STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Ameren Illinois Company : 
d/b/a Ameren Illinois : 

Proposed Creation of Rider Optional Electric Vehicle Charging Program : 20-0710 ("Rider EVCP"). (tariffs filed August 19, 2020) :

ORDER

July 8, 2021
# Table of Contents

I. INTRODUCTION .................................................................................................. 1  
   A. Procedural History ..................................................................................... 1  
   B. Legal Standard .......................................................................................... 2  

II. PETITION FOR DECLARATORY RULING .......................................................... 2  
   A. AIC’S Position ............................................................................................ 2  
   B. Staff’s Position ........................................................................................... 4  
   C. Commission Analysis and Conclusion ....................................................... 6  

III. RIDER EVCP ........................................................................................................ 7  
   A. Resolved/Uncontested Issues .................................................................... 7  
      1. DS-1 Charging Program .................................................................. 7  
      2. DS-2 Charging Program .................................................................. 8  
      3. DS-3 and DS-4 Charging Programs ................................................ 9  
      4. General Terms and Conditions ......................................................... 12  
      5. Informational Filing ........................................................................ 12  
      6. Access to Interval Data ....................................................................... 13  
   B. Contested/Unresolved Issues .................................................................... 13  
      1. DS-1 Charging Program ................................................................ 13  
      2. DS-2 Charging Program ................................................................ 19  
      3. DS-3 and DS-4 Charging Programs .............................................. 24  
      4. Customer Education Section of Rider EVCP ................................ 35  
      5. Make-Ready Behind the Meter ......................................................... 39  
      6. Annual Report and Evaluation .......................................................... 40  

IV. FINDINGS AND ORDERING PARAGRAPHS .................................................... 43
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By the Commission:

I. INTRODUCTION

A. Procedural History

On August 19, 2020, Ameren Illinois Company d/b/a Ameren Illinois ("AIC," "Ameren," or the "Company") filed with the Illinois Commerce Commission ("Commission") proposed tariffs pursuant to Section 9-201 of the Public Utilities Act ("Act") (220 ILCS 5/1-101 et seq.) that would create the Rider Optional Electric Vehicle Charging Program ("Rider EVCP"). Rider EVCP proposes six electric transportation programs: (1) Residential Home Charging; (2) Multifamily Facility Charging; (3) Education Facility Charging; (4) Transit Facility Charging; (5) Corridor Facility Charging; and (6) Non-Corridor Facility Charging. The Commission suspended the tariffs and initiated an investigation into the just and reasonableness of the proposed Rider EVCP.

Commission Staff ("Staff") participated in this proceeding. The Office of the Attorney General of the State of Illinois ("AG") filed an appearance in this matter. The following parties were granted leave to intervene: Citizens Utility Board ("CUB"); ChargePoint, Inc. ("ChargePoint"); the Environmental Law and Policy Center ("ELPC"); the Illinois Competitive Energy Association ("ICEA"); EVgo Services, LLC ("EVgo"); and Tesla, Inc. ("Tesla").

Pursuant to the schedule set forth in this matter, AIC filed direct testimony on November 13, 2020. Also on November 13, 2020, AIC filed a Verified Petition for Declaratory Ruling ("Petition") pursuant to 83 Ill. Adm. Code 200.220. Staff filed a response to AIC’s Petition on December 4, 2020. AIC filed a reply in support of its Petition on December 17, 2020. Staff, ChargePoint, ICEA, EVgo and Tesla filed direct testimony on February 10, 2021. AIC filed rebuttal testimony on March 3, 2021. Staff, ChargePoint, EVgo and Tesla filed rebuttal testimony on March 24, 2021. AIC filed surrebuttal testimony on April 6, 2021. An evidentiary hearing was held on April 13, 2021. AIC, Staff, the AG, ChargePoint, ELPC, ICEA, EVgo, and Tesla filed Initial Briefs ("IB") on April 22, 2021. AIC, Staff, the AG, ChargePoint, ELPC, ICEA, EVgo and Tesla filed Reply Briefs ("RB")

B. Legal Standard

Section 9-201 of the Act provides that:

No change shall be made by any public utility in any rate or other charge or classification, or in any rule, regulation, practice or contract relating to or affecting any rate or other charge, classification or service..., except after 45 days' notice to the Commission and to the public... When any change is proposed in any rate or other charge, or classification, or in any rule, regulation, practice, or contract relating to or affecting any rate or other charge, classification or service, or in any privilege or facility, such proposed change shall be plainly indicated on the new schedule filed with the Commission... 220 ILCS 5/9-201(a).

Pursuant to Section 9-201 of the Act, the utility has the burden of proof to show that the proposed tariffs are just and reasonable. Section 9-201(c) provides:

If the Commission enters upon a hearing concerning the propriety of any proposed rate or other charge, classification, contract, practice, rule or regulation, the Commission shall establish the rates or other charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. In such hearing, the burden of proof to establish the justness and reasonableness of the proposed rates or other charges, classifications, contracts, practices, rules or regulations, in whole and in part, shall be upon the utility. The utility, the staff of the Commission, the Attorney General, or any party to a proceeding initiated under this Section who has been granted intervenor status and submitted a post-hearing brief must be given the opportunity to present oral argument, if requested no later than the date for filing exceptions, on the propriety of any proposed rate or other charge, classification, contract, practice, rule, or regulation. No rate or other charge, classification, contract, practice, rule or regulation shall be found just and reasonable unless it is consistent with Sections of this Article.

220 ILCS 5/9-201(c).

II. PETITION FOR DECLARATORY RULING

A. AIC’S Position

AIC requests that the Commission determine that AIC’s customer education and outreach efforts are the type of legitimate consumer education efforts expressly
authorized by 83 Ill. Adm. Code 452.240. AIC states its Petition should be granted by the Commission pursuant to 83 Ill. Adm. Code 200.220(a)(1) and Section 5-150 of the Administrative Procedure Act (“APA”). Section 5-150 of the APA authorizes the Commission to issue declaratory rulings as to the applicability of any statutory provision enforced by the Commission. 5 ILCS 100/5-150(a); see also MidAmerican Energy Corp. v. Ill. Commerce Comm’n, 367 Ill. App. 3d 163, 167-169 (3rd Dist. 2006) (“MidAmerican”); Integrys Energy Services, Docket No. 09-0165, Order at 7-9 (Nov. 12, 2009) (“Integrys”). Moreover, AIC states that the Commission has sole discretion in issuing a declaratory ruling with respect to the applicability of any statutory provision enforced by the Commission. 83 Ill. Adm. Code. 200.220(a); see also Commonwealth Edison Co., Docket No. 18-1623, Order (Dec. 4, 2018). AIC asserts that declaratory rulings promote administrative efficiency by avoiding non-compliant activities and Section 200.220 should not be narrowly or strictly interpreted. See Integrys, Order at 7.

AIC explains that its request clearly and concisely goes to the applicability of 83 Ill. Adm. Code 452.240 to AIC’s educational efforts to inform its customers about the proposed electric vehicle (“EV”) related programs and rates related to Rider EVCP. AIC’s Petition specifically seeks a declaratory ruling by the Commission to determine that the customer education and outreach efforts relating to Rider EVCP are the type of legitimate consumer education effort expressly authorized by 83 Ill. Adm. Code 452.240.

AIC notes that its Petition is a preemptive measure to ensure that its activities do not violate 83 Ill. Adm. Code 452.240. It is AIC’s responsibility, as a utility service provider, to: (1) educate its customers regarding the establishment of any new rates, services and options to which AIC intends to deliver; (2) sufficiently and properly inform its customers of its EV services and related programs; and (3) support the overall customer electric vehicle experience with activities that comply with statute. Furthermore, AIC’s Petition gives no indication that it is requesting a general interpretation of 83 Ill. Adm. Code 452.240 for the entire industry, but rather a specific determination of the applicability of the statute as to AIC and its EV customer education and outreach efforts as it relates to Rider EVCP. AIC is clearly interested in its compliance with 83 Ill. Adm. Code 452.240 in order to promote administrative efficiency and avoid non-compliance activities.

AIC’s Petition describes that it is an “affected person,” pursuant to Section 200.220, in that it is clearly interested in the uncertainty of its compliance with 83 Ill. Adm. Code 452.240 and ensuring its customer education efforts are deemed legitimate consumer education and do not violation statute. AIC’s request clearly and concisely goes to the applicability of 83 Ill. Adm. Code 452.240 to AIC’s customer education efforts in informing its customers of the proposed EV related programs and rates of Rider EVCP. See Securus Tech., Inc. v. Ill. Commerce Comm’n, 2014 IL App ¶34 (1st Dist.) (“Securus”); see also, Customers’ Request, Ill. Commerce Comm’n, No. 98-0607, 1999 Ill. PUC LEXIS 202. Ameren Exhibit 1.2 provides its high-level strategy for customer education and outreach. Its Petition is clear and concise as to AIC’s interests, the controversy, and AIC’s proposed resolution which is sufficient to comply with Section 200.220 of the Commission’s Rules. AIC’s Petition specifically requests that the Commission exercise its authority and provide a declaratory ruling determining that AIC’s
customer education and outreach efforts are the type of legitimate consumer education effort expressly authorized by 83 Ill. Adm. Code 452.240.

B. Staff’s Position

Staff asserts that the Commission should reject AIC’s Petition for numerous reasons. First, Staff states that the Petition is not a request for a declaratory ruling, but rather a motion seeking Commission clarification of an existing Commission rule, specifically Section 452.240. Second, Staff states that, if the Commission finds the Petition to be a request for a declaratory ruling, which it is not, AIC’s Petition fails to contain an actual “statement of facts” upon which the Commission can consider the request. Third, AIC is not the “affected person,” ratepayers are the affected person.

In Staff’s view, AIC’s Petition is not a request for a declaratory ruling, rather AIC is asking the Commission to clarify Section 452.240. Staff asserts that AIC admits as much in the testimony of AIC witness Abba filed in support of its proposed Rider EVCP. Ameren Ex. 1.0 at 23-24.

Staff argues that Section 200.220 does not allow, nor is it the appropriate means, for the Commission to issue industry wide conclusions regarding policy or practice. If AIC believes Section 452.240 is not sufficiently clear or that the Commission should provide clear guidance on what is and is not legitimate consumer education advertising and marketing, then the Company should propose an amendment to the rule through Section 10-101 of the Act. Section 10-101 of the Act provides that “[a]ny proceeding intended to lead to the establishment of policies, practices, rules or programs, applicable to more than one utility may, in the Commission’s discretion, be conducted pursuant to either rulemaking or contested case provisions, provide[d] such choice is clearly indicated at the beginning of such proceeding and subsequently adhered to.” 220 ILCS 5/10-101.

Staff points out that AIC’s Petition does not contain a complete statement of facts and it is therefore incomplete. AIC only states that it intends to develop consumer education materials, media, and other resources to inform consumers of the benefits of switching to EVs and support the customer acquisition and operation experiences. Petition at ¶ 11. AIC witness Abba’s pre-filed testimony only indicates that the Company has developed a “high level strategy for consumer education and outreach.” Ameren Ex. 1.0 at 23. AIC fails to provide details on the information and practices the Company will actually use to inform and educate its customers of EV services, yet AIC seeks a declaratory ruling that the information and practices are not “promotional practices.” Petition at ¶¶ 12-13.

Lastly, Staff asserts that AIC is not the affected person. The affected persons are ratepayers. In Staff’s opinion, AIC ignores the fact that ratepayers are the ones who will be paying for expenses that AIC estimates could cost up to $2.5 million. Ameren Ex. 1.0 at 21-22. Staff argues that it would be inappropriate and fundamentally unfair to provide AIC a declaratory ruling on whether $2.5 million of costs are “promotional practices” given that declaratory rulings cannot be appealed. According to Staff, ratepayers, the real affected person, would have no opportunity to challenge whether the costs were promotional and therefore not recoverable if the Commission grants AIC’s Petition.
In support of its Petition, AIC cites to the prior declaratory ruling in *MidAmerican* stating that the Courts have held that the Commission is permitted to grant a declaratory ruling with respect to the applicability of any law or provision enforced by the Commission or a rule governing the action or proposed action of a utility. *MidAmerican*, 367 Ill. App. 3d 163, 167-169. However, Staff points out, AIC ignores other relevant case law, in particular a decision in *Resource Technology Corp. v. Commonwealth Edison Co.*, which addressed the issue of affected person. See *Resource Technology Corp. v. Commonwealth Edison Co.*, 343 Ill. App. 3d 36; 795 N.E.2d 936 (2003) (“*Resource*”). In *Resource*, Commonwealth Edison Company (“ComEd”) filed a petition for declaratory ruling with the Commission. ComEd requested a ruling determining ComEd’s obligations under various provisions of the Act to pay a certain retail rate to Resource Technology Corp. (“RTC”). RTC was previously determined by the Commission to be a qualified solid waste energy facility under Section 8-403.1 of the Act, which allowed RTC to receive a favorable retail rate for electricity from electric utilities, like ComEd, which RTC generated from landfill gas. RTC was allowed to intervene in the matter and opposed ComEd’s petition. Staff explains that the Commission ultimately ruled that ComEd was not obligated to pay the retail rate for electricity generated in excess of 10 MW. RTC appealed the Commission Order. The Commission filed a motion to dismiss the appeal contending that declaratory rulings were not appealable under the Commission’s rules. The Appellate Court denied the Commission’s motion to dismiss finding that the Commission’s Order was not a declaratory ruling within the meaning of the Commission’s Rule 200.220. The Appellate Court found that “although [ComEd’s] petition was dressed up in language that sought the Commission’s view of statutory application … the ‘affected person’ was not ComEd, but RTC which stood to lose a substantial amount of revenue if ComEd was not required to pay the favorable retail rate for energy in excess of 10 MW.” *Resource*, 343 Ill. App. 3d 36, 44.

According to Staff, AIC is seeking a broad application of Section 200.220 of the Commission’s Rules. The court in *Resource* pointed out “[i]just about everything the Commission does, involves, in one way or the other, the applicability of the Public Utilities Act. Taking, that observation a step further, one could argue for declaratory ruling each time the Commission makes a decision concerning the . . . Act. The argument goes too far. The exception swallows the rule.” *Resource*, 343 Ill. App. 3d 36, 43. The court in *Resource* found the request for declaratory ruling to be improper since it was not brought by the “affected person” which was RTC, not the utility. *Id.*, 44. Staff states that the only proper purpose of a declaratory action is to determine whether a statute or rule applies to the entity seeking the declaratory ruling (5 ILCS 100/5-150(a)), not to determine the rights of third parties.

