

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

In the Matter of the Request of Spire )  
Missouri Inc. d/b/a Spire for a Temporary )  
Waiver from Commission Rules 20 CSR ) **File No. GE-2020-0373**  
4240-40.030 (9)(Q), (13)(M), (15)(C), )  
(15)(D) and (15)(E) and Orders Pertaining )  
to Inspections and Replacements )

**STAFF RESPONSE TO SPIRE’S JUNE 8, 2020 FILING**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its response states:

**Introduction**

1. On May 15, 2020, Spire Missouri Inc. d/b/a Spire, filed an application requesting a waiver from certain Commission gas safety rules, 20 CSR 4240-40.030(9)(Q), (13)(M), (15)(C), (15)(D), and (15)(E). Spire also requested a waiver from the Commission’s notice provision contained in 20 CSR 4240-4.017(1). Spire stated that as a result of COVID-19-related changes to its work processes and schedules, Spire had been unable to timely complete certain inspections, surveys, and replacements, required by Commission rules and orders.

2. Staff filed its recommendation regarding Spire’s application on May 26, 2020, and recommended that the Commission grant some of Spire’s waiver requests with certain conditions, deny some of Spire’s waiver requests, and further recommended the Commission direct Spire to provide additional clarification on some of Spire’s waiver requests before rendering a decision. Attached to its recommendation, Staff included its memorandum where Staff analyzed Spire’s waiver requests with the applicable federal rules, Commission rules, and prior Commission orders, and safety

implications of Spire's request. Staff dedicated a significant amount of time in a limited timeframe to preparing its May 26, 2020, recommendation, in recognition of the exigent circumstances stemming from the COVID-19 pandemic.

3. On May 27, 2020, the Commission issued an order and established that any response to Staff's recommendation shall be filed no later than June 3, 2020. Spire filed its response to Staff's recommendations in this matter, on June 3, 2020. Then, on June 4, 2020, the Commission directed Staff to file a response and updated recommendation in light of Spire's response, no later than June 5, 2020. Staff reviewed Spire's response, and Staff provided its own response and any update to Staff's recommendations in this matter, in an attached Memorandum, that Staff filed on June 5, 2020.

4. Subsequently, on June 5, 2020, the Commission issued an order that set a deadline of no later than June 8, 2020, for Spire to respond to Staff's updated recommendations. Spire filed a response on June 8, 2020, which Staff has reviewed. Staff suggests the Commission may benefit from Staff responding to Spire's June 8, 2020 filing, and so Staff has prepared this response and attached Memorandum.

**Summary of Staff's Recommendation Regarding  
Spire's Application**

5. Based on Staff's review of Spire's application and filings, applicable Commission rules and prior orders, applicable federal regulations, and Staff's evaluation of the safety implications of Spire's request, Staff recommends the following:

1. The Commission order Spire to either file a list, or provide Staff with a list, of any non-compliance with Commission rules and orders that had

(file date of this application) and such list should contain the elements set forth in the attached Memorandum

2. The Commission approve Spire's request for waiver from 20 CSR 4240-030(9)(Q)(1) – Federal regulation 49 CFR 192.481(a) with the conditions set forth in the attached Memorandum. Note: Staff has revised its recommended condition, letter g., in the attached Memorandum to reflect a concern Spire raised in its June 8, 2020, filing.

3. The Commission not approve Spire's request for waiver from 20 CSR 4240-40.030(9)(Q)(2). Or 3. – Federal regulation 49 CFR 192.481(b) or (c).

4. The Commission approve Spire's request for waiver from 20 CSR 4240-40.030(13)(M)1. And 2.A. and B. – Federal regulation 49 CFR 192.723(a) and (b)(1) with the conditions set forth in the attached Memorandum. Note: Staff has revised its recommended condition, letter g., in the attached Memorandum to reflect a concern Spire raised in its June 8, 2020, filing.

