

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

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

**MOTION TO MODIFY THE COMMISSION’S ORDER EXTENDING WAIVER  
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Spire Missouri Inc. (“Spire Missouri” or “Company”), on behalf of its operating units, Spire Missouri East (“Spire East”) and Spire Missouri West (“Spire West”) and files this Motion to Modify the Commission’s December 2, 2020 Order to further extend Spire Missouri’s temporary waiver from Commission Rule 20 CSR 4240-40.030(9)(Q)1 as to atmospheric corrosion inspections (“ACI”) of inside meter sets and 20 CSR 4240-40.030(13)(M) as to leak surveys of inside meter sets, from March 31, 2021 to October 31, 2021. Spire Missouri is also requesting the Commission remove the one-year limitation as a condition to the waiver. In support of this filing, Spire Missouri respectfully states as follows:

1. On May 15, 2020, Spire Missouri filed a request for temporary waiver from certain Commission gas safety rules, including Rule 20 CSR 4240-40.030(9)(Q)1 (Federal Regulation 49 CFR 192.481(a)) and 20 CSR 4240-40.030(13)(M) (Federal Regulation 49 CFR 192.723(a)) in order to obtain additional time to complete the ACI’s and leak surveys that would require entry into residential customer premises. This request was made due to safety concerns directly attributable to the coronavirus pandemic.

2. On June 11<sup>th</sup>, the Commission issued its *Order Approving Application for Temporary Waiver and Directing Written Notice*, which allowed the Company through December 31, 2020 to complete its ACI's and leak surveys, subject to conditions. The Commission also issued its Notice to the U.S. Secretary of Transportation regarding the Commission's Order approving the Company's request for waiver.

3. On July 13<sup>th</sup>, PHMSA issued its Statement of No Objection to the Order.

4. On October 16, 2020, Spire filed a Motion to Modify the Commission's June 2020 Order seeking to extend the waiver for ACI and leak surveys specifically to those residential customers denying entry into their homes due to COVID-19 through March 31, 2021.

5. On November 20, 2020, the Staff filed its Recommendation, recommending that the Commission approve Spire's Motion subject to certain conditions.

6. On December 2, 2020, the Commission granted Spire's Motion to Modify and extended the waiver as to ACI's and leak surveys through March 31, 2021. PHMSA issued its Notice of No Objection to Waiver Extension on December 17, 2020.

### **REQUEST TO EXTEND WAIVER**

7. Spire Missouri respectfully requests that the Commission extend the temporary waiver granted in the Commission's December 2, 2020 Order, from the following Commission Rules:

- Atmospheric Corrosion Inspections of inside meter sets – 49 CFR 192.481 and 20 CSR 4240.030 (9)(Q)

- Leak Survey of inside meter sets – 49 CFR 192.723 and 20 CSR 4240.030

(13)(M)

8. When Spire Missouri made its request for an extension of the waiver for ACIs and leak surveys in October of 2020, it was still unknown how long the coronavirus pandemic would impact the Company's ability to enter customer premises so that it may continue to conduct the ACI and leak survey work the Company has performed for years. While the Company in good faith estimated that March 31, 2021 would be sufficient time for the Company to complete this work, the realities pertaining to the rollout of the COVID-19 vaccine, and customer response to the Company's entry into their homes have proven otherwise. It has become readily apparent that the rollout of the COVID-19 vaccine has not been as expedient as expected, and that the pandemic will still be a serious issue well past March 31 of this year. While Spire Missouri has been working diligently to complete the ACI's and leak surveys, there is still a relatively small number of customers, approximately 277, who are declining this work due to the coronavirus pandemic, and the Company anticipates that there will be more. Absent a modification of the Order, the Company will either have to cut customers off from service in order to maintain compliance or risk being in violation of the Commission's gas safety rules. For that reason, the Company is requesting the Commission modify its Order to extend the temporary waiver through October 31, 2021, specifically as to those residential customers who are declining the ACI's and leak surveys due to COVID-19. By the end of October, the vaccine is projected to have been made widely available to the general population, and Spire's field workers will also have had access to the vaccine well before that date.