Just as in *Resource*, Staff asserts that AIC’s Petition is “dressed up in language” that seeks “the Commission’s view of statutory application” (*Id.*), when in fact AIC is seeking to have the Commission determine whether ratepayers should pay for $2.5 million in “customer education and outreach costs.” In Staff’s opinion, the question upon which AIC seeks a declaration is not “the applicability of any statutory provision enforced by the Commission or of any Commission rule to the [Utilities,]” but instead whether it can recover $2.5 million in “educational costs” of which it has provided no details from ratepayers. Thus, given AIC is not the affected person, the affected person requirement for declaratory relief is not satisfied.
In addition, Staff states that AIC’s request for a declaratory ruling is not supported by another recent Appellate Court opinion in Securus. In that case, Consolidated Enterprises Services (“Consolidated”), the petitioner sought a declaratory ruling from the Commission “as to whether a person or entity, such as Consolidated, is providing ‘operator services’” and was, accordingly, an operator under Section 13-901 of the Act. Securus, 2014 IL App (1st) 131716 at ¶ 4. Consolidated was the unsuccessful bidder on a contract with the Illinois Department of Central Management Services for correctional inmate pay telephone service; Securus Technologies, Inc. (“ST”) was the successful bidder. Id. at ¶ 5. The Commission granted Consolidated’s petition despite arguments made by ST that Consolidated was not the “affected person” entitled to a declaratory ruling. Id. at ¶ 9. On appeal, the Appellate Court stated that the substance of the petition must be examined to determine whether the Commission Order was a proper declaratory ruling. Id. at ¶ 42. The Appellate Court, using similar reasoning as in Resource concluded that ST, the successful bidder and intervenor was “the actual ‘affected person’” rather than Consolidated, the petitioner. The Appellate Court found that the Commission had no authority to issue a declaratory ruling to anyone who is not an affected person, and accordingly, vacated the Commission’s Order. Id. at ¶¶ 44, 46-47. As discussed above, Staff stresses that ratepayers, not AIC, are the affected person.

Finally, Staff asserts, even if an affected person seeks a declaratory ruling regarding the application of a Commission-enforced statute or rule and provides a complete statement of facts such that the Commission is authorized to issue a declaratory ruling, it need not do so. Section 5-150 of the APA states that “[a]n agency may in its discretion provide by rule for the filing and prompt disposition of petitions or requests for declaratory rulings as to the applicability to the person presenting the petition or request of any statutory provision enforced by the agency or of any rule of the agency.” 5 ILCS 100-5-150(a). Section 200.220(a) of the Commission’s Rules provides that “[w]hen requested by [an] affected person, the Commission may in its sole discretion issue a declaratory ruling[.]” 83 Ill. Adm. Code 200.220(a). To the extent that there is any doubt regarding the proper construction of this statute and rule, the use of the word “may” in a statute or rule connotes discretion. Krautsack v. Anderson, 223 Ill. 2d 541, 555 (2006).

C. Commission Analysis and Conclusion

AIC requests that the Commission issue a declaratory ruling finding that AIC’s customer education and outreach efforts are the type of legitimate consumer education efforts expressly authorized by 83 Ill. Adm. Code 452.240. In essence, AIC wants the Commission to preemptively determine that AIC’s unknown customer education and outreach efforts would not be in violation of Section 452.240.

The initial threshold question in this matter is whether the declaratory ruling sought by AIC is an appropriate application of Section 200.220. Section 200.220 states that “when requested by the affected person, the Commission may in its sole discretion issue a declaratory ruling with respect to: 1) the applicability of any statutory provision enforced by the Commission or of any Commission rule to the person(s) requesting a declaratory ruling;…” 83 Ill. Adm. Code 200.220(a). A request for a declaratory ruling “shall contain a complete statement of the facts and grounds prompting the request, including a full disclosure of the requester’s interest; a clear, concise statement of the controversy or uncertainty that is the subject of the request; the requester’s proposed resolution of that
controversy or uncertainty; and citations to any statutes, rules, orders or other authorities involved.” 83. Ill. Adm. Code 200.220(b)(1). The Commission’s authority to issue declaratory rulings is derived from Section 5-150(a) of the APA. 5 ILCS 100/5-150(a). Since the language “controversy or uncertainty” and “affected person” only appear in Section 200.220 and not Section 5-150(a) of the APA, these determinations “could arguably be characterized as the Commission’s interpretations of its own regulation.” Securus, 2014 IL App. (1st) at *7. Section 200.220 does not authorize the Commission to issue industry-wide conclusions regarding policy or practices in the context of a declaratory ruling. Id.

The Commission finds that AIC did not meet the threshold because it failed to provide a complete statement of facts and a clear and concise statement of the controversy or uncertainty. AIC’s Petition does not provide the specific education and outreach materials for Commission consideration to determine whether they would be in violation of the Commission’s Rules. AIC’s Petition states that AIC “intends to develop consumer education material, media, and other resources to inform consumers of the benefits of switching to electric vehicles, and support the customer acquisition and operation experience.” Petition at ¶ 11. AIC does not provide details on the information and practices the Company will use to inform and educate its customers of EV services. This lack of facts contrasts significantly with other declaratory rulings the Commission granted related to Section 452.240 wherein the utility was seeking approval of specific language on a customer’s bill. See Docket No. 18-1623, Order at 16-18; Ameren Ill. Co. d/b/a Ameren Ill., Docket No. 19-0048, Order at 9 (Feb. 21, 2019). The Commission finds AIC’s Petition deficient and it is denied.

III. RIDER EVCP

A. Resolved/Uncontested Issues

1. DS-1 Charging Program
   a. Monthly Charges

   AIC includes a DS-1 Charging Program as its Residential Program in Rider EVCP. AIC explains that the DS-1 serves individuals participating in the Residential Home Charging Program and focuses on customers who charge an EV at their individual metered premises. Ameren Ex. 1.0 at 6. The service under the DS-1 Charging Program is available at customers’ request and meets the criteria as outlined in the Qualifying Electric Vehicle Specifications Information Sheet, as applicable at the time of application for the service under the Rider. Ameren Ex. 8.1. Customers who choose to receive this service will continue to be charged all monthly charges applicable under Rate DS-1 – Residential Delivery Service. The usage of the entire house along with the EV is subject to Rider EVCP and no additional metering is required which will limit program implementation costs. No other party opposes the monthly charges of the DS-1 Charging Program, as explained by AIC.

   The Commission finds that the Monthly Charges of AIC’s proposed DS-1 Charging Program of Rider EVCP is just and reasonable and should be approved.
(i) **EV Bill Credit**

AIC’s proposed Rider EVCP explains that the customers who elect to take service under this program will receive a monthly bill credit of $4.00 per month for the first 12 consecutive monthly billing periods the customer remains on Rider EVCP. Ameren Ex. 2.1. The credit allows the residential customer with a new EV time to modify their behavior in order to take advantage of the new rate while minimizing bill impacts during the first year when the customer is learning how to adapt to the time of day structure. Ameren Ex. 2.0 at 9. AIC notes that this credit is only available for the first year to customers who remain on the new rate. Ameren Ex. 1.0 at 6. The monthly EV bill credit portion of AIC’s proposed Rider EVCP tariff associated with the DS-1 Charging Program is unopposed by the parties.

The Commission finds that the EV Bill Credit section of AIC’s proposed DS-1 Charging Program of Rider EVCP is just and reasonable and should be approved.

b. **Terms and Conditions**

As proposed by AIC’s exhibit, the terms and conditions of the DS-1 Charging Program explains that customers must comply with the Qualifying Electric Vehicle Facilities Specifications, as applicable. Ameren Ex. 2.1R. Additionally, the customer must provide information on the EV and any associated charging equipment to the Company. The terms and conditions portion of AIC’s Rider EVCP tariff associated with the DS-1 Charging Program is unopposed by the parties. Ameren Ex. 1.0 at 6.

The Commission finds that the Terms and Conditions section of AIC’s proposed DS-1 Charging Program of Rider EVCP is just and reasonable and should be approved.

2. **DS-2 Charging Program**

a. **Monthly Charges**

The DS-2 Charging Program, as stated by AIC in its proposed Rider EVCP, will be available to customers who install or have installed EV Supply Equipment ("EVSE") at Multifamily Facility locations, Transit Facilities, and Educational Facilities where less than 10% of the installed kilowatts ("kW") is non-EVSE and for the purpose of providing EV charging services for Ameren customers who have Multifamily, Transit or Educational Facilities. Ameren Ex. 2.0 at 12. AIC testifies that the existing standard DS-2 rates will apply, which consist of a customer charge, meter charge, summer and non-summer Delivery Service charges. The Monthly Charge section of Rider EVCP tariff associated with the DS-2 Charging Program is unopposed by the parties.

The Commission finds that the Monthly Charges section of AIC’s proposed DS-2 Charging Program of Rider EVCP is just and reasonable and should be approved.

(i) **EV Bill Credit**

AIC includes a monthly bill credit of $15.00 per month for the first 12 consecutive monthly billing periods the customer remains in the DS-2 Charging Program. Ameren Ex. 2.1R. The monthly EV Bill Credit portion of AIC’s proposed Rider EVCP tariff associated with the DS-2 Charging Program is unopposed.
The Commission finds that the EV Bill Credit portion of the proposed DS-2 Charging Program of Rider EVCP is just and reasonable and should be approved.

(ii) **PCP Delivery Credit**

The Company explains that in the DS-2 Charging Program a Preferred Charging Period ("PCP") Credit will be applied to customers' bills for each kilowatt-hour ("kWh") delivered to the customer during PCP hours during each Billing Period: 2.3 cents per kWh during summer period and 1.2 cents per kWh during non-summer period. The PCP hours from 11 P.M. until 7 A.M. central prevailing time, including all holidays and weekend, for customers on Rate DS-1 or DS-2. Ameren Ex. 2.1R. The purpose of the PCP, as explained by AIC's testimony and exhibits, is to encourage electric vehicle charging during the hours of the day when they are unlikely to impact the delivery service peak. Ameren Ex. 2.0 at 123. A new Delivery Credit will be applicable for each kWh consumer during the PCP, every day, including holidays and weekends. The PCP Delivery Credit portion of AIC’s Rider EVCP tariff associated with the DS-2 Charging Program is unopposed.

The Commission finds that the PCP Delivery Credit that will be applied to the DS-2 Charging Program, as proposed in AIC’s Rider EVCP, is just and reasonable and should be approved.

b. **Terms and Conditions**

AIC provides that the service under the DS-2 Charging Program is only available to customers that install a new separately metered EV charging station, renovate an existing EV charging station, or add EVSE to an existing service point, in all cases where non-EVSE will be equivalent to 10% or less of the connected kW load. Ameren Ex. 2.1R. AIC explains that the non-residential customers installing a charging station must be served from a separate service point and install at least two Level 2 EVSE that are accessible to the tenants in a multifamily complex. Ameren Ex. 1.0 at 8. The terms and conditions portion of AIC’s Rider EVCP tariff associated with the DS-2 Charging Program is unopposed.

The Commission finds that the Terms and Conditions section of the proposed DS-2 Charging Program, as proposed in AIC’s Rider EVCP, is just and reasonable and should be approved.

3. **DS-3 and DS-4 Charging Programs**

a. **Monthly Charges**

AIC’s proposed Rider EVCP includes DS-3 and DS-4 Charging Programs. Any Non-Residential Customer, Education Facility, Transit Facility, Corridor Facility, or Non-Corridor Charging Facility that requests service under these programs must meet the criteria as outlined in the Qualifying Electric Vehicle Facility Specification information sheet, as applicable at the time. Services under the DS-3 and DS-4 Charging Programs will continue to be charged all monthly charges applicable under Rate DS-3 General Deliver service or DS-4 Large General Delivery Service as well as any additional charges associated with EV Charging Station installations, as applicable, except as described in the Distribution Delivery Charge Determination. Ameren Ex. 2.1R. The Monthly Charges
portion of AIC’s Rider EVCP tariff associated with the DS-3 and DS-4 Charging Programs is unopposed.

The Commission finds that the Monthly Charges section of the proposed DS-3 and DS-4 Charging Programs is just and reasonable and should be approved.

(i) Distribution Delivery Charge Determination

AIC explains that the DS-3 and DS-4 rate provision involves a change in how the Distribution Delivery Charge is determined to encourage off-peak charging. Ameren Ex. 1.0 at 9. A customer that has installed or installs a new EV Charging Station shall be billed a Distribution Delivery Charge based only on the maximum demand in kW occurring during the On-Peak period of the Billing Period, as applicable. Ameren Ex. 2.1R. AIC notes that under normal billing for the Distribution Delivery Charge for DS-3 and DS-4 customers, the customer is billed for the greater of (1) the maximum on-peak demand or (2) 50% of the off-peak demand during each billing period. Charging done during the off peak will not increase the Distribution Delivery Charge on the customer bill at all. All Delivery Service components of the bill, such as the Customer Charge, the Meter Charge and the Transformation charge will remain unchanged. The Distribution Delivery Charge Determination portion of AIC’s Rider EVCP tariff associated with the DS-3 and DS-4 Charging Programs is unopposed.

The Commission finds that the Distribution Delivery Charge Determination section of the proposed DS-3 and DS-4 Charging Programs of AIC’s Rider EVCP is just and reasonable and should be approved.

(ii) Education Facility and Transit Facility Programs

AIC states that for larger Education and Transit Facilities, provided that customers charge during off-peak times, Rider EVCP rate structures are expected to provide deeply discounted delivery service for charging EVs. Ameren Ex. 2.0 at 15. The Company describes the Education Facility Program as designed to support the adoption of electric school buses and other education vehicle by providing a supplemental extension allowance for new service points. Ameren Ex. 1.0 at 9. As explained by AIC, the Education Facility service can be provided under DS-2, DS-3, or DS-4 with the installing of Level 2 or Level 3 EVSE. The DS-3 and DS-4 rate provision involves a change in how the Distribution Delivery Charge is determined to encourage off-peak charging. Id.

Additionally, the Transit Facility Program also provides a supplemental extension allowance for new service points that will be used primarily for EV charging and time-based provisions to support off-peak charging. Id. at 10. AIC explains that this program was designed to support the adoption of electric transit vehicles. This program also involves a change in how the Distribution Delivery Charge is determined to encourage off-peak charging, identical to the provision for an Education Facility.

AIC notes that both the Education Facility Program and the Transit Facility Program limit the number of participants. These programs will be limited to 150 Education Facility service points served under DS-2 and 25 under DS-3 or DS-4. Id. For the Transit Facility Program, under DS-2 there are 15 service points served and 10 under DS-3 or DS-4. The Education Facility and Transit Facility portions of AIC’s Rider EVCP tariff associated with the DS-3 and DS-4 Charging Programs are unopposed.
The Commission finds that the Monthly Charge section of the proposed Education Facility and Transit Facility Programs for the DS-3 and DS-4 Charging Programs are just and reasonable and should be approved.