5. The Commission not approve Spire's request for waiver from 20 CSR 4240-40.030(13)(M)2.C. or 20 CSR 4240-40.030(13)(M)3 – Federal regulation 49 CFR 192.723(b)(2)

6. The Commission approve Spire's request for waiver from 20 CSR 4240-40.030(15)(C) and Commission orders in Case Nos. GO-2002-50 and GO-93-343 as modified by the Unanimous Stipulation and Agreement in Case No. GO-99-155, with the conditions set

forth in the attached Memorandum. Note: Staff has removed its previous lettered f recommendation from the attached Memorandum in response to information provided by Spire in its June 8, 2020, filing.

7. The Commission approve the requested waiver from cast iron replacement program provisions as specified in Spire's June 8 response, which were approved in Commission orders in Case Nos. GO-91-275 and GO-2002-50, with the conditions set forth in the attached Memorandum

8. The Commission order Spire to replace the four segments of unprotected steel main it has discovered, no later than May 31, 2021.

**WHEREFORE**, Staff submits its *Staff Response to Spire's June 8, 2020 Filing* and attached *Memorandum* and requests the Commission issue an order consistent with Staff's recommendations as set forth herein, and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

**/s/ Jamie S. Myers**

Jamie S. Myers

Associate Counsel

Missouri Bar No. 68291

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Missouri Public Service Commission

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via e-mail on counsel for the parties of record to this case on this 9<sup>th</sup> day of June, 2020.

**/s/ Jamie S. Myers**

## MEMORANDUM

**TO:** Missouri Public Service Commission Official Case File,  
Case No. GE-2020-0373, Spire Missouri, Inc., d/b/a Spire

**FROM:** Daniel Fitzpatrick, Utility Engineering Specialist III,  
Safety Engineering Department  
John D. Kottwitz, Utility Engineering Specialist III,  
Safety Engineering Department

/s/ Kathleen A. McNelis, PE / 06-09-2020      /s/ Jamie Myers / 06-09-2020  
Safety Engineering Department/ Date      Staff Counsel Division / Date

**SUBJECT:** Staff Recommendation Regarding Spire Missouri Request for Approval of a Waiver from 20 CSR 4240-40.030 (9)(Q); 20 CSR 4240-40.030 (13)(M); 20 CSR 4240-40.030 (15)(C); 20 CSR 4240-40.030 (15)(D); and 20 CSR 4240-40.030 (15)(E)

**DATE:** June 9, 2020

Staff filed its recommendation in this case on May 26, 2020. Spire filed its response on June 3, 2020. On June 4, 2020, the Commission ordered Staff to file a response to Spire Missouri Inc.'s Response to Staff Recommendation no later than June 5, 2020. Staff filed its response on June 5, 2020. On June 5, 2020, the Commission ordered that if Spire wished to file a response to Staff's updated recommendations; it shall do so no later than June 8, 2020. On June 8, 2020, Spire filed its response to Staff's updated recommendations. Staff's response to Spire's June 8, 2020 filing discussed below is organized according to the recommendations Staff provided on June 5, 2020. Additionally, Staff has summarized its recommendations at the end of this memo.

### **A. Staff Responses to Spire's June 8, 2020 filing**

#### **1. Staff June 5, 2020 Recommendation 1**

Staff continues to recommend the Commission order Spire to file a list of any non-compliances with Commission rules and orders that **had already occurred** by May 15, 2020 (file date of this application). The list should include:

- a. Commission rule or order number
- b. Specific non-compliance
- c. Location (e.g. address) of non-compliance
- d. Date the action was required to be taken

**Spire June 8, 2020 Response**

Spire Missouri agreed to file a list of non-compliances that have already occurred by May 15, 2020. Spire Missouri will provide a copy of this list to the Staff after this filing.

**Staff June 9, 2020 Response**

Staff has not yet received this list. As indicated in Staff's June 5 response to Recommendations 2 and 4, Staff is not opposed to receiving the information outside the docket should the Commission direct such an approach and the same applies for this list.

