

**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)

**STAFF RESPONSE REGARDING SPIRE MISSOURI INC'S
REQUEST FOR WAIVER OF THE 60 DAY NOTICE PROVISIONS OF
COMMISSION RULE 20 CSR 4240-4.017(1)**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response* to Spire Missouri, Inc's ("Spire") request for a waiver of the 60 day notice provisions ("Waiver Request") of Commission Rule 20 CSR 4240-4.017(1)¹ states its non-objection to Spire's waiver request, stating as follows:

1. On February 3, 2020, Spire filed the above-captioned ISRS applications for its Spire East and Spire West service territories. That same day, Spire filed its Waiver Request of 20 CSR 4240-4.017(1). This rule requires, in part, that "Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such a case..."

¹ Spire Missouri incorrectly cites to 4 CSR 240-4.017(1). The Commission's *Order Setting Time For Responses* ("Order") cites the applicable rules per the current numbering system and directs that any responses to Spire Missouri's request for relief from the notice provisions of 20 CSR 4240-4.017(1) be filed no later than February 14, 2020.

2. Spire relies on 20 CSR 4240-4.017(1)(D) which permits a party to request a waiver of the 60 day notice requirement for “good cause”. Rule 4.017(1)(D) requires that “...*good cause for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case or that circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm.*”

3. Upon review of the Waiver Request, , Staff notes that Spire appears to have met the “good cause” rule requirement by filing the required *Verified Declaration* of Scott A. Weitzel, Managing Director, Regulatory and Legislative Affairs for Spire Missouri Inc., with its February 3rd SPIRE MISSOURI INC’S REQUEST FOR WAIVER OF RULE 4CSR 4.017(1) FOR ISRS CASE FILINGS, OR IN THE ALTERNATIVE, NOTICE OF INTENDED CASE FILINGS. Mr. Weitzel verified “....that Spire Missouri, Inc. has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the above referenced cases.” Staff takes no position regarding the alternative reasons for good cause contained in Spire’s Waiver Request.

4. In this proceeding, Spire filed its Waiver Request for the 60-day notice provisions concurrently with the actual ISRS petition. In the future, when Spire files a request for waiver of the 60-day notice provisions for an ISRS petition or other application, Staff encourages Spire to file the waiver request as early as possible prior to the actual filing.

WHEREFORE, for the above stated reasons, Staff has no objection to the Waiver Request and prays the Commission accept its *Response* to the Commission's Order.

Respectfully submitted,

/s/ Robert S. Berlin

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 14th day of February, 2020, to all counsel of record.

/s/ Robert S. Berlin