(iii) Corridor Charging Facility and Non-Corridor DC Fast Charging Facility

AIC states that the Corridor Charging Facility Program is designed to encourage the installation of Level 3 direct current (“DC”) fast charging (“DCFC”) stations along major travel corridors in the Company’s service territory. Ameren Ex. 1.0 at 11. The Corridor Charging Facility is a charging station that is used solely to provide public accessible EV fast DC charging along major travel routes as determined by AIC. Id. The Company explains that the program is available for both existing and new DS-3 and DS-4 customers. Through the Corridor Charging Facility Program, the costs of utility line and service connections; and high energy costs due to demand-based rates for the low-load factor charging station, particularly in the early years of operation as electric behalf adoption is still low, will be reduced by way of its supplemental extension allowance mechanism and Rate Limiter provision. Id. at 13. This program will be limited to 30 Corridor Charging Facility service points on DS-3 or DS-4.

AIC explains the Non-Corridor Charging Facility Program is intended to apply a provision of the Corridor Charging Facility program to other DCFC station applications without negatively impacting customers, and fairly providing for grid connection costs consistent with any new customer. Ameren Ex. 4.0 at 11. The Non-Corridor DC Fast Charging Facility Program will extend the rate-limiter provision to additional DCFC facilities without the line extension provision. AIC notes that the program will be applicable to any separately metered DCFC charging station with a total connected load of 150 kW or greater with no connector qualifications. Similar to the Residential Program, there is no limit on the number of service points that would qualify the Non-Corridor DC Fast Charging Facility Program. Ameren Ex. 4.0 at 12. This program allows the Rate Limiter provision to be applicable to any DCFC location with the AIC service territory.

Tesla and EVgo support the modifications made to Rider EVCP that AIC agreed to during this proceeding on this issue. Specifically, EVgo supports adoption of the Non-Corridor Program and its inclusion of the Rate Limiter, which EVgo believes will help drive private sector development of public fast charging in AIC’s service territory. EVgo points out that certainty in any industry, particularly in its nascent stage, is important, and the availability of the Rate Limiter, albeit at a declining rate, for a 10-year span helps provide a degree of certainty in the development of EV charging stations in a large area of Illinois. The absence of a cap on participating locations for the Rate Limiter addresses one of EVgo’s significant concerns.

The rate-limiter portion of AIC’s Rider EVCP tariff associated with the Corridor Charging Facility Program and the Non-Corridor DC Fast Charging Program is unopposed. The Commission finds that AIC’s proposed Monthly Charges section of the Corridor Charging Facility Program and the Non-Corridor DC Fast Charging Program is just and reasonable and should be approved.
b. Terms of Payment

AIC provides that customer bills for service under Rider EVCP shall be rendered by the Company and payments due in accordance with the Payment of Bills and Late Payments provisions of the Customer Terms and Conditions. Ameren Ex. 2.1R. AIC will also provide separate line items on the customer bills for each charge and credit in accordance to Rider EVCP. The Terms of Payment portion of AIC’s Rider EVCP tariff associated with the Corridor Charging Facility and Non-Corridor DC Fast Charging Facility programs is unopposed.

The Commission finds that the Terms of Payments portion of the proposed Corridor and Non-Corridor DC Fast Charging Facility Programs of AIC’s Rider EVCP is just and reasonable and should be approved.

4. General Terms and Conditions

As provided in Rider EVCP, AIC will implement the provisions of this tariff as soon as practical. AIC will impose certain billing and system changes to implement Rider EVCP. The customer agrees to hold AIC harmless for any consequence arising from the provisions of Rider EVCP. Service is subject to the Customer Terms and Conditions, Standards and Qualifications for Electric Service, Tax Additions, and Supplemental Customer Charge Tariffs of this Schedule, as well as any other applicable Rates, Riders, taxes, adjustments, fees, or charges that may be approved by the Commission from time to time and are in effect. Ameren Ex. 2.1R

AIC notes that eligibility for service under its Rider NM – Net Metering tariff shall not be affected by a customer receiving service under Rider EVCP. Charges contained therein shall not be incorporated into the calculations of charges and credits received through the Company’s Rider NM – Net Metering tariff.

Staff witness Harden recommended that customer monthly bills should show Rider EVCP charges and/or credits as separate line items. Staff Ex. 2.0 at 7. Ms. Harden explained that identifying the detail under Rider EVCP that pertain to a customer’s monthly bill would assist in the education of the consumer and provide them with the knowledge to alter their behavior as the Company anticipates. Id. AIC agreed to Staff’s recommendations. See Staff Ex. 4.0 at 3-4; Ameren Ex. 8.0 at 3.

The General Terms and Conditions section of AIC’s Rider EVCP is unopposed. The Commission finds that the General Terms and Conditions section of Rider EVCP is just and reasonable and should be approved.

5. Informational Filing

AIC explains that the Informational Filing section includes the Qualifying Electric Vehicle Facility Specifications, where Residential, Multifamily, Education and Transit, Corridor Charging Facility, and Non-Corridor Charging Facility Programs provide specifications identifying the requirements to qualify for each program under the Rider. Ameren Ex. 3.0 at 5. AIC notes that the requirements for program qualification may be updated from time to time by filing an updated information sheet with the Commission.

EVgo states that stakeholder input is apparent through the improvements made to Rider EVCP during this proceeding. EVgo contends that obtaining stakeholder input prior
to making future changes to the Informational Filing will ensure that programmatic requirements include the most up to date technology and development trends in the EV industry. AIC agreed that it will consider stakeholder input prior to updating the Informational Filing. Ameren Ex. 6.0 at 3.

The Informational Filing portion of AIC’s Rider EVCP tariff is unopposed. The Commission finds that the Informational Filing section of Rider EVCP is just and reasonable and should be approved.

6. **Access to Interval Data**

ICEA provides in its testimony that regulatory policy must be put in place for alternative retail electric suppliers (“ARES”) to offer supply rates that help customers with EVs or charging infrastructure. ICEA Ex. 1.0 at 7. ICEA suggests a policy for ARES to access customer interval data, which would allow ARES a more accurate sense of customers’ usage patterns and how to price based on current and anticipated behavior with the introduction of EVs. AIC explains that a policy currently exists that allows ARES to request hourly interval data via (1) Ameren’s Retail Electric Supplier Portal website; and (2) Electronic Data Interchange. Ameren Ex. 6.0 at 3. On April 16, 2021, ICEA filed an unopposed motion to enter into the record ICEA Cross Exhibit 1, which represents AIC’s response to ICEA’s concerns regarding ARES access to interval data. Accordingly, AIC considers this issue resolved, and therefore uncontested.

Based on the information provided by AIC, ICEA concludes that AIC’s data access approach is good and takes significant steps towards access to the data necessary to support the next generation of products and services for customers.

This issue is uncontested and there is no determination for the Commission to make regarding access to interval data.

**B. Contested/Unresolved Issues**

1. **DS-1 Charging Program**

   a. **Peak Hourly Delivery Charge**

      i. **AIC’s Position**

      AIC explains that the DS-1 Residential Home Charging Program provides a time-based delivery service rate option that will encourage charging during Preferred Charging Periods (“PCP”) and discourages charging during Non-Preferred Charging Periods (“NPCP”) by providing participants in the program with price signals. Ameren Ex. 1.0 at 6. AIC states that the NPCP Peak Hourly Delivery Charge is designed to impact the peak hour of the distribution system. AIC further states that customers that participate in the DS-1 Residential Charging Program will incur a $0.65 per kWh charge that will be applied to the highest hour of usage during the NPCP during the billing period. Ameren Ex. 2.0 at 10. AIC explains that the NPCP is 11 A.M.-7 P.M., every day, including holidays and weekends. AIC further explains that the charge will only apply to the highest single hour kWh during the NPCP of the billing period, and not all kWhs in the NPCP. *Id.*

      AIC asserts that the Peak Hourly Delivery Charge works in concert with the PCP Credit and a $4 monthly bill credit in effect for the first year of a customer's participation in the program. AIC states that, under the bill impact analysis it performed, when the
Peak Hourly Delivery Charge and PCP Credit are applied to a normal household base load, there would not be a material impact on a customer’s total monthly bill because the delivery charge and credits were designed to be revenue-neutral when applied to the entire household base (non-EV) usage. Ameren Ex. 8.0 at 2.

AIC states that ELPC and ChargePoint’s proposal to remove the Peak Hourly Delivery Charge from the DS-1 Charging Program should be rejected because, if the Peak Hourly Delivery Charge were to be removed from the DS-1 Charging Program but the PCP Credit remained, EV customers on average would receive $40 in annual credit for their current household usage just by participating in Rider EVCP. Ameren Ex. 8.0 at 2. AIC states that this would benefit EV customers at the expense of non-EV customers since AIC would need to recover the $40 annual credit from all AIC residential customers. Id. Furthermore, AIC states that the Peak Hour Delivery Charge operates as an additional incentive for customers to avoid charging during hours of peak grid usage. Charging outside of the NPCP of 11 A.M. through 7 P.M. will permit charging to avoid AIC peak demands and will not incur any Peak Hour Delivery Charges. Ameren Ex. 2.0 at 7.

AIC asserts any concerns related to customers' confusion with the Peak Hourly Delivery Charge will be addressed via customer education materials explaining to the customer how time of usage will impact their bill. AIC claims that a new EV customer has already committed to learning new subject matter when the customer purchased the EV, and that it is reasonable to assume that these same customers will spend time to learn about rate options provided by AIC, and the appropriate time of day to charge their EV. Ameren Ex. 1.0 at 22. AIC further claims that by learning to charge during the PCP, customers will develop habits that are good for the grid for as long as they own the EV.

In AIC’s opinion, it is important that the residential rate design in Rider EVCP be viewed as a whole. According to AIC, the components of the rate, which consist of the credit, the charge and the monthly bill credit were meant to work together to provide the proper incentive for the customer. AIC states that, for the average residential household on Rider EVCP, the Peak Hourly Delivery Charge and the PCP Credit are balanced for regular household usage and as a result, the monthly bill that the customer pays is indifferent to being on DS-1 versus DS-1 with Rider EVCP. When a customer adds an EV and charges the vehicle only during the PCP, they will see a $3.50 monthly credit. AIC states that, while the customer is being educated and learning about charging during the PCP, if they happen to charge during the NPCP, they could see a bill increase of up to $3.50 per month, which is more than offset by the monthly bill credit of $4.00 during the first year on the rider.

(ii) ChargePoint’s Position

ChargePoint opposes AIC’s proposal for a Peak Hourly Delivery Charge. ChargePoint recommends that the Commission reject this proposal for all rate classes but is particularly opposed to applying the concept to DS-1 customers. In ChargePoint’s opinion, the Peak Hourly Delivery Charge will not necessarily encourage customers to charge their EVs during off-peak hours, is confusing and unmanageable for customers, and is unlikely to encourage EV adoption.

As AIC’s witness Kilhoffer explained at the hearing, customers will be assessed the Peak Hourly Delivery Charge based on their highest hour of electricity consumption
for their entire household during the month that occurs during on-peak hours, even if they do not charge their EV at all during on-peak hours. Conversely, ChargePoint states, because the Peak Hourly Delivery Charge is based on a single hour during the entire month, a customer could regularly charge their EV during peak hours without penalty as long as their charging did not coincide with other energy-intensive loads, such as air conditioners and electric cooking ranges. In ChargePoint’s view, AIC provided no evidence in this proceeding to show that the Peak Hourly Delivery Charge will achieve its intended aim of encouraging customers to charge their EVs off-peak. ChargePoint argues that the Commission should not approve such a punitive charge that bears no demonstrable causal relationship to the behavior the charge is supposed to encourage; namely, off-peak EV charging.

AIC’s witness Kilhoffer confirmed that customers have no way of determining how much electricity they typically use during their most energy-intensive hour of the month, unless they happen to be adept at performing electrical engineering calculations based on their various appliances’ power ratings. ChargePoint states that most customers can be expected to be unfamiliar with the concept of a charge based on the customer’s most energy-intensive hour of the month. AIC dismisses these concerns by explaining that it will provide customers with educational materials, but, ChargePoint points out, the Commission cannot evaluate whether such educational materials would be effective because AIC has not provided them in the record of this docket. AIC has also not provided any evidence in the record of this docket demonstrating whether customers are likely to understand the Peak Hourly Delivery Charge concept after receiving AIC’s educational materials. Finally, AIC has not provided any evidence in this docket demonstrating that the availability of the DS-1 Charging Program with the Peak Hourly Delivery Charge will encourage customers to purchase or lease EVs. ChargePoint recommends that the Commission deny Ameren’s Peak Hourly Delivery Charge proposal for the DS-1 Charging Program.

(iii) ELPC’s Position

According to ELPC, the Peak Hourly Delivery Charge is not just and reasonable because it will not achieve Rider EVCP’s objective of encouraging adoption of EVs and associated infrastructure and mitigating the impact of customers’ usage patterns on the distribution grid. ELPC IB at 4. ELPC offers four reasons why the Peak Hourly Delivery Charge is deficient.

First, it states that the Peak Hourly Delivery Charge will cause customer confusion and deter participation, because it is complex and unfamiliar to customers. Id. at 5 (citing Tr. at 33). AIC’s residential customers will find it difficult to assess the impact of the delivery charge on their bill, because they currently do not pay any charges based on their most energy-intensive hour of use. Id. Most customers cannot identify their most energy-intensive hour of use. Furthermore, because the charge applies to the entire household’s electricity use, customers cannot identify the most energy-intensive hour unless they know how much electricity is consumed by all major appliances in their home. Id. (citing ChargePoint Ex. 1.0 at 10). In ELPC’s view, these difficulties will cause customer confusion, and make them reluctant to participate in the program.
Second, ELPC states that AIC failed to present an adequate plan to help customers understand the delivery charge and manage their electricity usage. \textit{Id.} at 7. Customers pay the delivery charge even if they do not charge their EVs during the NPCP at all. \textit{Id.} Nonetheless, ELPC states, AIC acknowledges that it has not evaluated or proposed any plan to help its residential customers control or manage their non-EV electricity usage. \textit{Id.} at 8 (citing ELPC Cross Ex. 5). Further, ELPC points out, AIC’s Education and Outreach Program lacks detail and fails to mention the need to assist customers in managing their non-EV electricity usage. \textit{Id.} (citing Ameren Ex. 1.2).

Third, ELPC argues, the Peak Hourly Delivery Charge does not incentivize customers to mitigate grid impacts, and AIC has not demonstrated why the delivery charge should be preferred to other rate designs that are simpler and create better incentives, such as a volumetric time-of-use charge based on electricity use during on-peak hours. \textit{Id.} at 8 at 10. Contrary to AIC’s expectations, the delivery charge will not incent customers to shift their electricity usage outside the NPCP. ELPC argues that this is because customers can charge their EV during the NPCP without increasing the delivery charge, as long as they do not charge their EV during their most energy-intensive hour of the month. \textit{Id.} at 8-9; \textit{see Tr.} at 27-29. Furthermore, ELPC states that, since the customer’s peak demand may or may not coincide with the system peak, customers looking to reduce their delivery charge may well shift their electricity use from their personal peak to the system peak. \textit{Id.} at 9. In this way, the Peak Hourly Delivery Charge may exacerbate, rather than mitigate, grid impacts.

