

**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 RESPONSES TO ORDERS DIRECTING CLARIFICATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Staff Responses to Orders Directing Clarification* states:

1. On February 19, 2021, Staff filed its recommendation and attached memorandum in the above-captioned matter concerning Spire’s request to modify the Commission’s December 2, 2020, *Order Modifying Temporary Waiver and Directing Written Notice*.

**Staff Response to Order Directing Clarification  
of Staff Recommendation**

2. In an order issued on February 19, 2021, the Commission directed Staff to provide clarification on a list of questions arising from Staff’s recommendation and memorandum no later than February 24, 2021. Staff’s responses to the questions it believes the Commission is asking are as follows:

**(1) Whether Staff recommends that exception to the one-year limit would apply only to residential customers and facilities;**

Staff response: Yes. Staff’s recommended exception to the one-year limit would only apply to atmospheric corrosion inspections and leakage surveys of Spire facilities installed inside the premises of residential customers.

**(2) Whether Staff recommends that the provision for a medical emergency under Commission Rule 20 CSR 4240-13.050(10) should apply to prevent a disconnection that might otherwise be required by the one-year limit;**

Staff response: No. Staff did not intend for the provisions of Chapter 13 to apply in this situation. As indicated in response to Question 3, Staff simply referenced Commission Rule 20 CSR 4240-13.055(1)(D)2 to provide guidance on a definition for when a residential customer might be considered having a medical condition requiring natural gas or electric utility service. The notice provisions for Commission Rule 20 CSR 4240-13.050(10) may go well beyond what Staff intended when Spire is working with a customer in the situations addressed in Staff's recommendation and postponement of discontinuance under that rule is limited to no more than 21 days, which may not be sufficient in a Covid-related environment.

**(3) Whether Staff recommends that an exception to the one-year limit for medical necessity would apply exclusively to "disabled" customers, as is provided by Commission Rule 20 CSR 4240-13.055(1)(D)2.**

Staff response: Staff does not read 20 CSR 4240-13.055(1)(D)2 as limited to "disabled" customers. Instead, Staff reads this definition to mean any residential customer disabled by a medical condition requiring natural gas or electric utility service. Commission Rule 20 CSR 4240-13.055(1)(D)2 states:

Is disabled to the extent that s/he has filed with their utility a medical form submitted by a medical physician attesting that such customer's household must have natural gas or electric utility service provided in the home to maintain life or health;

**Staff Response to Order Directing Additional  
Clarification of Staff Recommendation**

3. In an order issued on February 22, 2021, the Commission directed Staff to provide additional clarification on a particular condition proposed in Staff's recommendation and memorandum.

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.<sup>1</sup>

The Commission directed Staff to clarify its recommendation regarding the condition stated above no later than February 24, 2021. Staff's responses to the questions it believes the Commission is asking are as follows:

**(1) How this proposed requirement to report on the status of noncompliant facilities on June 30, 2021, differs from the monthly reports Spire is required to provide, beginning January 1, 2021, listing all noncompliant facilities;**

Staff response: Condition 1.d. from the December 2, 2020 Commission Order states: "Beginning January 1, 2021, Spire shall document all noncompliant facilities eligible for extended waiver pursuant to this order and shall provide a monthly report to the Commission, by submission directly to Staff, listing all noncompliant facilities and providing documentation required by provision (c) above;"

Staff's Recommendation filed on February 19, 2021, is that Spire continue this monthly reporting (recommended condition 1.C.). Additionally, Staff is

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<sup>1</sup> *Staff Recommendation*, p. 4 (Feb. 19, 2021), (as cited in the Commission's *Order Directing Additional Clarification of Staff Recommendation* (Feb. 22, 2021)).

recommending a more comprehensive notification to be provided on June 30, 2021.

The recommended notification on June 30, 2021 differs from the monthly reports as follows:

- The notification to be provided on June 30, 2021 is not limited to delinquencies that are related to COVID-19 refusals.
- The notification to be provided on June 30, 2021 requires that for each non-compliant facility, Spire provide an estimated schedule to either complete the delinquent inspections or turn off the facility.
- The notification to be provided on June 30, 2021 requires Spire to include proposals of upcoming requests Spire might need to file and request be ordered by the Commission.

**(2) Whether Spire should be required to augment those monthly reports with an estimated schedule to either complete inspection of each noncompliant facility or disconnect service;**

Staff response: This information is not needed by Staff to determine on-going compliance with Commission rules and waiver conditions.

**(3) What Staff intends by requiring Spire to include “a proposal for any further actions needed by the Commission.” Specifically, please clarify whether this provision refers to actions the Commission has directed Spire to take, and how Spire will complete those requirements, or if this provision refers to action Spire anticipates requesting from the Commission; and**

Staff response: The provision refers to actions Spire might request from the Commission in the future, and specifically after July 31, 2021 if that ending date is approved as recommended by Staff.

**(4) Why Staff recommends the Commission require this notice to be submitted on June 30, 2021.**

Staff response: On December 2, 2020, the Commission approved an extension of the waiver in this case through March 31, 2021. On January 18, 2021, Spire filed a motion to extend that waiver through October 31, 2021 indicating that it would not be able to comply by March 31, 2021. As Staff states on page 2 of its February 19, 2021 Recommendation, it did not find sufficient support for an extension through October 31, 2021. There has been recent movement to provide vaccinations as described on pages 2 and 3 of Staff's Recommendation. Staff recommended a June 30, 2021 report date to allow time to see what develops over the next few months, and what activities might be anticipated for the final month of the waiver, if approved.

**WHEREFORE**, Staff submits its *Staff Responses to Orders Directing Clarification* and attached sponsoring affidavits for the Commission's information and consideration.

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 24<sup>th</sup> day of February, 2021

**/s/ Jamie S. Myers**