**2. Staff June 5, 2020 Recommendation 2**

Staff recommended that the Commission approve the requested waiver from 20 CSR 4240-40.030(9)(Q)1. with limitations and conditions lettered a. through h.

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such an approach.

With respect to Staff recommended condition part g., it was also Staff's intention that Spire prioritize delinquent inspections before targeting other inspections, which is why Staff stated: "begin inspecting non-compliances..." In order to make this more clear to all parties involved, Staff has revised to include the word "delinquent" in its recommended condition lettered g.

**Spire June 8, 2020 Response**

Spire Missouri believes that inspections will be completed more quickly and therefore gas safety will be better maintained, by sending letters requesting an appointment to all delinquent inspections by population simultaneously. Since ACI inspections must be completed by appointment, lettering simultaneously allows the Company to obtain the earliest appointment time a customer is available. The Company will agree to prioritize the delinquent inspections by population based on the timeframe of the delayed work. As noted, these inspections will be

completed pending customer availability and provided customers have no objection to a Company representative entering their buildings.

**Staff June 9, 2020 Response**

With respect to Staff recommended condition part g., Staff is not opposed to Spire's plan to schedule and prioritize the delinquent atmospheric corrosion inspections with the addition of a one-year maximum beyond the delinquent date. **Staff has revised its recommended condition lettered g to reflect this.**

Staff recommends that the Commission approve the requested waiver from 20 CSR 4240-40.030(9)(Q)1. with the following limitations and conditions:

- a. The effective date of this waiver will end December 31, 2020.
- b. The waiver associated with atmospheric corrosion monitoring as required by 20 CSR 4240-40.030(9)(Q)1. applies only to Spire facilities located inside customer premises. The waiver does not apply to atmospheric corrosion monitoring of facilities located outside of customer premises.
- c. Spire shall document the number of non-compliances and provide the Commission an update monthly.<sup>1</sup>
- d. Spire shall make every effort to identify inside facilities that could be safely inspected (e.g., schools, buildings closed to public access) and conduct inspections on those facilities.
- e. Spire shall conduct additional public awareness to customers whose inspection of inside facilities will be delayed.
- f. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas of its system where atmospheric corrosion monitoring has been delayed in accordance with this temporary waiver.

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<sup>1</sup> Staff June 5 response stated:

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such approach.



- g. **Spire shall inspect non-compliances within one year of the delinquent date<sup>2</sup>** and shall complete this work no later than January 1, 2021.
- h. The waiver does not become effective until PHMSA provides notice to the Commission that PHMSA has no objection to waiving 49 CFR 192.481(a). Staff further recommends that the Commission Order be sent on an expedited basis (e.g., overnight mail) to PHMSA for review.

### **3. Staff June 5, 2020 Recommendation 3**

Staff continues to recommend the Commission not approve the waiver 20 CSR 4240-40.030(9)(Q)2. or 3., or 49 CFR 192.481(b) or (c). Since Spire agrees, Staff recommends that instead of granting a waiver from 20 CSR 4240-40.030(9)(Q) as requested in Spire's recommendation, the Commission grant a more narrow waiver from only 20 CSR 4240-40.030(9)(Q)1. (as discussed in Staff Recommendation 2).

### **Spire June 8, 2020 Response**

The Company did not provide a response.

### **Staff June 9, 2020 Response**

No change to Staff June 5, 2020 recommendation.

### **4. Staff June 5, 2020 Recommendation 4**

Staff recommended that the Commission approve the requested waiver from 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B. with limitations and conditions lettered a. through h.

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such approach.

With respect to Staff recommended condition part g., it was also Staff's intention that Spire prioritize delinquent inspections before targeting other inspections, which is why Staff stated:

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<sup>2</sup> Delinquent date is 39 months after the previous atmospheric corrosion inspection.

“begin inspecting non-compliances...” In order to make this more clear to all parties involved, Staff has revised to include the word “delinquent” in its recommended condition lettered g.