Finally, ELPC states that the Peak Hourly Delivery Charge for the entire household is untested and extremely rare in residential EV programs across the country. ELPC points out that, among the programs AIC surveyed while designing the Rider EVCP, no residential EV program conditions participation on EV ownership and yet imposes a delivery charge on the entire household’s usage. \textit{Id.} at 10-11 (citing ELPC Cross Ex. 11, attachment).

ELPC argues that, given the aforementioned considerations, AIC erred by failing to explain why it opted for the Peak Hourly Delivery Charge over other simpler and more familiar rate designs that will actually incentivize customers to shift their electricity usage to off-peak hours, including but not limited to a volumetric time-of-use charge based on all electricity usage during the on-peak hours, or the NPCP. \textit{Id.} at 11-12.

(iv) AG’s Position

The AG argues that the Commission should adopt ELPC’s recommendation and direct AIC to more thoroughly consider what rate structure will incentivize residential ratepayers to charge their EVs off-peak. ELPC asserts that the Commission should reject both the Peak Hourly Delivery Charge and the PCP Delivery Credit as not just and reasonable, and direct the Company to modify its DS-1 Charging Program to better encourage off-peak EV charging by residential customers. The AG maintains that increased research into optimal price signals will lead to a superior rate structure that moves even greater amounts of EV charging to off-peak hours. The AG contends that this additional research will protect ratepayers from higher delivery service rates that may result should the DS-1 Charging Program not adequately incentivize off-peak charging.
The AG also recommends that the Commission reject ChargePoint’s position. ChargePoint supports eliminating the Peak Hourly Delivery Charge for many of the same reasons as ELPC but does not support eliminating the PCP Delivery Credit. See ChargePoint IB at 6–9. The AG argues that ChargePoint’s approach would wrongly shift delivery service costs from EV owners to non-EV owners by providing the former with credits that the latter would ultimately pay for to allow the Company to meet its revenue requirement.

(v) EVgo’s Position

EVgo has not addressed the DS-1 Charging Program but recognizes that ELPC recommends that the Commission reject the DS-1 Charging Program in Rider EVCP. ELPC further recommends that the Commission direct AIC to submit a revised, evidence-backed proposal that is better for its customers and its grid—including a volumetric peak charge and a larger differential between peak and off-peak charges. EVgo does not take a position on ELPC’s recommendation but encourages the Commission to approve the charging programs for the other customer classes. To the extent that the Commission concurs with ELPC and directs AIC to develop a new DS-1 Charging Program, EVgo states that approval of the other Rider EVCP charging programs in this docket will facilitate a transition to a cleaner transportation sector.

(vi) Commission Analysis and Conclusion

AIC asserts that its DS-1 Charging Program will provide a time-based delivery service rate option that encourages charging during PCP and discourages charging during NPCP by providing participants in the program with price signals.

ChargePoint states that AIC has not provided any evidence in the record demonstrating whether customers are likely to understand the Peak Hourly Delivery Charge concept after receiving AIC’s educational materials, nor evidence demonstrating that the availability of the DS-1 Charging Program with the Peak Hourly Delivery Charge will encourage customers to purchase or lease EVs. This matter concerns the creation of a new rider and it is unclear what sort of evidence AIC could proffer to support whether customers would respond to educational material or to sign up for the program in general. According to ChargePoint’s logic, Rider EVCP could not be approved absent a pilot program providing such evidence.

ChargePoint further states that AIC has not provided any evidence in this docket demonstrating that the availability of the DS-1 Charging Program with the Peak Hourly Delivery Charge will encourage customers to purchase or lease EVs. While it is a goal of Rider EVCP to encourage customers to adopt electric transportation technologies, the primary purpose is to provide new charging programs to support the electrification of the transportation market that encourage efficient use of the distribution grid. The benefits that increased EV charging provides to other customers materializes only if AIC’s programs are successful, however, there is no evidence that AIC’s proposal will not achieve this goal.

Similarly, ELPC also urges the Commission to reject the Peak Hourly Delivery Charge because it will not encourage adoption of EVs and mitigate the impact of customers’ usage patterns on the distribution grid. Whether the Peak Hourly Delivery
Charge will encourage adoption of electric transportation technologies and mitigate the impact on customers’ usage patterns remains to be seen. Moreover, ELPC provided no expert testimony or record evidence that the Peak Hourly Delivery Charge would not mitigate the impact on customers’ usage patterns. While parties are skeptical of AIC’s proposal, mainly due to customer education concerns, there are no viable alternative proposals to be considered based on record evidence. AIC provided evidentiary support that its time-based delivery service rate option is intended to provide participating customers with price signals. ELPC untimely suggests an alternative program using time-of-use rates in its Initial Brief that is unsupported by any record evidence.

The Commission notes that there is always a concern regarding customer education on new billing programs such as proposed herein. The Commission further acknowledges that increased research into optimal price signals will lead to a superior rate structure; however, the Commission must base its decision on the record presented in this proceeding. Accordingly, the Commission adopts the Peak Hourly Delivery Charge for the DS-1 Charging Program proposed by AIC.

b. PCP Delivery Credit
(i) AIC’s Position

AIC explains that the PCP Credit is to encourage EV charging during the hours of the day when they are unlikely to impact the peak. AIC further explains that a new Delivery Service Credit will be applicable for each kWh consumed by the entire household during the PCP. The Delivery Service Credit will be for each kWh of usage during PCP at the rate of 2 cents per kWh in the summer and 1 cent per kWh during the non-summer months. Ameren Ex. 2.0 at 9. Based on current AIC summer delivery rates, the proposed PCP credit will effectively discount summer delivery rates by approximately 38%, and discount non-summer rates by 32% for the first 800 kWh/month and 61% after the first 800 kWh/month. AIC notes that the discounts apply to the entire household usage Ameren Ex. 5.0 at 3.

AIC notes that ELPC provided no evidence that a 32% and 61% discount on summer and non-summer rates would be insufficient to alter customer behavior. AIC also states that even if one were to believe that the PCP credits were insufficient to alter customer behavior, the Peak Hour Delivery Charge exists as a disincentive to charging during NPCP. AIC states that, as designed in Rider EVCP, the combination of the PCP Delivery Credit and the Peak Hourly Delivery Charge provide a necessary balance to have a neutral impact on current (non-EV) household usage and encourage EV charging during times that will have the least impact on the grid. Ameren Ex. 5.0 at 3.

In AIC’s view, it is important that the Residential rate design in Rider EVCP be viewed as a whole. AIC explains that the components of the rate, which consist of the credit, the charge and the monthly bill credit were meant to work together to provide the proper incentive for the customer. For the average residential household on Rider EVCP the Peak Hourly Delivery Charge and the PCP Credit are balanced for regular household usage and as a result, the monthly bill that the customer pays is indifferent to being on DS-1 or DS-1 with Rider EVCP.
(ii) **ChargePoint’s Position**

ChargePoint supports AIC’s proposal to provide DS-1 customers a PCP Delivery credit, which is a $/kWh credit for off-peak energy consumption. According to ChargePoint, unlike the Peak Hourly Delivery Charge, there is a clear and straightforward nexus between the PCP Delivery Credit, which provides a $/kWh credit for off-peak consumption, including EV charging, and the desired customer behavior; namely, shifting EV charging to off-peak hours. Unlike the Peak Hourly Delivery Charge, the PCP Delivery Credit is also easy for customers to understand and customers do not need to have any special knowledge of how their other electrical appliances use energy to respond to the PCP Delivery Credit’s price signal. ChargePoint recommends that the Commission approve AIC’s proposed PCP Delivery Credit for DS-1 customers.

(iii) **ELPC’s Position**

ELPC asserts that a discount of just 2 cents per kWh during summer months and 1 cent per kWh during non-summer months is insufficient incentive for customers to charge their EVs during off-peak hours, or the PCP. ELPC states that all of the programs reviewed by AIC while designing Rider EVCP offered greater discounts for off-peak charging than Rider EVCP. ELPC questions why, given the modest delivery credit on offer, AIC’s bill impacts analysis assumes that customers will charge their EVs exclusively during off-peak hours.

(iv) **Commission Analysis and Conclusion**

The Commission finds that the combination of the PCP Delivery Credit and the Peak Hourly Delivery Charge, as presented, provide a necessary balance in an attempt to have minimal impact on the average customer’s monthly bill based on household use. ELPC, nor any other party, presented evidence demonstrating that the PCP Delivery Credit is somehow insufficient in helping customers alter customer behavior via the proposed DS-1 Charging Program. Accordingly, the Commission adopts the PCP Delivery Credit for the DS-1 Charging Program as proposed by AIC.

2. **DS-2 Charging Program**

a. **Peak Hourly Delivery Charge**

(i) **AIC’s Position**

AIC states that, similar to the DS-1 Charging Program, the DS-2 Charging Program contains an NPCP Peak Hourly Delivery Charge to disincentivize charging during the hours of the day when program participants are more likely to impact the distribution peak. AIC states that a charge of $0.46 per kWh will be applied to the highest hour of usage during the billing period that occurs during the time in the NPCP every day, including holidays and weekends. Ameren Ex. 2.0 at 13.

AIC notes that the DS-2 Charging Program participants will include small commercial customers as well as Multifamily Facilities. With respect to small commercial customers, AIC asserts that these customers will charge their EVs or buses "at home" and that it is reasonable to expect these customers to have the ability to control their charging behavior. Ameren Ex. 2.0 at 14. AIC states that the PCP Credit and the NPCP Delivery Charge are designed so that as long as all electric vehicle charging is done
during the PCP, the delivery service portion of the DS-2 customer's bill would be approximately half of the amount it would be under standard DS-2 rates to charge their EV. Ameren Ex. 2.2.

AIC states that it recognizes that owners of Multifamily Facilities may not have much control over when charging occurs, so the NPCP Delivery Charge was designed to balance the PCP credit in such a way that did not harshly penalize for charging during the NPCP, but provided a greater benefit when charging during the PCP. Ameren Ex. 2.0 at 14. AIC explains that if a DS-2 customer participating in the program were to charge 100% during the PCP, the delivery service portion of the bill will be cut in half. *Id.*

AIC argues that ChargePoint's recommendation that the Commission should reject the Peak Hour Delivery Charge for the DS-1 Charging Program if it maintains the Peak Hour Delivery Charge for the DS-2 Charging Program is untenable. AIC explains that if the Commission were to adopt ChargePoint's recommendation, it would create a revenue gap for which ChargePoint has failed to provide any feasible alternative.

(ii) **ChargePoint’s Position**

For the same reason ChargePoint opposes the Peak Hourly Delivery Charge for the DS-1 Charging Program, ChargePoint also opposes the Peak Hourly Delivery Charge for the DS-2 Charging Program. ChargePoint incorporates by reference the arguments made above in Section III.B.1.a.(ii). However, ChargePoint acknowledges that, because the DS-2 program requires EV charging stations to be separately metered, ChargePoint’s concerns with the Peak Hourly Delivery Charge applying to a customer's entire household usage do not apply to the DS-2 program.

ChargePoint states that AIC mischaracterizes ChargePoint’s recommendations regarding this issue. ChargePoint recommends the Commission reject the Peak Hourly Delivery Charge for *both* the DS-1 and DS-2 Charging Programs. However, ChargePoint states that, should the Commission find in favor of the Peak Hourly Delivery Charge for DS-2 customers, the Commission should nevertheless still reject the Peak Hourly Delivery Charge for DS-1 customers.

To the extent that ChargePoint’s recommendations create a “revenue gap” according to AIC, ChargePoint explains that AIC’s own analysis indicates that this gap is balanced by the benefits that increased EV charging provides to other AIC customers. ChargePoint states that the benefits that increased EV charging provides to other customers will only materialize if AIC’s programs successfully encourage EV adoption and off-peak EV charging. In ChargePoint’s view, the Peak Hourly Delivery Charge concept is unlikely to achieve these goals and is therefore unlikely to support the system-wide benefits that can result from increased EV adoption.

(iii) **AG’s Position**

The AG argues that the Commission should require the Company to modify the DS-2 Charging Program to strengthen the incentive to charge off-peak for Multifamily Facility, Educational Facility, and Transit Facility program participants. The AG notes that the DS-2 Charging Program contains the same pricing structure as the DS-1 Charging Program with a Peak Hourly Delivery Charge and the PCP Delivery Credit. The AG maintains that additional research concerning optimal price signals that encourage off-
peak charging will benefit all ratepayers by diminishing the likelihood that increased EV charging stresses Ameren’s distribution system.

The AG again argues that ChargePoint’s position should be rejected. ChargePoint advocates for eliminating only the Peak Hourly Delivery Charge for DS-2 Charging Program participants. The AG argues that ChargePoint’s approach would wrongly shift delivery service costs from EV owners to non-EV owners by providing the former with credits that the latter would ultimately pay for to allow the Company to meet its revenue requirement.

(iv) Commission Analysis and Conclusion

The DS-2 Charging Program for small commercial customers and multifamily facilities is similar to the DS-1 Charging Program for residential customers. ChargePoint urges the Commission to reject the Peak Hourly Delivery Charge for the same reasons it opposes the proposal for the DS-1 customers. For the same reasons provided in Section III.B.1(a)(vi) of this Order, the Commission rejects ChargePoint’s recommendation. The Peak Hourly Delivery Charge and the PCP Delivery Credit work together to encourage improved grid usage by providing price signals to avoid charging during peak hours while promoting charging during non-peak hours. The Commission adopts AIC’s proposed Peak Hourly Delivery Charge for the DS-2 Charging Program.

b. Multifamily Program

(i) Collection of Charging Service Information

(a) AIC’s Position

AIC states that as part of the Multifamily Facility Program of the DS-2 Charging Program, participants in the program must provide AIC with certain information. AIC indicates that customers must provide: (1) the number of EVSE, manufacturer and model, voltage and amp of each EVSE installed; (2) information on how the installation will be prepared for future expansion, as appropriate; (3) information on how the customer plans to charge tenants and other public for vehicle charging service; and (4) confirm certification of the EVSE installer. Ameren Ex. 8.1 at 10.

AIC outlines its disagreement with ChargePoint's assertion that AIC does not need this information, and that such a requirement should be removed from the Qualifying Electric Vehicle Facility Specifications Informational Sheet associated with the Rider. AIC argues that it is not collecting distinct pricing information – or how much the customer charges – from the Multifamily Facility Customer. Instead, AIC states that it is collecting information on how the customer plans to charge its tenants and the public and that this information is necessary so that AIC can assess how best to support expanded EV adoption and charging station access. Ameren Ex. 4.0 at 17. AIC further explains that since ratepayers will be supporting these charging stations through the supplemental extension allowance, it is important that it obtain this information to ensure that the Multifamily Charging Facility Program meets its intended objectives. Ameren Ex. 7.0 at 6.

