

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

In the Matter of an Investigation of)
Customer Service Issues at Spire)
Missouri, Inc.)

Case No. GO-2018-

MOTION TO OPEN INVESTIGATION

COMES NOW the Staff of the Missouri Public Service Commission and, for its
Motion to Open Investigation, states as follows:

Introduction

1. This matter is an investigation by Staff into Spire Missouri's compliance with Commission Rule 4 CSR 240-13, *Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities*.

Parties

2. The Staff of the Missouri Public Service Commission is authorized to conduct investigations and to bring complaints by Commission Rule 4 CSR 240-2.070(1).

3. Spire Missouri, Inc., is a Missouri general business corporation in good standing, headquartered at 700 Market Street, 6th Floor, St. Louis, MO 63101. Its registered agent is Ellen Therooff, 700 Market Street, 6th Floor, St. Louis, MO 63101. On information and belief, Spire Missouri, Inc., is a wholly-owned subsidiary of Spire, Inc., a publicly-traded public utility holding company and a Missouri general business corporation in good standing, headquartered at 700 Market Street, 6th Floor, St. Louis, MO 63101. Its registered agent is also Ellen Therooff, 700 Market Street, 6th Floor, St. Louis, MO 63101.

Jurisdiction

4. According to Spire, Inc.'s 2017 Form 10-K, filed with the United States Security and Exchange Commission and available online, "Spire Missouri is a public utility engaged in the purchase, retail distribution and sale of natural gas, with primary offices located in St. Louis, Missouri. Spire Missouri is the largest natural gas distribution utility system in Missouri, serving more than 1.1 million residential, commercial and industrial customers. For utility regulatory purposes Spire Missouri has two regions, one serving St. Louis and eastern Missouri (Spire Missouri East) and the other serving Kansas City and western Missouri (Spire Missouri West, formerly Missouri Gas Energy, or MGE)."¹

5. Spire Missouri, Inc.'s business activity of the retail distribution and sale of natural gas to the public makes it a gas corporation, § 386.020(18), RSMo., and a public utility, § 386.020(43), RSMo., subject to supervision and regulation by this Commission. Section 386.250, RSMo.

Facts

6. Customer S.B. was disconnected by Spire Missouri on December 21, 2017. On December 22, she paid \$800.00 to Spire Missouri. Upon inquiring about reconnection on December 27, she was advised that, as a prior Cold Weather Rule ("CWR") agreement defaulter, she would have to pay \$1,597.54 to restore service, that amount being 80% of her balance of \$1,797.22. Spire Missouri demanded an additional payment of \$637.78 before it would restore service, apparently in violation of Commission Rule 4 CSR 240-13.055(14)(A), which limits the required downpayment to

¹ Spire, Inc., Form 10-K, fiscal year ended September 30, 2017, p. 4.

the lesser of 50% of the balance or \$500.00. Staff's position is that service should have been restored immediately upon the customer's payment of \$800.00. Additionally, the 96-hour notice required by Commission Rule 4 CSR 240-13.055(3)(B) was sent to S.B. on December 14, 2017, seven days prior to the disconnection on December 21. Apparently, Spire Missouri failed to comply with Commission Rule 4 CSR 240-13.055 (3)(B) in that the notice was not sent within 96 hours prior to disconnection.

7. Customer R.C. was disconnected by Spire Missouri on November 16, 2017. Her balance was \$176.85. The customer called Spire Missouri on November 16 and, in an effort to avert disconnection, explained that she would pay in full on November 17. Nonetheless, her service was disconnected by Spire Missouri. The customer did pay \$176.85 on November 17, but her service was not restored until November 20. Staff's interpretation is that service should have been restored "upon the day service restoration" was requested, "and in any event, restoration" should have occurred "not later than the next working day following the day requested by the customer" as required by Rule 4 CSR 240-13.050(12). Additionally, the 96-hour notice required by Commission Rule 4 CSR 240-13.055(3)(B) was sent on November 6, 2017, ten days prior to the disconnection on November 16. Apparently, Spire Missouri failed to comply with Commission Rule 4 CSR 240-13.055(3)(B) in that the notice was not sent within 96 hours prior to disconnection.

8. Customer K.P. was disconnected on December 18, 2017. She stated to Staff that she did not receive the notice required by Commission Rule 4 CSR 240-13.055(3)(C), which requires either a written notice, a doorhanger or at least two (2) telephone call attempts at least 24 hours preceding discontinuance.

Spire Missouri advised Staff that technicians are instructed to always knock before disconnecting service; however, the customer states that did not happen. Additionally, the 96-hour notice required by Commission Rule 4 CSR 240-13.055(3)(B) was sent on November 30, 2017, 18 days prior to the disconnection on December 18. Apparently, Spire Missouri failed to comply with Commission Rule 4 CSR 240-13.055(3)(B) in that the notice was not sent within 96 hours prior to disconnection.

9. Staff's interpretation of Commission Rule 4 CSR 240-13.055(3)(B) is that, if disconnection cannot be completed within 96 hours of the notice to the customer, a new 96-hour notice must be provided.

10. Staff has communicated by letter to counsel for Spire Missouri, Inc., its concerns with respect to these three cases; however, Spire Missouri has not responded to Staff's latest letter, which was dated February 6, 2018. Staff notes that the Commission is authorized to "require of all such corporations or persons specific answers to questions upon which the commission may need information[.]" Section 393.140(9), RSMo.

Relief Requested

11. Staff has pursued resolution of its concerns through informal means and Spire Missouri has failed or refused to cooperate. Therefore, Staff requests that the Commission open a formal investigation into Spire Missouri's compliance with Commission Rule 4 CSR 240-13, *Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities*, so that Staff can compel cooperation by Spire Missouri.

12. If the additional facts discovered by Staff in the course of its investigation warrant such a step, Staff will file a complaint with the Commission. In any event, Staff will prepare and file a report of its investigation with the Commission.

WHEREFORE, Staff prays that the Commission will open an investigation into Spire Missouri's compliance with Commission Rule 4 CSR 240-13, *Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities*; and grant such other and further relief as the Commission deems just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served electronically upon counsel for Spire Missouri on this 16th day of March, 2018.

/s/ Kevin A. Thompson