

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 6th day of May, 2020.

In the Matter of the Application of Spire Missouri,)
Inc. d/b/a Spire, for Permission and Approval)
and a Certificate of Convenience and Necessity)
to Construct, Install, Own, Operate, Maintain,)
and Otherwise Control and Manage a Natural)
Gas Distribution System to Provide Gas Service)
in Lafayette County as an Expansion of its)
Existing Certificated Areas)

File No. GA-2020-0235

**ORDER GRANTING CERTIFICATE OF
CONVENIENCE AND NECESSITY**

Issue Date: May 6, 2020

Effective Date: May 16, 2020

Spire Missouri, Inc. seeks a certificate of convenience and necessity for a natural gas distribution system to provide gas service in Lafayette County, Missouri. The Commission will grant Spire a certificate of convenience and necessity.

PROCEDURAL HISTORY

Spire on February 3, 2020, applied for a certificate of convenience and necessity (CCN) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service in Lafayette County, Missouri, as an expansion of Spire's existing certificated area. Spire seeks a CCN to provide gas to an individual project, a Lafayette County maintenance building. Spire also requests waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission has received no requests to intervene in this case.

On April 20, 2020, Staff recommended that the Commission grant Spire a CCN

subject to the conditions that the Commission:

- 1) Reserve all rate making determinations regarding the revenue requirement impact of the service area expansion until Spire's next general rate making proceeding; and
- 2) Require Spire to file an updated tariff sheet to incorporate the specified section in Lafayette County.

No objections to Staff's recommendation have been received, and the time for responses has expired.¹ The Commission will take up Spire's application unopposed.

DECISION

Spire is a gas corporation and a public utility subject to Commission jurisdiction.² The Commission may grant a gas corporation a certificate of convenience and necessity after determining that such construction and operation are either "necessary or convenient for the public service."³ The Commission has stated five criteria that it will use to determine necessity or convenience:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the service;
- 3) The applicant must have the financial ability to provide the service;
- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.⁴

Based on the verified pleadings and Staff's recommendation, the Commission

¹ Commission Rule 20 CSR 4240-2.080(13) allows parties 10 days to respond to pleadings unless otherwise ordered by the Commission.

² Section 386.020(18), (43), RSMo (Cum. Supp. 2019).

³ Section 393.170.3, RSMo (2016).

⁴ *In re Tartan Energy Co.*, 3 Mo. P.S.C. 173, 177 (1994).

finds the application for a certificate of convenience and necessity to provide gas service, subject to the conditions recommended by Staff, meets the stated criteria. No party has objected to issuance of a CCN, nor has any party objected to Staff's recommended conditions or requested a hearing.⁵ Spire's application will be granted, subject to the conditions recommended by Staff. This order will be given a 10-day effective date to avoid undue delay.

In addition, the Commission will grant Spire's request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission finds good cause exists for waiver, based on Spire's verified declaration that it had no communication with the Office of the Commission regarding substantive issues in the application within 150 days before Spire filed its application.

THE COMMISSION ORDERS THAT:

1. Spire is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain gas plant in Lafayette County, Missouri, as an expansion of its existing certificated area, and as more particularly described in its application and Staff's recommendation.

2. The certificate of convenience and necessity granted by this order is subject to the condition that the Commission will reserve all rate making determinations regarding the revenue impact of this service area extension request until Spire's next general rate making proceeding.

⁵ A hearing requirement is met when the opportunity for hearing is provided and an evidentiary hearing is not requested by a proper party. *State ex rel. Deffenderfer Enters., Inc. v. Pub. Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

3. Spire shall file an updated tariff sheet to incorporate the described section of Lafayette County, Missouri.

4. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived for good cause.

5. This order shall become effective on May 16, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Jacobs, Regulatory Law Judge