

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Spire )  
Missouri, Inc. for a Certificate of )  
Convenience and Necessity to Construct, )  
Install, Own, Operate, Maintain, and )  
Otherwise Control and Manage a Natural ) **File No. GA-2023-0038**  
Gas Distribution System in and around the )  
City of Oronogo in Jasper County, )  
Missouri as an Expansion of its Existing )  
Certificated Areas )

**ORDER DIRECTING NOTICE, SETTING DEADLINE FOR  
INTERVENTION REQUESTS, AND DIRECTING FILING OF  
STAFF RECOMMENDATION**

Issue Date: August 8, 2022

Effective Date: August 8, 2022

On August 5, 2022, Spire Missouri Inc. (Spire) filed an application which seeks permission and approval 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 natural gas service in and around the City of Oronogo, Missouri in Jasper County, Missouri, as a further expansion of Spire’s existing certificated area. Spire further seeks permission and approval to acquire the natural gas assets of the City of Oronogo. Spire also requests waiver of the Commission’s rule requiring sixty days’ notice prior to filing an application.

The City of Oronogo currently serves approximately 334 total natural gas customers, 16 of whom are commercial. Spire proposes to apply rates for the expanded certificated area that are the same as the currently effective rates for customers in the adjoining Spire certificated areas.

The Commission will direct notice of the application be given to the Jasper County Commission, local newspapers, and members of the General Assembly representing residents of Jasper County. The Commission will set a deadline for interested parties to intervene. The Commission will direct its Staff to file a recommendation with regard to said application.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall provide a copy of this order and the Application to the County Commission of Jasper County, Missouri.

2. The Commission's Public Policy and Outreach Department shall make this order available to the members of the General Assembly representing Jasper County and to the media serving that county.

3. Any person wishing to intervene in this matter shall file an application to intervene no later than September 7, 2022. The application shall be filed in the Commission's Electronic Filing and Information System (EFIS) or with the Secretary of the Commission. Comments on Spire's application may also be made in EFIS.

4. No later than September 22, 2022, Staff shall file a recommendation regarding Spire's application or a request for an extension of time.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Kenneth J. Seyer, Regulatory Law Judge,  
By delegation of authority pursuant  
to Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,  
On the 8<sup>th</sup> day of August, 2022.

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In the Matter of the Application of )  
Spire Missouri, Inc. for a Certificate of )  
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Install, Own, Operate, Maintain, and ) Case No. GA-2022-\_\_  
Otherwise Control and Manage a Natural )  
Gas Distribution System in and around the )  
City of Oronogo in Jasper County, Missouri )  
As an Expansion of its Existing Certified Areas. )

**APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY  
AND REQUEST FOR WAIVER**

Spire Missouri, Inc. (“Spire” or the “Company”), by and through its undersigned counsel, and pursuant to Section §393.170, RSMo, and Public Service Commission (“Commission”) Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.205, states as follows in support of its Application 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 natural gas service in and around the City of Oronogo, Missouri in Jasper County (“Oronogo” or the “City”), as a further expansion of its existing certificated area, and Request for Waiver from the notice provisions of Commission Rule 20 CSR 4240-4.017(1):

**BACKGROUND**

1. Spire is a public utility and gas corporation incorporated under the laws of the State of Missouri, with its principal office located at 700 Market Street, St. Louis, Missouri 63101.
2. Spire submitted a Certificate of Good Standing evidencing its ability to do business in Missouri in Case No. GF-2020-0334 and incorporates it herein by reference herein for all purposes per 20 CSR 4240-2.060(1)(G). The information in such Certificate is current and correct.

3. Spire is engaged in the business of distributing and transporting natural gas to customers in Missouri as a gas corporation subject to the jurisdiction of the Commission. Spire provides gas service in Missouri to customers in the City of St. Louis and the Counties of Andrew, Barry, Barton, Bates, Buchanan, Butler, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cooper, Crawford, Dade, Dekalb, Franklin, Greene, Henry, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lawrence, Madison, McDonald, Moniteau, Newton, Pettis, Platte, Ray, Saline, St. Charles, St. Francois, St. Genevieve, St. Louis, Stone, and Vernon.

