 So I don't know. They're not really
20 reselling the same product that we're selling them.
21 But -- but, arguably, this could -- this could
22 apply. And so we would -- so I guess what I would
23 suggest is we would be willing to have a specific
24 exclusion for charging stations so that -- in that
25 tariff.

1 Q Would you -- do you believe that it would
2 be appropriate to establish a specific rate for
3 those that wanted to offer charging station
4 services using electricity supplied by Ameren?

5 A Yes. You certainly could.

6 Q And if that price was set in such a way
7 that that could further invite more competition?

8 A Yes.

9 CHAIRMAN HALL: Okay. I have no further
10 questions. Thank you.

11 COMMISSIONER STOLL: I have no questions,
12 but I appreciate your testimony.

13 MR. BYRNE: Thank you, Commissioner.

14 COMMISSIONER KENNEY: I have a question or
15 two.

16 CROSS-EXAMINATION

17 BY COMMISSIONER KENNEY:

18 Q I know originally when you wanted to
19 pursue this project, it was -- dealt with some
20 Federal tax credits that expired December 1st, I
21 believe, of 2016?

22 A Yeah. It was the end of the year, 2016.

23 Q Do we have any -- and that was a 30
24 percent Federal tax credit, correct?

25 A I think it was \$30,000 per location.

1 Q Okay. So that's actually more?

2 A Yeah. It was more.

3 Q So when you put up a location, that's
4 going to have four service ports, correct, two of
5 the fast chargers at 50 watts -- kilowatts, and two
6 at one and three or six or whatever?

7 A I think it -- I think at this --
8 physically, I think it has three service ports.

9 Q One line has two ports off it?

10 A Yes.

11 Q Three of the six?

12 A Yes.

13 Q So you could have three vehicles at one
14 time?

15 A I think it could have four vehicles at one
16 time because one of the charging stations could
17 have two vehicles plugged into it. That's --

18 Q Okay. I understand. Now, so the Feds are
19 offering 30,000. Do you know where we are on that?
20 Have they reenacted that legislation?

21 A It's gone. That's expired.

22 Q It's gone. So that's expired, and you
23 don't expect it to come back?

24 A Correct.

25 Q And the State offers a 20 percent?

1 A Yeah. The State -- and the State amount,
2 it's subject to being funded, you know. So it's
3 not --

4 **Q Was it for the last budget?**

5 A Yes, it was. But I think there's concern
6 that -- that there will be a problem in the future.
7 But it still exists.

8 **Q The State budget, they need money lots of**
9 **places.**

10 A That's right.

11 **Q And electric vehicles are probably not**
12 **high on the list?**

13 A Right. Right.

14 COMMISSIONER KENNEY: Okay. So I think
15 that -- that's all I have. Thank you.

16 A Sure.

17 CROSS-EXAMINATION

18 BY JUDGE BUSHMANN:

19 **Q Mr. Byrne, I have a question from**
20 **Commissioner Rupp who has asked know ask you on his**
21 **behalf whether you agree with the Staff position**
22 **that those charging -- third party charging**
23 **stations such as Tesla that currently exist are in**
24 **violation of law, and if so, how do you get to that**
25 **answer?**

1 A Well, let me say this. The -- the law is
2 not -- there aren't any court cases on that right
3 now in Missouri, so I don't think the law is
4 settled.

5 But I -- I don't believe -- I don't
6 believe they're in violation of the law. I -- a
7 lot of -- a lot of other states -- and, of course
8 -- you know, a lot of states -- the jurisdiction of
9 the Commission, a lot of states base their laws on
10 New York.

11 And there are -- there are vehicle
12 charging stations in a lot of other states, and I
13 don't really know of any of them that have
14 certificates if they're not -- you know, other than
15 utilities providing the service, I don't know that
16 any other -- you know, like Charge Point is getting
17 certificates in other states.

18 And so I think for whatever reason -- and
19 -- and, you know, the -- the fact that they -- that
20 a non-utility owns the facility has made a
21 difference in the way other states have looked at
22 this. And I think it can make a difference in the
23 way Missouri looks at this, too.

24 We -- we talk about electric plant, you
25 know, the definition of electric plant. But we

1 have electric plant that if the utility owns it --
2 so, for example, you'd have -- a good example is a
3 transformer.

4 So the transformer near the end where we
5 interconnect to the customer. The utility owns it.
6 It's electric plant. It's in our rate base. It's
7 -- it's part of our -- part of our utility
8 business. But if the customer owns it, it's not,
9 you know.

10 And same with public lighting. If the
11 electric company owns it, it could be part of the
12 rate base, part of the electric plant. But if a
13 non-utility owns it, it's not.

14 So I think that might be applicable here.
15 I mean the law is not settled. I'll be the first
16 to admit.

17 But -- but in a lot of other states, you
18 find utilities -- when a utility provides a
19 service, it's a utility service. It's like
20 electric plant. But when a non-utility provides
21 it, it's not. And I think that probably the best
22 way of looking -- interpreting the statutes here.

23 **Q Thank you. On that same point-- and**
24 **Commissioner -- Chairman Hall mentioned the same**
25 **thing.**

1 Now, we're talking about your tariff, and
2 you could ask for a waiver of your tariff. But
3 that only affects you. It doesn't affect any third
4 party?

5 A That's correct. Yeah.

6 Q So do you know of anything, any statute or
7 anywhere that says a third party cannot put up a
8 charging station and sell that -- sell that
9 service?

10 A No. I mean, it -- what -- what the Staff
11 is arguing and maybe --

12 Q I know what Staff's arguing. But I'm just
13 asking you. Do you know of any statute or anything
14 that says that a third party can't offer a service
15 and that service includes hooking up to a deal for
16 five bucks and use that cord?

17 A No. No. I don't know anything that
18 prevents that.

19 COMMISSIONER KENNEY: Thank you.

20 JUDGE BUSHMANN: Recross based on Bench
21 questions? Staff?

22 MS. PAYNE: Yes. Just a few.

23 RE CROSS EXAMINATION

24 BY MS. PAYNE:

25 Q Chairman Hall was asking you about third

1 party competition. Now, currently, electric
2 vehicle ownerships, in this case, I think Nissan is
3 the only one, do offer charge stations for their
4 customers, correct?

5 A Yeah. Nissan does.

6 Q But they don't charge their customers,
7 correct?

8 A I think you go buy a Nissan and you get
9 like a year or two of free charging. And after
10 that, I think they have the right to charge you.
11 But I don't know if they're -- I think right now
12 they're only just providing free since --

13 Q Okay. But they do pay you for the
14 electricity that's used at that charging station,
15 correct?

16 A Yes, they do.

17 Q How would Ameren feel if these third party
18 potential stations that we're discussing were to
19 supply them with electricity from a source other
20 than Ameren?

21 A We probably wouldn't feel very good about
22 that.

23 MS. PAYNE: No further questions. Thank
24 you.

25 JUDGE BUSHMANN: Charge Point?

1 MR. COMLEY: No questions.

2 JUDGE BUSHMANN: Consumers Council?

3 Kansas City Power & Light?

4 MR. COMLEY: No questions.

5 JUDGE BUSHMANN: Division of Energy?

6 MR. ANTAL: No questions.

7 JUDGE BUSHMAN: NRDC?

8 MR. ROBERTSON: No questions.

9 JUDGE BUSHMANN: Sierra Club?

10 MR. HALSO: No questions.

11 JUDGE BUSHMANN: Public Counsel?

12 MS. SHEMWELL: Thank you.

13 RE CROSS EXAMINATION

14 BY MS. SHEMWELL:

15 Q I'm going to do what I encouraged you to
16 do and speak into the microphone, Mr. Byrne. Tesla
17 also offers charging to its customers, correct?

18 A Yes.

19 Q Do you agree with me that Ameren is a
20 monopoly?

21 A Yes.

22 Q You were arguing there is no --

23 A Ameren -- Ameren Missouri is a monopoly.

24 Q Thank you. I'll correct that. I'm
25 speaking about Ameren Missouri here. That's who

1 **you're speaking about as well, right?**

2 A Yes.

3 **Q And you're arguing that there is no**
4 **natural monopoly here for charging stations?**

5 A Yes. I'm -- that's true.

6 **Q Would you -- in that line, would you**
7 **consider that there is destructive competition?**

8 A I don't -- I don't think there's
9 destructive competition. I'm not even sure I know
10 what destructive competition means. I don't -- I
11 don't know of any.

12 **Q Do you know whether Legislatures in other**
13 **states have written statutes that exclude EV**
14 **chargers from being electric plant?**

15 A I think a few other states have, yes.

16 **Q So it's been the Legislature that's acted,**
17 **I guess is my question in some states?**

18 A In a few cases, yeah.

19 **Q Can you assure us that there will be no**
20 **cost subsidization from Ameren's operations to this**
21 **in terms of employees, payroll or which is all --**
22 **let's see. Yeah. I'll just stop there.**

23 A No. I -- you know, I suspect our
24 employees are going to work on this. So no.

25 MS. SHEMWELL: That's all. Thank you,

1 Mr. Byrne.

2 JUDGE BUSHMANN: Redirect?

3 MR. MITTEN: Thank you, your Honor.

4 REDIRECT EXAMINATION

5 BY MR. MITTEN:

6 Q Mr. Byrne, Chairman Hall asked you some
7 questions about the possibility of the Commission
8 approving the pilot project tariff that they've
9 filed, but without specifying a rate and, instead,
10 allowing the rate to be set by the marketplace. Do
11 you recall those questions?

12 A Yes.

13 Q Are you aware of any service offered by
14 any electric utility in Missouri that doesn't
15 specify a rate but, instead, allows the charges by
16 the electric utility to be set by the marketplace?

17 A Not -- not for electric utilities.

18 Q You also got some questions, I believe,
19 from Ms. Shemwell about the fact that what Ameren
20 is proposing in this case is a three-year pilot
21 project?

22 A Yes.

23 Q As the company nears the end of that pilot
24 project, what options do you believe the company
25 has at that point?

1 A I think there's a lot of options. I mean,
2 you know, at the end of the pilot program, we would
3 obviously need to come back to the Commission and
4 decide what to do in the future based on what we
5 had learned in the pilot.

6 There's a lot of options. We could
7 continue providing the service at the -- at the
8 tariffed rates or some other rate.

9 We could -- we could discontinue the
10 service or we could sell the -- we could sell the
11 -- we could sell the charging equipment to an
12 unregulated provider of charging service if that
13 market developed.

14 Really, the -- the options are pretty
15 limitless. At the end of the -- at the end of the
16 pilot, we could -- we could decide to do whatever
17 is dictated by what we've learned during the pilot.

18 **Q And if the company decided it wanted to**
19 **continue the program, would it have to come to the**
20 **Commission for authority to do that?**

21 A Yes.

22 **Q Ms. Shemwell also asked you some questions**
23 **about the number of charging stations available in**
24 **Ameren Missouri's territory. And she defined**
25 **charging station for purpose of that question as an**

1 **electrical outlet. Do you recall those questions?**

2 A Yes.

3 **Q And I think you indicated that there may**
4 **be millions of those charging stations as Ms.**
5 **Shemwell defined them?**

6 A Yes.

7 **Q Are electrical outlets a viable**
8 **alternative to the charging stations that Ameren**
9 **Missouri is proposing for its pilot project?**

10 A No. My limited knowledge of electric --
11 of how charging works, you can charge electric
12 vehicles from a plug, but it just takes a really,
13 really, really, really long time. And, you know,
14 this is -- this long distance charging cord we're
15 talking about is -- has fast charging -- well, the
16 -- you know, fast charging DC chargers, which are
17 extremely fast. And even the Level 2 chargers are
18 a lot faster than an outlet.

19 **Q And as a driver is traveling from, say,**
20 **St. Louis to Jefferson City, what outlets would**
21 **that driver have available to recharge his vehicle?**

22 A I don't know. Maybe there's some outlets.
23 You'd probably have to park your car there for a
24 long, long time to get it recharged, though.

25 **Q Ms. Shemwell also asked you some questions**

1 about time of use rates. And, again, assuming a
2 driver wants to make a trip from St. Louis to
3 Jefferson City and wants to get there as quickly as
4 possible, how important do you think it would be to
5 that driver whether or not he was -- he or she was
6 charging at peak or an off peak time?

7 A I don't think it matters to the driver.

8 Q And why is that?

9 A Well, because they're concerned about
10 getting to where they're going to, not getting the
11 very least electric rate. I do think -- I do think
12 time of use rates are relevant to home charging,
13 you know.

14 Q You also responded to some questions from
15 Staff's Counsel regarding the change in Staff's
16 position from booking the cost of the pilot project
17 below the line as opposed to booking it above the
18 line. Do you recall that?

19 A Yes.

20 Q Are you familiar with the standard for
21 recovering costs in investment for services offered
22 by public utilities?

23 A Yes, I am. And I -- I do think, you know,
24 in a lot of cases when -- there are a lot of
25 instances where there are subsidies when a -- when

1 a utility provides facilities to serve customers.

2 For example, if you build a substation for
3 -- you know, if there's expansion in west St. Louis
4 County and you build a substation, maybe on the
5 first day that substation goes into service or the
6 first year, you're not recovering the cost of that
7 substation from the people who are served by that
8 substation.

9 But that's -- that's normal. That's a --
10 that's a normal thing that happens in the course of
11 utility regulation. There's all kinds of
12 subsidies, temporary and permanent. A person who
13 lives closest to the generating plant is
14 subsidizing the person that lives further away from
15 the generating plant.

16 So the mere fact that there's a small
17 subsidy here doesn't strike me as anything unusual
18 or anything that's really very different than --
19 and a lot of other circumstances in the public
20 utilities provide service to them.

