

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone/internet audio conference on the 28th 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) **File No. GA-2020-0236**
Distribution System to Provide Gas Service in)
Lawrence County as an Expansion of its Existing)
Certificated Areas)

**ORDER GRANTING CERTIFICATE
OF CONVENIENCE AND NECESSITY**

Issue Date: May 28, 2020

Effective Date: June 27, 2020

Procedural History

On February 3, 2020, Spire Missouri, Inc. (Spire) filed the above-referenced application. Spire amended its application on February 6, 2020. The application seeks, among other things, permission and approval and 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 Lawrence County, Missouri, as a further expansion of Spire’s existing certificated area. The certificate is needed to serve potential customers that contacted Spire with a need for a distribution system extension to serve poultry operations near Pierce City and Verona, Missouri. The application further requests a waiver of the Commission’s 60-day notice rule.¹

¹ Commission Rule 20 CSR 4240-4.017(1).

The Staff of the Commission filed its Recommendation on May 13, 2020. Staff recommends that the Commission grant the certificate, subject to two conditions. The conditions are that the Commission should:

- reserve all rate making determinations regarding the revenue requirement impact of this service area extension request until Spire's next general rate making proceeding; and
- require Spire to file an updated tariff sheet incorporating the requested Sections for Lawrence County.

No party has responded to Staff's Recommendation.

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 to operate after determining that the construction and operation are either "necessary or convenient for the public service."³ The Commission has stated five criteria that it will use to make this determination:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed 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

² Section 386.020(18), (43) RSMo 2016.

³ Section 393.170, RSMo.

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

Based on the verified pleadings, the Commission finds the application for a certificate of convenience and necessity to provide gas service meets the above listed criteria.⁵ The application will be granted.

Commission Rule 20 CSR 4240-4.017(1)(D) states that a waiver may be granted for good cause. Good cause exists in this case. Spire has had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, the Commission waives the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1).

THE COMMISSION ORDERS THAT:

1. Commission Rule 20 CSR 4240-4.017(1) is waived.
2. Spire Missouri, Inc. is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain gas plant as more particularly described in its application and Staff Recommendation.
3. The certificate of convenience and necessity is subject to the condition that the Commission will reserve all ratemaking determinations regarding the revenue impact of this service area extension request until Spire Missouri, Inc.'s next general ratemaking proceeding.
4. Spire Missouri, Inc. shall file an updated tariff sheet incorporating the requested sections for Lawrence County.

⁵ The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. No party requested a hearing in this matter; thus, no hearing is necessary. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

5. This order shall become effective on June 27, 2020.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

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

Pridgin, Regulatory Law Judge