4. Other than cases before the Commission, Spire has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. Spire has one pending action against it involving customer service in the Circuit Court of St. Louis County, docketed as 22SL-CC02193. Spire has no annual report or assessment fees that are overdue.

5. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and to:

Scott Weitzel  
Vice President,  
Regulatory and Legislative Affairs  
Spire Missouri Inc.  
700 Market Street, 5th Floor  
St. Louis, Missouri 63101  
(314) 342-0758  
[Scott.Weitzel@spireenergy.com](mailto:Scott.Weitzel@spireenergy.com)

## **CERTIFICATE OF CONVENIENCE AND NECESSITY**

6. Spire requests permission and approval for a CCN to construct, install, own, operate, maintain, and otherwise control and manage a natural gas system for the public in and around the City of Oronogo, and to acquire the natural gas assets of the City of Oronogo.

7. Oronogo is a Fourth Class City with around 334 natural gas customers, 16 of those being commercial. Natural gas service is currently offered by the City operating as an unregulated entity. Spire estimates the addition of approximately 350 residential customers and 5 commercial customers due to planned developments in the area. The existing system was established in the 1980's and the City currently purchases its natural gas from Southern Star Central Gas Pipeline with a take point in the City. The take point has recently been upgraded and is capable of 486 MMBtu, of which the City contracted for 230 MMBtu. The current system consists of approximately 8.5 miles of main pipeline with approximately 8.4 miles of that being plastic polyethylene ("PE") and 350 plastic services with an average length of sixty-five (65) feet through 2020. The main and services were installed between 1980 through 2020.

8. The legal description and plat of the proposed area for the CCN are attached as Appendix A and Appendix B, respectively. Appendix A is the original legal description, approved by ordinance in 1929. Additional areas have been annexed by the City since then; however, legal descriptions for the annexed areas are not readily available. Spire and the City are exploring options to obtain a full survey of the area, but the Company is also willing to work with Staff and any intervening parties to reach a reasonable resolution on the legal description for a system of this size. Spire will supplement the legal description and plat map as is necessary and feasible.

9. On November 2, 2021, the citizens of Oronogo approved the sale of the City's natural

gas system to Spire. On July 11, 2022, the Board of Aldermen of Oronogo passed Ordinance No. 22-36, both confirming that the voters approved the sale and approving an Asset Purchase Agreement (“APA”) setting the terms and conditions for the purchase of the natural gas system. On July 12, 2022, the APA was executed by Spire and the Mayor of Oronogo. A copy of the APA that includes a certified copy of Ordinance No. 22-36 are attached as Appendix C. Appendix C is confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)6 because it relates to strategies employed or under consideration in contract negotiations.

10. Spire also includes a letter of support from the City for the purchase of the system and this Application for a CCN, attached as Appendix D, indicating that its citizens authorized the sale to Spire, the Board of Aldermen approved the APA, and that the City consents to the acquisition of the system by Spire and supports approval of this Application before the Commission.

11. The name and address of ten residents and landowners within the proposed service area are included in Appendix E, which is confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)1 because it contains information relating directly to specific customers.

12. Estimated system revenues and expenses for the first three years of operations are in the feasibility study attached as Appendix F. Appendix F is confidential pursuant to Commission Rules 20 CSR 4240-2.135(2)(A)3 and 4 because it contains market-specific information.

13. Appendix G to this Application is a signed affidavit of Clifford Garrett, Manager of Residential Development for Spire, stating that Spire has consent to acquire Oronogo’s natural gas system and that all information referenced herein is accurate and truthful.

#### **RATE TREATMENT**

14. Spire proposes that it apply currently-effective rates for residential customers and

commercial customers in Spire’s adjoining certificated areas, as established in Spire’s recent rate case proceeding, File No. GR-2021-0108, after acquiring the Oronogo system and until such rates may be changed by approved tariff or order of the Commission.

### **PUBLIC INTEREST**

15. This proposed acquisition is in the public interest because it ensures continuity of service to Oronogo’s residents, allows a public utility to provide safe and adequate service, and was approved by the residents of Oronogo. The City will benefit from this acquisition for various reasons, including meeting the need to replace aging infrastructure, complying with existing and new industry standards, and saving municipal funds that would otherwise be spent on maintaining the gas system.