21 **Q Using the substation example you just**
22 **mentioned, assuming in the first few years that the**
23 **company's costs are much greater than revenues it**
24 **derives from the customers who were served by that**
25 **substation, would it be appropriate for the**

1 **Commission to impute additional revenues so that**
2 **that loss is eliminated?**

3 A Not eliminated. Born by the shareholders.
4 No. That would not be appropriate.

5 MR. MITTEN: Okay. I don't have any
6 further questions. Thank you.

7 JUDGE BUSHMANN: Thank you, Mr. Byrne.
8 You may step down. Ready for the next Ameren
9 Missouri witness.

10 MS. JOHNSON: Thank you. We call for
11 Phillip Sheehy.

12 JUDGE BUSHMANN: Please raise your right
13 hand.

14 PHILLIP SHEEHY,
15 being first duly sworn to testify the truth, the whole
16 truth, and nothing but the truth, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. JOHNSON:

19 JUDGE BUSHMANN: Please be seated.

20 MR. SHEEHY: All right.

21 JUDGE BUSHMANN: You may proceed.

22 **Q (By Ms. Johnson) Could you please state**
23 **your full name and business address for the record?**

24 A My name is Phillip Sheehy. I work at -- I
25 just moved. 525 B Street on the 17th floor in San

1 Diego, California.

2 Q And on whose behalf are you testifying
3 today?

4 A Ameren Missouri.

5 Q And are you the same Phillip Sheehy who
6 profiled surrebuttal testimony in this case?

7 A I am. Yes.

8 Q Do you have any corrections or additions
9 to make to your testimony today?

10 A No.

11 Q If I were to ask you the same questions
12 that are in your written testimony, would your
13 answers be substantially the same?

14 A Yes, they would.

15 Q Thank you.

16 MS. JOHNSON: I would like to move that
17 Mr. Sheehy's surrebuttal testimony labeled as
18 Exhibit 004 be entered into the record.

19 JUDGE BUSHMANN: Any objections to that
20 receipt? Hearing none that, exhibit is received
21 into the record.

22 (Exhibit 004 was offered and admitted into
23 evidence.)

24 MS. JOHNSON: Thank you. And I now tender
25 this witness for cross examination.

1 JUDGE BUSHMANN: First cross is by Staff.

2 MS. PAYNE: No questions.

3 JUDGE BUSHMANN: Charge Point?

4 CROSS-EXAMINATION

5 BY MR. COMLEY:

6 Q Mr. Sheehy, my name is Mark Comley, and I
7 represent Charge Point. I haven't had a chance to
8 meet you yet.

9 A Nice to meet you.

10 Q Or introduce myself. Would you turn to
11 page 6 of your surrebuttal, please? On page 6, you
12 talk about multiple jurisdictions across the
13 country struggling with the finer points of
14 promoting EV adoption, correct?

15 A I see that. Yes.

16 Q You also talk about decision-making in
17 California?

18 A Yes, I do.

19 Q Now, I'm gathering you're fairly familiar
20 with the proposals that were made in that case?

21 A I am, yes.

22 Q Let me ask you this question, then. Are
23 -- am I right that Ameren's pilot proposal in this
24 case was based in substantial part on the proposal
25 first made by PG&E and Southern California Edison

1 in the decision you've referred to in your
2 testimony?

3 A I -- I don't think so, no.

4 Q You don't know. Is it true that the
5 proposal PG&E made in that was not approved?

6 A The original proposal?

7 Q Yes.

8 A It was not approved. No.

9 Q And if I were to mention the word Make
10 Ready to you, would that be a term familiar to you?

11 A It is, yes.

12 Q Am I correct that the PG&E proposal --
13 excuse me -- the PG&E proposal that was approved
14 was a Make Ready proposal?

15 A It's a -- no.

16 Q How would you describe it?

17 A I would say it's a hybrid approach. It
18 does have a Make Ready element, but there is a
19 component of the decision that allows them to own
20 and operate the equipment. There is portion --
21 there is a share.

22 Q How much percentage?

23 A It's 35 percent.

24 Q And the remainder is owned by?

25 A It's -- it's open. It's --

1 Q So it would be non-utilities?

2 A I -- yes.

3 MR. COMLEY: That's all. Thank you.

4 JUDGE BUSHMANN: Consumers Council?

5 Kansas City Power & Light?

6 MR. FISCHER: No questions.

7 JUDGE BUSHMANN: Division of Energy?

8 MR. ANTAL: No questions.

9 JUDGE BUSHMANN: NRDC?

10 MR. ROBERTSON: No questions.

11 JUDGE BUSHMANN: Sierra Club?

12 MR. HALSO: Just one, your Honor.

13 CROSS-EXAMINATION

14 BY MR. HALSO:

15 Q Mr. Sheehy, I'm Joe Halso on behalf of the
16 Sierra Club.

17 A Nice to meet you.

18 Q On page 6, in addition to mentioning
19 specific gas and electric companies' application
20 decision in California and Southern California
21 Edison.

22 A Yes.

23 Q And you refer to San Diego Gas Electric's
24 vehicle integration program; is that right?

25 A Yes.

1 Q And that program was approved by the
2 Commission?

3 A It was. Yes.

4 Q And the utility San Diego Gas & Electric,
5 would they have end-to-end ownership of all the
6 stations to be deployed under that program?

7 A They will, yes.

8 MR. HALSO: All right. Thank you,
9 Mr. Sheehy.

10 JUDGE BUSHMANN: Cross by Public Counsel?

11 CROSS-EXAMINATION

12 BY MS. SHEMWELL:

13 Q Dr. Sheehy, I'm Lera Shemwell. I
14 represent the Office of the Public Counsel. The
15 San Diego program you were just discussing, that
16 was the result of an Executive Order by Governor
17 Brown?

18 A No.

19 Q Governor Brown issued an Executive Order
20 that utilities should adopt programs -- specific
21 programs to promote alternative fuel usage?

22 A I believe that utilities were identified
23 as one of the stakeholders that -- to enable --
24 it's called the Zero Mission Vehicle Action Plan.
25 But it didn't direct them to -- that -- that they

1 must do something. It was seeking their support.

2 Q And, in fact, the California Public
3 Utility Commission's -- each -- the three involved
4 each adopted a different plan?

5 A Say that one more time, please.

6 Q Each of the utilities involved recently
7 adopted a different plan?

8 A They proposed a --

9 Q Proposed?

10 A They proposed different plans. That's
11 right.

12 Q Thank you. And those plans include
13 alternate fuels other than electric charging, for
14 example, hydrogen?

15 A No, they don't.

16 Q None of the plans included hydrogen?

17 A None of the CPUC-approved investor-owned
18 utility pilot projects include hydrogen.

19 Q Is the State of California pursuing
20 hydrogen as an alternate fuel?

21 A Yes.

22 Q Are you aware of other alternate fuels
23 that they -- that the State of California -- that
24 the Government is supporting?

25 A I am, yes.

1 **Q And would you state what those are,**
2 **please?**

3 A The State of California has a regulation
4 called the Low Carbon Fuel Standard, which -- so
5 that -- that promotes fuels that have a carbon
6 intensity lower than gasoline or diesel.

7 And so that includes alternative fuels
8 such as electricity, hydrogen, natural gas from
9 various sources, electricity, of course, and bio
10 fuels, liquid -- liquid bio fuels.

11 **Q Such as ethanol? Would that be an**
12 **example?**

13 A Ethanol is an example of a low carbon bio
14 fuel. That's right.

15 **Q Do you agree with the number that they're**
16 **about 54 -- let's see -- 54,000 -- 54,000?**

17 A It's --

18 **Q 540,000, sorry, EVs in the United States**
19 **currently?**

20 A That -- yes.

21 **Q The number of manufacturers of EVs has**
22 **increased in the last ten years?**

23 A Yes.

24 **Q EV sales, however, have held steady?**

25 A Can you give me a timeline over -- in what

1 sense? Have they stayed --

2 **Q Let's say within the last seven years.**

3 A Oh, they've increased over the last seven
4 years.

5 **Q At what percentage?**

6 A It depends on year to year. But, I mean,
7 it went from very small sales in 2010. So that --
8 so very small to significant today. But it's
9 around 1 percent of the market today nationally.

10 **Q EVs nationally are about 1 percent?**

11 A Of new sales.

12 **Q Of new sales. Do you agree that most
13 customers don't buy new vehicles?**

14 A When you -- can you identify customers
15 or --

16 **Q Potential buyers.**

17 A Just individuals?

18 **Q Uh-huh.**

19 A Most -- well, there's 300 million people
20 and only 17 million cars bought per year. So no,
21 most people don't buy new vehicles.

22 **Q Do you personally know where along I-70
23 Ameren proposes to place these stations?**

24 A I know the cities and community names.
25 But if you grilled me on them, no, I -- I'd

1 probably fail.

2 Q Do you have an opinion as to whether a
3 rural location is -- locations more rural than St.
4 Louis are designed to maximize utilization?

5 A Did you ask me do I have an opinion?

6 Q Yes.

7 A Yes, I do.

8 Q And what is that?

9 A I would argue that a dedicated corridor
10 approach is warranted to support the adoption of
11 electric vehicles and that the location of those DC
12 fast chargers -- or of those -- of that
13 infrastructure would likely include rural
14 locations.

15 Q Does that lead -- that leads to the
16 conclusion, then, that people in these rural
17 locations are going to purchase electric vehicles?

18 A That's not what my conclusion is based on.
19 No. I -- I am I'm saying that in inter-regional --
20 a corridor approach to supporting adoption of
21 electric vehicles is warranted.

22 And in order to enable travel along that
23 corridor, you would inevitably have infrastructure
24 that is deployed in a community that may be
25 described as rural.

1 But it wouldn't necessarily be used by the
2 community -- by someone in that community. It
3 could be pass-through travel, I guess.

4 **Q Okay. Thank you. After consulting in**
5 **this case, have you advised Ameren on its potential**
6 **rule on supporting EV adoption beyond these**
7 **charging stations?**

8 A No.

9 **Q Would you be able to do that?**

10 A If they asked me, yes.

11 **Q You have discussed time of use rates in**
12 **your testimony?**

13 A Can you point me to where, please, just so
14 that I have the right context?

15 **Q Yes.**

16 A I don't actually know.

17 **Q I'm sorry. I didn't make the notation**
18 **either.**

19 A Just a quick scan, I don't think I
20 actually did mention anything about time of use.
21 Just based on my quick review while I was sitting
22 here, no.

23 **Q It's your opinion that time of use rates**
24 **could have positive impacts to the grid?**

25 A Yes.

1 Q And those could include things like peak
2 shaving?

3 A One of them, yes.

4 Q And the time of use would apply primarily
5 or exclusively -- primarily to the home charging
6 situation?

7 A Primarily, yes.

8 Q If you would look at page 7, you noted the
9 Bill or Legislature passed that the utility should
10 direct electric companies to file applications for
11 programs to excel and provide transportation
12 electrification.

13 And the next sentence says, A program
14 proposed by an electric company may include prudent
15 investments in or customer rebates for electric
16 vehicle charging and related infrastructure.

17 A I see that. Yes.

18 Q How do you define a prudent investment?

19 A I don't think that that's my -- I'm not
20 going to interpret what they mean. Or I'd rather
21 not interpret what they mean by prudent investment.
22 I could give you my opinion.

23 Q I was asking for your opinion.

24 A Yeah. So my opinion, I -- in the case of
25 EV charging, I think it's a combination of making

1 investment that benefit ratepayers, that informs a
2 near term, a longer term strategy, and then
3 maximize -- maximizes impact for the utility.

4 So, I mean, there's a variety of factors
5 within each one of those. That's pretty generic, I
6 know.

7 Q Do you agree it would be important for
8 potential EV owners to be able to tell from their
9 Ameren bill how much they were being charged for
10 charging their vehicle?

11 MS. JOHNSON: I've got a question. I have
12 to object. I think this is outside of the scope of
13 the witness' testimony and would call for
14 speculation on his part.

15 JUDGE BUSHMANN: Response?

16 MS. SHEMWELL: The Administrative
17 Procedures Act allows you to question expert
18 witnesses on a wide variety of topics.

19 JUDGE BUSHMANN: That is true. What about
20 speculation?

21 MS. SHEMWELL: I think he can answer if he
22 knows the answer.

23 JUDGE BUSHMAN: Overrule the objection.

24 A So can you state the question again,
25 please?

1 Q (By Ms. Shemwell) Do you think it's
2 important for Ameren customers -- or it would be
3 important for an Ameren customer to know how much
4 they were paying to charge their electric vehicle?

5 A Yes.

6 Q Thank you. I'm going to hand you a copy
7 of an Ameren bill.

8 JUDGE BUSHMANN: Do you intend to mark
9 this?

10 MS. SHEMWELL: I'd like to mark it. And I
11 believe it's going to be 3.

12 MS. JOHNSON: I would like to object to
13 the -- this bill. No charge that we're proposing
14 in the context of this particular case with
15 regarding to -- regard to the corridor charges
16 would show up on one of these bills anyway, so it's
17 irrelevant to this proceeding.

18 JUDGE BUSHMANN: Your response?

19 MS. SHEMWELL: I -- did we know that? Has
20 that been provided in testimony that that will be
21 the case?

22 MS. JOHNSON: It has been provided in
23 testimony that they will be paying at the charging
24 islands, yes.

25 JUDGE BUSHMANN: I think that's right.

1 So --

2 MS. SHEMWELL: Okay.

3 JUDGE BUSHMANN: So I'm going to sustain
4 the objection on relevancy, unless you can tie it
5 to some other question at issue.

6 MS. SHEMWELL: Well, I was going to ask
7 about bill transparency in general, but --

8 JUDGE BUSHMANN: I don't think that would
9 be relevant.

10 MS. SHEMWELL: Okay. Thank you.

11 **Q (By Ms. Shemwell) Dr. Sheehy, Ameren has**
12 **indicated that this will be a learning opportunity**
13 **for them. Will you be evaluating the observations**
14 **and results of what they learn from this?**

15 A I have not been asked to do that, so I
16 can't say for sure.

17 **Q Do you have an estimate of the level of**
18 **carbon emissions that would -- that are reduced by**
19 **current EV use in the St. Louis area?**

20 A I do not.

21 **Q Could you make that calculation?**

22 A Absolutely.

23 MS. SHEMWELL: That's all I have. Thank
24 you.

25 JUDGE BUSHMANN: Questions by

1 Commissioners?

2 CHAIRMAN HALL: Yeah. I have a few.

3 CROSS-EXAMINATION

4 BY CHAIRMAN HALL:

5 Q Good afternoon. Do you believe that the
6 Make Ready program is a program that would be
7 reasonably employed here in Missouri?

