

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of April, 2022.

In the Matter of Spire Missouri, Inc. d/b/a)
Spire's Request for Authority to Implement)
a General Rate Increase for Natural Gas)
Service Provided in the Company's)
Missouri Service Areas)

File No. GR-2022-0179
Tracking No. YG-2022-0244

**ORDER SUSPENDING TARIFF, GIVING NOTICE OF CONTESTED
CASE STATUS, AND DELEGATING AUTHORITY**

Issue Date: April 21, 2022

Effective Date: April 21, 2022

Spire Missouri Inc. d/b/a Spire (Spire) submitted tariff sheets on April 1, 2022, to increase its gas revenues by approximately \$151.9 million. The tariff sheets bear an effective date of May 1, 2022. Section 393.150 RSMo, authorizes the Commission to suspend the effective date of Spire's proposed tariff sheets for 120 days, plus an additional six months to allow for a hearing. Spire's notice of intended rate case filing asks that the Commission not suspend the tariff for six months beyond the initial 120 day suspension. Spire's notice states:

"Given the limited number of anticipated issues in this case, and the proximity in time to Spire's last general rate case, Spire anticipates requesting that the Commission decline to further extend the procedural timeline by an additional six months as set forth in § 393.150.2 RSMo., and instead decide this matter within the time period set forth in § 393.150.1 RSMo."

The Commission issued an order giving notice, setting an intervention deadline, directing a proposed procedural schedule, setting a deadline to respond to the proposed test year, and setting a deadline to respond to Spire's tariff suspension request. As of the

date of this order, five entities have requested intervention. The Commission's Staff (Staff), the Office of the Public Counsel (OPC), and three of the entities requesting intervention urge the Commission to suspend the proposed tariff sheets for six months beyond the initial 120 days.

Staff's response indicates Spire's approach may result in fewer issues, but does not limit the number of intervening parties, or the number of issues raised by parties. Staff further notes the Commission is not bound by the issues raised in Spire's filing. Staff also expresses concern that a shortened time period will impact Staff's review, increase potential discovery disputes, and may conflict with other pending rate cases. Staff states that suspending the effective date of Spire's proposed tariffs by 120 days plus six months will not prejudice the ability of Spire to request, or the parties to agree to, an expedited procedural schedule.

OPC filed its *Objection to Spire's Request to not Suspend its Tariff Sheets an Additional Six Months*. OPC does not agree with Spire that this case will concern only a limited number of contested issues. OPC states that it intends to independently raise several issues as well, and that a shortened timeframe will reduce the ability of the parties to reach settlement on those issues. OPC also states that it will need significantly more time than the 120 days allows to prepare its case in chief. OPC points out that the requested increase is substantially larger than Spire's requested increase in its most recent rate case. OPC also echoes Staff's concerns that, if the timeline is shortened, this rate case will conflict with other pending rate cases and create significant congestion of the Commission's docket and become unduly burdensome for other parties who participate in multiple rate cases.

Symmetry Energy Solutions, LLC (Symmetry) filed a request to intervene and a response to Spire's suspension request. Symmetry urges the Commission to suspend the tariff sheets for six months beyond the initial 120 days. Symmetry noted many concerns it has with Spire's proposed tariff sheets. Symmetry states that, "contrary to Spire's assertion, multiple issues will likely be contested in this case and it will not be possible to conclude this Commission's Due Process procedure and hearing within only the 120 day period of suspension requested by Spire."

Constellation New Energy – Gas Division, LLC (Constellation) filed an application to intervene and response to Spire's suspension request. Constellation also urges the Commission to suspend the tariff sheets for six months beyond the initial 120 days. Constellation states that Spire has proposed extensive revisions to its gas transportation tariffs that apply to the customers served by Constellation and other retail gas marketers.

Missouri Energy Consumers Group (MECG) filed a response supporting Staff's response to Spire's request. MECG supports suspending Spire's proposed tariff sheets 120 days plus six months.

Multiple entities have presented compelling reasons to deny Spire's request. The most compelling reason is that Spire is not harmed by further suspension of its proposed tariff sheets. Suspending Spire's proposed tariff sheets for six months beyond 120 days does not prevent Spire or the other parties from proposing an abbreviated procedural schedule, or negotiating a settlement. The Commission can end or shorten the suspension if necessary. Suspending the proposed tariff sheets for the fully allowed time will permit the Commission and the parties to address any unforeseen delays that may

occur. Further suspension provides time for the parties to investigate and the Commission to perform its due diligence in examining the proposed rate increase.

So the Commission has sufficient time to determine if Spire's proposed tariff sheets are just and reasonable,¹ the Commission will suspend the tariff sheets for 120 days beyond their effective date. The Commission's experience and the responses to Spire's request demonstrate that a full hearing cannot be concluded within 120 days, so the Commission will suspend the tariff sheets for an additional six months.²

Suspension of the proposed tariff sheets may occur only pending a "full" hearing and decision on the tariff's propriety.³ The provision for a full pre-decision hearing signifies that this action is now a "contested case."⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,⁵ including by stipulation and agreement.⁶ Spire and the parties are welcome to negotiate and propose an expedited procedural schedule.

The Commission may delegate any adjudicative authority to the Regulatory Law judge assigned to this action. To ensure that all discovery disputes are ruled upon expeditiously, the Commission will delegate its authority to the Regulatory Law Judge assigned to this action to rule on discovery disputes raised at the discovery conferences and to rule on all motions to compel discovery. The Commission will set forth further provisions for discovery by separate order when setting a full procedural schedule.

¹ Section 393.140(5) RSMo.

² Section 393.150.2 RSMo.

³ Section 393.150.1 RSMo.

⁴ Section 536.010(4) RSMo.

⁵ Section 536.060 RSMo.

⁶ 20 CSR 4240-2.115.

THE COMMISSION ORDERS THAT:

1. The proposed tariff sheets, filed under Tracking No. YG-2022-0244, by Spire, are suspended for 120 days from May 1, 2022, to August 29, 2022, plus six months thereafter, until February 28, 2023.
2. The Regulatory Law Judge assigned to this action shall have full authority to rule on any discovery dispute, including any motion to compel, and may make any such ruling at a discovery conference.
3. 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

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

Clark, Senior Regulatory Law Judge


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 21st day of April, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 21, 2022

File/Case No. GR-2022-0179

**Missouri Public Service
Commission**

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

Sincerely,



**Morris L. Woodruff
Secretary**

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