### **Spire June 8, 2020 Response**

Spire Missouri believes that inspections will be completed more quickly and therefore gas safety will be better maintained, by sending letters requesting an appointment to all delinquent inspections by population simultaneously. Since ACI inspections must be completed by appointment, lettering simultaneously allows the Company to obtain the earliest appointment time a customer is available. The Company will agree to prioritize the delinquent inspections by population based on the timeframe of the delayed work. As noted, these inspections will be completed pending customer availability and provided customers have no objection to a Company representative entering their buildings.

### **Staff June 9, 2020 Response**

With respect to Staff recommended condition part g., Staff is not opposed to Spire’s plan to schedule and prioritize the delinquent leak surveys with the addition of a one-year maximum beyond the delinquent date. **Staff has revised its recommended condition lettered g to reflect this.**

Staff recommends that the Commission approve the requested waiver from 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B .with the following limitations and conditions:

- a. The effective date of this waiver will end December 31, 2020.
  - b. The waiver associated with leakage surveys as required by 20 CSR 4240-40.030(13)(M) applies only to Spire facilities located inside customer premises. The waiver does not apply to leakage surveys of facilities located outside of customer premises.
  - c. Spire shall document the number of non-compliances and provide the Commission an update monthly.<sup>3</sup>
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- d. Spire shall make every effort to identify inside facilities that could be safely leakage surveyed (e.g., schools, buildings closed to public access) and conduct leakage surveys on those facilities.
- e. Spire shall conduct additional public awareness to customers whose leakage survey of inside facilities will be delayed.
- f. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas of its system where leakage surveys have been delayed in accordance with this temporary waiver.
- g. **Spire shall leak survey non-compliances within one year of the delinquent date<sup>4</sup>** and shall complete this work no later than January 1, 2021.
- h. Should the Commission approve a waiver of 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B., such waiver should not become effective until PHMSA provides notice to the Commission that PHMSA has no objection to waiving corresponding federal requirements in 49 CFR 192.723(a) and (b)(1). Staff further recommends that the Commission Order be sent on an expedited basis (e.g., overnight mail) to PHMSA for review.

#### **5. Staff June 5, 2020 Recommendation 5**

Staff continues to recommend the Commission not approve the waiver from 20 CSR 4240-40.030(13)(M)2.C., 20 CSR 4240-40.030(13)(M)3., or 49 CFR 192.723(b)(2). Since Spire agrees, Staff recommends that instead of granting a waiver from 20 CSR 4240-40.030(13)(M) as requested in Spire's recommendation, the Commission grant a more narrow waiver from only 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B. (as discussed in Staff Recommendation 4).

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<sup>3</sup> Staff June 5 response stated:

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such approach.

<sup>4</sup> Delinquent date is 15 months or 39 months after the previous leak survey in a business district or outside of a business district, respectively.

**Spire June 8, 2020 Response**

The Company did not provide a response.

**Staff June 9, 2020 Response**

No change to Staff June 5, 2020 recommendation.

**6. Staff June 5, 2020 Recommendation 6**

Staff continued to recommend that the Commission approve the requested waiver from 20 CSR 4240-40.030(15)(C) and Commission orders in Case Nos. GO-2002-50 and GO-93-343 as modified by the Unanimous Stipulation and Agreement in Case No. GO-99-155 with conditions lettered a through f.

**Spire June 8, 2020 Response**

Spire Missouri inadvertently failed to identify its disagreement with Staff's recommendation (6(f)) that unprotected steel service and yard line replacements be prioritized "with the oldest identified population of facilities first." The Company believes that scheduling the unprotected steel service and yard line replacements by proximity to each other will enable the Company to complete all replacements more quickly and efficiently. The Company also believes that there should be scheduling flexibility to accommodate any services that may have a condition that supports earlier replacement. In addition, the Company may be limited on the order in which it can complete the replacements depending on the customer's willingness to allow the Company into their home to complete turn-ons as required by the Company's gas safety standards.