8 A I -- I don't have any reason to believe
9 why it wouldn't be reasonably employed here, no.

10 Q Did you evaluate that program for -- for
11 use here?

12 A No, I did not. Just to be -- if you don't
13 mind, I was not part of -- just my -- this might
14 help answer some of your follow-up questions. Or
15 potentially interrupt.

16 But I wasn't part of -- I wasn't asked by
17 Ameren to review the -- the case beforehand. I
18 wasn't under contract to help them develop that,
19 the -- the proposed project, the pilot project.

20 Q But you are very familiar with the Make
21 Ready program?

22 A Oh, yes. Yes. Absolutely. Yeah. I just
23 wanted to -- yeah.

24 Q And you are familiar enough with the
25 environment in Missouri to -- to offer your expert

1 testimony that -- that the Make Ready program would
2 -- would function well here?

3 A Yes. That's fair. Yes.

4 Q Why is that?

5 A Well, one aspect of the Make Ready program
6 is it does -- it -- it lays -- you can make an
7 investment upfront and put the infrastructure in
8 place without necessarily making the -- the last
9 mile or that -- that last 10 percent investment,
10 whatever the portion is, so you can -- you
11 basically have the infrastructure in place so that
12 as adoption increases -- you know, so the -- you
13 don't have to do everything at once via Make Ready,
14 I guess, is the -- so if you have a region with
15 modest adoption, you know, which I would
16 characterize Missouri as a mod -- a state with
17 modest adoption of EVs, the infrastructure is -- a
18 significant investment is made upfront.

19 And then as the March account expands,
20 you've already -- you can start to kind of add on
21 that last piece, like you're kind of ready for --
22 for expansion. So you can kind of stay ahead of
23 the market in some extent in that -- in that way.

24 Q If you -- if you know, in -- in states
25 that have employed that approach, do -- do the

1 utilities get that in -- investment in the
2 infrastructure in rate base immediately, or do they
3 have to wait until there's actually a third party
4 that is in place offering the service?

5 A In the case -- so the most -- the best --
6 or one of the few examples of the Make Ready
7 actually in place is a non-utility engagement.
8 It's through the EV goal.

9 So -- but SCE, Southern California
10 Edison's approach is a Make Ready type approach.
11 And they can rate base right away. So they can --
12 that is -- their pilot project, which is -- which
13 is started effectively, they can -- as soon as that
14 investment is made, it's absorbed into their
15 operations.

16 Q And you're not a lawyer, so you may not be
17 able to answer this question. But you may. Does
18 -- is there an anti-quip State statute in place in
19 that state that would -- that would -- actually,
20 strike that.

21 A Okay.

22 Q Second -- second line of questioning.
23 It's my understanding that -- that EV battery
24 technology is -- is -- is evolving consistently and
25 -- and significantly. And the -- the -- the range

1 of -- of electric vehicles between charges
2 continues to -- continues to grow; is that correct?

3 A That -- that's fair. Yes.

4 Q And -- and is -- is that a basis for --
5 for Ameren's decision to -- to seek a tariff for
6 charging stations along the Interstate as opposed
7 to seeking a tariff -- for charging stations
8 clustered in a -- in a -- in a particular
9 metropolitan area?

10 A So just to restate it just to make sure I
11 understand --

12 Q Restate it in a way that makes sense?

13 A Yeah. Is the -- is it -- is Ameren's
14 investment consistent, you know, to some extent
15 with the market moving forward, like is it going to
16 continue to serve the needs of EV drivers? Or is
17 that -- is that what --

18 Q Well, I guess -- I guess my question is
19 that there are -- there are -- there are some
20 approaches -- and I guess California is one, and
21 there are others where there's a significant number
22 of -- of charging stations popping up everywhere.

23 And I guess it's my sense that in light of
24 battery technology, that could result in a lot of
25 stranded assets whereas the approach that Ameren's

1 taking is less likely to result in -- in that.

2 Would you agree with that?

3 A Yes. I absolutely agree with that. If
4 it's okay, but a multi-pronged approach, whether it
5 be the Level 2 or the DC fast charging is warranted
6 in part because, you know, referencing Mark
7 Nealon's testimony earlier, you know, that the
8 market isn't necessarily set on one vehicle
9 technology or another.

10 There's the plug in hybrid, which -- and
11 then the full battery electric vehicle. And those
12 have different charging infrastructure needs. So
13 you're -- so both the utility and other service
14 providers and other market players are trying to
15 build, to some extent, parallel systems.

16 Even though we talk about them in this one
17 bucket of electric vehicles, the charging needs of
18 these two vehicles, even though they're both
19 electric vehicles, are quite different.

20 And so Ameren is -- is -- is supporting --
21 or their pilot project is looking at the needs of
22 electric vehicle drivers and focusing on that side
23 of the market, in part, because they don't
24 currently have that support.

25 Q Okay.

1 CHAIRMAN HALL: No further questions.

2 Thank you.

3 COMMISSIONER STOLL: No questions.

4 COMMISSIONER KENNEY: Thank you.

5 CROSS-EXAMINATION

6 BY COMMISSIONER KENNEY:

7 Q Thank you, Dr. Sheehy, welcome to
8 Missouri.

9 A Thank you.

10 Q Not an easy place to get to, huh?

11 A No. It was actually -- I was coming from
12 the East Coast this time.

13 Q Well, I know you're a Michigan guy, so
14 you're going to get ready -- I hope you get out of
15 here before the ice storm hits.

16 A Yeah. Thanks.

17 Q This is a little different project, 570,000
18 versus like California, San Diego Gas & electric's
19 Charge Ready and the vehicle grid integration went
20 for like 67 million?

21 A Right.

22 JUDGE BUSHMANN: Do you want to turn your
23 phone on?

24 COMMISSIONER KENNEY: It's off? It's not
25 working? I thought it was working, but it's not

1 working anymore. All right. I'll talk in this
2 one.

3 Q (By Commissioner Kenney) Anyway, just --
4 I had a question for you. I was interested in --
5 on page 8 of your -- you don't have to look at it.

6 On page 8 of your testimony, you were
7 talking about this pilot program and how -- you
8 know, how it can benefit Ameren moving forward.
9 Then you said, Further, the focus of the DC fast
10 chargers infrastructure is particularly novel
11 amongst utility programs. What do you mean by
12 that?

13 A So, you know, there was a question about
14 the California programs and so -- you know, the
15 California programs are pretty focused on Level 2
16 charging, which their focus -- again, just, you
17 know, where -- where charging happens and how it
18 happens is really the things that are important.
19 But you try to capture some work place charging or
20 multi-family.

21 Q So their -- their charging is more the car
22 is going to sit there all day at work?

23 A Correct. Correct. With some modest DC
24 charging investments. But in some cases not. So
25 it depends pilot project. But it's almost -- more

1 of that money than not is dedicated to Level 2
2 charging.

3 And then there are DC fast charging
4 investments in California, but not by the
5 utilities. So that's kind of -- that's one of the
6 things about this -- the Ameren case, at least just
7 from a -- just from research perspective that is --
8 that is novel and interesting is there the utility
9 engagement in the DC fast charging and trying to,
10 you know, get their feet wet in that place in the
11 market.

12 **Q So that's the novelty -- the novelty is**
13 **that a utility is doing the charging, the DC fast**
14 **charging?**

15 A The fast charging. Right. Right. That's
16 right. They've been engaged in that, but not to
17 the -- not in the same level that Ameren is
18 proposing where they're doing the site host
19 evaluation. They're doing the coordination on the
20 ground. They're trying to learn more about the --
21 the installation, utilization, all those things.

22 **Q What are your thoughts on that?**

23 A From a research perspective, I think it's
24 very interesting. That's why I used the term novel
25 is I think that, again, my perspective is -- is

1 that the EV charge market and the EV market is at a
2 stage where the market is trying to figure these
3 things out.

4 There's different charging needs that
5 they're trying to satisfy. And the more -- you
6 know, the better job we do of evaluating out there,
7 the better recommendations and, you know,
8 basically, when we figure out things that will
9 work, you know, other jurisdictions can just copy
10 and paste that.

11 That's the idea. Unfortunately, we don't
12 really -- we're not at a stage where there's a good
13 copy and paste models or multiple copy and paste
14 models. Hopefully, we get multiple ones. And so
15 this is a new one to add to the mix of things to
16 look at.

17 **Q California freeway system, anybody doing**
18 **anything like this out there at all, the systems --**
19 **I mean, the fast chargers on the highway --**

20 A They are, yes.

21 **Q -- toll roads and --**

22 A Yes. There are. And that is -- that's a
23 parallel effort by the Energy Commission. So the
24 Energy Commission -- our State Energy Office is
25 funding DC fast charging through -- they -- they

1 have a grant solicitation.

2 And they then -- they identify -- they
3 tend to identify a corridor.

4 **Q But they're funding the majority of the**
5 **project?**

6 A They are funding it, yeah, with some
7 match.

8 COMMISSIONER KENNEY: Okay. Thank you.

9 JUDGE BUSHMANN: Recross based on Bench
10 questions?

11 CHAIRMAN HALL: Judge, I'm sorry. One
12 more question. I apologize.

13 JUDGE BUSHMANN: Go ahead.

14 CROSS-EXAMINATION

15 BY CHAIRMAN HALL:

16 **Q Are you -- are you familiar with the --**
17 **with the -- with the actual equipment involved in a**
18 **charging station?**

19 A Yes, I am.

20 **Q So the testimony here is that each of**
21 **these charging stations is -- is approximately**
22 **\$95,000 -- or each of the charging islands.**

23 A Yeah.

24 **Q How much of that is -- how much of that**
25 **cost is related to connecting the charging islands**

1 to the grid as opposed to actual equipment that's
2 on-site if -- if that distinction makes sense to
3 you?

4 A Yeah. I think I understand. So, I mean,
5 the hardware itself, just the -- the steel
6 involved, the pedestal, if you will, that's
7 usually, you know, between 30 and \$50,000 for that
8 piece of equipment.

9 So the rest is construction and
10 interconnect, things like that. And the
11 interconnect, I'm not expert enough in utility
12 operations to know how much it costs to run the
13 line and do that stuff.

14 So -- but, basically, you know, you can
15 take about half of it for the physical equipment,
16 and then the balance is -- a significant portion of
17 that balance is utility expenditures.

18 Q And so the actual equipment, the charging
19 station itself, is that price going down over time,
20 or is that staying relatively stable?

21 A Based on my understanding, it's going
22 down. I don't know how quickly. But based on what
23 we were seeing with -- you know, we started doing
24 some work in this phase in 2010 and 2011, and the
25 numbers are lower now than they were 2010.

1 So yes. I don't know the percent drop off
2 the top of my head. But there have been -- there
3 have been -- there is more manufacturers in that
4 state. Maybe Charge Point might be able to answer
5 how many. But the -- there's more manufacturers in
6 the DC fast charging space than there -- than there
7 were and prices have certainly come down.

8 CHAIRMAN HILL: Thank you.

9 A Yeah.

10 JUDGE BUSHMANN: Recross by Staff?

11 MS. PAYNE: No questions. Thank you.

12 JUDGE BUSHMANN: Charge Point?

13 MR. COMLEY: No questions.

14 JUDGE BUSHMANN: Consumers Council?

15 KCP&L?

16 MR. FISCHER: No questions.

17 JUDGE BUSHMANN: Division of Energy?

18 MR. ANTAL: No questions.

19 JUDGE BUSHMANN: NRDC?

20 MR. ROBERTSON: No questions.

21 JUDGE BUSHMANN: Sierra Club?

22 MR. HALSO: No questions.

23 JUDGE BUSHMANN: Public Counsel?

24 MS. SHEMWELL: Thank you.

25 RE CROSS EXAMINATION

1 BY MS. SHEMWELL:

2 Q I'd just like to confirm a response to a
3 question by the Chairman. Is it taxpayers that are
4 funding these DC fast charging stations?

5 A That's a -- a somewhat complicated
6 question. But the Energy Commission is funded --
7 the -- the -- the pot of money from which the DC
8 fast charging grant opportunities are coming from
9 is funded by a surcharge on vehicle registrations.

10 So when you get your bill from the DMV --
11 so it's not all taxpayers. It's vehicle owners.
12 So when I get my bill from the DMV, it has it --
13 there's an add-on. It went up -- I think it's two
14 bucks, two bucks a year or \$4 a year.

15 So that was passed by Legislature. And
16 then that fee is earmarked, and then it goes -- and
17 then it goes to different entities. And one of
18 those entities is the Energy Commission.

19 And then they determine through an
20 investment plan how to spend that money. So it
21 doesn't -- they don't say, We're going to charge
22 this fee for DC fast charging, just to be clear.

23 They say, We're going to charge this fee
24 for this alternative fuel fund. And the Energy
25 Commission comes up with an investment plan, and

1 then they -- and then the expenditure. And then
2 it's spent that way.

3 Q So this is a cost more fuel sources than
4 just electric?

5 A The grant funding opportunities are.
6 Yeah. So the DMV -- the fees are assessed to
7 vehicles. The orig -- origination of the fee is
8 assessed to vehicles.

9 But then the eligible fuels from this --
10 or the eligible projects from this fund, it's a --
11 it's a fund that includes alternative and renewable
12 vehicle technologies. But it's a mouthful. Yeah.

13 MS. SHEMWELL: Thank you.

14 A Yeah.

15 JUDGE BUSHMANN: Redirect?

16 MS. JOHNSON: Thank you.

17 REDIRECT EXAMINATION

18 BY MS. JOHNSON:

19 Q Just a few questions initially for
20 clarification purposes. As the power levels
21 associated with the charging equipment goes up,
22 what is likely to happen to the cost of that
23 equipment?

24 A It should go up.

25 Q Okay. Okay. Also, I just want to

1 clarify. Do you think that corridor charging and
2 the examination on time of use rates are mutually
3 exclusive? You only can do one or the other? Or
4 do you believe you can work on both?

5 A You can -- you can do both at the same
6 time.

7 Q Okay. Are you aware of anything in Ameren
8 Missouri's limited pilot program that would
9 prohibit another party from coming in and looking
10 at Make Ready projects?

11 A No, I am not.

12 Q Finally, I want to talk a little bit about
13 some of your testimony regarding what's been done
14 in California.

15 A Uh-huh.

16 Q How do the current plans in California
17 compare size-wise to what we're proposing here in
18 Missouri?

19 A The only thing that's similar is the time
20 frame. They're usually about three years. They've
21 -- they've each proposed a three-year time frame.

