

**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)	<u>File No. GE-2020-0373</u>
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, by and through counsel, and for its recommendation that the Commission grant Spire Missouri Inc. d/b/a Spire’s request to modify the effective date of the Commission’s December 2, 2020 Order, states as follows:

1. On December 21, 2020, Staff filed a notice and attached a letter from the Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA), stating PHMSA has no objection to the waiver extension granted by the Commission in its *Order Modifying Temporary Waiver and Directing Written Notice* (“Order”), issued on December 2, 2020, with an effective date of February 1, 2021. On that same day, Spire filed a *Motion to Modify Effective Date of the Commission’s December 2, 2020 Order and Motion for Expedited Treatment* (“Motion”) requesting the effective date of the Commission’s Order be modified to January 1, 2021.

2. Staff recommends the Commission modify the Commission’s Order to be effective on January 1, 2021. Staff is cognizant of the exigent circumstances stemming from the COVID-19 pandemic and agrees it is prudent for Spire to take steps to mitigate the possibility that it is not in compliance with the Commission’s pipeline safety rules such

as requesting the Commission modify the effective date of its Order to be effective on January 1, 2021.

3. The February 1, 2021 effective date of the Commission's Order is consistent with the requirements of Commission rule 20 CSR 4240-40.030(18), which states that a request to waive compliance with a federal requirement in 49 CFR part 192 requires that additional actions set forth in 49 U.S.C. § 60118 must be followed. Specifically, 49 U.S.C. § 60118(d) pertains to waivers granted by state authorities, and requires that the state authority must give the Secretary written notice of the waiver at least 60 days before the effective date. The Commission has fulfilled this requirement with the February 1, 2021 effective date of its Order, but now that PHMSA has received the Order, reviewed the Order, and has stated it does not object to the Order,¹ there is no rule or law preventing the Commission from modifying the effective date of its Order to be effective on January 1, 2021. Staff, therefore, recommends the Commission issue a separate order that simply modifies the effective date of its December 2, 2020 Order to be effective on January 1, 2021.

WHEREFORE, Staff submits its *Staff Recommendation* and requests the Commission issue a separate order that grants Spire's request to modify the effective date of its December 2, 2020 order to be effective January 1, 2021, consistent with as stated herein, and grant such other and further relief as the Commission considers just in the circumstances.

¹ See PHMSA Notice of Non-Objection to Waiver Extension, filed on December 21, 2020 in this case file, EFIS No. 27.

Respectfully submitted,

/s/ Jamie S. Myers

Jamie S. Myers
Associate Counsel
Missouri Bar No. 68291
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-526-6036 (Voice)
573-751-9285 (Fax)
jamie.myers@psc.mo.gov

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 28th day of December, 2020.

/s/ Jamie S. Myers