

**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-2020-0229**
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-2020-0230**
Replacement Surcharge in its Spire Missouri West)
Service Territory)

SPIRE MISSOURI INC’S RESPONSE TO ORDER DIRECTING FILING

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 in Response to the Commission’s February 5, 2020 Order Directing Filing Concerning Physical Evidence Lodged with the Commission’s Data Center and Evidentiary Foundation Issues (the “Order”), respectfully stating as follows:

1. On February 5, 2020, the Commission issued its Order in the above captioned proceeding in which it raised several concerns regarding physical evidence that had been lodged with the Commission’s Data Center on February 5, 2020 as part of the Company’s ISRS filings for Spire East and Spire West made on that same date. That physical evidence consisted of 40 cast iron and bare steel pipe segments that had been replaced by the Company during the period covered by the ISRS filing.

2. In its Order, the Commission indicated that the mere lodging of such evidence would not prove or disprove the condition of the property at any given point or time and could not be relied upon to establish a chain of custody for the physical evidence.

3. As suggested by the Order, due process requires that the admissibility of evidence be determined in the context of the purpose for which it is offered, the foundation, relevance, and other traditional common law evidentiary factors. Spire Missouri understands the Commission's Order to mean that all evidence offered, including physical evidence, must conform to applicable evidentiary rules to be considered. Spire Missouri does not believe the Order is intended to be an *in limine* ruling on the physical evidence.

4. Spire Missouri also understands the practical concerns raised by the Commission in its Order and proposes to address them by filing a supplemental affidavit in these cases that will include pictures of the physical evidence previously lodged with the Commission, together with a verified statement attesting to the fact that these are the same pipes that were lodged.

5. The Company reserves the right to introduce such physical evidence at any evidentiary hearings that may be scheduled in these cases, with the understanding that it will provide any foundational evidence necessary for the admissibility.

6. Because of the additional measures outlined herein, the Company does not anticipate that it will be necessary to call any Commission employee as a custodial witness to authenticate any physical evidence lodged with the Commission, except in the highly unlikely event such aspect of post-delivery chain of custody is specifically challenged by another party in the case notwithstanding these additional measures.

7. The Company has discussed the contents of this Response with counsel for the Staff and the Office of the Public Counsel and has been advised that they have no

objection to such an approach, although they reserve the right to object to the admissibility of such evidence on other grounds.

WHEREFORE, Spire Missouri, Inc. respectfully requests that the Commission accept this Response and approve the measures recommended herein.

Respectfully submitted,

/s/Matthew Aplington

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ATTORNEYS FOR SPIRE MISSOURI
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and on the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 11th day of February, 2020.

/s/ Goldie T. Bockstruck