

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

| | | |
|-----------------------------|---|-------------------------------------|
| David Apted, |) | |
| |) | |
| Complainant. |) | |
| |) | |
| v. |) | <u>Case No. GC-2017-0348</u> |
| |) | |
| Spire Missouri, Inc., f/k/a |) | |
| Laclede Gas Company, |) | |
| |) | |
| Respondent |) | |

STAFF MOTION FOR RELIEF FROM ORDER

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and for its *Motion for Relief from Order*, respectfully states:

1. Mr. David Apted (Complainant) filed a complaint on June 23, 2017, opening this docket, which the Commission designated a small formal complaint. Staff filed its *Report* pursuant to the small formal complaint process and the Commission's *Order* on August 15, 2017. On December 10, 2018, an evidentiary hearing was held in this matter. The Commission on December 11, 2018, ordered all parties to file principal briefs addressing this matter no later than January 3, 2018.

2. Commission rule 4 CSR 240-2.070(15), sets out the parameters for all complaint cases designated as Small Formal Complaint Cases. Specifically, subsection (D) of the rule states that, "Staff shall not advocate a position beyond reporting the results of its investigation. If Staff believes it should advocate a position, it may file a motion to change the status of the complaint under subsection (B) of this section." As Staff filed no such motion and did not advocate a position in this matter

beyond reporting the results of its investigation, Staff respectfully requests that it be relieved from the Commission's order to file a Principal Brief.

3. Staff attests that at the evidentiary hearing it offered all of the relevant information available to Staff, which was received into the record. Additionally, the Commission took notice of all filings entered into the electronic filing and information system (EFIS) for this matter. Therefore, Staff has no further relevant information to include in a brief which has not already been made a part of the record.

WHEREFORE, Staff moves the Commission to relieve it from its obligation to file a Principal Brief in this matter; and to grant such further and other relief as is just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne
Legal Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 12th day of December, 2018, to all counsel of record.

/s/ Whitney Payne