AIC also responds to ChargePoint's allegation that if the requested information were made available to AIC, that AIC would have a competitive advantage if AIC were to own its own charging stations. AIC responds by stating that it has no plans and has
provided no indication that it intends to own charging stations under existing regulations, and ChargePoint has provided no evidence to show otherwise and ChargePoint’s allegations are pure speculation.

(b) ChargePoint’s Position

AIC proposes to require customers applying for the Multifamily Facility Program to provide “Information on how the customer plans to charge tenants and other [members of the] public for vehicle charging service.” Ameren Ex. 8.1 at 10. ChargePoint opposes this proposed requirement for the Multifamily Facility Program and, for the same reasons, also opposes it with respect to the Corridor Charging Facility and Non-Corridor Charging Programs.

AIC witness Abba clarifies that AIC does not plan to collect “distinct pricing data” on how much EV charging station site host charge EV drivers to use their charging station. Ameren Ex. 7.0 at 11. However, ChargePoint asserts, AIC has not specified exactly what type of information it will require program applicants to provide, except that it “wants to understand how the EVSE owner is making charging service available to our customers – open to the public through the required payment methods, free to tenants only, included in tenant’s rent, etc.” Id.

ChargePoint states that the multifamily building owners that might participate in AIC’s DS-2 Charging Program are private businesses, not public utilities for which the Commission has rate-setting authority. ChargePoint further states that the General Assembly has established that an EV charging station owner “is not and shall not be deemed a public utility notwithstanding the basis on which the service is provided or billed.” 550 ILCS 5/3-105(c). Regardless of how EV charging station owners charge EV drivers for charging services, ChargePoint asserts they are not subject to the Commission’s regulation. In ChargePoint’s view, AIC’s proposal to require multifamily building owners to provide information on how they plan to charge drivers for unregulated EV charging services would constitute indirect regulation of entities the General Assembly has specifically found not to be regulated entities. ChargePoint states that EV charging services provided by private businesses should be free to charge their customers – in this case, the EV drivers that use their charging stations – however they see fit. ChargePoint argues that it would be improper for the Commission to allow AIC to require these non-utility entities to provide the Company with information on how they plan to charge their own customers for a non-utility service.

ChargePoint further states that AIC has not provided any details as to why it believes it needs to collect pricing information from EV charging station site hosts or what it will do with this information. ChargePoint notes that Mr. Abba makes a vague reference to needing “to understand how [Ameren’s] customers will have access to these charging facilities to ensure to the extent possible the Multifamily Charging Facility Program is meeting its intended objectives.” Ameren Ex. 7.0 at 11. In ChargePoint’s opinion, Mr. Abba disregards the fact that, in the transaction between a charging station owner and an EV driver, the driver is the station owner’s customer, not AIC’s. For charging stations that are open to the public, AIC will have no idea which users of the station are its customers and which users are EV drivers from outside of its service territory. Moreover, ChargePoint asserts, AIC has not explained the standard by which it will evaluate the
accessibility of charging stations, or how accessibility relates to the program’s objectives. ChargePoint explains that AIC has not proposed to approve or deny applicants based on any “accessibility” criteria so there is no reason for it to collect information on accessibility or site hosts’ pricing policies.

Further, ChargePoint argues, requiring EV charging station site hosts to provide AIC with information on their pricing policies raises competitive concerns. Though AIC has not proposed to own and operate EV charging stations in this proceeding, it is possible it could do so in the future. As ChargePoint witness Mr. Wilson explained, “Having access to pricing data from all MFH customers that participate in the EV Charging Program would give Ameren an unfair competitive advantage in setting prices for stations that it owns itself. While pricing information can often be found through publicly available resources, it is inappropriate for Ameren to require customers to do its market research on its behalf.” ChargePoint Ex. 2.0 at 11. ChargePoint points out that AIC did not respond to Mr. Wilson’s competitive concerns in surrebuttal, except to clarify that it will not ask program participants how much they will charge drivers. But, ChargePoint continues, requiring site hosts to provide AIC with information on their pricing policies raises the same competitive concerns as requiring them to provide actual pricing information for the simple reason that EV charging providers, like other competitive businesses, do not compete for customers on price alone. ChargePoint claims that, if the Commission were to approve AIC’s proposal and AIC later proposes to own and operate its own EV charging stations, AIC would have a significant and unfair competitive advantage over both existing site hosts and other potential site hosts seeking to enter the market.

ChargePoint concludes that the Commission should reject AIC’s proposal to require EV charging station site hosts to provide unspecified information about their pricing policies and practices as a condition of participating in AIC’s EV charging program. ChargePoint argues that EV charging station site hosts are not public utilities subject to the Commission’s regulatory authority, and allowing AIC to collect this information from site hosts could provide AIC with an unfair competitive advantage.

(c) Commission Analysis and Conclusion

In the Qualifying Electric Vehicle Facility Specification Sheet, AIC requires customers to notify and provide the Company of the following information to qualify an installation for the Rider EVCP rate provisions: (1) the number of EVSE, manufacturer and model, voltage and amp of each EVSE installed; (2) information on how the installation will be prepared for future expansion, as appropriate; (3) information on how the customer plans to charge tenants and other public for vehicle charging service; and (4) confirm certification of the EVSE installer. This same information is requested for the MultiFamily Facility Program, the Corridor Charging Facility Program and the Non-Corridor DC Fast Charging Facility Program. Ameren Ex. 8.1 at 10-12.

The Commission finds that AIC’s intent to collect such information is reasonable and supports AIC’s efforts to ensure that the programs are serving their intended purpose. AIC is not requesting proprietary information. AIC is not collecting distinct pricing data. Moreover, there is no indication that AIC intends to own EV charging stations; therefore, ChargePoint’s concerns of an unfair competitive advantage are without any sufficient
basis. The Commission approves AIC’s collection of charging service information as stated in the Qualifying Electric Vehicle Facility Specification Sheet.

3. **DS-3 and DS-4 Charging Programs**

   a. **Supplemental Line Extension Provisions**

   AIC states that any stand-alone service point for a Non-Residential Customer that is primarily intended to provide power and energy to EVSE will be eligible for supplemental line extension and service extension allowances under the Corridor Charging Facility Program. Ameren Ex. 2.1R. AIC states that the supplemental allowance for non-residential customers will help decrease the installed cost of the charging facilities. The Electric Service Schedule III. C. C. No. 1 supplemental allowance, if applicable, will be the greater of $300 kW of connected EVSE in kW or the otherwise applicable line extension and service extension provisions available to new Customers. Ameren Ex. 3.0 at 3.

   AIC also states that if a customer chooses the supplemental allowance option, and the cost of the Line Extension exceeds the supplemental allowance, the customer will pay, in advance of construction, to AIC an amount equal to the difference between the actual cost and the supplemental allowance. Ameren Ex. 2.1R.

   ChargePoint supports AIC’s proposed Supplemental Line Extension provisions for the DS-3 and DS-4 Charging Program, which will reduce the total upfront cost of installing EV charging stations for those site hosts that require line extensions or upgrades in order to provide power to their EV charging stations.

   The Commission finds that the Supplemental Line Extension provision for the Corridor Charging Facility Program does not appear to be contested and therefore is approved.

   b. **Corridor Charging Facility Program**

      (i) **150 kW Total Load Requirement**

         (a) **AIC’s Position**

         AIC asserts that its Rider EVCP Informational Sheet requires that qualifying installations under the Corridor Charging Facility Program must install at least 150 kW of total connected DC Fast Charging EVSE with the capability to charge at least two vehicles simultaneously, and is limited to DS-3 and DS-4 customers. Ameren Ex. 2.1; Ameren Ex. 8.1. AIC explains that the Corridor Charging Facility Program is designed to address the issue of demand rates posing a challenge for nascent charging stations operating at low load factors. Ameren Ex. 2.0 at 16. AIC states that it wants to encourage larger Corridor Charging station installations to ensure sufficient size at each station as EV drivers increase over time. Ameren Ex. 7.0 at 4; Ameren Ex. 4.0 at 11.

         AIC disagrees with ChargePoint’s recommendation to modify the Corridor Charging Facility Program to reduce the requirement of total connected DC Fast Charging EVSE from 150 kW to 100 kW.

         AIC explains that the purpose of the Corridor Charging Program is to reduce the barriers associated with the costs of utility lines and service connections, and to reduce
high energy costs due to demand-based rates for low-load factor charging stations. AIC notes that 150kW is the demand breakpoint in the applicability criterion between DS-2 volumetric delivery rate and DS-3 demand-based delivery service rate. Ameren Ex. 7.0 at 4. Thus, as AIC points out, DC Fast Charging installations with connected load less than 150kW would take service under DS-2 rates and would therefore not need the Rate Limiter provision applicable under DS-2 and there would be no need to apply the Corridor Charging Facility Program to smaller sized charging stations. Id.

AIC further explains that by having a 150kW total connected load requirement, it would encourage larger Corridor Charging station installations to ensure sufficient size at each station as the amount of EV drivers increases over time. AIC states that there is essentially no change in costs supported by all AIC customers if the minimum size were lowered as requested by ChargePoint, but customers would receive a charging station with less capacity being supported by the program.

(b) ChargePoint’s Position

ChargePoint recommends that the Commission reject AIC’s proposal to require site hosts to install a total of 150 kW of EVSE in order to qualify for the Corridor Charging Facility Program. As Mr. Wilson explained, a 150 kW site capacity minimum “is not required to meet the current needs of EV drivers, significantly increases costs to ratepayers and to site hosts through demand charges, and fails to recognize that actual driving and charging needs at a given location can vary in terms of ports and power level.” ChargePoint Ex. 2.0 at 4. As Mr. Wilson further explained, because AIC also proposes to require that at least two vehicles be capable of charging at the same time and because the most common power levels of DCFCs are 50-62.5 kW and 150 kW, there is no way for a site host to meet one of AIC’s minimum requirements without greatly exceeding the other. Id. In conjunction, ChargePoint explains that these two minimum requirements could result in DCFC installations that are oversized with respect to site host’s and EV drivers’ current and near-term needs and will significantly increase the cost of such installations for site hosts.

As an alternative, ChargePoint recommends that the Commission direct AIC to require site hosts in the Corridor Charging Program to deploy at least 100 kW of EVSE at the site and that at least two vehicles be capable of charging at the same time. As Mr. Wilson pointed out, under these two requirements, “site hosts would be able to deploy two DCFCs rated at 50-62.5 kW, which is also a fairly common deployment strategy for DCFC site hosts.” Id. at 11.

(c) EVgo’s Position

EVgo supports the clarification that 150kW is the requirement per service point and not per charger in both the Corridor and Non-Corridor Programs. EVgo understands that AIC is basing the 150kW total load requirement on the “cut-off” load it uses to distinguish between its DS-2 and DS-3 customer classes. Ameren Ex. 4.0 at 13-14. Installations below 150kW are billed on a volumetric basis, while those at 150kW and above are billed on a demand-based rate. Id. at 13. In light of AIC’s rate structure, EVgo is not as concerned as others are by the 150kW total load requirement under the DS-3 and DS-4 Charging Programs. EVgo would not object if the Commission lowers the total load requirement under the DS-3 and DS-4 Charging Programs. If AIC or another utility were
to use a different rate structure to distinguish between volumetric and demand-based rates, however, EVgo may raise objections at that time. EVgo adds that a 150kW threshold may not be appropriate for every DCFC or commercial EV use case and should be evaluated in conjunction with other considerations.

(d) Commission Analysis and Conclusion

The Commission finds that AIC’s proposed 150 kW total load requirement is reasonable given the Company’s current rate structure and the stated intention of the Corridor Charging Facility Program to encourage larger Corridor Charging station installations to ensure sufficient size at each station as EV drivers increase over time. ChargePoint asserts, in part, that AIC’s proposal results in oversized DCFC installations that are not currently needed. However, AIC’s proposal appears to more effectively prepare for an increase in EV drivers over time.

ChargePoint’s claim that a 150 kW total load requirement significantly increases costs to ratepayers compared to a 100 kW minimum is not supported by the record. AIC asserts that there “would be essentially no change in costs supported by all [AIC] customers if the minimum size were lowered as proposed by [ChargePoint]. Ameren Ex. 7.0 at 3. ChargePoint’s recommendation for a 100 kW minimum threshold appears to be primarily based on the fact that it would be easier for site hosts to meet the EVSE minimum requirement and the two port minimum requirement, rather than any real effect on AIC ratepayers.

The Commission finds that AIC’s proposal offers a starting point to ensure AIC customers fund charging stations with appropriate minimum capabilities as the EV industry grows. Accordingly, for the DS-3 and DS-4 Charging Programs, the Commission approves AIC’s requirement that qualifying installations have to install at least 150 kW of total connected DCFC EVSE, with the capability to charge at least two EV simultaneously.

(ii) Collection of Charging Service Information

(a) AIC’s Position

AIC states that it requires Corridor Charging Facility hosts to provide information on how the customer plans to charge the public for vehicle charging service as set forth in Rider EVCP’s Qualifying Electric Vehicle Facility Specifications Information Sheet. AIC reiterates that it is not seeking exact pricing information from Corridor Charging Facility hosts. AIC states that it is only seeking information on how the site host plans to charge customers. Ameren Ex. 7.0 at 6.

AIC indicates that it is only asking for information on how the customers plan to charge EV drivers in order to understand how its customers will have access to the charging facilities in order to ensure that the programs are meeting their intended objectives.

(b) ChargePoint’s Position

For the same reasons ChargePoint opposes AIC’s proposal to collect charging service information from customers applying for the Multifamily Charging Facility Program, ChargePoint opposes AIC’s proposal to require site hosts that apply for the Corridor Charging Program to provide “[i]nformation on how the customer plans to charge
the public for vehicle charging service.” See Ameren Ex. 8.1 at 10. ChargePoint incorporates its arguments in Section III.B.2.b. here and recommends that the Commission reject this proposed requirement.

(c) Commission Analysis and Conclusion

For the same reasons the Commission approved the collection of charging service information in Section III.B.2.b.(i)(c) of this Order, the Commission approves AIC’s requirement of information as set forth in Rider EVCP’s Qualifying Electric Vehicle Facility Specifications Information Sheet under the Corridor Charging Facility Program.

c. Non-Corridor DC Fast Charging Facility Program

(i) Supplemental Line Extension Provision

(a) AIC’s Position

AIC states that the Non-Corridor DC Fast Charging Facility Program does not limit the number of eligible service points. AIC explains that any customer at any location who decides to install an appropriately sized Level 3 Fast DC charging facility can qualify under AIC’s existing line and service extension policies and take advantage of the Rate Limiter provision. Ameren Ex. 7.0 at 5. However, AIC states that Non-Corridor DC Fast Charging Facility Program participants would not qualify as the Supplemental Line Extension would not apply.