**Staff June 9, 2020 Response**

With respect to Staff recommended condition part f., Staff is not opposed to Spire's plan to schedule replacements of unprotected steel service lines and yard lines. **Staff has deleted its recommended condition lettered f to reflect this.**

Staff continues to recommend that the Commission approve the requested waiver from 20 CSR 4240-40.030(15)(C) and Commission orders in Case Nos. GO-2002-50 and GO-93-343

as modified by the Unanimous Stipulation and Agreement in Case No. GO-99-155 and repeats the limitations and conditions here:

- a. The effective date of this waiver will end December 31, 2020 for Spire Missouri West and May 31, 2021 for Spire Missouri East.
- b. Spire shall provide a comprehensive list of unprotected steel service and yard line replacements to be delayed to the Commission within 10 days of the effective date of the Commission order.
- c. Spire shall make every effort to identify facilities that could be safety replaced (e.g., schools, buildings closed to public access) and conduct replacements on those facilities.
- d. Spire shall conduct additional public awareness to customers where replacement of unprotected steel service lines and yard lines will be delayed.
- e. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas where unprotected steel service lines and yard lines will be delayed in accordance with this temporary waiver.

#### **7. Staff June 5, 2020 Recommendation 7**

Staff continues to recommend that the Commission not approve the requested waiver from 20 CSR 4240-40.030(15)(D) and Commission order in Case Nos. GO-2002-50 and GO-91-275 without further clarification from Spire regarding the specific provisions of this rule and Commission orders from which a waiver is sought.

#### **Spire June 8, 2020 Response**

The Company is referring specifically to the requirements in GO-91-275 under the Ongoing Replacement Program that requires that “Cast-Iron low pressure main areas with two or more existing breaks will be replaced or eliminated within three years of the discovery of a new break,” and Cast-iron low pressure main areas with one existing break will be replaced or eliminated within five years of the discovery of a new break.” The Company is referring specifically to the requirements in GO-2002-50 that requires that “Any new break after July 1, 2001, within 500 feet

of a previously recorded break triggers a minimum replacement of 500 feet of main within five years of the discovery date of the new break.” And “Any additional break on a segment of pipe targeted for replacement will accelerate the completion date to within 24 months of the discovery date of the additional break, or five years from the original trigger date, whichever cause the replacement to be completed sooner.” The Company is seeking the waiver for replacement timing based on the two and three main break conditions of these requirements.

**Staff June 9, 2020 Response:**

Spire has clarified the pertinent provisions of the Commission-approved cast iron main replacement programs in Case Nos. GO-91-275 and GO-2002-50. These provisions involve deadlines for replacement of cast iron mains that have fractured in the past. Since past fractures indicate potential integrity issues with the pipe segments, Staff recommends that mitigative conditions and limitations should be included with a waiver of these program provisions.

**Staff recommends that the Commission approve the requested waiver from cast iron replacement program provisions as specified in Spire’s June 8 response, which were approved in Commission orders in Case Nos. GO-91-275 and GO-2002-50, with the following limitations and conditions:**

- a. The effective date of this waiver will end December 31, 2020 for Spire Missouri West and May 31, 2021 for Spire Missouri East.**
- b. Spire shall provide a comprehensive list of cast iron main replacements to be delayed to the Commission within 10 days of the effective date of the Commission order.**
- c. Spire shall conduct additional public awareness to customers where replacement of cast iron mains will be delayed.**
- d. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas where cast iron main replacements will be delayed in accordance with this temporary waiver.**

### **8. Staff June 5, 2020 Recommendation 8**

20 CSR 4240-40.030(15)(E) required operators to develop a replacement program for unprotected steel transmission lines, feeder lines and mains, and to submit to the Commission for review and approval no later than May 1, 1990. Laclede Gas Company (Laclede), predecessor to Spire Missouri East, submitted an initial replacement program for unprotected steel mains in Case No. GO-91-239 that was approved by the Commission effective April 23, 1991. Laclede filed an application in Case No. GO-2003-0506 for the final phase of its replacement program for unprotected steel mains, which was approved by the Commission effective March 16, 2004. Staff filed annual status reports in Case No. GO-2003-0506 through the 2015 report stating that replacement of all known unprotected steel mains was completed and the Commission closed the case on May 6, 2015. Staff agrees that the unprotected steel main segments discovered by Spire should be replaced by May 31, 2021, which is the date Spire included for replacements by Spire Missouri East in the Application filed by Spire in this case.

