

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

Structural Glass Systems, Inc.,            )  
  )  
                  Complainant.                    )  
  )  
                  v.                                    )  
  )  
Spire Missouri Inc.                            )  
d/b/a/ Spire,                                    )  
  )  
                  Respondent.                    )

**Case No. GC-2023-0143**

**STAFF REPORT AND RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, states:

1. On October 26, 2022, the Commission directed Staff to investigate the above-captioned complaint and to file a report concerning the results of its investigation no later than December 16, 2022. Subsequently, Staff requested and the Commission granted an extension to report on its investigation no later than January 30, 2023.

2. Having concluded its investigation, Staff offers its *Staff Report*, which details Staff’s investigation and analysis, and is attached hereto as Appendix A. In summary, Staff concludes that Spire Missouri, Inc. d/b/a Spire (“Spire”) has not violated any applicable statutes, Commission rules or regulations, or Commission-approved Spire Tariffs related to this complaint.

3. With regard to Structural Glass Systems, Inc. (“Structural Glass Systems”) prayer for “consequential damages<sup>1</sup>,” it is the opinion of the Staff Counsel’s Office that the Commission is, respectfully, without jurisdiction to order such relief. The Missouri

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<sup>1</sup> GC-2023-00143, Customer Formal Complaint, page 2, No. 7

Supreme Court has held that “the commission is not a court and cannot enter a money judgement for one party against another.” *May Dept. Stores Co. v. Union Elec. Light & Power Co.*, 107 S.W.2d 41, 58 (Mo. 1937). The Court further stated “The Public Service Commission has full authority to investigate complaints about rates or service and can make orders to remedy the situation for the future, but it cannot grant monetary relief for compensation for past overcharges or damages.” *Id.* “The commission ‘has no power to declare or enforce any principle of law or equity’ and as a result it cannot determine damages or award pecuniary relief....[n]either may the commission abate a nuisance or award consequential damages.” *American Petroleum Exchange v. Public Service Commission*, 172 S.W.2d 952, 955 (Mo. 1943). Therefore, Complainant’s monetary request for relief is outside the Commission’s authority to grant.

4. Staff’s findings and analysis in the attached *Staff Report* more fully explain the circumstances that led Staff to make this conclusion.

**WHEREFORE**, Staff respectfully submits its *Staff Report* as directed by the Commission.

Respectfully submitted,

**/s/ Don Cospers**

Don Cospers

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Missouri Public Service Commission

**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 27<sup>th</sup> day of January, 2023, to all counsel of record.

**/s/ Don Cospers**