22 Apart from that, there isn't much
23 similarity. But, yeah, I'd have to refer to my
24 testimony real quick if you don't mind.

25 But the -- yeah. So SDE is 22 monthly.

1 The SDE came in at 45 million. And then PG&E would
2 -- just came off the docket and went in at
3 33 million.

4 And they're the largest of the three, so
5 that makes sense. The project is the largest, so
6 it also has the most ratepayers. So it's pretty
7 proportional. So -- they're quite large.

8 **Q Now, there was some discussion earlier**
9 **originally that the California Commission was not**
10 **going to go this route. Can you explain why that**
11 **ultimately changed and --**

12 A Yeah. I mean, it's definitely an
13 interesting parallel with where California was was
14 at the emergence of -- of the vehicle market. I
15 mean, in 2010, around 2010 when that 20,000 --
16 2009, I think, was when the ruling initiated
17 related to utility engagement in electric vehicles.

18 And, I mean, to some extent, CPC basically
19 wall off utilities from ownership. And so they --
20 the market evolved. And then it was, you know,
21 three or four years before they made any change.

22 Meanwhile, from a policy perspective, you
23 know, the state is pushing forward on a variety of
24 carbon constraints in the market, zero emission
25 vehicle programs, all of these policy engagements.

1 And, you know, meanwhile, the utility is
2 an important stakeholder. We're kind of -- we're
3 on the side lines to some extent.

4 So just from a -- a policy discussion, the
5 arguments that -- that we're having -- or the
6 discussion here today, the questions here today are
7 extremely similar to those that were happening in
8 2010 in California that basically walled off
9 utilities that were revisited three or four years
10 later that led to the -- to this -- you know, if
11 you add them up, it's almost -- it's \$200 million.

12 So -- and that -- they revisited that
13 decision in part because that there was a belief
14 that there was pent up demand that -- and in part
15 because there wasn't sufficient infrastructure, you
16 know, despite investments from -- from electric
17 vehicle service providers.

18 So just trying to find a way to catalyze
19 the market. Despite decent sales, you know, I mean
20 just as a note, electric vehicle sales are
21 out-pacing hybrid sales in their adoption. That's
22 an important thing.

23 But -- so even though it is small, they're
24 ahead of where hybrids were when they came out in
25 2003. That is small. I recognize that. But they

1 are ahead of that.

2 So -- but anyhow, all that to say there
3 was -- there is -- I would argue that there is --
4 that there are a lot of parallels. And I -- there
5 was a three to four-year period in which the
6 utilities weren't engaged, and I think the market
7 suffered as a result of that.

8 I don't know to what extent. But at the
9 same time, I do think that the absence of that
10 engagement -- and I don't know exactly what the
11 shape of that engagement should be.

12 But the fact is that a major -- a major
13 actor was kind of left on the sidelines, and that
14 probably deterred deployment.

15 MS. JOHNSON: Okay. No further questions.
16 Thank you.

17 JUDGE BUSHMANN: Thank you, Mr. Sheehy.
18 You may step down now, sir.

19 MR. SHEEHY: Thank you.

20 JUDGE BUSHMANN: Let try and take one more
21 witness before we stop. We are going to skip over
22 the two Staff witnesses for now and go with the
23 Sierra Club witness.

24 MR. HALSO: Thank you, Judge. Sierra Club
25 calls Douglas Jester to the stand.

1 DOUGLAS JESTER,
2 being first duly sworn to testify the truth, the whole
3 truth, and nothing but the truth, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HALSO:

6 JUDGE BUSHMANN: Please be seated. You
7 may proceed.

8 Q (By Mr. Halso) Please state your name and
9 business address for the record.

10 A I'm Douglas B. Jester, 115 West Allegan
11 Street, A-l-l-e-g-a-n, Lansing, Michigan, 48903.

12 Q For whom are you appearing in this case?

13 A Sierra Club.

14 Q Are you the same Douglas Jester who caused
15 to be prepared a document entitled Rebuttal
16 testimony of Douglas Jester on behalf of the Sierra
17 Club consisting of 32 pages of questions and
18 answers and two attached schedules?

19 A Yes.

20 Q And are you the same Douglas Jester that
21 caused to be prepared a document entitled
22 Surrebuttal Testimony of Douglas Jester on behalf
23 of the Sierra Club consisting of eight pages of
24 questions and answer?

25 A Yes.

1 Q Mr. Jester, we previously marked your
2 rebuttal as Exhibit 500 and your surrebuttal as
3 501; is that right?

4 A Yes.

5 Q Do you have any corrections to make or
6 changes to either of those documents?

7 A No, I do not.

8 Q If I were to ask you the same questions
9 again as posed in your rebuttal and surrebuttal
10 pre-filed testimony, would your answers remain the
11 same?

12 A Yes.

13 MR. HALSO: Your Honor, at this time, I'd
14 like to move for to the admission of Exhibit 500
15 and 501.

16 JUDGE BUSHMANN: Any objections to those
17 exhibits? Hearing none, they're received into the
18 record.

19 (Exhibits 500 and 501 were offered and
20 admitted into evidence.)

21 MR. HALSO: And I tender the witness for
22 cross-examination at this time.

23 JUDGE BUSHMANN: Okay. First cross would
24 be by Ameren Missouri?

25 MS. JOHNSON: At this point, we don't have

1 any cross-examination, but we reserve the right to
2 possible recross based on Commissioner questions.

3 JUDGE BUSHMANN: Very good. Cross by
4 Staff?

5 MS. PAYNE: No questions at this time.

6 JUDGE BUSHMANN: Charge Point?

7 MR. COMLEY: No questions.

8 JUDGE BUSHMANN: Consumers Council?
9 KCP&L?

10 MR. FISCHER: No, thank you.

11 JUDGE BUSHMANN: Missouri Division of
12 Energy?

13 MR. ANTAL: No questions.

14 JUDGE BUSHMANN: NRDC?

15 MR. ROBERTSON: No questions.

16 JUDGE BUSHMANN: Public Counsel?

17 CROSS-EXAMINATION

18 BY MS. SHEMWELL:

19 Q Good afternoon, Mr. Jester.

20 A Good afternoon.

21 Q I'm Lera Shemwell. I represent the Public
22 Counsel. Do I read your testimony correctly that
23 you expect EV adoption to be a slow process over
24 the next 20 years?

25 A Yes. I think it will accelerate over

1 time. But --

2 Q Thank you.

3 A -- that process is necessarily slow.

4 Q Will adoption of other fuels besides
5 gasoline also increase over time?

6 A It's possible. My forecast would be that
7 the market will ultimately be dominated by electric
8 vehicles.

9 Q And plug in electric vehicles
10 specifically?

11 A Yes, specifically.

12 Q You refer to complete reduction of
13 greenhouse gas emissions. Do you have a prediction
14 of when that might occur?

15 A No, I do not. I'm certain that it will be
16 slower than I think that it should happen.

17 Q And you made a statement about emissions
18 lower from electric vehicles produce about a third
19 less carbon emissions. Actually, electric vehicles
20 don't produce carbon emissions. So you're talking
21 about a reduction in carbon emissions; is that
22 correct?

23 A I'm not sure whether I was clear in that
24 statement. My intent was on a -- sometimes called
25 a wheel to wells basis. So it's emissions over the

1 full life cycle of the fuels and the vehicle.

2 So it's true that electric vehicle while
3 in operation does not produce emissions. But the
4 power that supplies it and the production of the
5 vehicle, at present, produce emissions. So that
6 was the context of that number.

7 **Q Thank you. Do you agree that Ameren**
8 **Missouri's current generation portfolio is**
9 **predominately fossil fuel based?**

10 A I do.

11 **Q Does that figure into your calculation of**
12 **fewer emissions?**

13 A It does. I don't know what the future of
14 Ameren Missouri's generation portfolio will be.
15 But it will evolve over time, and that, of course,
16 would change those numbers.

17 **Q You don't know the time in which it would**
18 **evolve, though?**

19 A I don't know the company's plans.

20 **Q I take it from your testimony you believe**
21 **that third party providers should be encouraged?**

22 A Yes.

23 **Q Does utility involvement in placement of**
24 **charging stations reduce the likelihood that third**
25 **parties will be involved in introducing charging**

1 **stations?**

2 A That's very much dependent on the specific
3 terms under which that might happen.

4 **Q For example, the action that the**
5 **Legislature might take?**

6 A No. I -- utility ownership and operation
7 of charging stations has multiple effects, some of
8 which will be advantageous for other suppliers and
9 some of which could be disadvantageous so that the
10 terms under which utility provides charging will
11 affect the -- the net effect on other potential
12 providers.

13 **Q Where would you find those terms? In the**
14 **utility tariff?**

15 A Yes. For most part.

16 **Q Thank you.**

17 MS. SHEMWELL: Mr. Jester, thank you.
18 That's all I have.

19 A Okay. Thank you.

20 JUDGE BUSHMANN: Questions by
21 Commissioners?

22 CHAIRMAN HALL: I have no questions.
23 Thank you.

24 COMMISSIONER STOLL: No questions. Thank
25 you.

1 COMMISSIONER KENNEY: No questions. Thank
2 you, sir.

3 JUDGE BUSHMANN: No need for recross.
4 Redirect? Sierra Club?

5 REDIRECT EXAMINATION

6 BY MR. HALSO:

7 Q Mr. Jester, Ms. Shemwell asked you some
8 questions about -- generally about potential
9 competitive or even anti-competitiveness of the
10 utility in charging stations. She asked you about
11 those. In a broad sense, do you have concerns
12 about Ameren's proposal here?

13 A No, I don't. As a small pilot project
14 that fills a hole in the market, I anticipate that
15 this will encourage electric vehicle sales and have
16 that gain for competing providers. So I think with
17 -- for this proposal, it's not a matter that I'm
18 concerned about.

19 Q And you yourself have some experience with
20 start-ups and investment in -- in the market; is
21 that right?

22 A Yes, I do.

23 Q And what lessons from that experience
24 might be relevant to the issue of competitive or
25 potentially anti-competitive facts, in this case

1 **with utility investment in electric vehicle**
2 **charging?**

3 A First of all, I spent a period of time as
4 an executive at what was initially NCI that was
5 acquired by World Com. And we had, in fact,
6 existing products that we were selling and
7 supporting. But, also, would start new products.

8 Those, inevitably, had to be subsidized
9 for a period of time, both to be developed and then
10 for sales to grow up to the fixed costs, recovery
11 of fixed costs of those products. That's just an
12 inevitable part of the development of new products
13 and bringing them to market.

14 I've also done that in the context of
15 start-up and so-called mezzanine company and
16 currently an angel investor in a couple of
17 companies that are trying to get over that divide.

18 And it's -- financing that process is
19 difficult because you don't know how long it will
20 take to get to market and get market growth that
21 will then make your company profitable.

22 So the key uncertainty that I've always
23 seen is really that process of the uptake and
24 acceleration of sales once you bring the product to
25 market.

1 Q So Ameren's analysis in this case and
2 Mr. Nealon's direct testimony, that for the first
3 four years recovery from electricity sales related
4 to the installation of these stations won't
5 necessarily cover costs, but later, post four
6 years, they likely will or will exceed them, that's
7 not at all surprising to you?

8 A That's completely normal for a new product
9 or a new line of business.

10 MR. HALSO: Thank you, your Honor. No
11 further questions.

12 JUDGE BUSHMANN: Thank you, Mr. Jester.
13 You may step down now, sir.

14 MR. JESTER: Thank you.

15 JUDGE BUSHMANN: We've been going for a
16 while. Why don't we take a short break? We'll
17 being in recess for about 15 minutes.

18 (Break in proceedings.)

19 JUDGE BUSHMANN: Let's go back on the
20 record. And we're ready for NRDC's witness.

21 MR. ROBERTSON: I call to the stand Noah
22 Garcia.

23 JUDGE BUSHMANN: You might want to turn
24 your microphone on.

25 MR. ROBERTSON: I thought it was on.

1 Okay. And thank you, Judge, for accommodating our
2 witness.

3 JUDGE BUSHMANN: Raise your right hand,
4 please.

5 NOAH GARCIA,
6 being first duly sworn to testify the truth, the whole
7 truth, and nothing but the truth, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ROBERTSON:

10 JUDGE BUSHMANN: Please be seated.

11 Q (By Mr. Robertson) State your name for
12 the record.

13 A My name is Noah Garcia.

14 Q And do you have before you a copy of your
15 surrebuttal testimony in this case, which has been
16 marked Exhibit 550?

17 A Yes, I do.

18 Q Unfortunately, we have to make a couple of
19 corrections to your testimony.

20 A Yes. That's correct.

21 Q Page 4, line 6. Question reads, What is
22 the purpose of your direct testimony in this
23 proceeding? Is the word direct correct?

24 A No, it is not. It should read surrebuttal
25 testimony.

1 Q Okay. So we should strike the word direct
2 and substitute the word surrebuttal?

3 MS. SHEMWELL: What line is that, please?

4 MR. ROBERTSON: That's line 6 on page 4.

5 MS. SHEMWELL: Thank you.

6 Q (By Mr. Robertson) And on Page 5 Line 19,
7 there is the phrase in bold, Error, reference
8 source not found. Is that supposed to be there?

9 A No, it is not.

10 Q Okay.

11 A That should read Figure 1.

12 Q So we strike the phrase in bold and
13 substitute Figure 1, correct?

14 A Yes. That's correct.

15 Q And does that refer to the figure in the
16 top of page 6?

17 A Yes, it does.

18 Q And is there supposed to be a footnote to
19 that reference?

20 A No. There should not be.

21 Q Okay. Other than that, are there any
22 changes or corrections you would make to your
23 testimony at this time?

24 A No, there are not.

25 Q And if I were to ask you the same

1 **questions, would your answers be substantially the**
2 **same?**

3 A Yes.

4 MR. ROBERTSON: Your Honor, I move into
5 evidence Exhibit 550, surrebuttal testimony of Noah
6 Garcia.

7 JUDGE BUSHMANN: Anything objections to
8 that exhibit? Hearing none, it's received into the
9 record.

10 (Exhibit 550 was offered and admitted into
11 evidence.)

