

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

In the Matter of the Establishment of a Working)
Case for the Review and Consideration of) Case No. GW-2023-0272
Amending the Commission's Natural Gas Safety)
Rules.)

SPIRE MISSOURI INC.'S INITIAL COMMENTS

COMES NOW Spire Missouri Inc. (“Spire Missouri” or “Company”) and respectfully submits this response to the Missouri Public Service Commission's ("Commission") *Order Opening a Working Case to Consider Amending the Commission's Natural Gas Safety Rules* effective March 8, 2023, which directs any stakeholder wishing to submit written comments regarding Staff's proposed rule amendments. On April 3, 2023, Spire Missouri requested an additional 30 days to file its comments, which the Company provides below:

1. Regarding the proposed adoption of recent Federal Amendments described in Staff's Attachment A to their Motion, Spire Missouri has no concerns or suggested edits.

2. Regarding Staff's proposed amendments as set out in Attachment B to their Motion, the Company has no concerns with or edits to parts 1 and 3. Part 1 adjusts the reporting threshold for Missouri Incidents as defined in 20 CSR 4240-40.020(4)(A)1 for inflation. Part 3 updates references to the current reporting form revisions.

3. However regarding part 2 as set out in Attachment B to Staff's Motion, the Company has concerns with certain proposed revisions to 20 CSR 4240-40.020(4)(A)(1) — specifically, 20 CSR 4240-40.020(4)(A)(1)B, D, E, F and G. The concerns are listed as follows:

a. Regarding Staff's proposed revisions to 20 CSR 4240-40.020(4)(A)(1)B, the Company notes that the terminology used in subsection 1(i) of the definition of "Incident" under the federal rules, 49 CFR § 191.3, "personal injury necessitating in-patient hospitalization" is well understood. Staff's revision moves away from the

PHMSA definition, and what constitutes "medical care" is undefined and unclear. Further, the Company does not receive information when a member of the public seeks medical care at a doctor's office or urgent care facility. Attempting to gather this information would be burdensome and, in many cases, impossible due to HIPAA laws. However, the Company could reasonably be expected to know whether a member of the public left the site of an incident in an ambulance to a hospital. As such, the Company believes that limiting "medical care" to those instances where an individual is transported to the hospital by ambulance because of the incident is a more prudent threshold for reporting.

- b. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)D & E, it is the regular practice of the Company to evacuate buildings and structures as a preventive measure to ensure public safety. The Company has the following concerns with changing the incident reporting threshold to include criteria based on number of buildings and/or people evacuated:

- i. If a person calling in a gas odor complaint is advised to evacuate the building as a preventative measure, which is the Company's standard practice, that person may, in turn, notify nearby residents, neighbors, etc. so that tracking the number of buildings or people who evacuate may not be known by the Company, and even if known eventually, may very likely not become known within the two-hour window contemplated in the Rule.

- ii. It is common for public safety officials to evacuate buildings prior to the Company fully appraising the situation. It is also common for schools and businesses to self-evacuate buildings prior to the Company fully

appraising the situation. In these circumstances, the Company may not be aware of the extent and timeline of the evacuation in order to comply with the Rule.

iii. These criteria are not a consistent measure or indication of the scope or risk of the incident. Evacuation of a building is not synonymous with gas entering a building, though a building would be evacuated in such a circumstance.

iv. This reporting criteria adds a discretionary element that may vary within organizations and between operators.

v. This rule change will result in a significant increase in notifications to the Commission Pipeline Safety Personnel and be burdensome on operators to complete all reporting within the required timeframes.

vi. Emergency responders would be hindered in their efforts to ensure safety by the need to count and report to operators the number of individuals being evacuated from a building.

Therefore, the Company recommends removing proposed reporting criteria based on number of buildings and/or people evacuated. However, the Company would like to better understand how the Commission Pipeline Safety Personnel anticipates this information would be used to better protect public health and safety and may be able to propose alternative language to achieve those goals.

- c. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)F, the term "explosion" should be further defined and the causal link for the event clarified.

Therefore, the Company would recommend the following alternative language: **F. A fire or explosion in one or more buildings caused by a release of gas.**

- d. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)G, the Company understands "a gas release, which, due to its location or magnitude, constitutes an immediate hazard to a building or the general public" to refer to Class 1 leaks. The Company may allow a Class 1 leak with no migration into a building or confined space, such as an excavation damage or events where repair efforts have been partially completed but the leak is not completely stopped, to blow to open air in excess of 8 hours to prevent large outages or outages to critical facilities such as hospitals or power plants. The Company's decision to allow the leak to blow is not an indication of severity and this proposed rule amendment could be perceived as discouraging such decisions. The Company believes that a gas release that has not been safe within 24 hours would be a more pertinent criterion.

4. With regard to the proposed amendments to 20 CSR 4240-40.030 described in Staff's Attachment C to their Motion, Spire Missouri has no concerns or suggested clarifications or edits.

Respectfully submitted,

/s/ J. Antonio Arias

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

J. Antonio Arias, MoBar #74475
Counsel, Regulatory

Spire Missouri Inc.
700 Market Street, 6th Floor
St. Louis, MO 63101
(314) 342-0655 (Office)
Email: antonio.arias@spireenergy.com

ATTORNEYS FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was serve on the Staff of the Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 3rd day of May, 2023.

/s/ Lew Keathley
