

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

In the Matter of Spire Missouri, Inc. d/b/a)	
Spire's Request for Authority to Implement)	<u>Case No. GR-2022-0179</u>
a General Rate Increase for Natural Gas)	Tracking No. YG-2022-0244
Service Provided in the Company's)	
Missouri Service Areas)	

**STAFF RESPONSE TO SPIRE'S REQUEST REGARDING
SUSPENSION OF TARIFF SHEET EFFECTIVE DATES**

COMES NOW Staff of the Missouri Public Service Commission (Staff) and submits the following response to Spire' request regarding the suspension of the effective date of the proposed tariff sheets filed by Spire Missouri, Inc. (Spire Missouri):

1. Staff asks the Commission to suspend the effective date of Spire Missouri's proposed tariffs sheets for 120 days plus six months pursuant to Section 393.150, RSMo (2016). Suspending the effective date of tariffs to February 28, 2023, will not prejudice the parties' ability to negotiate and file an appropriate joint proposed procedural schedule with the Commission on or before May 6, 2022.

Background

2. Spire Missouri has stated that it "hopes to work with other parties in this case to create a shortened procedural schedule."¹ Spire Missouri's witness Scott A. Weitzel states that Spire Missouri intends to propose a streamlined procedural schedule.² In response, the Commission has issued an order that any responses to Spire Missouri's request to not suspend its tariff sheets an additional six months beyond

¹ Minimum Filing Requirement Letter and MRF Schedules, Exhibit 2 Schedule 3, File No. GR-2022-0179 Item No. 2 (Apr. 1, 2022).

² *Direct Testimony of Scott A. Weitzel* at 13:4-11, File No. GR-2022-0179 Item No. 4 (Apr. 1, 2022).

August 28, 2022, “shall be filed no later than April 15, 2022.”³ In a separate provision of its Order, the Commission also ordered the submission of a proposed procedural schedule no later than May 6, 2022.⁴

Applicable Law

3. Under Section 393.150, RSMo (2016), the Commission in its discretion may suspend the effective date of new tariffs by up to 120 days plus a period not exceeding six months.

4. Under Section 393.270.3, RSMo (2016), when determining the price to be charged for natural gas, the Commission is not bound by the issues raised in an initial pleading, but instead may consider “all facts which in its judgment have any bearing upon a proper determination of the question although not set forth in the complaint and not within the allegations contained therein....”

Discussion and Response

5. Spire Missouri has stated that it will request, but has not yet actually requested, an expedited procedural schedule.⁵ While the Commission’s Order indicates a Spire Missouri request to not suspend the tariff for the six months beyond the 120 days provided for in Section 393.150.1, Staff cannot find, and the Commission’s Order does not cite, where in the record Spire Missouri makes such a request. Instead, Spire Missouri has merely indicated its intent to request an expedited procedural schedule.

³ *Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Test Year, Setting a Deadline to Respond to Spire’s Tariff Suspension Request, and Directing a Proposed Schedule*, File No. GR-2022-0179 Item No. 10 (Apr. 4, 2022).

⁴ *Id.*

⁵ *Minimum Filing Requirement Letter and MRF Schedules, Exhibit 2 Schedule 3*, File No. GR-2022-0179 Item No. 2 (Apr. 1, 2022) (“Spire hopes to work with the parties...”; *Direct Testimony of Scott A. Weitzel* at 9:3-11, File No. GR-2022-0179 Item No. 4 (Apr. 1, 2022) (“Q: Will Spire Missouri be proposing a streamlined procedural schedule in this proceeding? A: Yes....”).

6. Suspending the effective date of Spire Missouri's proposed tariffs by 120 days plus six months will not prejudice the ability of Spire Missouri to request or the parties to agree to an expedited procedural schedule in this case by May 6. In addition, the parties will be free to negotiate an earlier effective date as part of any potential settlement in this case. Consequently, the Commission should suspend the effective date of Spire Missouri's proposed tariffs by 120 days plus six months.