16. The grant of the requested certificate, and approval of the underlying transaction, will result in regulated natural gas service being provided to the current and future residents in and around Oronogo, which will thereafter be subject to the jurisdiction of the Commission. Spire’s experience in the operation of natural gas systems gives it the ability to provide safe and adequate service in an efficient manner. For all the reasons set forth herein, a grant of this Application is required by the public convenience and necessity.

### **MOTION FOR WAIVER**

17. Commission Rule 20 CSR 4240-4.017(1) provides that any person intending “to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” A notice was not filed sixty days prior to the filing of this Application, and Spire accordingly seeks a waiver of this notice requirement.

18. Rule 20 CSR 4240-4.017(1)(D) permits a party to request a waiver from the referenced notice requirement for good cause. The Rule specifies that good cause may be established



by submitting a verified declaration that the filing party has had no communication with the office of the Commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case.

19. The Company interprets this to mean that good cause is established if the filing party has had no communication with the office of the Commission outside of pleadings or other public communications. Subject to that understanding, the Company has attached to this request a verified declaration of Clifford Garrett, Manager of Residential Development for Spire, that neither the Company, nor any person or entity acting its behalf, has had communications with the office of the Commission in the last 150 days regarding any substantive issues that are likely to arise in the case. The Company therefore requests that the Commission grant a waiver of the sixty-day notice requirement for this Application for a CCN.

**WHEREFORE**, Spire requests that the Commission:

- 1.) Waive the notice requirement of 20 CSR 4240-4.017(1);
- 2.) Approve this Application for Certificate of Convenience and Necessity to allow Spire to construct, install, own, operate, maintain, and otherwise control and manage a natural gas system for the public within the area described above; and to acquire the natural gas assets of the City of Oronogo, Missouri;
- 3.) Approve the APA referenced herein and authorize Spire to take necessary and appropriate actions to achieve the purposes and commitments contained within the APA; and
- 4.) Grant such other relief as is just and proper under the circumstances.

Respectfully submitted,

*/s/ J. Antonio Arias*

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Matthew Aplington MoBar #58565  
General Counsel  
Spire Missouri, Inc.  
700 Market Street, 6<sup>th</sup> Floor  
St. Louis, MO 63101  
(314) 342-0785 (Office)  
Email: matt.aplington@spireenergy.com

J. Antonio Arias MoBar #74475  
Regulatory Counsel  
Spire Missouri, Inc.  
700 Market Street, 6<sup>th</sup> Floor  
St. Louis, MO 63101  
(314) 342-0655 (Office)  
Email: antonio.arias@spireenergy.com

**ATTORNEYS FOR SPIRE MISSOURI, INC**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 5<sup>th</sup> Day of August to the following:

General Counsel's Office  
Missouri Public Service Commission  
staffcounsel@psc.mo.gov

Office of the Public Counsel  
opc@opc.mo.gov

*/s/ Lew Keathley*

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As an Expansion of its Existing Certified Areas. )

**VERIFICATION**

State of Missouri )  
) SS  
County of St. Louis )

I, Clifford Garrett, being of lawful age and first duly sworn, state that I am the Manager of Residential Business Development for Spire Missouri, Inc. My business address is 700 Market St., St. Louis, Missouri 63101. I am authorized to make this verification and have knowledge of the matters stated herein. Under penalty of perjury, I hereby swear and affirm that I have read the foregoing Request for Waiver, and hereby declare that, other than pleadings or other public communications, Spire Missouri, Inc. has had no communication with the office of the Commission within the prior one hundred and fifty (150) days regarding any substantive issue likely to be in the above referenced case.

/s/ Clifford Garrett  
Clifford Garrett

August 5, 2022  
Dated

CITY OF ORONOGO

ORONOGO, MISSOURI

Certified copy of Ordinance # 201 Defining the Boundaries of the City Of Oronogo, Mo.

Bill # 201

Ordinance #201.

Be it Ordained by the Board of Aldermen of the City of Oronogo, Mo., as follows : Chapter First Boundaries of City.