12 MR. ROBERTSON: And I tender the witness
13 for cross.

14 JUDGE BUSHMANN: First cross would be by
15 Ameren Missouri?

16 MS. JOHNSON: We have no cross. But we
17 may have recross based on Commissioner questions as
18 we did -- as we indicated for Mr. Jester.

19 JUDGE BUSHMANN: Cross by Staff?

20 MS. PAYNE: No questions.

21 JUDGE BUSHMANN: Charge Point?

22 MR. COMLEY: No questions.

23 JUDGE BUSHMANN: Consumers Council?

24 KCP&L?

25 MR. FISCHER: No questions.

1 JUDGE BUSHMANN: Division of Energy?

2 MR. ANTAL: No questions.

3 JUDGE BUSHMANN: Sierra Club?

4 MR. HALSO: No questions.

5 JUDGE BUSHMANN: Public Counsel?

6 MS. SHEMWELL: No questions. Thank you.

7 JUDGE BUSHMANN: Questions from
8 Commissioners?

9 COMMISSIONER STOLL: I have no questions.
10 Thank you for your testimony.

11 MR. GARCIA: You're welcome.

12 JUDGE BUSHMANN: No questions from
13 Commissioners. No need for recross. And there was
14 no cross, so there's no need for redirect. Thank
15 you, sir. Your testimony is complete. You may
16 step down now.

17 MR. GARCIA: Thank you very much.

18 JUDGE BUSHMANN: The next witness would be
19 from Charge Point?

20 MR. COMLEY: Thank you, Judge. Charge
21 Point calls Anne Smart.

22 JUDGE BUSHMANN: Please raise your right
23 hand.

24 ANNE SMART,
25 being first duly sworn to testify the truth, the whole

1 truth, and nothing but the truth, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. COMLEY:

4 JUDGE BUSHMANN: You may proceed.

5 Q (By Mr. Comley) Ms. Smart, would you
6 state your full name for the record, please?

7 A My name is Anne Smart.

8 Q And by whom are you employed?

9 A Charge Point.

10 Q And what is the -- what is the official
11 title of your position?

12 A Vice President of Public Policy.

13 Q And, Ms. Smart, were you the same
14 Ms. Smart who caused to be prepared for this docket
15 two sets of testimony, two sets of written
16 testimony, one set being rebuttal and one set being
17 surrebuttal, which has been pre-marked for purposes
18 of identification as Exhibit 300 and 301 for this
19 case?

20 A Yes.

21 Q Are there any additions or correction to
22 your testimony?

23 A Yes.

24 Q Let me direct you to your rebuttal
25 testimony on page 1. The nature of your employment

1 on page 1 in line 9, is there a change that needs
2 to be made there?

3 A Yes. I have changed titles, and we need
4 to change line 9 to Vice President of Public
5 Policy.

6 Q Let me direct you to page 10, line 9. Do
7 you have a correction to make on that line, please?

8 A That's the one that -- yes. We need to
9 change the spelling of, per say to per se with an
10 s-e instead of an s-a-y.

11 Q Are there any other revisions or
12 corrections to your rebuttal or surrebuttal
13 testimony?

14 A No.

15 Q Ms. Smart, if I were to ask you the same
16 questions that are propounded in your rebuttal and
17 surrebuttal testimonies today, would your answers
18 be the same?

19 A Yes.

20 MR. COMLEY: Your Honor, I move for the
21 admission of Exhibits 300 and 301 and tender
22 Ms. Smart for cross-examination.

23 JUDGE BUSHMANN: Any objections to those
24 exhibits? Hearing none, they are received into the
25 record.

1 (Exhibits 300 and 301 were offered and
2 admitted into evidence.)

3 JUDGE BUSHMANN: And the first cross would
4 be by Ameren Missouri.

5 MS. JOHNSON: Thank you, your Honor. I am
6 able to greatly limit the amount of cross-exam --
7 the amount of cross-examination I will have, but,
8 unfortunately, the very few questions I do have
9 regard confidential documents, so I will need to do
10 that in-camera with your indulgence.

11 JUDGE BUSHMANN: Certainly.

12 REPORTER'S NOTE: At this point, an in-camera session was
13 held, which is contained in Vol. 3, pages 298 through 309.

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1 JUDGE BUSHMANN: Okay. We're now back in
2 public session. And the next cross would be by
3 Staff.

4 MR. THOMPSON: Thank you, Judge.

5 CROSS-EXAMINATION

6 BY MR. THOMPSON:

7 Q Does Charge Point maintain an ongoing
8 relationship with the proprietors of its charging
9 equipment?

10 A Yes.

11 Q So do you know if Charge Point has
12 customers within Ameren Missouri's service
13 territory?

14 A Yes.

15 Q And would you have any problem with
16 providing through Counsel a list of the names and
17 addresses of those proprietors to Staff?

18 A No. However, I can only provide the --
19 the organization and address names for the public
20 charging stations. I can't disclose the private --
21 privately accessible stations.

22 Q When you say privately accessible
23 stations, are those stations where charging is not
24 sold to the general public?

25 A Correct.

1 Q Okay. With that limitation in mind, so
2 you will provide that information through Counsel
3 to Staff?

4 A Yes.

5 MR. THOMPSON: Thank you very much. No
6 further questions.

7 JUDGE BUSHMANN: Kansas City Power &
8 Light?

9 MR. FISCHER: No questions.

10 JUDGE BUSHMANN: Division of Energy?

11 MR. ANTAL: Just a few questions.

12 CROSS-EXAMINATION

13 BY MR. ANTAL:

14 Q Hello, Ms. Smart.

15 A Hi.

16 Q Is it safe to say that Charge Point
17 participated in Ameren's RFP process in this pilot
18 program that's the subject of this hearing?

19 A The reseller participated in the RFP.

20 Q Okay. And that reseller wasn't selected?

21 A Correct.

22 Q Okay. It's one of your recommendations
23 that Ameren should consider qualifying at multiple
24 RFP respondents to provide charging station
25 equipment?

1 A Correct.

2 Q Okay. And it's also your recommendation
3 that Ameren Missouri should allow site hosts in the
4 pilot to choose from that list of qualified
5 vendors?

6 A Correct.

7 Q Okay. And if the Commission were to
8 impose these conditions on this pilot program,
9 would that allow Charge Point or Charge -- or one
10 of Charge Point's vendors the ability to market
11 Charge Point charging stations to potentially host
12 sites for these pilot -- pilot locations?

13 A Not necessarily. I can't make the
14 conclusion on how Ameren would qualify or whether
15 or not we would qualify for the RFP.

16 Q Okay. Are you familiar with Kansas City
17 Power & Light's Clean Charge Network?

18 A Yes.

19 Q Okay. Is it true that Charge Point is the
20 -- currently the sole provider of charging stations
21 for the Clean Charge Network?

22 A We are the sole network provider.

23 Correct.

24 Q Okay. Thank you.

25 A There are multiple hardware providers.

1 Q And at any point prior to Charge Point
2 being selected, is the sole -- what is it that you
3 defined it as, the --

4 A Network provider.

5 Q -- network provider? Did it suggest that
6 multiple RFP respondents be -- be chosen?

7 A KCP&L purchased the stations directly from
8 us. There -- to my knowledge, there was not an
9 RFP. And we have stated publicly on the record
10 that we would like to see customer choice in future
11 and current KCP&L programs.

12 MR. ANTAL: Okay. Thank you.

13 JUDGE BUSHMANN: Cross by NRDC?

14 MR. ROBERTSON: No questions, your Honor.

15 JUDGE BUSHMANN: Sierra Club?

16 MR. HALSO: Just a few, your Honor.

17 CROSS-EXAMINATION

18 BY MR. HALSO:

19 Q Good afternoon, Ms. Smart.

20 A Hey.

21 Q Good to see you.

22 A Uh-huh.

23 Q Just to follow up on Mr. Antal's
24 questions, for the Kansas City Power & Light Clean
25 Charge Network, is it -- am I correct in saying

1 that no other providers have been qualified for
2 that equipment or network services for that program
3 aside from Charge Point?

4 A The hardware has been provided by multiple
5 hardware providers. The Charge Point network is
6 all used on all stations, to my knowledge, in the
7 Clean Charge Network. And the Level 2 stations are
8 Charge Point manufactured stations.

9 Q And what is the size of that plan
10 deployment?

11 A I believe it was -- they purchased 1,000
12 stations split across Missouri and Kansas.

13 Q Okay. On pages 7 and 8 of your
14 surrebuttal testimony, you describe different
15 business models that, in your opinion, could lead
16 to a better design proposal for Ameren or that
17 would better support competition; is that right?

18 A Correct.

19 Q And -- and one of those options is to
20 limit the utility role to providing, quote, Make
21 Ready -- the provision of Make Ready; is that
22 right?

23 A Yes.

24 Q And Make Ready, that refers to
25 infrastructure and cost associated with the

1 installation of it up to, but not including, a
2 charging station?

3 A Correct.

4 Q And that might include distribution,
5 equipment, transformers, metering --

6 A Trenching.

7 Q -- and trenching; is that correct?

8 A That's correct.

9 Q And then your formulation of Make Ready,
10 utility ownership of infrastructure would also be
11 limited to -- to that Make Ready equipment which
12 they deploy?

13 A Right. The utility could own the Make
14 Ready on the customer premises, on the customer
15 side of the --

16 Q But the utility would not own the changing
17 station itself?

18 A In the term Make Ready mold, no.

19 Q And -- and for purposes of the next few
20 questions, can we agree to refer to a model where
21 the utility would own all the way up through
22 charging station as end-to-end ownership? Is that
23 okay with you?

24 A Yes.

25 Q And then further on page 8, another

1 business model you described was providing rebates
2 to a site host so that site host owns and operates
3 equipment rather than the utility; is that a fair
4 characterization?

5 A Yes.

6 Q Okay.

7 A Or a third party could own the equipment.
8 To be clear.

9 Q Okay. And then again, back on page 7, you
10 state that, By qualifying multiple vendors rather
11 than creating a winner takes all RFP, as Ameren has
12 done, the utility could support competition by
13 having multiple vendors compete to win site host to
14 replicate the normal market for selling charging
15 stations; is that right?

16 A Yes.

17 Q And just one more time for the record,
18 that is not the case for Kansas City Power &
19 Light's clean charge network?

20 A Currently, correct.

21 Q And then on page 7, Ms smart, you refer to
22 three programs approved by the California Public
23 Utility Commission; is that right?

24 A Yes.

25 Q One by specific Gas & Electric, one by San

1 **Diego Gas & Electric and one by Southern California**
2 **Edison?**

3 A Uh-huh. Yes.

4 Q **And you know state further that most are**
5 **limited to Make Ready investment; is that right?**

6 A I may have said that.

7 Q **Page 7, line 22.**

8 A Yes.

9 Q **Okay. Is San Diego Gas Electric's program**
10 **limited to Make Ready, or is that end-to-end**
11 **ownership model?**

12 A That is end-to-end ownership model.

13 Q **And PG&E's program, is that solely limited**
14 **to Make Ready, or is that end-to-end ownership?**

15 A There is only end-to-end ownership in
16 disadvantaged communities as defined by the
17 E-Calendar Screen.

18 Q **Right.**

19 A At the choice of the customer.

20 MR. HALSO: No further questions. Thank
21 you.

22 JUDGE BUSHMANN: Cross by OPC?

23 MS. SHEMWELL: Thank you.

24 CROSS-EXAMINATION

25 BY MS. SHEMWELL:

1 Q I only have one question. There were some
2 customers that you couldn't identify?

3 A Yes.

4 Q Can you tell me the -- the type of
5 business or entity that that would be?

6 A Sure. We have several work place
7 customers who -- who have purchased our charging
8 stations for employee charging.

9 And because their parking lot's maybe
10 restricted to employees only and they want to
11 provide that only, those would not show up on our
12 public map and are not made publicly accessible.

13 MS. SHEMWELL: Thank you.

14 JUDGE BUSHMANN: Any questions by the
15 Commissioners?

16 CHAIRMAN HALL: Yeah.

17 CROSS-EXAMINATION

18 BY CHAIRMAN HALL:

19 Q Good afternoon. Looking at page 7 of your
20 rebuttal testimony, on lines 15 through 18, you
21 indicate that there are 75 DC fast chargers in
22 Missouri, and Charge Point has customers that own
23 and operate fast chargers in St. Charles -- well,
24 at those three establishments at -- at St. Charles
25 Nissan, Bommarito Nissan and Lou Futz Motor

1 **Company; is that correct?**

2 A That's correct.

3 **Q You don't currently have -- have customers**
4 **in any of the other locations, where -- where**
5 **Ameren is proposing to -- to set up charging**
6 **stations along I-70?**

7 A We do not currently have any other fast
8 charger customers. We may have Level 2 charging
9 stations provided in that area.

10 **Q You may, or you do?**

11 A As we said earlier, we put into the record
12 the 37 ports that we have estimated in Ameren's
13 territory. Some are Level 2, but we only have the
14 three fast chargers.

15 **Q Okay. Do you believe that if -- that if**
16 **the Commission were to approve Ameren's tariff**
17 **allowing them to set up these six charging stations**
18 **that it would be more difficult for Charge Point to**
19 **find other customers along I-70 that would be**
20 **interested in your services?**

21 A Yes, I do.

22 **Q Why is that?**

23 A It would be very difficult for us to sell
24 a fast charger to a site if they believed that they
25 could receive a fast charger installed on that

1 property free of charge from Ameren. If you owned
2 a parking lot along I-70 and you wanted to put in a
3 fast charger to be a site for fueling along that
4 corridor, and we tried to sell you a charging
5 station outside of Ameren's program at full cost,
6 and then Ameren came over and said, We'd love for
7 you to be in our program and you won't have to pay
8 anything, you would be much more likely to go with
9 Ameren, in which case we'd be locked out of that
10 corridor.

11 **Q But if they go with Ameren, they're not**
12 **going to derive profits from the charging station.**
13 **If they go with you, they could -- they could**
14 **possibly get profits from the charging station; is**
15 **that not correct?**

16 A The profits generated from a charging
17 station tend to be related to directing drivers to
18 that site. So there maybe indirect profits from
19 have being someone park their car and buy food at
20 the convenience store similar to the profits that a
21 gas station might make, make the profits off of,
22 you know, gum and cigarettes, not necessarily from
23 gas.

