

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

Structural Glass Systems, Inc.)	
)	
Complainant,)	
)	
v.)	File No. GC-2023-0143
)	
Spire Missouri, Inc. d/b/a Spire,)	
)	
Respondent)	

**SPIRE MISSOURI’S REPLY TO COMPLAINANT’S SUGGESTIONS
IN OPPOSITION TO MOTION TO DISMISS**

COMES NOW Spire Missouri Inc. (“Spire Missouri” or the “Company”), by and through counsel, and replies to Complainant’s *Suggestions in Opposition to Respondent’s Motion to Dismiss* (“Response”) by stating as follows:

Introduction

Complainant’s Response to Spire Missouri’s Motion to Dismiss makes two points for denying the Company’s Motion. First, Complainant attempts to clarify an initial allegation, stating that it is in fact disputing that the gas subject to rebilling was actually used during the period between November 24, 2021 and April 12, 2022. Complainant states that rebilling for gas that was not used would be a violation of “numerous rules and regulations applicable to Spire,” but fails to identify any such rules.

Second, Complainant now seeks to support its claim of “consequential damages” by stating it has incurred over \$20,000 per month in overhead costs because the gas to the facility is shut off and the facility is inoperable as a result. In doing so, Complainant makes a new allegation that the Company is refusing to enter into a payment plan. Spire Missouri will address these points in turn.

Argument

Complainant's statement that it is disputing that the gas subject to rebilling was actually used does not follow the logic of its Complaint. In its Response, Complainant apparently seeks to claim both Spire Missouri's alleged negligence in setting the PTZ corrector configuration to transmit five instead of six digits of usage resulted in the undercharge, but also that it did not use the gas that the meter physically recorded but did not transmit correctly. Regardless, Spire Missouri, during the informal complaint investigation process by a representative of the Missouri Public Service Commission ("Commission"), performed a differential test of the meter, which demonstrated the meter was operating accurately. The Commission's representative found no further testing was required and that Spire Missouri "acted in accordance with both the rules and regulations of the Commission and [it's] filed and approved tariff. Complainant continues to fail to provide an actual rule or regulation that Spire Missouri has violated, merely adding that the Company is in "violation of numerous rules and regulations."

Next, Complainant tries to justify its initial and unsupported claim of "consequential damages" from its Complaint. Complainant states that it is currently incurring over \$20,000 per month in overhead costs that it cannot recoup because its facility's gas is shut off and inoperable. Complainant alleges that Spire Missouri refuses to enter into a payment arrangement and restart its gas service. In making this *new* allegation, Complaint fails to provide any evidence that Spire Missouri has refused to enter into a payment arrangement. However, Complainant has also filed in this docket correspondence from Spire Missouri to Complainant regarding its unpaid gas bills. From this correspondence, it is clear that Spire Missouri has provided information for entering into payment arrangements, as required by Commission rule. When rebilling for an undercharge, the Company is required by Commission rules to offer the customer "the option to pay the adjusted

bill over a period of at least double the period covered by the adjusted bill.” 20 CSR 4240-13.025(C).

WHEREFORE, Spire Missouri respectfully requests that the Commission grant its Motion to Dismiss the Complaint as Complainant still has not alleged that Spire Missouri has committed a violation of any Commission rule or Company tariff and now attempts to support its claim of “consequential damages” with new and unsupported allegations, and order any other relief that the Commission deems proper.

Respectfully submitted,

/s/ J. Antonio Arias

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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 to all counsel of record on this 1st day of December, 2022.

/s/ Lew Keathley

Lew Keathley