Section 1. ---Boundaries. The Boundaries of the City of Oronogo Shall be as follows ; and shall embrace the territory therein included , to wit :

Commencing one -eighth of a mile South and one -eighth of a mile West of the Northeast corner of Section 31, Township 29, of Range #32, running thence on said line West one and three-eighths miles to a point one -eighth of a mile South of the Northwest corner of the Northeast quarter of Section 36, Township 29 of Range 33, thence South on said half Section line to the North bank of Center Creek in Township 28, Range 33--thence East on said bank line approximately one and three-eighths miles to a point one-eighth of a mile West of the East line of Section 6, Township 28, Range 32, thence North on said line to place of beginning in Section 31, Township 29, Range 32.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in force and effect from and after its passage and approval.

Passed and approved this, the 17th., day of June, 1929.

T.J. Board

T. J. Board, Clerk. State of Missouri, County of Jasper,

Chas. J. Arey, Mayor.

I certify that the above is a true and exact copy of Bill # 201, Ordinance # 201 of the City of Oronogo, Mo.,

Chas. J. Shaw, Mayor.

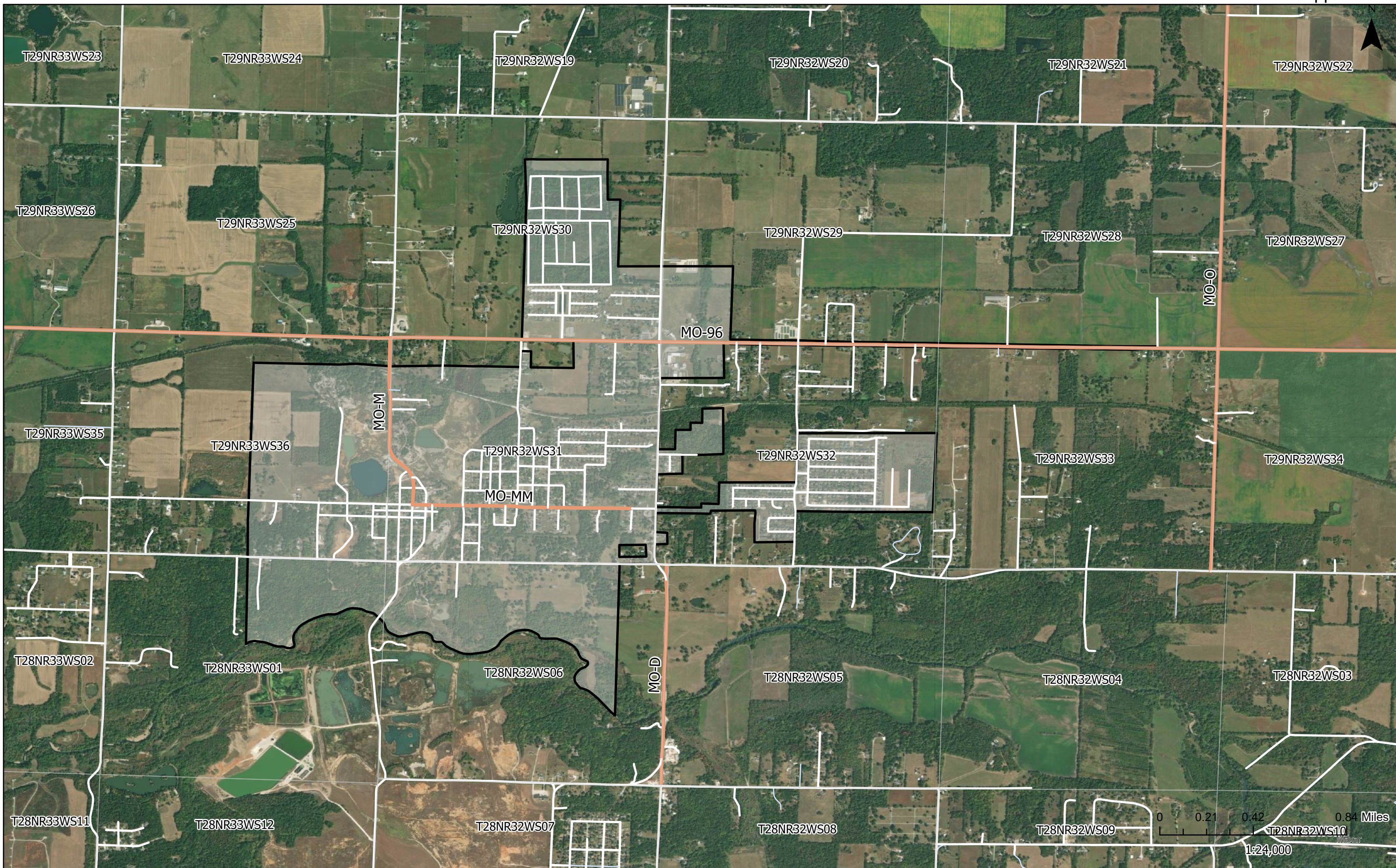
Subscribed and sworn to before me this 27th day of August 1942, at Oronogo, Mo.,

Harold Belden Notary Public.