AIC disagrees with the AG's recommendation that the Commission order AIC to conduct an analysis on the impact of installing chargers under the Non-Corridor Program. AIC asserts that the AG failed to present any evidence to support its claim that the Non-Corridor DC Fast Charging Facility Program would cause delivery rates to increase.

(b) AG’s Position

The AG addresses this issue in Section III.B.3.d.(ii)(c) of this Order.

(c) Commission Analysis and Conclusion

This issue is addressed in Section III.B.3.d.(ii)(f) of this Order.

(ii) Collection of Charging Service Information

(a) AIC’s Position

AIC did not specifically address the collection of charging service information for the Non-Corridor DC Fast Charging Facility Program in briefs. However, AIC proposes collecting the same charging service information for this program as it does for the Corridor Charging Facility Program. Ameren Ex. 8.1 at 10-12.

(b) ChargePoint’s Position

For the same reasons ChargePoint opposes AIC’s proposal to collect charging service information from customers applying for the Multifamily Charging Facility and Corridor Charging Programs, ChargePoint opposes AIC’s proposal to require site hosts that apply for the Non-Corridor Charging Program to provide “information on how the customer plans to charge the public for vehicle charging service.” ChargePoint incorporates its arguments in Section III.B.2.b. and recommends that the Commission reject this proposed requirement.
(c) Commission Analysis and Conclusion

AIC supports the same charging service information for the Non-Corridor DC Fast Charging Facility Program as it does for the Corridor Charging Facility Program. Ameren Ex. 8.1 at 11-12. For the same reasons the Commission approves the collection of such information for the other identified programs in this Order, the Commission also approves of AIC’s collection of charging service information reflected in the Qualifying Electric Vehicle Facilities Specifications Information Sheet for the Non-Corridor DC Fast Charging Facility Program.

d. Siting Requirements

(i) Corridor Charging Facility Program

(a) AIC’s Position

AIC explains that the Corridor Charging Facility Program is designed to identify locations in its service territory to limit grid impact and to provide range confidence for longer distance travel. AIC asserts that it is reasonable for qualifying charging stations to be located in major travel routes within the AIC service territory. Ameren Ex. 4.0 at 9.

AIC disagrees with ChargePoint’s assertion that AIC should not be able to determine Corridor Charging Facility sites without the assistance of third parties. AIC states that by setting forth general location areas for Corridor Charging sites, AIC is not prohibiting customers from installing DCFC stations or connecting to the AIC distribution system in other locations as they choose. Ameren Ex. 7.0 at 5. Instead, AIC argues that it has operated its electric system for over 100 years, and thus has the best experience in determining the capacity of its grid. AIC indicates that it will identify the general locations in as broad of areas as practical and provide information on these eligible locations on AIC’s website.

AIC states that it has no intention of excluding customers that may want to install DCFCs, and AIC adds there is a Non-Corridor Fast DC Charging Program wherein any customer at any location can install a qualifying DCFC. Ameren Ex. 4.0 at 10. AIC explains that the Non-Corridor Fast DC Charging Program is designed for customers that are not located in an area that requires charging for longer distance travel, and that there are no limits on customer participation in the Non-Corridor Fast DC Charging Program. Id.

AIC notes that the AG, without raising its recommendation in testimony to allow AIC to scrutinize with analysis and cross-examine, recommends in its Initial Brief that the Commission order the Company to amend the tariff to require it to conduct an analysis on the impact of installing a charging facility prior to approving corridors for the program. In AIC’s opinion, the AG’s recommendation is superfluous as the Company has already outlined this requirement in the tariff. AIC’s Information Sheet Supplemental to Rider EVCP specifically states “qualifying installations will have a limited maximum capability based on the specific location which should be confirmed with Ameren Illinois at the time of application.” Ameren Ex. 8.1.
(b) ChargePoint’s Position

ChargePoint opposes AIC’s proposal to limit the locations that will be eligible for the Corridor Charging Facility Program to “only major travel corridors and locations with sufficient system capacity.” At this early stage of the EV charging market, ChargePoint asserts, AIC should support any customer interested in hosting DCFCs by allowing them to participate in the program.

ChargePoint states that AIC has not designated the travel corridors that will establish customer eligibility, has not specified how close a customer must be to a designated travel corridor in order to qualify, and has not explained how much system capacity must be available at a customer’s location in order for the customer to be eligible for the program. ChargePoint points out that AIC asks the Commission to simply trust that it will determine the best areas for DCFCs. According to ChargePoint, AIC has also not justified excluding a significant number of customers from the program based on where they are located relative to major travel corridors or relative to grid constraints. ChargePoint argues that customers should be the ones to decide whether it makes economic sense for them to invest their private capital to deploy DCFCs at their place of business, not Ameren.

AIC witness Abba dismisses ChargePoint’s concerns by pointing to its Non-Corridor DC Fast Charging Program. While ChargePoint appreciates that AIC has proposed this alternative program, the Non-Corridor program does not include the same Supplemental Line Extension provisions as the Corridor Charging Program. In ChargePoint’s view, customers should not be denied the value of the Supplemental Line Extension provisions based solely on arbitrary locational requirements unilaterally determined by AIC.

For these reasons, ChargePoint recommends that the Commission deny AIC’s proposal to restrict the Corridor Charging Program to customers located near travel corridors and in areas where there is sufficient grid capacity, as determined by AIC.

(c) AG’s Position

The AG argues that the Commission should require the Company to amend Rider EVCP so that it must explicitly consider the impact that installing a charging facility in a specific location will have before it approves corridors for the Corridor Charging Facility Program. The AG notes that the Company already stated that it will limit the program to “locations near interstate exits and other travel crossroads” where it identifies that there is “ample existing backbone system capacity to allow the installation of the Corridor Charging Facility without requiring any distribution system backbone upgrades.” Ameren Ex. 1.0 at 12–13; see also AG Cross Ex. 1 at 7. However, the AG points out that this analysis is not expressly codified in the rider.

The AG also maintains that ChargePoint’s position should be rejected. ChargePoint asserts that the Corridor Charging Facility Program should have no geographic limitations because the Company has not specified how close a customer must be to a travel corridor to qualify, nor has AIC described how much system capacity must be available in a qualifying corridor. See ChargePoint IB at 15–16. The AG argues that the capacity analysis proposed by the Company protects against delivery service rate
increases for all AIC customers by siting qualifying facilities in areas with sufficient backbone system capacity.

(d) EVgo's Position

In its Initial Brief, the AG for the first time proposes that the Corridor Program and Non-Corridor Program both be revised to require an analysis of existing distribution system capacity before allowing interconnection. If “existing ample backbone system capacity” does not exist, EVgo understands that the AG’s proposal would also prohibit interconnection with the EV charging station. The AG’s stated reasons for the amendments are to “limit strain on the Company’s distribution system, prevent increased costs that can lead to rate increases, and protect ratepayers.” AG IB at 12. EVgo opposes the AG’s proposal for several reasons.

Regardless of its merits, EVgo asserts that the AG’s proposal is untimely. EVgo observes that at an October 29, 2020 hearing attended by the AG, the Administrative Law Judge adopted an agreed schedule in this matter. Pursuant to that agreed schedule, multiple parties submitted written testimony raising concerns with and proposing substantive revisions to Rider EVCP. EVgo states that identifying areas of concern and recommending edits through testimony is appropriate because it allows parties to consider the competing ideas and explore through further testimony and discovery the merit of the changes. The AG, however, opted not to submit testimony and proposed no revisions to Rider EVCP. Having chosen not to propose revisions to Rider EVCP when other parties actively engaged in doing so, EVgo contends that the AG should not now be allowed to seek changes to Rider EVCP when no party has had an opportunity to explore the AG’s rationale or the need for its proposal. Furthermore, EVgo maintains that there is no evidence in the record that EV charging loads have any distinct impacts on the grid compared to any other commercial customers, including data centers, grocery stores, retail centers, or any other new commercial construction. Without any evidence to support this late suggestion, EVgo respectfully recommends that the Commission reject the AG’s proposal related to the siting of facilities under the Corridor and Non-Corridor Programs.

Had the AG made its proposal earlier, EVgo states that a record could have been developed to assist the Commission in evaluating the AG’s recommendation. But as it stands, EVgo argues that the record lacks significant information and does not support the adoption of the AG’s proposal. As an example of missing information, EVgo notes that the language the AG proposes adding to the Terms and Conditions Section of Rider EVCP requires the existence of “ample backbone system capacity” without requiring any “distribution system backbone upgrades.” AG IB at 12. EVgo contends that the term “backbone” in the context of the electric distribution grid is generally understood, but is not defined in Rider EVCP or in the general terms and conditions of AIC’s tariffs; therefore exactly what “backbone” means in this context is not clear. Nor, according to EVgo, is it clear what constitutes “ample” so as to avoid the need for any “backbone upgrades.” Whether the addition of a new transformer, for instance, to accommodate a proposed charging station constitutes a “backbone upgrade” or is indicative that “ample” capacity was lacking is not known. EVgo maintains that determining the meaning of these terms at this point in the proceeding is not practical or appropriate. To the extent that it is implied that AIC should have the discretion to define and apply these terms for each charging
station, EVgo asserts that too is problematic since it grants AIC too much authority over privately owned DCFC station locations. In many respects, EVgo believes the current versions of the Corridor Program and Non-Corridor Program reflect a reasonable compromise that limits cost impacts on customers by not including the supplemental line extension credit in the Non-Corridor Program.

Similarly, EVgo continues, the AG asserts on pages 10-11 of its Initial Brief that the Corridor Program and Non-Corridor Program “both serve commercial chargers who demand large amounts of power.” The basis for this statement is not clear to EVgo. EVgo notes that how much power an EV charging station demands is a function of its size (capacity) and how often it is used, which is largely dependent on the battery electric vehicle density in a given area. EVgo reiterates that the AG has not provided any evidence that EV charging has a larger impact on the grid than any other commercial customer. Citing Ameren Ex. 1.0 at 11, EVgo notes that it has already been established that DCFC are low load factor, which is one of the reasons why AIC introduced the Corridor Program. EVgo points out that the record does not reflect why the AG assumes otherwise.

EVgo also observes that the record is silent as to why DCFC is assumed to have an outsized grid impact than other applicants for electrical service from AIC. EVgo understands that when a new store or other commercial enterprise applies for electrical service, AIC evaluates the grid location and need for new equipment to accommodate the new customer. To the extent that the cost of providing the new service exceeds the allowance under its tariffs, AIC informs the new customer of the charges and leaves it to the customer to decide whether to pay the upgrade costs and proceed with construction, or choose another location where upgrade costs would be less severe. EVgo points out that if AIC treated another commercial customer as the AG appears to believe new DCFC charging stations should be treated, AIC would deny new service to, for example, a grocery store, if service of the expected power consumption would require “distribution system backbone upgrades” because there is not “ample backbone system capacity.” Again, EVgo states, the record does not address why different treatment is warranted or contain evidence that DCFC creates an outsized grid impact as compared to other commercial construction, and given that this idea was only introduced in briefs, there is no opportunity for further education on this topic.

Because the AG waited until its Initial Brief to propose its capacity analysis requirement and the record lacks any explanation of or support for it, EVgo respectfully recommends that the AG’s proposed additions on page 12 of its Initial Brief not be adopted. To the extent that evidence emerges of the Corridor Program and/or Non-Corridor Program having a detrimental impact on customer rates, EVgo suggests the AG may raise that issue at a later time.

(e) Commission Analysis and Conclusion

AIC proposes that its Corridor Charging Facility Program be limited to qualifying charging stations that are located in major travel routes within the AIC service territory. ChargePoint urges the Commission to reject any such limitation. ChargePoint asserts that AIC lacks justification for exclusion of a ‘significant’ number of customers from the Corridor Charging Facility Program based on the customers’ location relative to major
travel corridors or relative grid constraints. ChargePoint is further skeptical of AIC’s ability to determine the best areas for DCFC stations.

The Commission notes that AIC has been a public utility for a very long time and is more than familiar with its grid constraints. There is no evidence in the record supporting the contention that the Commission cannot trust in AIC’s judgement in determining the best areas for DCFC stations. Furthermore, the Commission finds that the limitation on the Corridor Charging Facility Program will not unduly limit customers in other locations from installing DCFC stations. As AIC points out, one of the reasons for the Non-Corridor Charging Facility Program is to ensure that any customer at any location wanting to install DCFC stations may do so pursuant to specific qualifications.

Regarding the AG’s recommendation to amend Rider EVCP to require AIC to perform an analysis of existing distribution system capacity before allowing interconnection, the Commission finds this proposal untimely. Because the AG waited to make this proposal to Rider EVCP in its Initial Brief, the proposal has not been fully developed in the record. There is no evidence in the record that EV charging loads have any distinct impacts on the grid compared to any other commercial customers.

Accordingly, the Commission rejects the AG’s recommendation and approves AIC’s Corridor Charging Facility Program siting requirements.

(ii) Non-Corridor Charging Facility Program

(a) AIC’s Position

AIC states that it created the Non-Corridor DC Fast Charging Facility Program as a compromise to expanding the Corridor Charging Facility Program. AIC explains that under the Non-Corridor DC Fast Charging Facility Program, any customer at any location who decides to install an appropriately sized Level 3 Fast DC Charging Facility can qualify under AIC’s existing line and service extension policies and also avail themselves of the Rate Limiter provision. AIC further explains that it does not prohibit customers from installing Level 3 Fast DC Charging stations and connecting to AIC’s distribution system in any location of their choosing. Ameren Ex. 7.0 at 5.

AIC disagrees with the AG’s recommendation that AIC be required to conduct an analysis on the impact of installing a charging facility prior to approving corridors, and the AG’s claim that the Rate Limiter will likely increase delivery rates. AIC argues that the AG has provided no evidence in the record to support its assertion. AIC rebuts the AG by stating that Non-Corridor customers will be subject to standard line extension and system reinforcement provisions in AIC’s Standards and Qualifications for Electric Service. AIC explains that any system expansion required to serve the customer beyond the standard line extension and system reinforcement provisions is paid for by the customer. Ameren Ex. 6.0 at 2.

(b) ChargePoint’s Position

For the first time in briefing, ChargePoint notes, the AG recommends that AIC restrict the Non-Corridor DC Fast Charging Program to locations where there is “ample existing backbone system capacity.” AG IB at 12. Similar to AIC’s position with respect to the Corridor Charging Program, the AG does not specify how much available capacity should be considered “ample.” Because the AG did not make this recommendation in

32
testimony, ChargePoint did not have an opportunity to respond to the AG’s proposal through its witness or to conduct discovery or cross examination with respect to the recommendation.

ChargePoint urges the Commission to reject the AG’s recommendation for the same reasons the Commission should reject AIC’s proposed siting restrictions for the Corridor Charging Program. While ChargePoint does not believe any geographic restrictions are appropriate for either program, the AG’s recommendation ignores the fact that one of the reasons AIC proposed the Non-Corridor Charging Program was to offer the Rate Limiter provisions to all customers interested in hosting DCFCs in its service territory.