9. Spire Missouri agrees to continue to abide by the conditions set forth in the Commission's June 11, 2020 Order, and subsequently adopted in the December 2, 2020 Order, however, the Company requests that the condition that the Company complete inspections of each noncompliant facility by no later than one year after the facility's delinquent date, be removed or further modified to allow until October 31, 2021 for the inspection to be completed. Without this modification, the Company will not be in compliance with the Order. There is a relatively small number of customers who could potentially be impacted by the one-year limitation. Absent the removal of this limitation, Spire would either have to cut those customers off to maintain compliance or risk being found in violation of gas safety rules.

10. The waiver of the Commission's gas safety rules is addressed in Rule 20 CSR 4240-40.030(18) which states:

Waiver of Compliance. Upon written request to the secretary of the commission, the commission, by authority order and under such terms and conditions as the commission deems appropriate, may waive in whole or part compliance with any of the requirements contained in this rule. Waiver will be granted only on a showing that gas safety is not compromised. If the waiver request would waive compliance with a federal requirement in 49 CFR par 192, additional actions shall be taken in accordance with 94 USC 60118.

The Company believes, and hopes that the Commission would agree, that the risk associated with this potentially deadly infectious disease transmission (COVID-19) must be balanced against the low risk to gas safety by granting a temporary waiver from these rules. While the Company cannot unequivocally say that gas safety would not be affected by the extension of this waiver, Spire can say that the risk to gas safety is

relatively low, particularly when considering the duration of this waiver and given the unprecedented COVID-19 circumstances.

11. Spire would also note that PHMSA is seeking to make a change to its rules regarding the inspection interval for monitoring ACIs on distribution service lines, 49 CFR 192.481. Currently, the inspection interval set forth in the PHMSA rule is in line with the state rule of requiring inspections once every 3 years, with intervals not to exceed 39 months. The final rule, if implemented would change the inspections to once every 5 years, with intervals not to exceed 63 months unless corrosion was identified at the last inspection, in which case the interval for the subsequent inspection would remain once every three years. PHMSA noted that there has not been a history of incidents caused by atmospheric corrosion on distribution service lines since at least 1986 and did not anticipate a decrease in safety from this revision. If implemented, the final PHMSA rule would go into effect, March 12, 2021.

12. Spire anticipates that it can clear its backlog of atmospheric corrosion inspections and leak surveys of inside meters, and return to compliance by October 31, 2021.

13. The Company is not seeking these variances to unnecessarily delay compliance with the applicable Rules. Rather, this application is due solely to the extraordinary circumstances of the COVID-19 pandemic.

#### **MOTION FOR EXPEDITED TREATMENT**

14. The Company seeks expedited treatment, as the Company's current waiver expires on March 31, 2021. Given PHMSA's requirement that it receive at least 60 days' notice before an order is to go into effect, the Commission will need to issue an order by

January 30, 2021 in order for the Company to not be in violation of the rules. The Company submits that there is good cause to approve this application on an expedited basis and respectfully requests that the Commission issue an order by January 30, 2021 with an effective date of April 1, 2021 along with a notice of the order to the Secretary of Transportation, so that the Commission may meet PHMSA's 60 day notice requirement.

15. In the event that the Commission is unable to issue an order with an effective date of April 1, 2021, in order to maintain compliance with the applicable gas safety rules, the Company request that the Commission include language in its Order, applying retroactive application of the waiver to allow for continuous coverage of the waiver beginning April 1, 2021.

16. The Company believes the granting of this motion will slow the potential spread of COVID-19 and prevent the discontinuance of service to those customers who are concerned about COVID-19. The Company submits that there will be no negative impact on customers or the general public if the Commission grants such relief on an expedited basis. For all of these reasons, Spire Missouri submits that there is good cause for the Commission to approve its request.

17. This pleading was filed as soon as it could have been following the Company's formulation of its anticipated compliance shortfalls relating to completion of this work due to customer concerns related to the COVID-19 pandemic.

**WHEREFORE**, Spire Missouri Inc. respectfully requests that the Commission approve the Company's Motion and Request for Expedited Treatment consistent with the terms set forth herein, and grant any other relief necessary and appropriate to effectuate this request.

Respectfully submitted,

/s/ Goldie T. Bockstruck

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**ATTORNEY FOR SPIRE MISSOURI INC.**

**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 18<sup>th</sup> day of January, 2021.

/s/ Goldie T. Bockstruck