

The Division of Energy reaches the same conclusion as the utilities by making what it regards as a literal reading of the PSC statutes. Renew Missouri disagrees with DE as well, and agrees with the analysis of the Sierra Club and ChargePoint.

The definition of “electrical corporation” incorporates the term “electric plant,” which is defined as “all real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power” § 386.020 (15) and (14). An electrical corporation furnishes power as a commodity for all the myriad uses its customers make of it. The fact that a few of the services offered by commercial customers involve supplying electricity for rechargeable batteries does not change the nature of the utility-customer relationship. An EV owner is in the same position as a customer who plugs a cell phone charger into a standard outlet at home or in a public place or at a commercial establishment.

The statutes are not to be read with the kind of literalness shown by DE. The courts have always added at least two qualifications. First, the words “for public use” are to be read into the definitions of “electric plant” and “electrical corporation” even though not expressly included. *M. O. Danciger Co. v. PSC*, 275 Mo. 483, 205 S.W. 36, 39–40 (1918). Second, “Whether or not the business of appellants [read: EV charging stations] is a public utility depends upon what they actually do.” *Cirese v. PSC*, 178 S.W.2d 788, 790 (Mo.App. W.D. 1944).

Unlike a utility that provides electricity *per se*, an EV charging station, while it may offer its service to the public in general, serves only the subset of the public that has need of its service. In this way it is like any commercial customer that takes power from a utility for use in its operations. It serves a market that is open to competition, which would be stifled if it became a public utility, and which is not a natural monopoly. If all gas stations were replaced tomorrow

by EV charging stations, it would surely strike everyone as strange if this service could only be provided by monopoly utilities in their certificated territories but could be provided in other ways, including by market competition, in other places.

EV charging infrastructure is under the Commission’s jurisdiction.

There can be no doubt that the extension of utilities’ T&D infrastructure to provide service to EV charging stations is a utility service subject to PSC regulation, including the pricing of electricity (including time-of-use rates), safety, and the recovery of costs in rates.

What is less clear is whether a utility can perform the EV charging service itself. Renew Missouri believes there is a role for regulated utilities where there is a public need that is not being met by other actors. The need is clearest at workplaces and multi-unit dwellings, where cars sit idle most of the time and the service is incidental to the business being conducted at these locations.

On the road, where EV charging stations take the role of filling stations, the Commission could find a public need that is underserved in what is still a nascent market. Utility ownership and operation of charging stations would have to be managed so as to facilitate, not stifle, the emergence of other providers by expanding the market for EVs. Renew Missouri supports the approval of a pilot project during which the implications of this model could be explored and worked out.

Who should pay?

Extending the electrical infrastructure to EV charging stations is part of a utility’s obligation to serve load and should be treated in the usual way. § 393.130.1, RSMo. If the utility owns the charging station and operates it itself or through a contractor, the cost of the charge, the

station and the equipment on the customer's side of the meter, so to speak, should be borne by the EV owners.

EV charging may still be regarded as serving a relatively affluent market of early adopters, but that is changing. The price of EVs is coming down, and the cost of charging is lower than the cost of buying gasoline. EVs therefore stand to benefit low-income customers, and the best way to enable this is by making the service available at multi-unit housing inhabited by renters as well as owners.

Conclusion

The Commission showed foresight by opening this working docket. EVs bring environmental benefits, especially if this load is served by renewable electricity. The Commission should be receptive to utility proposals to make this service more widely available. Utility ownership of charging stations should be eyed skeptically but accommodated when it serves a public need that is not being, or is unlikely ever to be, met by non-utility providers.

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