Staff recommends that the Commission order Spire to replace the four segments of unprotected steel main it has discovered no later than May 31, 2021.

### **Spire June 8, 2020 Response**

The Company did not provide a response.

### **Staff June 9, 2020 Response**

No change to Staff June 5, 2020 recommendation.

## **B. Summary of Staff Recommendations**

For ease of Commission review, following is a summary of Staff's final recommendations.

### **1. Staff Recommendation 1**

Staff recommends that the Commission order Spire to file<sup>5</sup> a list of any non-compliances with Commission rules and orders that **had already occurred** by May 15, 2020 (file date of this application). The list should include:

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<sup>5</sup> Or submit to Staff upon Commission authorization.

- a. Commission rule or order number
- b. Specific non-compliance
- c. Location (e.g. address) of non-compliance
- d. Date the action was required to be taken

## **2. Staff Recommendation 2**

Staff recommends that the Commission approve the requested waiver from 20 CSR 4240-40.030(9)(Q)1. [49 CFR 102.481(a)] with the following limitations and conditions:

- a. The effective date of this waiver will end December 31, 2020.
- b. The waiver associated with atmospheric corrosion monitoring as required by 20 CSR 4240-40.030(9)(Q)1. applies only to Spire facilities located inside customer premises. The waiver does not apply to atmospheric corrosion monitoring of facilities located outside of customer premises.
- c. Spire shall document the number of non-compliances and provide the Commission an update monthly.<sup>6</sup>
- d. Spire shall make every effort to identify inside facilities that could be safely inspected (e.g., schools, buildings closed to public access) and conduct inspections on those facilities.
- e. Spire shall conduct additional public awareness to customers whose inspection of inside facilities will be delayed.
- f. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas of its system where atmospheric corrosion monitoring has been delayed in accordance with this temporary waiver.
- g. Spire shall inspect non-compliances within one year of the delinquent date<sup>7</sup> and shall complete this work no later than January 1, 2021.

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<sup>6</sup> Staff June 5 response stated:

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such approach.

<sup>7</sup> Delinquent date is 39 months after the previous atmospheric corrosion inspection.



- h. The waiver does not become effective until PHMSA provides notice to the Commission that PHMSA has no objection to waiving 49 CFR 192.481(a). Staff further recommends that the Commission Order be sent on an expedited basis (e.g., overnight mail) to PHMSA for review.

### **3. Staff Recommendation 3**

Staff recommends that the Commission not approve the waiver 20 CSR 4240-40.030(9)(Q)2. or 3. [49 CFR 192.481(b) or (c)].

### **4. Staff Recommendation 4**

Staff recommends that the Commission approve the requested waiver from 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B .[49 CFR 192.723(a) and (b)(1)] with the following limitations and conditions:

- a. The effective date of this waiver will end December 31, 2020.
- b. The waiver associated with leakage surveys as required by 20 CSR 4240-40.030(13)(M) applies only to Spire facilities located inside customer premises. The waiver does not apply to leakage surveys of facilities located outside of customer premises.
- c. Spire shall document the number of non-compliances and provide the Commission an update monthly.<sup>8</sup>
- d. Spire shall make every effort to identify inside facilities that could be safely leakage surveyed (e.g., schools, buildings closed to public access) and conduct leakage surveys on those facilities.
- e. Spire shall conduct additional public awareness to customers whose leakage survey of inside facilities will be delayed.

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<sup>8</sup> Staff June 5 response stated:

With respect to Staff recommended condition part c., it is unclear to Staff why Spire prefers not to submit the information in the docket, but Staff is not opposed to receiving the information outside the docket should the Commission direct such approach.

