

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

In the Matter of the Application of Spire )  
Missouri, Inc. d/b/a Spire to Change its )  
Infrastructure System Replacement ) **File No. GO-2020-0229**  
Surcharge in its Spire Missouri East Service )  
Territory )

In the Matter of the Application of Spire )  
Missouri, Inc. d/b/a Spire to Change its )  
Infrastructure System Replacement ) **File No. GO-2020-0230**  
Surcharge in its Spire Missouri West Service )  
Territory )

**ORDER DIRECTING FILING CONCERNING PHYSICAL EVIDENCE  
LODGED WITH THE COMMISSION’S DATA CENTER  
AND EVIDENTIARY FOUNDATION ISSUES**

Issue Date: February 5, 2020

Effective Date: February 5, 2020

On February 3, 2020,<sup>1</sup> Spire Missouri Inc. (Spire Missouri), on behalf of its operating units, Spire Missouri East and Spire Missouri West, filed a request for waiver of the 60-day notice provisions of Commission Rule 20 CSR 4240-4.017(1)<sup>2</sup> and tendered a Verified Application and Petition of Spire Missouri, Inc. to Change its Infrastructure System Replacement Surcharge for Spire Missouri East and Spire Missouri West. On February 3, Spire Missouri also lodged physical evidence with the Missouri Public Service Commission’s Data Center.

The Commission notes that lodging physical evidence with the Commission will neither prove nor disprove the condition of property at any point in time and will neither prove nor disprove any evidentiary fact nor raise any presumption or inference

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<sup>1</sup> All date references will be to 2020 unless otherwise indicated.

<sup>2</sup> Spire Missouri cites to 4 CSR 240-4.017. The Commission will cite the applicable rules per the current numbering system.

concerning any evidentiary fact. Lodging such evidence with the Commission will not relieve any party of its burden of proof as to a foundation for admissibility of evidence. The Commission's Data Center will not be in "chain of custody" of any evidence, and the fact that evidence was lodged with the Commission Data Center will not be admissible evidence concerning any fact.

In its Request for Waiver of Rule 4 CSR 4.017(1)<sup>3</sup> for ISRS Case Filings, or in the Alternative, Notice of Intended Case Filings, Spire Missouri, Inc. noted that the Missouri Court of Appeals, Western District has issued opinions in three separate appeals involving the company's 2016, 2017, and 2018 cases and that both the Company and the Commission presently have applications for transfer of those opinions to the Missouri Supreme Court. The Commission, being mindful of those cases, will order the parties to confer and to file suggestions with the Commission concerning procedures for handling the physical evidence which Spire Missouri, Inc. has lodged with the Commission's Data Center and concerning ways to address foundational issues concerning the condition of that evidence and other physical evidence which the parties may tender.

**THE COMMISSION ORDERS THAT:**

1. No later than February 14, 2020, the parties shall confer with one another and file suggestions with the Commission concerning procedures for handling the physical evidence which Spire Missouri, Inc., lodged with the Commission's Data Center on February 3, 2020.

2. No later than February 14, 2020, the parties shall confer with one another and file suggestions with the Commission concerning procedures for addressing

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<sup>3</sup> Now numbered 20 CSR 4240-4.017(1)

evidentiary foundational issues for any physical evidence which any party intends to offer for the record where an issue may be the condition of the physical evidence.

3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Paul T. Graham, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 5<sup>th</sup> day of February, 2020.