7. For further support of a full suspension period of 120 days plus six months, Staff cites the same case referenced in Mr. Weitzels' testimony, ER-2016-0023. In that case, Empire's streamlined filing was designed to shorten the list of issues, but the Commission still suspended the effective date of tariffs in that case for 120 days plus six months.⁶ Similarly, the procedures in ER-2016-0023 were based on another rate case, ER-2011-0004, a case where the Commission also adopted streamlined procedures but suspended the effective date of tariffs or 120 days plus six months.⁷

8. Finally, Staff is hopeful that Spire's streamlined approach results in fewer issues, but neither Spire Missouri nor Staff are in control of the number of intervening parties or the number of issues raised by other parties, and under Section 393.270.3, RSMo (2016), neither the parties nor the Commission are bound to the issues raised in Spire Missouri's initial filing. Other parties and intervenors may raise significant issues requiring a full suspension period. Moreover, Staff has not yet had the opportunity to review in detail the capital, revenue and expense items updated from Staff's EMS run in

⁶ *Order Suspending Tariff, Scheduling Pre-Hearing Conference, Directing Notice, and Setting Deadline to Intervene*, File No. ER-2016-0023 Item No. 17 (Nov. 17, 2015) (suspending effective date of tariffs to Sep. 14, 2016); *see also*, *Order Setting Procedural Schedule*, File No. ER-2016-0023 Item No. 39 (Dec. 16, 2015) (referencing operation of law date of Sep. 14, 2016).

⁷ *Order Setting Procedural Schedule* at 1-2, File No. ER-2016-0023, Item No. 39 (Dec. 16, 2015) (referencing ER-2011-0004); *Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings* at 3, File No. ER-2011-0004, Item No. 20 (Oct. 4, 2010) (suspending effective date of tariffs to Jul. 26, 2011).

Spire Missouri's last rate case to see if Spire Missouri's updates collect only significant cost increases without capturing significant cost decreases. Without knowing whether and to what extent there might be issues or discovery disputes regarding Staff's search for all relevant facts, a full suspension period may be necessary. Again, suspending the effective date of Spire Missouri's tariffs for 120 days plus six months will not prejudice the parties from agreeing to an appropriate procedural schedule.

9. Finally, Staff asks the Commission to suspend the effective date of Spire Missouri's proposed tariffs for 120 days plus six months to give the parties enough flexibility to avoid potentially overlapping rate case hearings with Evergy's Rate Case Proceedings in ER-2022-0129 and ER-2022-0130 and Evergy Missouri West's Securitization Proceeding in EF-2022-0155. Suspending the effective date of Spire Missouri's proposed tariffs through December 2022, instead of February 2023, would mean that Spire's tariffs would take effect at the same time as Evergy's proposed tariffs, resulting in unnecessary scheduling conflicts and overlaps with Staff assigned to the Evergy and Spire Missouri rate cases, discovery requests, data analysis, discovery conferences, and hearings. In short, suspending Spire Missouri's tariffs for less than six months beyond the initial 120 days may not leave the parties to this rate case with enough flexibility to avoid multiple conflicts with the Evergy rate cases, while at the same time suspending Spire Missouri's tariffs for the full six months beyond the initial 120 days will leave the parties to this rate case enough flexibility to negotiate a procedural schedule that avoids such conflicts.

10. As stated above, Staff's request that Spire Missouri's proposed tariffs be suspended 120 days plus six months is made without prejudice to a negotiated procedural schedule.

WHEREFORE, Staff respectfully asks the Commission to suspend Spire Missouri's proposed tariffs for 120 days plus six months, pursuant to Section 393.150, RSMo (2016), and to allow the parties to negotiate an appropriate procedural schedule and file a joint proposed procedural schedule with the Commission no later than May 6, 2022.

Respectfully submitted,

/s/ Curt Stokes

Curt Stokes
Chief Deputy Counsel
Mo. Bar No. 59836
P.O. Box 360
Jefferson City, MO 65102
(573) 751-4227 (Telephone)
(573) 751-9285 (Facsimile)
Curtis.Stokes@psc.mo.gov

**Counsel for Staff of the Missouri
Public Service Commission**

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 15th day of April, 2022, to all parties and/or counsels of records.

/s/ Curt Stokes

Curt Stokes