

**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)	

ANSWER

COME NOWS Spire Missouri Inc. (“Spire” or “Company”) and submits its Answer to the Complaint pursuant to Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.070 and in support thereof states the following:

1. Spire admits the allegations set forth in paragraph 1 of the Complaint.
2. Spire admits the allegations set forth in paragraph 2 of the Complaint.
3. Spire admits the allegations set forth in paragraph 3 of the Complaint.
4. Spire admits the allegations set forth in paragraph 4 of the Complaint.
5. Spire admits the allegations set forth in paragraph 5 of the Complaint.
6. Spire admits that Complainant was rebilled for undercharged natural gas service between November 24, 2021 and April 12, 2022 in accordance with Commission Rules. Except as expressly admitted herein, Spire denies the remaining allegations set forth in paragraph 6 of the Complaint.
7. Spire denies the allegations set forth in paragraph 7 of the Complaint.
8. Spire admits that Complainant previously unsuccessfully pursued an informal complaint regarding this matter. Except as expressly admitted herein, Spire denies the remaining allegations set forth in paragraph 8 of the Complaint

FURTHER ANSWER

9. On August 15, 2022, in connection with Complainant's prior informal complaint, Spire performed a differential meter test on Complainant's meter to determine if meter was testing within Commission standards. This test showed that the meter was operating accurately. Spire reported the test results to the Commission's customer service representative handling the informal complaint.
10. Spire determined that the undercharge resulted from an incorrect PTZ corrector configuration, which does not track usage; it is responsible for transmitting usage from the meter to the Company's systems. In this situation, the PTZ corrector configuration was transmitting five digits of usage to the Company's billing system, while the meter was correctly tracking six digits of usage, resulting in the undercharge to Complainant.
11. After discovering the issue in May 2022, Spire corrected the PTZ configuration and rebilled Complainant for undercharged usage from November 24, 2021 to April 12, 2022 in accordance with requirements of Commission Rule 20 CSR 4240-13.025(C).
12. The amount that Spire rebilled to Complainant for the undercharged natural gas service was \$6,801.60.

AFFIRMATIVE DEFENSES

13. Spire denies each and every allegation contained in the Complaint which was not specifically admitted herein.
14. Complainant fails to state a claim upon which relief can be granted as the Complaint does not allege any violation of any law, rule, or tariff by Spire. The Commission's

customer service representative investigating Complainant's informal complaint found that Spire acted in accordance with both the rules and regulations of the Commission and Spire's filed and approved tariff.

15. Complainant also fails to state a claim upon which relief can be granted as the Complaint does not adequately plead the elements of negligence, nor does Complainant's cited case, *Laclede Gas Company v. Solon Gershman, Inc.*, support the allegation of actionable negligence by Spire.
16. Spire's rebilling of Complainant for natural gas usage from November 24, 2021 to April 12, 2022 was required by Commission Rule 20 CSR 4240-13.025(C), and in accordance with Sheet Nos. R-8, R-8.1, and R-8.2 of Spire's Tariff Rules and Regulations.
17. Complainant's claims for consequential damages and, to the extent included by Complainant, any late fees that were incurred on the rebilled amount are barred or reduced to the extent that the Complainant failed to properly mitigate its damages. Spire has made multiple attempts to offer payment arrangements to Complainant to avoid late fees or its alleged damages including, without limitation:
 - a. On May 2, 2022, a letter was sent to Complainant providing notice of the rebilling. This letter also informed Complainant that it would have double the amount of months gas service had been undercharged to pay the rebilled amount. Contact information to set up the payment arrangement was included.
 - b. On August 3, 2022 and September 1, 2022, letters with information regarding payment arrangements were sent to Complainant.

- c. On July 18, 2022, an eight-month general payment arrangement with no down payment was offered. The arrangement was declined.
- d. On July 20, 2022, an eight-month general payment with no down payment was offered again.
- e. On August 4, 2022, a voicemail was left to offer additional payment arrangements of 12, 18, or 24 months. No call back was received.
- f. On August 11, 2022, the Commission's customer service representative also advised Complainant by letter that Spire can offer payment arrangements for 12, 18, or 24 months.
- g. On October 21, 2022, a representative for Complainant called requesting options for reconnecting service, and Spire advised service could be started with a payment of \$6,230.78, with the deposit and reconnection fee due on the next month's bill

WHEREFORE, Spire Missouri respectfully requests the Commission issue an order dismissing the Complaint, or, in the alternative, setting a procedural schedule.

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 19th day of December, 2022.

/s/ J. Antonio Arias

J. Antonio Arias