24 **Q Okay.**

25 A So they could potentially receive similar

1 benefits.

2 Q So the -- the price that -- that Ameren
3 wishes to charge that -- that are set forth in the
4 tariff are really not the anti-competitive factor
5 that you're concerned about. It's -- it's
6 providing the -- the charging station free of
7 charge that you believe is anti-competitive?

8 A That's correct.

9 Q So it -- and taking that one step further,
10 -- well, let me ask it this way. So if we were to
11 tariff -- if we were to approve a tariff without a
12 price, you would still have the same
13 anti-competitive concerns?

14 A Correct.

15 Q Do you believe that 5, 10, 15 to 20 years
16 from now, price will be more of a factor in -- in
17 -- in competition between charging stations?

18 A Do you mean price for the charging station
19 or price for drivers for the charging service?

20 Q The latter.

21 A Not necessarily. Again, the benefits of a
22 charging site tend to be related to what other
23 indirect benefit you receive from that site.

24 So we continue to expect work places to
25 provide employees with free charging or convenience

1 stores to want people to come to use a fast charger
2 there.

3 Hotels want you to spend the night because
4 they have a fast charger located in their parking
5 lot. Target or Wal-Mart to have you get two hours
6 of free charging so you definitely shop for two
7 hours and fully charge your vehicle before you
8 leave. We expect that.

9 Q So you don't -- you don't foresee a
10 situation at some point in time where -- where I'm
11 driving down I-70 in my electric vehicle, and I
12 need to -- to charge my battery.

13 I pull up my -- pull up my cell phone,
14 find out where there are charging stations close by
15 and do a price comparison and go to the one with
16 the cheapest price?

17 A Yes. But -- that -- that may occur. I --
18 I do think that this is the reason that we want to
19 seek clarification on the ability of non-utilities
20 to charge a fee for that charging session. There
21 is some anti-competitive element there if only
22 Ameren is able to -- to do so.

23 Q Well, I guess my -- my -- you seem to be
24 saying that price is -- is not a factor driving, no
25 pun intended, to consumers to one charging station

1 **versus another; is that correct?**

2 A Is that correct.

3 Q **And -- and so my question is, looking into**
4 **the future, do you -- do you foresee that changing,**
5 **or is that going to be a constant?**

6 A I believe that that depends on the number
7 of charging stations available. If there is a
8 scenario where you pull up an app and there's four
9 fast chargers near each other and all of them have
10 variable pricing, then, yes, you may likely make a
11 decision based on that price if the fast charger is
12 the only one there then.

13 Q **Right. So in the scenario where there are**
14 **four and I, as a consumer, am going to go to the**
15 **one that's cheapest --**

16 A Yeah.

17 Q **-- in that scenario, then the price that**
18 **we set in the tariff that may be below cost could**
19 **be anti-competitive. But until we reach that kind**
20 **of saturation, in your view, it is not necessarily**
21 **anti-competitive?**

22 A So long as non-utilities kind of also set
23 a price for the charging session.

24 CHAIRMAN HALL: Okay. Thank you.

25 COMMISSIONER STOLL: No questions. Thank

1 you for your testimony.

2 CROSS-EXAMINATION

3 BY COMMISSIONER KENNEY:

4 Q Good afternoon, Ms. Smart. Two things.
5 First, you mentioned in your rebuttal, I think you
6 last page, that the Commission should open up a
7 separate proceeding to discuss a state-wide policy.
8 How do you see that as different from the working
9 document that we have where we invited all the
10 stakeholders to come in and give us their ideas?

11 A I thought that was a great start, the
12 working group and the workshop that we had there.
13 I just believe that we need to conclude with an
14 actual rule-making clarification in the law.

15 Q So you think that we need to have a
16 clarification in our law?

17 A Absolutely. I think that that is a good
18 conclusion of today, that there's still some lack
19 of clarity on whether non-utilities --

20 Q What's Charge Point's position -- does
21 Charge Point believe a third party vendor can
22 resell electricity in the State of Missouri for
23 these charging ports?

24 A We do not believe currently that -- that
25 the -- that a customer of Charge Point can sell per

1 kilowatt hour. We do believe that a Charge Point
2 customer can own a charging station.

3 However, we've advised all of our Missouri
4 customers to only offer free charging services or
5 charge per hour, not per kilowatt hour.

6 **Q So your 37 vendors that Charge Point has**
7 **in the Ameren territory, they either give the**
8 **energy free or they charge on a per hour basis for**
9 **hook-up to the unit?**

10 A Yes. That's correct.

11 **Q All right. And you're overall complaint**
12 **when you were talking to the Chairman is that it's**
13 **just the capital structure. The personal vendor**
14 **has to put out the money for the infrastructure and**
15 **use that as far as making money off of that whereas**
16 **the utility gets to stick it in rate base?**

17 A Correct. We think that -- and to be
18 clear, Charge Point is supportive of the ability of
19 a utility to own charging stations or to rate base
20 charge stations.

21 We're concerned with the -- the model that
22 they have proposed and the fact that this
23 particular highway corridor connects many states
24 across a national network of charging stations that
25 we're trying to create.

1 While it may appear to fill a hole, it
2 also creates a hole because we can't compete with
3 it.

4 Q What do you think about the -- setting the
5 tariff for -- setting the amount that can be
6 charged for -- on a -- on a -- through the utility
7 whether it's a per hour basis or -- or a per
8 kilowatt basis that the utilities could?

9 A We're -- we're concerned with the -- with
10 regulating rates to drivers. I think there has
11 been some discussion today from the Chairman about
12 whether or not to regulate or provide a tariff to
13 all non-utilities to charge drivers at that rate.

14 We do want to make sure there is
15 flexibility built into the pricing models that a
16 charging station owner can set for the drivers
17 unique to that property.

18 So in the same way right now that a
19 Wal-Mart may want to provide two hours of free
20 charging and then charge an hourly fee afterwards
21 because they know you're not shopping in their
22 store after two hours.

23 We need that flexibility built into it so
24 that the indirect benefits of actually hosting a
25 charging station are realized.

1 Q How many vendors does Charge Point have in
2 the -- private vendors does Charge Point have in
3 KCP&L's service territory or GMO's service
4 territory?

5 A How many customers do we have that
6 aren't --

7 Q That -- yeah. Who have their on Charge
8 Point charging stations.

9 A That are not KCP&L? I do not have that
10 number off the top of my head.

11 Q Do you have a random -- more than 20? Do
12 you know?

13 A Yes. I think we provided that into the
14 docket.

15 Q I think I saw that somewhere. I just
16 don't have it on hand.

17 A Yeah. I think it was near 30.

18 Q A little less than Ameren's territory?

19 A Yes.

20 Q Okay. Let me ask you a question, then.
21 So do you give them the same recommendation that
22 they charge by the -- by the time of use rather
23 than the kilowatt hour?

24 A Correct. Yes. State-wide, we -- we would
25 be advising all customers to provide free charging

1 or to charge per hour.

2 Q Well, how does Charge Point deal with that
3 since they provide KCP&L all their charging ports
4 and have a contract with KCP&L and KCP&L gives away
5 all their -- whoever hooks up there, they get it
6 all for free from their site host. How do you
7 balance that as a competitor scenario?

8 A How do we compete with our stations.

9 Q How -- how does that get competition?
10 You're worried about competition on Ameren's side ,
11 and I understand that.

12 But if I'm a vendor and I buy the station
13 from you and I'm going to sell it by the kilowatt
14 hour as I'm recommended, and then here is KCP&L
15 putting them up all over the whole city and that
16 electricity is free, that charge is free, that
17 seems like that would be a competition problem for
18 you.

19 A Right. So within KCP&L's program where
20 they are offering Level 2 charging stations, we
21 have sold stations within that program so found
22 site hosts that want to receive that station from
23 KCP&L and have KCP&L control the pricing or require
24 that the stations be free.

25 We have also sold stations where the owner

1 of that station may want to set the pricing
2 themselves and then want to own and operate their
3 own station. I think that most of that occurred
4 prior to KCP&L's program. We have --

5 Q That doesn't occur anymore, does it? Does
6 that happen anymore? I understand picking a site
7 and they want KCP&L. I know they've got a contract
8 with all the Hyvees because they're at every Hyvee
9 that I've seen.

10 But the other areas, do you -- are you
11 selling to many charging points for vendors outside
12 of KCP&L?

13 A Not within KCP&L's territory. And we
14 have --

15 Q Because it's not -- it's not very
16 competitive, is it?

17 A It is -- it is --

18 Q Not right now?

19 A -- a different program from Ameren's in
20 that it's Level 2, which means that you can put a
21 charging station literally anywhere in any parking
22 space.

23 Q Do they have -- do they have -- do they
24 have any -- they have a couple fast chargers,
25 right? One in St. Joe, one in Blue Springs and

1 **maybe a couple more?**

2 A They installed some fast chargers with
3 Nissan.

4 **Q And that's just -- that's separate from --**

5 A They may be on the Charge Point network,
6 but they were not our equipment.

7 **Q But not -- but not your equipment?**

8 A To my knowledge.

9 COMMISSIONER KENNEY: Okay. All right.
10 Thank you very much.

11 JUDGE BUSHMANN: Recross by Ameren
12 Missouri?

13 MS. JOHNSON: Thank you. I do have a few
14 follow-up questions.

15 RE CROSS EXAMINATION

16 BY MS. JOHNSON:

17 **Q Kind of following up a little bit on some**
18 **of your discussions with Chairman Hall, you**
19 **referenced three fast charging stations within**
20 **Ameren Missouri's service territory. Do you recall**
21 **that?**

22 A Yes.

23 **Q St. Charles Nissan, Bommarito Nissan and**
24 **Lou Futz Motor Company; is that correct?**

25 A Yes.

1 Q Now, none off those -- those are all in
2 the St. Louis Metropolitan area, essentially? None
3 are further west than Wentzville?

4 A Correct.

5 Q Thank you. And to follow up on a couple
6 of questions from both Chairman Hall and
7 Commissioner Kenny, I wanted to ask you is Charge
8 Point willing to invest capital to install fast
9 charging infrastructure along the I-70 corridor
10 that -- where Ameren has proposed to install this?

11 A Yes.

12 Q So Charge Point itself will invest its own
13 money to get out into that corridor?

14 A Either -- we've investment strategies in
15 place to create a national network of charging
16 stations and have partnerships that may include
17 third parties that finance stations.

18 Q So why haven't you done that yet?

19 A We are working on it.

20 Q Okay.

21 A The availability of -- of vehicles in the
22 area is growing, and we do believe that -- that
23 it's a key corridor to support.

24 And the reason that I'm here today is
25 because we think it's a key corridor, and we do not

1 want to be locked out of this area for the next
2 three years.

3 Q Okay. So we can expect to see that
4 infrastructure developed, also, then?

5 A Not if this is approved.

6 Q But you had concrete plans before this
7 plan was -- outside of our own RFP process to
8 support this?

9 A We have concrete plans to create a
10 national network of fast chargers along the fast
11 act designated corridors, including the one listed
12 here, yes.

13 Q Okay. Could -- would you be able to
14 produce a copy of the documents that show the
15 details regarding that particular plan?

16 A No. That is confidential business
17 information.

18 Q Would you be able to give us any details
19 regarding timelines?

20 A No, I cannot.

21 Q How much money were you going to invest in
22 that?

23 A We cannot disclose private business
24 information.

25 Q What -- if we went in in-camera, would you

1 be able to describe that, all that information?

2 A No, I cannot.

3 Q No, you cannot. Would you be able to --
4 so you can't give us a timeline. You can't give us
5 a budget. Can you give us an example of the
6 business model you would have been proposing for
7 that corridor or a variety of business models since
8 you have recommended a variety of business models
9 for Ameren Missouri?

10 A Sure. Let me describe how our -- we put
11 in fast charger corridors. We have a plan for a
12 year by year growth of fast charger corridors.

13 In 2016, we focused on the East and West
14 Coast of the United States in partnership with BMW
15 and Volkswagon where the automakers put in some
16 funding. There was private capital --

17 Q If I could reign you in to the Missouri
18 specific what you would propose as a business model
19 for this specific location since you indicated that
20 all have and you thought about that?

21 A Again, we would be expanding on the
22 relationships and partnerships like we have done in
23 2016. Yes.

24 Q Okay. Have you been working on those
25 relationships in Missouri and developing those in

1 **Missouri in the last few years?**

2 A They are national relationships that we
3 have been developing over the past few years.

4 Q **And have you talked to them specifically**
5 **about this Missouri corridor?**

6 A Yes.

7 Q **Have you made any detailed actual plans**
8 **about that, or has it been just speculation at this**
9 **point?**

10 A We have plans as to expand along the fast
11 act designated corridors, including the I-70
12 corridor. Yes.

13 Q **All right. Plans that you can't explain**
14 **or divulge any information about?**

15 MR. COMLEY: It's been asked and answered.

16 MS. JOHNSON: Fair enough. Withdrawn.

17 JUDGE BUSHMANN: Sustained.

18 MS. JOHNSON: I have no further questions.

19 JUDGE BUSHMANN: Recross by Staff.

20 CROSS-EXAMINATION

21 BY MR. THOMPSON:

22 Q **In response to some questions by Counsel**
23 **for Ameren, you indicated that your company didn't**
24 **want to be locked out of that corridor for three**
25 **years.**

1 What if the Commission approved Ameren's
2 pilot program but allowed pricing to be competitive
3 or set by the market? Would your company still
4 feel itself locked out of that corridor?

5 A Yes. As indicated to the Commissioners on
6 the Bench, the concern is not with pricing to the
7 drivers. It's the availability of the charging
8 station.

9 So our ability to sell at full cost a
10 charging station to a site host or to develop a
11 site if they are to receive something free of
12 charge from Ameren where Ameren has used the rate
13 base in order to pay for the cost.

