

Lisa Lambert,)
Complainant,)
v.)
Spire Missouri, Inc. d/b/a Spire,)
Respondent.)

a) **13** – Asks for contemporaneous documentation of the Company's most recent inspection for evidence of atmospheric corrosion of the service line and meter set, as required in 4 CSR 240-40.030(9)(Q), at the complainant's address.

b) **14** – Asks for contemporaneous documentation of the Company's most recent distribution system leakage survey of the service line and meter set, as required in 4 CSR 240-40.030(13)(M), at the complainant's address.

c) **15** – Asks for the service line's construction material. Also asks that, if the service line is all or part steel, that the Company state how the service line is cathodically-protected and requests contemporaneous documentation of the Company's two most recent tests for cathodic protection as required by 4 CSR 240.40.030(9)(I).

d) **16** – Asks for contemporaneous documentation of all leak or odor calls from the complainant, general public, police, fire, and other entities between February 2017 and present related to the complainant's gas service line. Also asks for the Company's records or investigation and classification of each such notification as required in 4 CSR 240-40.030(14)(B)(1). Part A of this DR was responded to, but the response to Part B was insufficient.

e) **17** – Asks for contemporaneous documents of the results of the most recent Company accuracy testing and inspection of the complainant's gas service meter, when the meter was tested and inspected as part of a statistical sampling program or as a result of a request by the customer.

5. Staff has attempted to contact counsel for Spire via phone and email to discuss the insufficiencies but has received no responses.

6. Copies of Staff's concerns with the DR answers, which was emailed to counsel for the Company on March 6, 2018, is attached as Appendix A.

7. Commission Rule 4 CSR 240-2.090 allows for discovery under the same conditions as civil actions. Missouri Supreme Court Rule 56.01(a)(1) provides:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action.... It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

For each DR above, Staff has outlined why the DR is reasonably calculated to lead to the discovery of admissible evidence, pursuant to Missouri Supreme Court Rule 56.01(a)(1).

9. The purpose of this consumer complaint case is to determine if the violations alleged by the complainant have occurred. Staff has an obligation to fully investigate all of the complainant's allegations before filing a report and recommendation to the Commission.

WHEREFORE, Staff requests the Commission issue an order requiring Spire respond to this *Second Motion to Compel*; compelling Spire to provide the discovery requested in all of the insufficient data requests listed above; and grant such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

/s/ Casi Aslin

Casi Aslin
Legal Counsel
Missouri Bar No. 67934
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo 65102-
0360
(573) 751-8517
casi.aslin@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of April, 2018.

/s/ Casi Aslin

List of Data Requests without full response:

1. DR 0013 asks: GC-2018-0159 – DR 13 – C

For the gas service line and meter set at 2865 Dividend Park Dr. in Florissant, MO (Customer surname Lambert), please provide copies of all contemporaneous documentation of the Company's most recent inspection for evidence of atmospheric corrosion as required in 4 CSR 240-40.030(9)(Q).

Company response states: See response to DR 10

Staff does not find any documentation of an atmospheric corrosion inspection in the Company's response to DR 10. Please provide documentation of the most recent inspection for evidence of atmospheric corrosion of the gas service line and meter set at 2865 Dividend Park Dr. in Florissant, MO.

2. DR 0014 asks: GC-2018-0159 – DR 14 – C

For the gas service line and meter set at 2865 Dividend Park Dr. in Florissant, MO (Customer surname Lambert), please provide copies of all contemporaneous documentation of the Company's most recent distribution system leakage survey as required in 4 CSR 240-40.030(13)(M).

Company response states: See response to DR 10

Staff does not find any documentation of a distribution system leakage survey in the Company's response to DR 10. Please provide documentation of the Company's most recent distribution system leakage survey as required in 4 CSR 240-40.030(13)(M) for the gas service line and meter set at 2865 Dividend Park Dr. in Florissant, MO.

3. DR 0015 asks: GC-2018-0159 – DR 15 – C

For the gas service line at 2865 Dividend Park Dr. in Florissant, MO (Customer surname Lambert): A. Please state the service line materials of construction (e.g. polyethylene, steel); B. If the service line is all or part steel, please state how this service line is cathodically protected (e.g. anode, rectifier); and C. If the service line is all or part steel, please provide copies of contemporaneous documentation of the Company's two most recent tests for cathodic protection as required by 4 CSR 240-40.030(9)(I).

Company response states: See response to DR 10

Staff does not find any information in the Company's response to DR 10 related to the service line materials of construction, cathodic protection (if applicable) or cathodic protection test records. Please provide this information.

4. DR 0016 (as amended) asks:

For the gas service line at 2865 Dividend Park Dr. in Florissant, MO (Customer surname Lambert), please provide copies of all contemporaneous documentation of: A. All leak or odor calls from the customer, general public, police, fire, and other entities between February 1, 2017 and present; and B. The Company's records of investigation and classification of each such notification and leak indication as required in 4 CSR 240-40.030(14)(B)1.

Company response states: See response to DR 10

Staff did find that the Company provided an odor call record on 11-09-2017 which stated that “Customer is reporting gas odor in front of this address, gas should be off at this address”. However, Staff did not find records of the leak investigation and classification as requested in part B of the data request. Please provide records of the leak investigation and classification undertaken in response to this odor call.

5. DR 0017 asks: GC-2018-0159 – DR 17 – C

For the gas service meter located at 2865 Dividend Park Dr. in Florissant, MO, please provide contemporaneous documents of the results of the most recent Company accuracy testing and inspection of the gas service meter, when the meter was tested and inspected:

- A. As part of the statistical sampling program as authorized by the Commission in Case No. GO-95-320, and
- B. As a result of the written or verbal request of the customer.

Company response states: The meter has not been changed between January 2017 and the present.

This is not responsive to the questions of DR 0017 as to the most recent time the accuracy was tested as A. Part of the statistical sampling program authorized by Commission in Case No. GO-95-320, or B. As a result of the written or verbal request of the customer.