ChargePoint also believes the AG’s concern that not restricting the Non-Corridor Charging Program to areas with ample capacity “could increase delivery service rates for all [Ameren’s] customers if backbone capacity upgrades to its distribution system are needed as a result of the increased commercial charging” are overblown. See AG IB at 11. ChargePoint asserts that a single 150 kW DCFC installation is highly unlikely to trigger the need for backbone capacity upgrades, and the AG has not demonstrated that this is a real danger.

ChargePoint explains that the Non-Corridor Charging Program provides participants with a single benefit: the Rate Limiter credit. In other words, the Non-Corridor Charging Program can be thought of as simply a rate for DCFC stations that mitigates the impact of demand charges for low-load factor stations. ChargePoint asserts that it would be highly inappropriate to limit the availability of a rate to certain customers based solely on their location on the grid.

Finally, in ChargePoint’s view, the AG’s recommendation ignores the benefits that publicly available DCFCs provide. While DCFCs increase demand at the location where they are located, by encouraging EV adoption, these stations also enable increased grid utilization at the residential and workplace locations where EVs are typically charged, providing benefits to all customers. The benefits that EV owners provide to non-EV owners offset any hypothetical subsidization from non-EV owners for system upgrades that concerns the AG.

ChargePoint recommends that the Commission reject the AG’s recommendation to restrict the availability of the Non-Corridor Charging Program to certain customers based on their location on the grid.

(c) AG’s Position

The AG argues that the Commission should amend Rider EVCP to require the Company to undertake the same analysis it proposes for locating charging facilities for the Corridor Charging Facility Program in the Non-Corridor DC Fast Charging Facility Program. The AG notes that, as currently proposed, Rider EVCP allows new or existing commercial chargers to subscribe to the Non-Corridor DC Fast Charging Facility Program so long as they meet the minimum criteria set out in the tariff, even though Rider EVCP caps participation in the Corridor Charging Facility Program and AIC proposes to limit participation to areas with robust backbone system capacity. The AG explains that AIC has thus created a structure where it is committed to rigorously evaluating distribution
system impacts under the capped Corridor Facility Charging Program, but not for the uncapped Non-Corridor DC Fast Charging Facility Program, even though the two programs both serve commercial chargers that demand large amounts of power.

The AG proposes placing a geographic limitation on the Non-Corridor DC Fast Charging Facility Program to create the same ratepayer protection AIC proposes for the Corridor Charging Facility Program. The AG asserts that this analysis is necessary to ensure that delivery service rates do not increase for AIC customers in the event that the Non-Corridor DC Fast Charging Facility Program results in commercial chargers demanding more electricity at peak hours. If peak demand is improperly managed, AIC will have to build out its distribution system to accommodate increased usage. The AG asserts that an analysis which considers whether there is ample existing backbone system capacity is particularly necessary for the Non-Corridor DC Fast Charging Facility Program because it allows commercial chargers access to the Rate Limiter credit—a bill credit that reduces the demand charges that commercial chargers pay for their on-peak usage and thus reduces the disincentive to charge at peak hours.

(d) **Tesla’s Position**

Tesla states that it fully supports the revised form of Rider EVCP as shown in Ameren Exhibit 5.1, including the Non-Corridor Program. Tesla Exhibit 2.0 at 3-4.

Tesla explains that the Siting Requirements for the Non-Corridor Program were not contested and had been resolved among the parties during the evidentiary portion of the case. Tesla states that the Non-Corridor Program was created to allow charging sites that would not receive the Supplemental Line Extension provision to be relieved from Siting Requirements that apply to the Corridor Program sites. In Tesla’s view, this distinction makes sense, because the Non-Corridor Program sites would not be receiving ratepayer-funded incentives to support grid upgrades, whereas Corridor Program sites would receive such ratepayer-funded incentives via the Supplemental Line Extension provision. In other words, the Non-Corridor Program sites would be treated like any other new electric customer under AIC’s existing line extension policy, and there would be no need for additional rules regarding siting. In short, Tesla states, under the AIC proposal, Corridor Charging Facility Program sites receiving ratepayer funds would be subject to additional pre-siting study obligations, but Non-Corridor Charging Facility Program sites that will not receive ratepayer-funded incentives would not be subject to additional pre-siting study obligations.

Tesla points out that the non-contested status of the Siting Requirements for the Non-Corridor Program were called into question by the AG’s Initial Brief. Although the AG did not submit evidence in this proceeding, and the AG’s Initial Brief does not appear to cite to any evidence to support its proposal, the AG’s Initial Brief nonetheless seeks to impose additional obligations upon AIC relating to siting of projects proposed to be included in the Non-Corridor Program.

Tesla opposes the AG’s proposal because it seeks to impose new obligations and possible restrictions on deployment of EV chargers in the Non-Corridor Program where AIC’s existing new customer tariff provisions already contain applicable and sufficient controls.
(e) EVgo’s Position

See Section III.B.3.d.(i)(d) of this Order.

(f) Commission Analysis and Conclusion

The AG proposes, as it did for the Corridor Charging Facility Program, to require AIC to perform an analysis of existing distribution system capacity before allowing interconnection. The AG maintains that AIC’s failure to conduct such an analysis could increase delivery service rates. The Commission likewise rejects the AG’s same proposal for the Non-Corridor Charging Facility Program. The AG’s proposal is untimely and lacks an evidentiary basis in the record.

The AG further proposes that the siting requirements for the Non-Corridor Charging Facility Program be restricted to areas with “ample capacity.” It is not clear what the AG considers ample capacity. Again, the AG’s proposal is untimely and lacks any evidentiary basis in the record. The Commission approves AIC’s Non-Corridor Charging Facility Program and rejects the AG’s proposals.

4. Customer Education Section of Rider EVCP

a. AIC’s Position

AIC states that it has included a Customer Education Section in Rider EVCP so that it can educate customers on the benefits of electric transportation, as well as educate customers on applicable delivery service rates, programs, incentives, and credits as it relates to the use of electric vehicles. Ameren Ex. 3.0 at 5. AIC notes that under Section 452.240 of the Commission’s Rules, AIC would be prohibited from promoting or advertising Rider EVCP and its associated programs. However, AIC indicates that Section 452.240 allows advertising or promotion of retail electric service if such activities are legitimate consumer education efforts. AIC indicates that in order to further its customer education efforts, it seeks a provision within the Customer Education Section designating AIC’s customer education efforts as legitimate.

AIC disagrees with Staff’s recommendation to remove the portion of the Consumer Education section that cites Section 452.240 on the basis that the inclusion of such a section would render Rider EVCP unjust and unreasonable. AIC states that, in accordance with State goals to reduce carbon emissions, allowing AIC to develop materials would contribute to those goals by both informing its customers about the programs in the rider as well as encouraging the adoption of EVs in its service territory. AIC argues that including the legitimate customer education language within the Customer Education section would provide a lens through which AIC’s materials should be viewed through, and would remove the need for AIC to have all of its materials reviewed by a third party prior to dissemination, which would be impractical and inefficient. Ameren Ex. 7.0 at 10.

AIC also disagrees with the AG’s recommendation to remove the entire Customer Education section on the basis that it violates Section 295.40 of the Commission’s Rules. AIC points out that the Section 295.40 requirement that copies of advertising materials be provided to the Commission for approval is only applicable in the context of a general rate proceeding. AIC further explains that the instant proceeding is not a general rate
proceeding, but instead a tariff proceeding governed by Section 9-201 of the Act and therefore Section 295.40 does not apply.

b. Staff’s Position

Staff recommends the Commission adopt the following edits to the Customer Education section (Ameren Ex. 8.1 at 9) of AIC’s proposed Rider EVCP (deletions are shown with strikethrough and additions are shown underlined):

CUSTOMER EDUCATION

As the adoption of EVs continues to increase, Ameren Illinois Customers will need to be educated on the establishment of the abovementioned new programs, charging practices, and the related terms and conditions. Ameren Illinois will inform its Customers of its optional EV charging programs and the benefits of electric transportation through consumer education efforts. Those efforts shall be designed to be "legitimate consumer education efforts" and not "promotional practices."

83 Illinois Administrative Code Section 452.240, states that Integrated Distribution Companies, such as Ameren Illinois, shall not promote, advertise, or market with regard to the offering or provisions of any retail electric supply service, other than those permitted under 220 ILCS 5/16-119A(e). 83 Illinois Administrative Code Section 452.240. However, the same Rule allows advertising or marketing that is considered “legitimate consumer education efforts.” Id. Therefore, Ameren Illinois shall be permitted to inform and encourage the adoption of EVs in its service territory. These educational efforts are distinct from "promotional practices" designed to induce customers, and fall outside the category of promotion, advertising, and marketing.

With respect to Ameren Exhibit 8.1, page 9, Staff proposes minor edits to the first paragraph to address what Staff believes are typographical errors and omissions.

Also, with respect to Ameren Exhibit 8.1, page 9, Staff asserts that the entire second paragraph under the Customer Education section of AIC’s proposed Rider EVCP should be stricken. It has been Staff’s position throughout this entire proceeding that the language is inappropriate and should be deleted. See Staff Ex. 1.2 at 8; Staff Ex. 3.1 at 8. Staff asserts that the inclusion of that language in Rider EVCP renders the rider unjust and unreasonable.

First, Staff states, the second paragraph above referring to 83 Ill. Adm. Code 452.240 is completely unnecessary. In Staff’s view, the first paragraph under Customer Education above is sufficient to provide AIC with the authority to educate customers on the benefits of EVs, its optional EV charging programs, and charging practices. Staff Ex. 3.0 at 6. Additionally, the second paragraph, which Staff proposes to strike, includes a discussion of Section 452.240. That Section indicates that Integrated Distribution Companies shall not promote, advertise, or market with regard to the offering or provisions of any retail electric supply service. Given Rider EVCP is not a supply service offering, the reference to 83 Ill. Adm. Code 452.240 is misplaced and thus, Staff believes it should be deleted. Staff Ex. 3.0 at 6-7. Finally, the last two sentences of the last
paragraph - “Ameren Illinois may also develop consumer education materials, outreach, and other resources to inform its Customers of the benefits of switching to or maintaining electric vehicles” and “[t]hese educational efforts are distinct from ‘promotional practices’ designed to induce customers, and fall outside the category of promotion, advertising and marketing” - taken together could be interpreted to mean that all of AIC’s undefined educational efforts related to EVs are distinct from “promotional practices.” Staff Ex. 3.0 at 7. In Staff’s view, this is inappropriate. Staff states that AIC provides no specific details in its testimony on the actual customer education materials it is going to provide to inform and educate customers on the benefits of EVs. Staff Ex. 1.0 at 6-7. Staff witness Morris testified that it is not possible to definitively say that such material is not promotional without first seeing it. Id. at 7. The language supported by Staff (i.e., the first paragraph in the Customer Education section) provides sufficient clarity that the customer education efforts that are authorized under Rider EVCP are only those that are designed to be “legitimate consumer education efforts” and not “promotional practices.” Id. In this way, Staff states, ratepayers are protected and will only pay for educational efforts concerning EVs that are truly “legitimate consumer education efforts.” Id. Accordingly, Staff recommends the Commission adopt Staff’s recommended modifications to the Customer Education section of Rider EVCP as set forth above.

In its Initial Brief, AIC disagrees with Staff’s proposal to strike the discussion of 83 Ill. Adm. Code 452.240 in Rider EVCP. AIC argues that the reference to Section 452.240 is necessary to provide the standard by which the Company is allowed to develop customer education materials and encourage adoption of EVs in its service territory. Ameren IB at 28. AIC further asserts that without the inclusion of the language of Section 452.240, “each and every consumer education material outreach that AIC produces would effectively be subject to a preclearance requirement, in which the materials would have to be reviewed by Staff or stakeholders prior to dissemination to determine whether such material is considered ‘legitimate consumer education material.’” Id.

In Staff’s opinion, AIC’s argument that “removal of the statutory language…remove[s] the clear and unambiguous lens to which AIC’s customer education efforts should be viewed” (Ameren IB, 28) is misplaced. Section 452.240 states that “[a]n Integrated Distribution Companies shall not promote, advertise, or market with regard to the offering or provisions of any retail electric supply service.” 83 Ill. Adm. Code 452.240(a). Staff argues that, since Rider EVCP is not a supply service offering, the reference to Section 452.240 is misplaced and thus, should be deleted. Staff Ex. 3.0 at 6-7. Further, the tariff language that is supported by Staff in the first paragraph of the Customer Education section provides sufficient clarity that the customer education efforts that are authorized under Rider EVCP are only those that are designed to be “legitimate consumer education efforts” and not “promotional practices.” Staff IB at 17; Staff RB at 6-7. According to Staff, this negates AIC’s argument that the inclusion of Section 452.240 is necessary to develop certain materials to educate customers. Lastly, Staff states that AIC’s assertion that the removal of the Section 452.240 guidepost results in a “preclearance requirement” for materials is simply incorrect. Id. In Staff’s opinion, adopting Staff’s recommended deletions to the Customer Education section of Rider EVCP does not create a requirement that AIC disseminate customer education materials to Staff and stakeholders for approval. Staff recommends that the Commission reject
AIC’s argument and adopt Staff’s proposed edits to the Customer Education section of Rider EVCP.

c. **AG’s Position**

The AG argues that the Commission should strike the Customer Education section of Rider EVCP, which states that the Company’s customer education and outreach initiative does not violate Section 452.240 and is not a promotional practice. The AG agrees with Staff that this request is inappropriate because the Commission cannot determine whether the initiative violates Section 452.240 until the Company provides specific education materials and outreach strategies.

Instead, the AG asserts that the proper process here is for AIC to seek recovery of its initiative expenses during the Company’s next rate case. At that time, the Commission will consider the legality of the Company’s initiative and have the benefit of the initiative materials produced by the Company. In that next rate case, the AG explains, the Company will have provided more detailed information about its initiative because Section 295.40 requires utilities seeking cost recovery to provide to the Commission “[c]opies of all advertisements and scripts included in the test year” and a record of “[a]ll expenses incurred by the utility included in the test year operating expense for ads or scripts produced by a trade association.” 83 Ill. Adm. Code 295.40. The AG states that the Commission will then have sufficient factual information to determine whether AIC’s initiative violates Section 452.240. The Commission will also consider whether the initiative complies with Section 9-225 of the Act. This Section creates nine acceptable types of advertising while barring a utility from engaging in political, promotional, or goodwill advertising. See 220 ILCS 5/9-225(3). The AG maintains that, to date, the Company has not provided enough information for the Commission to determine that AIC’s initiative falls within one of the nine acceptable categories.