14 MR. THOMPSON: Thank you. No further
15 questions.

16 JUDGE BUSHMANN: Kansas City Power &
17 Light?

18 MR. FISCHER: No questions, your Honor.

19 JUDGE BUSHMANN: Division of Energy?

20 MR. ANTAL: No questions. Thank you.

21 JUDGE BUSHMANN: NRDC?

22 MR. ROBERTSON: No questions.

23 JUDGE BUSHMANN: Sierra Club?

24 MR. HALSO: Just a few, your Honor.

25 RE CROSS EXAMINATION

1 BY MR. HALSO:

2 Q Ms. Smart, let's assume that the
3 Commission were to approve Ameren's program as
4 proposed and further state that no further
5 investment by the utility would be permitted in the
6 I-70 corridor or, say, a period of three years or
7 five years during which they'd evaluate use of the
8 stations and other data and lessons learned.

9 Once the sixth station host -- site hosts
10 were selected, at that point, would Charge Point's
11 competitive concerns for the corridor be resolved
12 for at least for the period during which Ameren was
13 prohibited from further investment?

14 A It would depend upon how -- the time frame
15 for when the stations themselves were deployed.
16 But once those stations have been installed and
17 Ameren has conclude its pilot, yes, we would hope,
18 at some point, to refocus our investment. However,
19 at that time, we may have moved on to other areas.

20 Q And rather than a -- the request for
21 proposal used here, you prefer a model where site
22 hosts, say, a gas station where a fast charger
23 might be located along I-70 would choose from a
24 list of qualified vendors, correct?

25 A Yes.

1 Q And let's assume Ameren had molded their
2 program as such and that Charge Point was one of
3 the qualified vendors. Would it be your preference
4 that Charge Point could go out and recruit
5 potential site hosts, look for hosts along I-70?

6 A Yes.

7 Q And then refer those site hosts to Ameren,
8 suggest they join the program and, also, request to
9 use Charge Point's equipment?

10 A Yes.

11 Q And would you agree that the success of
12 any given EV service provider qualified under that
13 program would depend, in part, on the size of their
14 sales course?

15 A That may be a factor in addition to the
16 features and services and quality of the product
17 offered.

18 Q But the -- the size and ability of their
19 sales force would be relevant to their success of
20 the program. Would you agree?

21 A Not necessarily, no. I --

22 Q In -- in a program where EV service
23 providers may refer site hosts through a utility
24 through which they'd obtain equipment, the quality,
25 the effectiveness of these sales providers, sales

1 force would not be relevant to the success. Is
2 that your testimony?

3 A The number of -- no. My testimony would
4 be that if there was the ability to have multiple
5 vendors in the program, then presumably each of the
6 vendors qualified would have a sales person in the
7 area selling a charging station. I don't think
8 that the size of the sales force is relevant to
9 that point.

10 Q Based on your experience as Charge Point's
11 sales person, larger EV service providers in the
12 United States?

13 A Nationally, yes.

14 Q By what order of magnitude?

15 A I don't know.

16 Q And taking the hypothetical, would Charge
17 Point be supportive if such a qualified vendor
18 approached, even if Ameren were ultimately the
19 owner all the way up through the charging station
20 itself?

21 A Yes.

22 MR. HALSO: Thank you, your Honor. No
23 further questions.

24 JUDGE BUSHMANN: Public Counsel?

25 MS. SHEMWELL: No questions. Thank you.

1 JUDGE BUSHMANN: Redirect by Charge Point?

2 REDIRECT EXAMINATION

3 BY MR. COMLEY:

4 Q Ms. Smart -- excuse me. Ms. Smart, during
5 the course of Staff's examination, Mr. Thompson
6 referred to the 37 customers that Charge Point has
7 public charging stations for in the Ameren service
8 territory.

9 I'm going to show you an exhibit. I've
10 handed Ms. Smart a -- what I've marked as Exhibit
11 302. Ms. Smart, are you capable of identifying that
12 for the Commission and the parties, please?

13 A Yes. This is the list of station owners
14 that we have in the -- what we believe to be the
15 Ameren service territory totaling 37 -- no. This
16 one's totaling 50 ports.

17 Q It shows 50 ports, 37 separate customers
18 that -- would that be a fair statement?

19 A I believe it's 19 customers.

20 Q Okay. All right. Thank you very much.
21 This was -- can you explain -- this was an
22 attachment to a Data Request response?

23 A We received a Data Request. The Data
24 Request was on the area between, I believe, St.
25 Louis and Columbia. Therefore, these may or may

1 not be specifically in Ameren's service territory.
2 They are stations located between the two, which is
3 why there's 50 of them.

4 Q Would they be the 37 -- the customers
5 we've been talking about that Staff is wanting to
6 see?

7 A Yes. Yes.

8 Q I have one copy of that exhibit.

9 MR. COMLEY: Would you like to see it?

10 MR. THOMPSON: I'd love to see it.

11 MR. COMLEY: Based upon this information,
12 I move the admission of Exhibit 302, so it's -- I
13 mean, 302 for the benefit of the parties and the
14 Commission.

15 JUDGE BUSHMANN: The other parties are
16 going to need an opportunity to review it.

17 MR. COMLEY: This is also on the back of
18 the Data Request given to the Division of Energy
19 and also to Union Electric.

20 MS. SHEMWELL: How are we identifying it?
21 How are we describing it?

22 A Charge Point customers -- I should figure
23 out what the exact area was. Charge Point's
24 customers in the Ameren service territory area.

25 MR. THOMPSON: That's not all of them,

1 right?

2 Q (By Mr. Comley) That's not all of them?

3 A Public. Charge Point customers.

4 MR. COMLEY: These are the public.

5 MR. THOMPSON: Can I voir dire?

6 MR. COMLEY: Sure.

7 VOIR DIRE EXAMINATION

8 BY MR. THOMPSON:

9 Q Is that all the public ones?

10 A This is all the public charging in that
11 are, correct. On the Charge Point network.

12 MR. COMLEY: On the Charge Point network.

13 Q (By Mr. Thompson) By Ameren area, do you
14 mean Ameren service area, or do you mean the
15 stretch between Columbia and Wentzville?

16 A It is the stretch between -- I just want
17 to make sure I get the correct -- it is a list of
18 Charge Point charging stations along the I-70
19 corridor between St. Louis and Boonville and along
20 the Interstate 54 corridor between Kingdom City and
21 Jefferson City.

22 Q To your knowledge, are there other Charge
23 Point customers within Ameren's service territory
24 that are not on that list?

25 A Yes.

1 MR. COMLEY: There are?

2 A That are -- we have Charge Point customers
3 who had restricted access to employees, including
4 Ameren.

5 Q (By Mr. Thompson) I mean other public
6 ones.

7 A Not to my knowledge. That would be Charge
8 Point customers.

9 MR. THOMPSON: Thank you very much.
10 That's it for me.

11 MR. COMLEY: Well, for some clarity, these
12 are all public charging stations?

13 A Yeah. Those are all public charging
14 stations. Correct.

15 MR. COMLEY: Who else would like to see
16 this exhibit?

17 JUDGE BUSHMANN: Any other party want to
18 review that before you make any objection?

19 MR. COMLEY: I can have copies of these
20 made immediately and have that ready for you
21 tomorrow. I would move the admission of Exhibit
22 302.

23 JUDGE BUSHMANN: Any party have an
24 objection to the receipt of that exhibit? Hearing
25 none, it's received into the record, and you can

1 leave that with the court reporter.

2 (Exhibit 302 was offered and admitted into
3 evidence.)

4 JUDGE BUSHMANN: Redirect, Mr. Comley?

5 MR. COMLEY: Yes, your Honor.

6 FURTHER REDIRECT EXAMINATION

7 BY MR. COMLEY:

8 Q Ms. Smart, there were questions to you
9 about the Kansas City Power & Light Clean Charge
10 Network and Charge Point's participation in that.
11 Is there a difference between the KCP&L pilot and
12 Ameren pilot?

13 A Yes.

14 Q And can you explain those to the
15 Commission for us?

16 A Yes. KCP&L purchased those stations
17 directly from us. They were Level 2 stations. We
18 support KCP&L in that program in that KCP&L found
19 an opportunity to support EV adoption through Level
20 2 charging stations, which can be located, as we've
21 indicated earlier, anywhere.

22 The Level 2 stations themselves, as has
23 been discussed today, can support any electric
24 vehicle at all -- including plug in hybrids.

25 And KCP&L, in making that investment in

1 Level 2 stations, invested in networked stations,
2 which means that those stations can be found on a
3 national network through our app, through a web
4 site.

5 To our knowledge, Ameren stations are not
6 networked, meaning that the network communication
7 can't occur directly to the driver.

8 So let's say someone's plugged into a
9 charging station and the utility decides that there
10 needs to be a change in pricing or a demand
11 response event in the future.

12 What KCP&L did was future-proof its
13 investments to make sure that those grid benefits
14 could be realized by supporting communication
15 between the network and the driver.

16 **Q There was reference to the multiple RFP**
17 **argument you've made in your position statements**
18 **here. Is there a difference between how the Clean**
19 **Charge Network KCP&L handled multiple RFPs? And**
20 **how does that reconcile with your position with**
21 **Union Electric?**

22 A KCP&L purchased stations directly from us.
23 To my knowledge, there was not an RFP process at
24 the time.

25 We have participated in the Kansas

1 corporation Commission review of KCP&L's program
2 and advocated for customer choice and future growth
3 of that -- their investment, including any fast
4 charger corridors that they might seek to install.

5 We've also been supportive of KCP&L
6 installing -- or allowing for site host choice in
7 pricing to the driver, which they're currently
8 implementing in Kansas.

9 **Q Has Change Point ever taken a position**
10 **elsewhere in any other jurisdiction other than what**
11 **you've done today?**

12 A Yes.

13 **Q And what positions have you taken**
14 **differently?**

15 A Charge Point has taken the same position
16 across all states that customer choice is required
17 in any program that is reviewed by a Commission for
18 ratepayer support.

19 We believe that it's important that in
20 order to support a competitive market if there will
21 be cost recovery of that program at any point in
22 time that there needs to be ability of the site
23 host to choose the equipment located on their own
24 property.

25 **Q You mentioned that you are the sole**

1 **network provider for the Clean Charge Network.**

2 **Please explain what that means.**

3 A The charging station itself includes
4 several parts. There is the hardware, so the
5 physical box that you see with the plugs, software
6 within that station and a network which might
7 communicate via wi-fi or a cellular network to a
8 cloud that allows for monitoring of that station,
9 control that station and locating that station and
10 seeing remotely whether or not someone's plugged
11 in.

12 So the charge -- the charge -- the Clean
13 Charge Network stations are all part of Charge
14 Point's network. However, there is -- there is
15 multiple hardware providers across the DC fast
16 chargers and Level 2 investments in their program.

17 **Q During cross-examination from the Sierra**
18 **Club, there was mention of the San Diego Gas &**
19 **Electric pilot in California. Can you explain the**
20 **differences between that pilot and the Union**
21 **Electric pilot?**

22 A Sure. In SDG&E's case, SDG&E is providing
23 charging stations for the -- Level 2 charging
24 stations for work place and multi-family housing.

25 SDG&E does own the charging stations.

1 However, the site host has choice. The site host
2 can choose equipment from a list of qualified
3 vendors provided by SDG&E, which means that Charge
4 Point and our competitors work with the utility to
5 find site hosts in the same model that we've
6 composed here, and the SDG&E owns those stations.

7 **Q Did Charge Point participate in the**
8 **decision that was referred to by Mr. Sheehy in his**
9 **testimony?**

10 A Yes. We participated in all three
11 California investor-owned utility proposals
12 referenced in Mr. Sheehy's testimony.

13 **Q There was a question about recruitment of**
14 **site hosts. And I'm -- the question comes to mind,**
15 **is it typical for a third party vendor like Charge**
16 **Point to assist a utility like Ameren in collecting**
17 **site hosts for charging stations?**

18 A Yes.

19 **Q And why is that?**

20 A Charge Point has been in business for
21 eight years, and we have experience in knowing what
22 types of sites should be perfect for a charging
23 station.

24 As Mr. Nealon mentioned, we did approach
25 Ameren with ideas as to what types of sites would

1 be best and what we needed at those sites. And we
2 do believe our expertise, including that of our
3 competitors, including us as well, is important to
4 these programs.

5 MR. COMLEY: I have no other questions.

6 JUDGE BUSHMANN: That completes your
7 testimony, Ms. Smart. You may step down. Thank
8 you. Why don't we take our final witness for the
9 day for Kansas City Power & Light?

10 MR. FISHER: KCP&L calls Tim Rush.

11 TIM RUSH,

12 being first duly sworn to testify the truth, the whole
13 truth, and nothing but the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FISCHER:

16 JUDGE BUSHMANN: Please be seated.

17 **Q (By Mr. Fischer) Please state your name**
18 **and address for the record?**

19 A Tim Rush, 1200 Main Street, Kansas City,
20 Missouri with Kansas City Power & Light Company.

21 **Q Are you the same Tim rush that caused to**
22 **be prepared in this proceeding rebuttal testimony,**
23 **which has been marked as Exhibit 650, and**
24 **surrebuttal testimony, which has been marked as**
25 **651?**

1 A I am.

2 Q Do you have any changes or corrections
3 that need to be made to those pieces of testimony?

4 A I do not.

5 Q If I were to ask you the questions that
6 are contained in those written documents, would
7 your answers be the same today?

8 A They would.

9 Q And are they true and accurate to the best
10 of your knowledge and belief?

11 A Yes.

12 MR. FISCHER: Your Honor, I'd move for the
13 admission of Exhibits 650 and 651 and tender the
14 witness for cross.

15 JUDGE BUSHMANN: Any objections? Hearing
16 none, those exhibits are received into the record.

17 (Exhibits 650 and 651 were offered and
18 admitted into evidence.)

19 JUDGE BUSHMANN: First cross would be
20 Ameren Missouri.

21 MR. MITTEN: Ameren Missouri has no
22 questions of Mr. Rush at this time.

23 JUDGE BUSHMANN: Commission Staff?

24 MS. PAYNE: No questions, your Honor.

25 JUDGE BUSHMANN: Charge Point?

1 CROSS-EXAMINATION

2 BY MR. COMLEY:

3 Q Mr. Rush, I thought I'd try to clarify
4 KCP&L's position a little bit. Is it your position
5 that -- is it the company's position that
6 non-utilities cannot lawfully own electric vehicle
7 charging stations?