- f. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas of its system where leakage surveys have been delayed in accordance with this temporary waiver.
- g. Spire shall leak survey non-compliances within one year of the delinquent date<sup>9</sup> and shall complete this work no later than January 1, 2021.
- h. Should the Commission approve a waiver of 20 CSR 4240-40.030(13)(M)1. and 20 CSR 4240-40.030(13)(M)2.A. and B., such waiver should not become effective until PHMSA provides notice to the Commission that PHMSA has no objection to waiving corresponding federal requirements in 49 CFR 192.723(a) and (b)(1). Staff further recommends that the Commission Order be sent on an expedited basis (e.g., overnight mail) to PHMSA for review.

#### **5. Staff Recommendation 5**

Staff recommends that the Commission not approve the waiver from 20 CSR 4240-40.030(13)(M)2.C., 20 CSR 4240-40.030(13)(M)3.[49 CFR 192.723(b)(2)].

#### **6. Staff Recommendation 6**

Staff recommends that the Commission approve the requested waiver from 20 CSR 4240-40.030(15)(C) and Commission orders in Case Nos. GO-2002-50 and GO-93-343 as modified by the Unanimous Stipulation and Agreement in Case No. GO-99-155 [no corresponding federal rules] with the following conditions and limitations:

- a. The effective date of this waiver will end December 31, 2020 for Spire Missouri West and May 31, 2021 for Spire Missouri East.
- b. Spire shall provide a comprehensive list of unprotected steel service and yard line replacements to be delayed to the Commission within 10 days of the effective date of the Commission order.

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<sup>9</sup> Delinquent date is 15 months or 39 months after the previous leak survey in a business district or outside of a business district, respectively.

- c. Spire shall make every effort to identify facilities that could be safety replaced (e.g., schools, buildings closed to public access) and conduct replacements on those facilities.
- d. Spire shall conduct additional public awareness to customers where replacement of unprotected steel service lines and yard lines will be delayed.
- e. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas where unprotected steel service lines and yard lines will be delayed in accordance with this temporary waiver.

#### **7. Staff Recommendation 7**

Staff recommends that the Commission approve the requested waiver from cast iron replacement program provisions as specified in Spire's June 8 response, which were approved in Commission orders in Case Nos. GO-91-275 and GO-2002-50 [no corresponding federal regulation], with the following limitations and conditions:

- a. The effective date of this waiver will end December 31, 2020 for Spire Missouri West and May 31, 2021 for Spire Missouri East.
- b. Spire shall provide a comprehensive list of cast iron main replacements to be delayed to the Commission within 10 days of the effective date of the Commission order.
- c. Spire shall conduct additional public awareness to customers where replacement of cast iron mains will be delayed.
- d. Spire shall begin conducting weekly odorant intensity tests in accordance with test requirements in 20 CSR 4240-40.030(12)(P)6. in areas where cast iron main replacements will be delayed in accordance with this temporary waiver.

#### **8. Staff Recommendation 8**

Staff recommends that the Commission order Spire to replace the four segments of unprotected steel main it has discovered no later than May 31, 2021.

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

In the Matter of the Request of Spire Missouri )  
Inc. d/b/a Spire for a Temporary Waiver from ) Case No. GE-2020-0373  
Commission Rules 20 CSR 4240-40.030 )  
(9)(Q), (13)(M), (15)(C), (15)(D) and )  
(15)(E) and Orders Pertaining to Inspections )  
and Replacements )

**AFFIDAVIT OF DANIEL FITZPATRICK, JOHN D. KOTTWITZ**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

**COME NOW** Daniel Fitzpatrick and John D. Kottwitz, and on their oath declares that they are of sound mind and lawful age; that they contributed to the foregoing *Staff Recommendation* in memorandum form; and that the same is true and correct according to their best knowledge and belief, under penalty of perjury.

Further the Affiants sayeth not.

/s/ Daniel Fitzpatrick  
Daniel Fitzpatrick

/s/ John D. Kottwitz  
John D. Kottwitz