

**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 RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its recommendation states:

Procedural History

1. On January 18, 2021, Spire Missouri Inc. d/b/a Spire, filed a motion to modify the Commission’s December 2, 2020 *Order Modifying Temporary Waiver and Directing Written Notice*. Spire requests the Commission extend the period of the waiver from March 31 to October 31, 2021. Spire also requests the Commission remove the one-year limit on noncompliance for any location, which is required as a condition of waiver by the Commission’s June 11, 2020 *Order Approving Application for Temporary Waiver and Directing Written Notice*.

2. On January 19, 2021, the Commission issued an order and directed Staff to file an expedited recommendation by no later than 10 a.m. January 25, 2021.

3. On January 25, 2021, Staff filed a *Motion for Extension* in which it stated that Staff had reviewed Spire’s current request and provided a copy of it to the Pipeline Hazardous Materials Safety Administration (“PHMSA”). Staff further stated it had discussed the request with PHMSA and together had developed a set of questions for Spire, which Staff issued to Spire as data requests. Staff also noted it needed time to

review all of Spire's responses and conduct any follow-up, as needed. On that same day, the Commission issued an order granting Staff's request and directing Staff to file its recommendation no later than February 17, 2021.

4. On February 17, 2021, Staff filed its *Status Report and Motion for Short Extension*, stating that in the intervening time Staff had conducted follow up and received additional data request responses from Spire; completed its analysis and was actively coordinating with PHMSA regarding applicable federal rule requirements; and anticipated absent any additional weather-related delays, receiving input from PHMSA by the end of that week. Staff requested a short extension until no later than Monday, February 22, 2021, to file its recommendation in this matter. The Commission issued an order that same day granting Staff's request for a short extension and directing Staff to file its recommendation no later than February 22, 2021.

Staff Recommendation Regarding Spire's Request

5. As further described in the attached Memorandum, Staff reviewed Spire's request, reviewed applicable Commission rules and prior orders, reviewed applicable federal regulations, evaluated the safety implications of Spire's request, and communicated with PHMSA regarding federal pipeline safety requirements.

6. Commission rule 20 CSR 4240-40.030(18) allows the Commission to waive, in whole or part, compliance with any of the requirements contained in 20 CSR 42420-40.030, upon a showing that gas safety is not compromised. Additionally, Commission rule 20 CSR 4240-2.205 allows the Commission to grant a variance from, or waive, any rule promulgated by the Commission upon a finding of good cause. Based on Staff's review and investigation, Staff recommends the following:

1. Staff recommends that the Commission partially grant Spire's request to extend the temporary waiver of compliance with the requirements of 20 CSR 4240-40.030(9)(Q)1. and 20 CSR 4240-40.030(13)(M)1. and 2.A. and B. past March 31, 2021, for residential customers who refuse entry to the home due to the coronavirus pandemic, subject to the limitations and conditions listed below. Instead of extending the waiver to October 31, 2021 as requested by Spire, Staff recommends that the waiver be extended to July 31, 2021, and subject to the following recommended limitations and conditions:

- A. Waiver extension ends on July 31, 2021;
- B. Waiver of atmospheric corrosion inspections and leakage surveys after December 31, 2020 continues to apply only to Spire facilities inside residential customer premises in instances when the customer refuses entry to the Spire gas service technician or contractor, or refuses to make an appointment for entry, due to COVID-19 related concerns. Refusal of entry or appointment must be documented for each instance;
- C. Spire shall continue to document the number of incidents of noncompliance following December 31, 2020 and file a monthly update to the Commission that includes a list of the customers and documentation of the customer's reason for not allowing entry or appointment due to the coronavirus pandemic;
- D. Spire shall continue to conduct additional public awareness efforts to notify customers when atmospheric corrosion inspections and leakage survey of facilities is delayed pursuant to this extension of the temporary waiver. Such efforts must include providing educational material on what to do if a customer smells gas, and the safety risks associated with corrosion and leaks on indoor facilities. Delivery of this educational material to each customer refusing entry must be documented for each instance;

- E. Spire shall continue to conduct weekly odorant intensity tests, in accordance with the test requirements of 20 CSR 4240-40.030(12)(P)6., in areas where atmospheric corrosion inspections and leakage surveys are delayed pursuant to this temporary waiver;
- F. Spire shall either complete an inspection and survey of each noncompliant facility or turn off the natural gas service by no later than one year past the intervals required in 20 CSR 4240-40.030. The requirement to turn off natural gas service does not apply if there is a medical necessity as defined at 20 CSR 4240-13.055(1)(D)2.; and
- G. Spire shall notify the Commission on June 30, 2021 of the completion status of the remaining atmospheric corrosion inspections and leakage surveys for each noncompliant facility, an estimated schedule to complete them or turn them off, and a proposal for any further actions needed by the Commission.

2. Staff further recommends that the Commission establish an effective date that allows 60 days for PHMSA to review the granted waiver extension and have an opportunity to object prior to the effective date.¹ Staff requests that the Commission's Order be promptly emailed to PHMSA in the same manner as the initial order granting the temporary waiver and the second order that extended the waiver to March 31, 2021.

WHEREFORE, Staff submits its *Staff Recommendation* and attached *Memorandum* and requests the Commission issue an order as set forth herein, and grant such other and further relief as the Commission considers reasonable in the circumstances.

¹ Staff advises that waiver of 20 CSR 4240-40.030(9)(Q)1. requires waiver of 49 C.F.R. 192.481(a) and waiver of 20 CSR 4240-40.030(13)(M)1. and 2.A. and B. requires waiver of 49 C.F.R. 192.723(a) and (b)(1).

Respectfully submitted,

/s/ Jamie S. Myers

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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 19th day of February, 2021

/s/ Jamie S. Myers