The AG agrees with Staff’s recommendation that the Commission remove all references to Section 452.240 and the language stating that the initiative is distinct from promotional practices. However, the AG asserts that the Commission should go further and strike the entire Customer Education section because it is an inappropriate attempt by the Company to preclear its initiative. The AG further asserts that the legality and prudence of the initiative should all be considered at the same time without any binding language in Rider EVCP that would allow the Company to inappropriately execute its proposed initiative.

d. **Commission Analysis and Conclusion**

The Commission agrees with Staff’s recommendation to remove references to Section 452.240 and make additional edits to the first paragraph of the Customer Education section. AIC’s proposed Customer Education section in Rider EVCP renders the rider unjust and unreasonable because it arguably presupposes that AIC’s efforts to inform and encourage adoption of EV programs are not promotional practices. The AG recommends striking the entire Customer Education section on the basis that AIC is attempting to preclear its customer education initiative. However, the tariff language Staff recommends in the first paragraph of the Customer Education section provides sufficient clarity that the customer education efforts that are authorized under Rider EVCP are only those that are designed to be “legitimate consumer education efforts” and not
“promotional practices.” Whether AIC’s actual customer education efforts violate Section 452.240 can be addressed in another proceeding, such as a rate case proceeding.

The Commission further agrees with Staff that deleting the reference to Section 452.240 in the Customer Education section of Rider EVCP does not result in a mandate for AIC to disseminate customer education materials to Staff and stakeholders for approval. The Commission approves adoption of the Customer Education section of Rider EVCP as modified by Staff.

5. Make-Ready Behind the Meter
   a. AIC’s Position

AIC states that it disagrees with ChargePoint’s recommendation that the Commission direct AIC to allow customers to use the Supplemental Line Extension Credit for behind-the-meter make-ready infrastructure costs for qualifying EV charging station installation.

AIC states that under its tariff, all "behind-the-meter" costs and work are the responsibility of the customer. Ameren Ex. 6.0 at 2. AIC indicates that it does not agree with allowing the use of the Supplemental Line Extension Credit to support behind-the-meter costs because the credit only applies when the normal line extension credit is insufficient to cover the line extension costs. Same. AIC further states that the credit is not excess money for the customer's behind-the-meter use. Same.

AIC explains that it does not perform behind-the-meter make-ready work, nor does it own, operate, or maintain rate base infrastructure behind-the-meter except in special circumstances under the Excess Facilities tariff or company owned buildings and facilities. Ameren Ex. 6.0 at 2. AIC concludes by pointing out ChargePoint’s recommendation would increase the cost of the program, which would also result in more costs being recovered from all AIC customers.

b. ChargePoint’s Position

ChargePoint witness Wilson recommended that AIC allow customers to use AIC’s proposed Supplemental Line Extension Credits toward the cost of behind-the-meter make-ready infrastructure. Covering the cost of make-ready infrastructure is one of the most effective ways for utilities to incentivize EV charging station deployment. As Mr. Wilson explained, “many ... customers’ current utility service connections are sufficient to host EV chargers (especially Level 2 chargers) and their primary challenge is upgrading their service panel and running power to their parking lot where the charger will be located.” ChargePoint Ex. 1.0 at 11. For such customers, ChargePoint states, AIC’s proposed Supplemental Line Extension Credits for front-of-meter upgrades would provide little or no value. According to ChargePoint, allowing the Supplemental Line Extension Credits to be used for behind-the-meter make-ready infrastructure, however, would likely incentivize many customers to install charging stations that they might otherwise not be able or willing to do so.

ChargePoint therefore recommends that the Commission direct AIC to allow customers to use Supplemental Line Extension Credits toward the cost of behind-the-meter make-ready infrastructure.
c. Commission Analysis and Conclusion

Allowing the Supplemental Line Extension Credit to be used for customer behind-the-meter make-ready costs is contrary to AIC’s normal operations. According to AIC’s tariff, all "behind-the-meter" costs and work are the responsibility of the customer. Furthermore, allowing the credit to be used for customer-side work would increase the cost of the program – a burden that would be placed on all customers in the AIC service territory. Accordingly, the Commission rejects ChargePoint's recommendation to allow the Supplemental Line Extension Credit to be used for behind-the-meter make-ready infrastructure costs.

6. Annual Report and Evaluation

a. AIC’s Position

AIC states that in the Annual Report section of Rider EVCP, it will include a summary of customer education expenses summarized by tactic; copies of customer education marketing collateral; and findings from the evaluation/benchmarking of the customer education efforts. AIC also states that it will provide in the April 1, 2025 report an independent evaluation of the overall program, including an analysis determining whether AIC’s projections that incremental revenue will offset estimated costs are accurate and identifying the difference between actual cost and revenue if those projections are not accurate. AIC adds that the Annual Report section will include the requirement that an independent evaluation be conducted and reported on April 1, 2025 that will have input from AIC, Staff, and other interested parties. Ameren Ex. 7.0 at 9.

AIC disagrees with the AG's recommendation to include in the tariff a requirement to provide annual reporting to evaluate whether incremental revenue will offset the costs of Rider EVCP. AIC asserts that the AG provided no evidence during the proceeding to substantiate its claim that EV incremental growth is unlikely, and that this addition to the annual reporting requirement is necessary.

b. Staff’s Position

Staff states that AIC’s new customer educations efforts should be transparent. Therefore, Staff recommends the Annual Report include three additional categories of information, namely: (1) a summary of AIC’s customer education expenses summarized by tactic and in total; (2) copies of customer education marketing collateral; and (3) findings from Ameren’s evaluation / benchmarking of its customer education and outreach efforts as described on page 4 of Ameren Exhibit 1.2. Staff Ex. 1.0 at 5. AIC’s Transportation Electrification Education and Outreach Strategy (Ameren Ex. 1.2) lays out how AIC plans to evaluate its education and outreach strategy on an on-going basis to gauge the effectiveness of the various tactics, and AIC’s claims that the tactics will be refined each year based on learnings from this annual benchmarking exercise. Staff Ex. 3.0 at 4. Staff witness Morris testified that it is these findings from AIC’s annual evaluation / benchmarking of its customer education and outreach efforts as described on page 4 of Ameren Exhibit 1.2 that should be provided to the Commission in AIC’s Annual Report for Rider EVCP. Staff Ex. 3.0 at 4. AIC witness Abba agreed to include the three additional categories of information in the Annual Report recommended by Staff. Ameren Ex. 4.0 at 2; Ameren Ex. 7.0 at 9.
Staff witness Morris testified that the structure of AIC’s proposed Rider EVCP seems to provide the necessary incentives to help encourage more efficient utilization of the electric grid and support the growth of EVs in AIC’s service territory; however, she noted that it is possible that it may not be successful in achieving its objectives (e.g., getting EV customers to actually opt-in to Rider EVCP, getting customers to shift usage to off-peak periods). Staff Ex. 1.0 at 7. Staff notes that AIC indicated in its response to Staff DR JHM 1.07 that it is not aware of any component of its proposed Rider EVCP being similar to any other utility’s EV tariff that has been evaluated. Staff Ex. 1.1 at 2. Therefore, Ms. Morris recommends the Commission direct AIC to have an independent evaluation performed within three years to determine whether further modifications are needed to Rider EVCP to encourage more efficient utilization of the electric grid. Further, Ms. Morris testified that once AIC has the independent evaluator under contract, it should solicit input on the evaluation plan from Staff and any interested party to this proceeding. Staff Ex. 1.0 at 8.

Staff witness Harden recommends that the independent evaluator include in its report an analysis that demonstrates whether AIC’s projections that incremental revenue will offset estimated costs is accurate, and if not, what the difference between cost and revenue is at the time of the evaluation, using actual numbers. Staff Ex. 2.0 at 2. Ms. Harden testified that evaluating the actual numbers relative to the projections will provide expert guidance on the future direction of the programs within Rider EVCP. Id. at 7.

In response to Staff’s recommendations concerning the independent evaluation, AIC witness Abba agreed to having the independent evaluation performed but recommended that the findings from the independent evaluation be reported in the April 1, 2025 Annual Report. Ameren Ex. 4.0 at 7. Staff witness Morris agreed with Mr. Abba’s evaluation timing recommendation and the rationale that it would allow for sufficient time for implementation such that the evaluation can consider three full years of program adoption. Staff Ex. 3.0 at 3. In addition, Mr. Abba agreed with Ms. Harden’s recommendation to include, as part of the evaluation, an analysis that demonstrates whether AIC’s projections of incremental revenue will offset estimated costs is accurate, and if not, what the difference between cost and revenue is at the time of the evaluation, using actual numbers. Ameren Ex. 4.0 at 7. Ms. Morris proposed language to the Annual Report section of Rider EVCP to reflect AIC’s acceptance of Ms. Harden’s recommendation (Staff Ex. 3.0 at 3-4) to which Mr. Abba subsequently accepted in his surrebuttal testimony (Ameren Ex. 7.0 at 9). Finally, Mr. Abba agreed with Ms. Morris’ recommendation that once AIC has the independent evaluator under contract, it should solicit input on the evaluation plan from Staff and any interested party to this proceeding. Ameren Ex. 4.0 at 7. Ms. Morris proposed edits to the Annual Report section of Rider EVCP to reflect the agreement that the evaluation plan for the independent evaluation will be informed by input from AIC, Staff and interested parties (Staff Ex. 3.0 at 3), and Mr. Abba subsequently accepted those edits in his surrebuttal testimony (Ameren Ex. 7.0 at 9-10).

c. AG’s Position

The AG argues that the Commission should amend Rider EVCP so that the Company is required to annually report on its incremental revenue. The AG asserts that
the Company has advanced faulty revenue projections and that an annual report on incremental revenue is necessary to ensure that Rider EVCP is just and reasonable.

The AG states that AIC provides revenue projections where it alleges that estimates of its incremental revenue over seven years will offset the Company's ratepayer-funded costs of $5.9 million to administer Rider EVCP. To reach AIC's requisite incremental revenue, however, two assumptions must be met: (1) the Educational Facility and Transit Facility Programs must be fully subscribed (generating $93,850 and $528,060 in revenue, respectively), and (2) residential ratepayers in its service territory must adopt an additional 11,338 EVs over the next five years (generating $5,266,390 in revenue). See Ameren Ex. 1.3; Ameren Ex. 1.0 at 29. The AG argues that the Company provides no support for its assertion that the Educational Facility and Transit Facility Programs will be fully subscribed. The AG points to the Company's responses to data requests where it stated that it had no timeline for when the Educational Facility and Transit Facility Programs would be fully subscribed, and where the Company expressed that it had not done any analysis to determine what number of eligible participants are likely to subscribe to these programs. See AG Cross Ex. 1 at 3–6. The AG also contests the Company's incremental EV projection. The Company speculates that EV adoption will grow at approximately 35% per year and cite to a national forecast. See Ameren Ex. 1.0 at 27–29. The AG maintains that this projection is unsupported because vehicle registration data shows that the State's EV adoption rate has not consistently increased over time, with some years registering little increase or even a decrease in the adoption rate. See Ameren Ex. 1.4. The AG also notes that AIC witness Abba stated that Illinois, and particularly the Company's territory, has lagged behind the country in EV adoption rates. Ameren Ex. 1.0 at 28.

To address the Company's faulty and speculative incremental revenue projections, the AG requests that the Commission amend Rider EVCP so that AIC is required to annually report data on its incremental revenue that will enable the Commission to compare and monitor this figure against Rider EVCP's costs. The AG cites to the Commission's Order in Docket No. 19-1121 in support. In that case, ComEd stated that three services offered in Rider Parallel Operation of Retail Customer Generating Facilities Community Supply (“Rider POGCS”) would benefit all customers because they would generate additional revenue for ComEd. Commonwealth Edison Co., Docket No. 19-1121, Order at 2–4 (Sept. 23, 2020). However, the AG states, the utility's revenue projections were unsubstantiated and based on faulty and questionable assumptions. See id. at 13, 20–21. As a result, the Commission concluded that the revisions to Rider POGCS were not just and reasonable because the only benefit the revisions promised for ratepayers was additional revenues for ComEd. Id. at 13. The AG analogizes the case in Docket No. 19-1121 to this proceeding and asserts that AIC has not provided sufficient evidence to show it would recover its projected incremental revenue, and therefore has failed to meet its statutory burden.

The AG notes that Staff also agrees that AIC should report on its incremental revenue, but asks the Commission to mandate this reporting only in one report in 2025. See Staff IB at 19–20. The AG maintains that the Commission should require annual reporting because a single report is not enough to ensure that AIC's ratepayers do not
end up subsidizing EV owners because the Company failed to obtain incremental revenue in excess of its costs to administer Rider EVCP.

d. Commission Analysis and Conclusion

Staff and AIC agree on the content and timing of the Annual Report and evaluation. The AG asserts that the Company has advanced faulty revenue projections and that an Annual Report on incremental revenue is necessary. The record lacks sufficient evidence to make such a determination. Moreover, requiring AIC to acquire an independent evaluator on an annual basis, as opposed to the timeframe supported by AIC and Staff, to evaluate whether AIC’s projections of incremental revenue will offset estimated costs would unnecessarily increase the cost of the program. The Commission rejects the AG’s recommendation and adopts the proposal to include the Annual Report section of Rider EVCP as supported by Staff and reflected in Ameren Ex. 8.1.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

(1) Ameren Illinois Company d/b/a Ameren Illinois is an Illinois corporation engaged in the distribution and sale of electricity and natural gas to the public in Illinois, and is a public utility as defined in Section 3-105 of the Act;

(2) the Commission has jurisdiction over Ameren Illinois Company d/b/a Ameren Illinois and subject matter herein;

(3) the findings and conclusions contained in the prefatory portion of this Order are supported by the evidence of record and are hereby adopted as findings of fact and conclusions of law;

(4) Ameren Illinois Company d/b/a Ameren Illinois’ Verified Petition for Declaratory Ruling should be denied;

(5) Rider EVCP (Ameren Ex. 8.1) as proposed by Ameren Illinois Company d/b/a Ameren Illinois and modified in this Order is reasonable and appropriate and should be adopted;

(6) the tariffs filed on August 19, 2020 shall not go into effect; and

(7) Ameren Illinois Company d/b/a Ameren Illinois shall file new tariffs as authorized in Finding (5) within 7 days of entry of this Order.

IT IS THEREFORE ORDERED that Ameren Illinois Company d/b/a Ameren Illinois’ Rider EVCP – Optional Electric Vehicle Charging Program as proposed in Ameren Ex. 8.1 and modified in this Order is reasonable and appropriate and is hereby adopted.

IT IS FURTHER ORDERED that the tariffs filed on August 19, 2020, shall not go into effect and Ameren Illinois Company d/b/a Ameren Illinois is authorized and ordered to file within 7 days of the date of this Order the approved Rider EVCP – Optional Electric Vehicle Charging Program as adopted by this Order.

IT IS FURTHER ORDERED that the Verified Petition for Declaratory Ruling filed by Ameren Illinois Company d/b/a Ameren Illinois is hereby denied.
IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 8th day of July, 2021.

(SIGNED) CARRIE ZALEWSKI
Chairman