8 A No. Our position is they cannot resell
9 electricity.

10 Q So there is -- they could not control the
11 price?

12 A That is correct.

13 Q Would you object to them -- would you
14 object to a non-utility which owns a charging
15 station charging nothing for the service?

16 A We have no problem there.

17 Q Or the per hour rate?

18 A I'm unclear on that one. But --

19 Q We're getting close, then?

20 A Right. We -- we have a prohibition
21 against the resale of electricity in our tariffs is
22 why I say that. And to me, it typically resides on
23 a per kilowatt hour basis.

24 MR. COMLEY: That's all. Thank you.

25 JUDGE BUSHMANN: Division of Energy?

1 MR. ANTAL: A few questions.

2 MR. RUSH: Yes.

3 CROSS-EXAMINATION

4 BY MR. ANTAL:

5 Q Hello, Mr. Rush.

6 A Hello.

7 Q Were you in the room during my opening
8 presentation?

9 A I was.

10 Q Do you recall me referencing a Commission
11 case with File No. EO-2011-0090?

12 A I do.

13 Q Okay.

14 MR. ANTAL: Your Honor, I'd like to mark
15 Division of Energy -- Division of Energy exhibit.
16 I believe this will be 250 --

17 JUDGE BUSHMANN: 254.

18 MR. ANTAL: 254. There are at least six.

19 Q (By Mr. Antal) Mr. Rush, do you see the
20 style of the case at this top of that document?

21 A I do.

22 Q Can you read the style of the case into
23 the record?

24 A In the Matter of the Application of Kansas
25 City Power & Light Company for Authority to

1 Encumber Certain Clean Cities Equipment.

2 Q Okay. And can you read the title of the
3 document?

4 A Order granting application and request for
5 waiver.

6 Q Okay. And are you familiar with the
7 subject matter of this proceeding?

8 A I am somewhat familiar --

9 Q Okay.

10 A -- with this.

11 Q Could you read into the record starting
12 with the second paragraph to the end of the page?

13 A I can. KCP&L is asking for permission to
14 encumber equipment to be acquired with funding from
15 the U.S. Department of Energy (DOE).

16 The equipment consists of charging
17 stations for electric vehicles. The total
18 equipment to be purchased and subject to
19 encumbrance would be approximately 40,000 to
20 \$90,000.

21 Per Federal regulation, title of the
22 equipment purchased with DOE funds is subject to
23 conditions that limit the buyer's ability to use
24 the equipment and its ability to dispose of the
25 equipment.

1 Q Based off your knowledge, did the
2 Commission grant this waiver?

3 A Yes, they did.

4 Q Okay. And did KCP&L purchase the subject
5 electric vehicle charging stations?

6 A We did. Yes.

7 Q And is it -- if you know, are these
8 charging stations in KCP&L's rate base?

9 A Well, the remainder of any amounts beyond
10 the funding and the purchase price to install that
11 is in rate base, yes.

12 Q Okay. Thank you.

13 MR. ANTAL: Judge, I'd move to have
14 Exhibit 254 entered into the record.

15 JUDGE BUSHMANN: Any objections?

16 MR. COMLEY: I think you can take official
17 notice of the decisions of the Commission, Judge.
18 I'm not sure why it has to be an exhibit.

19 JUDGE BUSHMANN: I'm going to go ahead and
20 leave it as an exhibit, although I think you're
21 probably correct. So I'll admit Exhibit 254 into
22 the record.

23 (Exhibit 254 was offered and admitted into
24 evidence.)

25 MR. ANTAL: No further questions. Thank

1 you very much.

2 MR. RUSH: Thank you.

3 JUDGE BUSHMANN: NRDC.

4 MR. ROBERTSON: No questions.

5 JUDGE BUSHMANN: Sierra Club?

6 MR. HALSO: No questions, your Honor.

7 JUDGE BUSHMANN: Public Counsel?

8 MS. SHEMWELL: No questions.

9 JUDGE BUSHMANN: Commissioner questions?

10 CROSS-EXAMINATION

11 BY CHAIRMAN HALL:

12 Q Good afternoon.

13 A Good afternoon.

14 Q Turning to page 4 of your surrebuttal
15 testimony, lines 5 and 6 -- and I think I
16 understand what you're saying, but I just -- I want
17 to be completely sure I understand.

18 You say that public utilities are the only
19 utilities currently authorized to offer public
20 charging stations such as those proposed in this
21 docket.

22 That -- you -- you -- you base that
23 understanding on KCP&L tariffs and KCP&L GMO
24 tariffs; is that correct?

25 A I do. Yes.

1 Q So if -- if those tariffs were modified or
2 eliminated, then other entities would be able to --
3 would -- would be able to -- to offer public
4 charging stations?

5 A I -- I am not certain of that. And the
6 reason I say that is because a utility, in my
7 understanding, is offered a franchise to be the
8 sole provider of electric service.

9 And so there may be a Legislative -- I
10 don't know that condition. I know that our tariff
11 says that. I know our tariff requires that. So I
12 think --

13 Q And the tariff that you're referring to,
14 and I think it's the same language that's an issue
15 that -- the issue that Ameren has, and it's the
16 prohibition of -- of sale for resale --

17 A That's correct.

18 Q -- correct? Is -- okay. Do you know why
19 -- why that tariff exists?

20 A I do.

21 Q What's the purpose of that tariff?

22 A The purpose of that tariff is so that an
23 entity cannot develop and sell electricity within
24 the certified area or the certificated area of the
25 utility.

1 And the examples would be where a
2 subdivision decides to establish a subdivision, set
3 a meter point to receive electricity and then put
4 all of the housing around it and sell it at their
5 own price. That -- that -- that is what has always
6 been the process for a commercial development.

7 **Q So it's not -- it was not designed to**
8 **prohibit sale for resale for charging stations?**

9 A No, it was not.

10 **Q And do you -- do you have a position on --**
11 **on whether or not in subsequent rate cases it would**
12 **be appropriate to modify that provision to make**
13 **that clearer?**

14 A The company is -- it wants to encourage
15 the development of charging stations outside the
16 utility. And we have gone on record in saying that
17 we would like to see that, whether that's a
18 Legislative piece or a change in the tariff.

19 So we would be willing to modify the
20 tariff to be able to address that if that were the
21 only restriction that was required.

22 And -- and, again, I'm not an attorney, so
23 I don't know the particulars of it. But I
24 understand it's been our position that we can --
25 you know, a customer or an entity cannot come in

1 and resell electricity in our service territory.

2 I'm aware of, for example, in a rate case
3 not too long ago in which a developer wanted to
4 meter a condominium area, and they had installed
5 their own metering.

6 And we went to the Commission because this
7 was the issue. And they literally, if I'm not
8 mistaken, created that entity as a utility in the
9 State of Missouri regulated by this Commission.

10 And so that was kind of one of those
11 things that said the Commission was citing saying
12 you could not do that without becoming a utility.

13 **Q So going forward for KCP&L and KCP&L GMO,**
14 **it was determined that it was appropriate to modify**
15 **this particular tariff to make it clear that sale**
16 **for resale for charging stations is allowed, would**
17 **it be appropriate, in your view, to -- to set an**
18 **express rate for charging stations?**

19 A Well, for the charging stations that we
20 have in our service area, which we have in a rate
21 case right now, we do want a price to be able to
22 charge for those services. Now, whether an
23 entity --

24 **Q A specific rate just for charging**
25 **stations?**

1 A We have filed a specific -- we have filed
2 a specific rate. And we are asking for approval of
3 that tariff.

4 **Q Okay.**

5 A You've asked a number of times today about
6 having kind of a blank or an open price. I'm
7 really not certain at that stage, except that our
8 company is of the position that we need a tariff
9 and we want to start recovering the investment that
10 sits out there with the charging stations that we
11 have.

12 CHAIRMAN HALL: Okay. Thank you.

13 A Okay.

14 COMMISSIONER STOLL: No questions. Thank
15 you for your testimony.

16 COMMISSIONER KENNEY: No questions. Thank
17 you.

18 JUDGE BUSHMANN: Recross, Ameren Missouri?

19 MR. MITTEN: No questions, your Honor.

20 JUDGE BUSHMANN: Staff?

21 MS. PAYNE: No questions.

22 JUDGE BUSHMANN: Charge Point?

23 MR. COMLEY: No questions.

24 JUDGE BUSHMANN: Division of Energy?

25 MR. ANTAL: No questions.

1 JUDGE BUSHMANN: NRDC?

2 MR. ROBERTSON: No questions.

3 JUDGE BUSHMANN: Sierra Club?

4 MR. HALSO: No questions.

5 JUDGE BUSHMANN: Public Counsel?

6 MS. SHEMWELL: No questions. Thank you.

7 JUDGE BUSHMANN: Redirect by Kansas City
8 Power & Light?

9 REDIRECT EXAMINATION

10 BY MR. FISCHER:

11 Q Mr. Rush, in answer to Chairman Hall's
12 questions, you made reference to a condominium
13 where the Commission treated it as a utility
14 whenever they wanted to effectively sell to the
15 condominium owners --

16 A That's right.

17 Q -- electricity?

18 A That's correct.

19 Q Do you recall -- can you be a little more
20 specific about what case we were talking about
21 there?

22 A I can tell you the entity. I don't
23 remember a case number. I mean, it -- it was Wall
24 Street Towers.

25 Q That's in Kansas City? That's a luxury

1 **condominium in downtown Kansas City?**

2 A Downtown Kansas City. There was a
3 restriction that they could not charge more than
4 the price that was charged from the utility. And
5 they tried to control the notifications and
6 disconnections and the Commission has required to
7 do that, et cetera. So they put a number of
8 restrictions on it to make it a public utility.

9 **Q And was that consistent with the Staff's**
10 **position on that case which -- how it should be**
11 **done? Do you recall?**

12 A Initially not. It was the Staff's
13 position and the company's position it was a
14 violation for them do that.

15 **Q Okay. Do you recall any other more recent**
16 **examples of similar situation where --**

17 A I do.

18 **Q -- a large utility -- would you explain**
19 **that situation?**

20 A I believe it dealt with an entity that was
21 known as Western Electric. And Western Electric
22 was a very, very large manufacturer in Kansas
23 City's service territory that ceased to operate.

24 They became a -- they were sold and then
25 separated themselves into a number of businesses,

1 very large business, large employments, et cetera.

2 They decided to start metering their sites
3 within that entity. And we went to the Commission
4 and said, They cannot -- you know, this is a
5 violation.

6 Basically, we worked with the Staff and
7 came up with a method of talking about things that
8 were dated at a certain stage previously owned as
9 one entity and a meter and worked out a method to
10 address that. It did not become a public utility.
11 But it was controlled by a tariff process.

12 **Q Okay. Are you also aware of possible**
13 **analogous situations in the telephone industry? I**
14 **think Mr. Thompson may have referred to private pay**
15 **telephones earlier.**

16 A And I think that would be an example of
17 where there was issues associated with, you know,
18 what is probably analogous to what we're talking
19 about here.

20 **Q Do you know if the statutes were**
21 **eventually changed to address the certification**
22 **process for private pay telephones?**

23 A I do believe the statutes were changed for
24 that. Yes.

25 **Q Are you aware of a situation similar to**

1 the Wall Street Towers in the telephone area of
2 what they called shared services?

3 A You know, I'm not as familiar, but I am
4 aware -- I've heard about it. And that's where a
5 tenant would -- or a landlord would own and would
6 be able to provide services to each of the tenants.
7 And I'm not sure exactly how that was handled
8 ultimately, but it's a similar issue.

9 Q Okay. I would suggest we have a statute
10 on -- on file that addresses that today. And,
11 also, is -- is it your understanding that there's a
12 requirement that you obtain a certificate as
13 Mr. Thompson mentioned in his opening statement if
14 you're -- if you want to construct electric plant
15 in the state?

16 A I mean, if we want to construct a power
17 plant, we have to go get a certificated -- a
18 certificate. Yes. That's correct.

19 MR. FISCHER: That's all the questions I
20 have, your Honor. Thank you.

21 JUDGE BUSHMANN: Thank you, Mr. Rush. You
22 may step down. As we discussed earlier, I think
23 that's all we're going to do today.

24 MS. PAYNE: Judge, Staff does have one
25 issue before we -- we finish. We would like the

1 Commission to take notice of Tariff Sheet 137 that
2 Chairman Hall referenced earlier. It's MO PSC
3 Schedule No. 6. It's the original, and it's Sheet
4 No. 137.

5 JUDGE BUSHMANN: Do you have a copy of
6 that that I could have?

7 MS. PAYNE: Absolutely.

8 JUDGE BUSHMANN: Does any party have
9 objection of taking official notice of that tariff?

10 MR. MITTEN: Is that the Ameren resale
11 tariff?

12 MS. PAYNE: It is.

13 MR. MITTEN: Not a problem.

14 JUDGE BUSHMANN: Hearing no objection, the
15 Commission will take official administrative notice
16 of Missouri PSC Schedule No. 6, Original Sheet No.
17 137. Do you Mind if I keep that?

18 MS. PAYNE: No. That's fine.

19 JUDGE BUSHMANN: That's all we're going to
20 do today. We are not going to be in session
21 tomorrow because of the weather.

22 What we'll do is I'll, next week, issue an
23 amended procedural schedule. We'll try and find a
24 day for the last five remaining local witnesses.
25 And we'll try and then set new briefing dates and

1 spread that out.

2 Things will just kind of get kicked down
3 the road a little bit so that we can finish up the
4 hearing at an appropriate time.

5 Any parties have anything else they want
6 to address where we go off the record? Hearing
7 none, we're off the record. And we're in recess.

8 (The proceedings were concluded at 4:50
9 p.m.)

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)
) ss.
COUNTY OF OSAGE)

I, Monnie S. Mealy, Certified Shorthand Reporter,
Certified Court Reporter #0538, and Registered Professional
Reporter, within and for the State of Missouri, do hereby
certify that I was personally present at the proceedings as
set forth in the caption sheet hereof; that I then and there
took down in stenotype the proceedings had at said time and
was thereafter transcribed by me, and is fully and accurately
set forth in the preceding pages.

Monnie S. Mealy

Monnie S. Mealy, CSR, CCR #0538
Registered Professional Reporter

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