

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

Lisa Lambert,	)	
Complainant,	)	
v.	)	
	)	<b><u>File No. GC-2018-0159</u></b>
Spire Missouri, Inc. d/b/a Spire,	)	
	)	
Respondent	)	

**MOTION TO COMPEL DISCOVERY, MOTION FOR EXTENSION OF TIME**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Compel Discovery, Motion for Extension of Time* hereby respectfully states:

1. On December 6, 2017, Lisa Lambert filed a complaint with the Missouri Public Service Commission ("Commission") against Spire Missouri, Inc. d/b/a Spire ("Spire" or "Company").
2. On December 7, 2017, The Commission issued its *Order Giving Notice of Contested Case, Directing Answer and Directing Staff Investigation* ("Order"). The Order directed Staff to file a report of the complaint no later than February 5, 2018.
3. Staff has submitted several data requests (DRs) to Spire, many of which to date remain unanswered. While all of these DRs were objected to, Staff and Spire agreed to alternatives to circumvent the portions of some of the requests that Spire contended were objectionable. However, Spire has failed to provide the information as agreed.
4. Staff is concerned with the Company's inability to answer DRs in a timely manner, and, in an effort to ensure it has the necessary information available to

complete its investigation and report, Staff brings these concerns to the Commission's attention. The following DRs are outstanding for more than 20 days:

a) **2** – This DR asks Spire to provide a complete description of the Company's process and/or procedure(s) for handling customer high bill complaints. It also asks that, if such process and/or procedures are documented, that all such documentation be provided. Spire objected to this DR but agreed to answer it notwithstanding the objection. This DR is now 45 days outstanding.

b) **5** – Asks for all documentation regarding the process and/or procedure for investigating and processing customer damage claims, and also asks for a complete description as to how reimbursement is determined and all company internal review processes. Spire objected to this DR but agreed to answer it notwithstanding the objection. This DR is now 45 days outstanding.

c) **6** – Asks for information regarding complainant's claim that the Company reimbursed money for damages that occurred during a service shut-off. Asks why only part of the claim was paid and requests all associated documentation to support the Company's actions and determinations. Spire objected to this DR but agreed to answer it notwithstanding the objection. This DR and is now 45 days outstanding.

d) **8** – Asks for information related to complainant's claim that a collection agency stopped collections because Spire couldn't prove complainant's debt. Asks for Spire's process for working with the collection agency to demonstrate and verify debt on the complainant's account. Spire objected to this DR but agreed to answer it notwithstanding the objection. This DR is now 45 days outstanding.

e) **9** – Asks the Company to provide all requests the complainant made to the Company for meter inspections and all action that the Company performed in response to such customer requests. Spire objected to this DR but agreed to answer it notwithstanding the objection. This DR is now 45 days outstanding.

f) **10** – Asks for copies of all contemporaneous documentation of the Company's fuel line leakage tests and results of these tests conducted in accordance with 4 CSR 240-40.030(12)(S)1.A. at the complainant's residence each time the gas was turned on between February 2017 and present. This DR was objected to in its original form, but Spire agreed to answer the DR if the timeframe for the information requested was changed. This DR is now 40 days outstanding.

g) **11** – Asks for copies of all contemporaneous documentation of the Company's exposed pipe and connected equipment inspections and results conducted in accordance with 4 CSR 240-40.030(12)(S)1.B. at the complainant's residence each time the gas was turned on between February 2017 and present. This DR was objected to in its original form, but Spire agreed to answer the DR if the timeframe for the information requested was changed. This DR is now 40 days outstanding.

h) **12** – Asks if the Company has discontinued service to the complainant due to discovery of unsafe conditions, as required in 40.030(12)(S)(3), between February 2017 and present. Also asks for copies of all contemporaneous documentation of such events. This DR was objected to in its original form, but Spire agreed to answer the DR if the timeframe for the information requested was changed. This DR is now 40 days outstanding.

i) **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. Spire objected to this DR but has since agreed to answer it, and the DR is now 40 days outstanding.

j) **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. Spire objected to this DR but has since agreed to answer it, and the DR is now 40 days outstanding.

k) **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). Spire objected to this DR but has since agreed to answer it, and the DR is now 40 days outstanding.

l) **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). This DR was objected to in its original form, but Spire agreed to answer the DR if the timeframe for the information requested was changed. This DR is now 40 days outstanding.

m) **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. Spire objected to this DR but has since agreed to answer it, and the DR is now 38 days outstanding.

n) **18** – Asks for all documentation that demonstrates Spire and the account(s) at the complainant's address entered into a cold weather rule payment agreement in the years 2015, 2016, and 2017 and all details surrounding any such agreements. Spire objected to this DR but has since agreed to answer it, and the DR is now 34 days outstanding.

5. DR 7 was responded to but contains an insufficient response. The DR asks for the Company's procedure for disconnecting service for non-payment and for customer-requested disconnection. It also asks for the process and/or procedures the company used for disconnecting service in February 2017 and April 2017, including phone calls, letters, door tags, etc. The response provided by the Company included processes or procedures for disconnect and no information at all regarding the April 2017 disconnect.

6. Copies of Spire's DR objections and Staff's proposed edits to certain objected-to DRs are attached hereto 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).

8. Staff has been in communication with Spire's counsel via email and phone to discuss these discovery issues. Staff and Spire's counsel have also participated in an informal conference call with Judge Bushmann to attempt to resolve these issues. Unfortunately, Staff's investigation continues to be stalled by the Company's inability or unwillingness to provide DR responses.

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.

10. Pursuant to the Order filed in this case, Staff is to investigate and file a report by February 5, 2018. In order to prepare the most thorough report, Staff requests a 90-day extension in this case to ensure that DRs are responded to and Staff has a reasonable amount of time to review the DRs as part of its investigation before writing a report. Staff will file its report sooner if complete.

**WHEREFORE**, Staff requests the Commission issue an order requiring Spire respond to this motion to compel; compelling Spire to provide the discovery requested in all of the outstanding or insufficient data requests listed above; grant Staff an

extension of time to file its report with a filing deadline of May 17, 2018; and grant such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

**/s/ Casi Aslin**

Casi Aslin

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**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 5<sup>th</sup> day of February, 2018.

**/s/ Casi Aslin**