

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

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0309** Replacement
Surcharge in its Spire Missouri East)
Service Territory)

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0310**
Replacement Surcharge in its Spire Missouri West)
Service Territory)

**PUBLIC COUNSELS MOTION TO LATE FILE
AND MOTION TO REJECT SPIRE MISSOURI INC'S REQUEST FOR
WAIVER OF RULE 4 CSR 240.017(1) FOR ISRS CASE FILINGS
OR MOTION TO REJECT *SUA SPONTE***

COMES NOW the Office of the Public Counsel (“Public Counsel” or “OPC”) and for its Motion to Reject Spire Missouri’s Request for a waiver of the 60-day rule 4 CSR 240-4.017(1) request to late file, and Motion to Reject *sua sponte* respectfully states:

1. The Commission should reject Spire’s application as inadequate to support a waiver of the 60-day rule.
2. Because the Company states it is unknown what issues will arise in these cases, it fails to provide any detailed list of issues, in violation of Commission Rule 4 CSR 240-4.017.
3. Commission Rule 4 CSR 240-4.017(1) provides, in part, as follows:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice.

4. In its pleading Spire claims uncertainty regarding these future cases, arguing it is “unclear at this time what, if any, issues are likely to be before the Commission” in “the upcoming ISRS cases” “given the appellate and remand status of the Company’s prior ISRS cases. (Spire Request at para. 4)

5. Due to Spire’s inability to predict the issues likely be before the Commission in these cases, it cannot properly verify it has not had any substantive discussions with “the office of the Commission” on potential issues. The lack of any list, let alone a detailed list, leaves an open question as to whether any discussion the Company has had with the office of Commission is a violation of the above Commission rule.

6. Consequently, Spire’s verification, must rely on mere speculation or conjecture, so any verification provided is unsupported and, therefore, invalid. Without a valid verification the pleading does not meet the requirements of the rule and the Commission should reject Spire’s request for waiver.

7. Spire’s failure to detail what issues may be before the Commission, even if the Commission were to deny Public Counsel’s Motion to Reject, the Commission should itself reject the pleading *sua sponte* as insufficient under Commission Rule 4 CSR 240-4.017(1) to grant a waiver of Commission rules.

8. Counsel for OPC states that due to a family illness and the press of other state business, Public Counsel was unable to file this objection within 10 days.

WHEREFORE, Public Counsel respectfully states that the Commission should accept this late filing for good cause, and deny Spire’s request for a waiver of the 60-day notice requirements based on its claim it cannot predict what issues are likely to be before the Commission. Because of that claimed uncertainty, Spire has failed to detail the type of case and issues likely to be before

the commission. Consequently, Spire is unable to swear unconditionally it has not had “any communication [with the Commission] regarding substantive issues likely to be in the case.”

In the alternative, OPC recommends the Commission reject these filings filing *sua sponte* as failing to meet the filing requirements of Commission Rule 4 CSR 240-4.017(1).

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

BY: /s/ Lera L. Shemwell

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 14th day of May 2018.

/s/ Lera Shemwell