

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

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0309**
Replacement Surcharge in its Spire Missouri)
East Service Territory)

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0310**
Replacement Surcharge in its Spire Missouri)
West Service Territory)

ORDER DIRECTING FILING

Issue Date: October 24, 2018

Effective Date: October 24, 2018

On August 27, 2018, the Commission conducted an evidentiary hearing in the above-styled cases. That hearing was a consolidated proceeding for File Nos. GO-2016-0332, GO-2016-0333, GO-2017-0201, GO-2017-0202, GO-2018-0309, and GO-2018-0310, which all involved the same parties and similar issues. One of the attorneys representing the Office of the Public Counsel (“OPC”) in these cases was John Clizer. The Commission recently became aware that prior to his employment with OPC, Mr. Clizer worked as a law clerk for Judge Edward R. Ardini, Jr. of the Missouri Western District Court of Appeals. While Mr. Clizer was employed by that Court, Judge Ardini signed the opinion of the Court filed on November 21, 2017 in Case No. WD80544 (File Nos. GO-2016-0332 and GO-2016-0333), which remanded those cases to the Commission for further proceedings and the evidentiary hearing described above.

Missouri Supreme Court Rule 4-1.12(a) establishes “... a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person..., unless all

parties to the proceeding give informed consent, confirmed in writing.” Since the six cases involve the same parties and similar issues and could constitute the same “matter” within the meaning of that rule, the Commission will provide OPC an opportunity to explain whether Rule 4-1.12(a) or (c) applies and, if so, how it has complied with the rule’s requirements.

THE COMMISSION ORDERS THAT:

1. No later than November 5, 2018, the Office of the Public Counsel shall file a response to this order, including a description of the nature and extent of John Clizer’s participation in Case No. WD80544 at the Missouri Western District Court of Appeals on appeal from the Commission’s Report and Order in File Nos. GO-2016-0332 and GO-2016-0333.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 24th day of October, 2018.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 24th day of October 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 24, 2018

File/Case No. GO-2018-0309 and GO-2018-0310

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.