

Four interrelated provisions of Section 386.020 also are relevant to determining the Commission's jurisdiction. Under Section 386.020(43), every "electrical corporation," as defined elsewhere in the statute, is "declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission ..." Section 386.020(15) defines "electrical corporation" as any entity "owning, operating, controlling or managing any electric plant ..." Section 386.020(14) defines "electrical plant" as real estate, fixtures, facilities, and personal property used in the "generation, transmission, distribution, sale or furnishing" of electricity for light, heat or power. Although the definition of "electrical plant" does not explicitly require facilities be devoted to the public use or that electricity produced or transmitted by electrical plant be sold to the public, Missouri courts consistently have ruled those requirements are implicit. "[T]he operation of the electric plant must ... be coupled with a public interest; otherwise the Commission can have no authority whatsoever over it. The electric plant must, in short, be devoted to a public use before it is subject to public regulation." *State ex rel. M. O. Danciger & Company v. Public Service Commission*, 205 S.W. 36, 40 (Mo. 1918). Finally, Section 386.020(48) defines "service" to include "any product or commodity furnished by any ... public utility," that uses the utility's equipment and facilities, and is provided "to the use and accommodation of consumers or patrons."

Applying these four definitions, the electric vehicle charging pilot program at issue in this case is clearly within the Commission's jurisdiction because 1) a public utility 2) proposes to use its electrical plant 3) to offer, on an above-the-line basis, a product or commodity 4) for the use and accommodation of customers and that serves the public interest.

Ameren Missouri Witness Thomas M. Byrne addresses this issue in testimony.

2. Public Policy

Are there public benefits realized from the installation of electric vehicle charging stations, specifically if the Commission were to approve Ameren Missouri's proposed pilot project?

There are clear benefits to be gained from approving Ameren Missouri's pilot project. To understand these benefits in their proper perspective and avoid unnecessary complications attributable to irrelevant arguments raised in this docket, it must be emphasized this is a *pilot project*. Ameren Missouri is not asking the Commission to make any state-wide policy directives. Instead, the Company asks for nothing more than the opportunity to study the need for long-distance corridor charging in a cost-efficient manner that can contribute to and encourage electric vehicle use in Missouri.

The Company has specifically crafted a limited pilot project that is designed to accomplish two objectives. First, it will remove an impediment to the development of a market for electric vehicles in Missouri. As the driving range of electric vehicles increases, the lack of a convenient means to charge those vehicles during longer-distance trips – the situation that currently exists in Missouri – impedes the development of the electric vehicle market. While a limited number of public charging stations currently are available near or along the I-70 corridor, there is a distinct lack of publicly available fast-charging facilities that can serve multiple vehicle makes. The charging stations Ameren Missouri proposes to add, which will offer both fast charging and standard Level 2 facilities to accommodate a variety of electric vehicles, will encourage more drivers to utilize their electric vehicles for cross-state trips. Second, the pilot project will enable Ameren Missouri to gather data that should benefit not only the Company, but, other Missouri electric utilities and the Commission as they address the infrastructure needs of electric vehicles that both traverse and operate within this state.

Many of the concerns raised in objection to this pilot project are either premature or go beyond the parameters of this docket. Broader issues like time-of-use rates and development of a statewide infrastructure that supports electric vehicles more generally are important, but need not be resolved at this time. Instead, this pilot project presents an opportunity to gather very real, Missouri-specific data regarding issues germane to the charging needs of electric vehicles traveling on long-distance corridors. Other topics, which are outside the scope of what Ameren Missouri is requesting, can and should be considered, but not in this proceeding. The Company asks only for permission to implement a limited pilot project - the installation of six charging stations - to examine and gather useful information as to whether filling a currently unmet need for long-distance corridor charging will encourage growth in electric vehicle adoption rates. Should that pilot be successful, other previously mentioned concerns can be addressed as the Commission considers what type of expansion may be merited and appropriate. Those concerns simply are not relevant to the Company's current proposal.

Electric vehicle technology is evolving at a rapid pace, which will soon translate into lower vehicle prices (\$35,000 before incentives) and increased battery ranges (approaching 200 miles per full charge). Ameren Missouri believes these factors will combine to significantly increase the numbers of such vehicles in the future, which will require development of a public charging network similar to the network of petroleum stations currently available to serve internal combustion vehicles. Approving this pilot project will provide valuable data and insights that should be useful to all interested stakeholders as they consider broader infrastructure needs of electric vehicles in the future.

Ameren Missouri Witnesses Thomas M. Byrne, Mark J. Nealon, and Philip Sheehy address this issue in testimony.

3. Rates

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

Ameren Missouri, with the guidance of the Sierra Club and the NRDC, has proposed rates for corridor charging services that are fair and reasonable. These rates are reflected in the sample tariff sheets Ameren Missouri submitted on October 7, 2016, in response to the Commission's October 6 *Order Rejecting Tariff Filing and Directing Filing*.

The proposed rates provide for a per/kWh charge for standard Level 2 AC charging, and a per minute charge for Level 2-DC fast charging. The standard charging fee is based on how much energy a vehicle actually requires to charge, and responds to the fact different electric vehicle models charge at different rates. In its revised tariff sheets, Ameren Missouri has acknowledged that assessing a fee based on connection time would put standard-charging customers at a disadvantage when compared to fast-charging customers. Fast-charging electric vehicles, on the other hand, tend to charge their batteries at the same rate. These fast-charging customers still should be encouraged to limit the time their vehicle is connected to a charging station that another electric vehicle driver may want to use, and the proposed per minute rate provides that encouragement. Together, these proposed rates keep the greatest responsibility for the charging island investment costs on the charging island customers.

There is no one roadmap for developing a tariffed utility electric vehicle charging station rate. But the rate structure created through this group effort takes multiple factors into consideration, and presents a well-reasoned result.

Ameren Missouri Witness Mark J. Nealon addresses this issue in testimony.

Respectfully submitted,

/s/ Paula N. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 6th day of January, 2017, to all counsel of record.

/s/ Paula N. Johnson