My commission expires

attest: Blanche Ferris City Clerk

Chas. J. Shaw Mayor.



**Appendix C**

Marked Confidential Pursuant to

20 CSR 4240-2.135(2)(A)6



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## CITY OF ORONOGO

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653 E Central St  
Oronogo, MO 64855

417.673.4541 (P)  
417.673.3246 (F)

July 20, 2022

Chairman Ryan A. Silvey  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

Re: Sale of Municipal Gas System: City of Oronogo-Spire Missouri, Inc.

Dear Sir or Madam:

The Board of Aldermen for the City of Oronogo determined it was in the best interest of the residents that it submit to the qualified voters of the City to consider the sale of the City's natural gas utility to Spire Missouri, Inc. On November 2, 2021, the qualified voters approved the Question and the vote was certified by the Jasper County Clerk and accepted by the Board of Aldermen.

The Board of Aldermen have agreed upon the terms of the Asset Purchase Agreement for the sale of the City's natural gas system and authorized the mayor to execute all necessary documents to effectuate the closing of the sale.

As such, the City of Oronogo, by its qualified voters and the duly elected Board of Aldermen, consent to the Asset Purchase Agreement for the sale of the natural gas system to Spire Missouri, Inc., and support approval of the same by the Missouri Public Service Commission.

Respectfully,

Charles Wilkins  
Mayor

**Appendix E**

Marked Confidential Pursuant to

20 CSR 4240-2.135(2)(A)1



## **Appendix F**

Marked Confidential Pursuant to  
20 CSR 4240-2.135(2)(A)3 and 4

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As an Expansion of its Existing Certified Areas. )

**AFFIDAVIT**

State of Missouri )  
 ) SS  
County of St. Louis )

I, Clifford Garret, being of lawful age and first duly sworn, deposes and states:

1. I am the Manager of Residential Business Development for Spire Missouri, Inc. My business address is 700 Market St., St. Louis, Missouri, 63101.

2. I am authorized to make the following declarations on behalf of Spire Missouri, Inc. and have knowledge of the matters stated herein.

3. As required by Commission Rule 20 CSR 4240-2.060(1)(M), and under penalty of perjury, I hereby declare that the matters and things stated in the foregoing Application are true and correct to the best of my knowledge and belief.

4. Commission Rule 20 CSR 4240-3.205(1)(D) requires an applicant for a certificate of convenience and necessity, when approval of an affected governmental body is necessary, to file a certified copy of the document from the city or county granting the consent or franchise or file an affidavit of the applicant that it has received consent to acquire the municipal natural gas system.

## Appendix G

5. Under penalty of perjury, I hereby declare that Spire Missouri, Inc. received consent from the citizens and Board of Aldermen of the City of Oronogo, Missouri to acquire the City of Oronogo's natural gas system.

*/s/ Clifford Garrett*

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Clifford Garrett

August 5, 2022

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Dated

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8<sup>th</sup> day of August, 2022.**



  
\_\_\_\_\_  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 8, 2022**

**File/Case No. GA-2023-0038**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@opc.mo.gov

**County of Jasper, Missouri**  
County Commission Clerk  
302 S Main St., Rm 102  
Jasper County Courthouse  
Carthage, MO 64836  
jbartosh@jaspercountymo.gov

**Missouri Public Service Commission**  
Jamie Myers  
200 Madison Street, Suite 800  
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Jefferson City, MO 65102  
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**Spire**  
Matthew Aplington  
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Saint Louis, MO 63101  
matt.aplington@spireenergy.com

**Spire**  
J. Antonio Arias  
700 Market Street, 6th Floor  
St. Louis, MO 63101  
antonio.arias@spireenergy.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff**  
**Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.