

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

In the Matter of an Investigation into)
Spire Missouri Inc. d/b/a Spire’s)
Compliance with The Commission’s)
Rules Regarding Natural Gas Safety)
Found at 20 CSR 4240-40.030)

File No. GS-2022-XXXX

MOTION TO OPEN CASE

COMES NOW the Staff of the Missouri Public Service Commission and for its Motion to Open Case States:

1. The Commission has the authority to require every gas utility, including municipal gas systems, to operate its system in a manner that promotes and safeguards the health and safety of its employees, customers, and the public. Section 386.310, RSMo.

2. The Commission has the jurisdiction to regulate gas pipeline safety under Section 386.310, RSMo.

3. A public utility that owns any gas plant is subject to the provisions of Section 386.572, RSMo., for violation of any law, order, decision, decree, rule, direction, demand, or requirement of the Commission. Section 386.572, RSMo.

4. Spire Missouri Inc. d/b/a Spire (“Spire Missouri”) is a public utility under Section 386.020, RSMo.

5. Spire Missouri owns and operates a gas plant and is subject to the provisions of Section 386.572, RSMo.

6. Spire Missouri is an underground facility owner, as defined in Section 319.015.(16), and is subject to the provisions of Section 319.030 RSMo.

7. Section 319.030 RSMo., provides that every person owning and operating an underground facility to whom notice is given of intent to excavate will inform the excavator as promptly as practical, but not in excess of two working days (unless the excavator agrees to extend the start date and time provided in the locate request through methods established by Missouri One-Call) of the approximate location of underground facilities in or near the area of excavation.

8. Commission Rule 20 CSR 4240-40.030(12)(B)3. requires that each operator is responsible for ensuring that all work completed on its pipelines by consultants and contractors complies with 20 CSR 4240-40.030.

9. Commission Rule 20 CSR 4240-40.030(12)(C)1. requires Spire Missouri to prepare and follow a manual of written procedures for conducting operations and maintenance activities for emergency response, and subparagraph (12)(C)2.A. requires the manual to include procedures for each requirement of section (12), which includes the requirements in subsection (12)(I).

10. Commission Rule 20 CSR 4240-40.030(12)(I)1. requires Spire Missouri to carry out a written program to prevent damage to its pipelines by excavation activities, and paragraph (12)(I)3. requires that the written damage prevention program must address multiple requirements including the requirement in (12)(I)3.G. to provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

11. Spire Missouri's written procedure for this requirement is in paragraph 2.1 of O&M Standard 220.C.

12. The Commission's Safety Engineering Department Staff ("Staff") conducted an inspection on July 27-30, 2020, and reviewed monthly reports for timeliness of marking facilities by the two locating contractors utilized in Spire Missouri East since January 2019. Staff provided Spire Missouri with a summary of its inspection on September 12, 2020 and requested that Spire Missouri take actions to improve the locate timeliness and requested that Spire Missouri continue reporting monthly locate timeliness for Spire Missouri East to Staff on a quarterly basis.

13. Spire Missouri provided a response to Staff's on October 12, 2020, stating that in an effort to improve timeliness, Spire Missouri conducts a weekly meeting with the Contract Locating Company to discuss staffing, training, and timeliness. Spire Missouri also stated it would continue to report timeliness on a quarterly basis.

14. Following review of Spire Missouri's response, Staff requested additional information and clarification from Spire Missouri on October 12, 2020, asking Spire Missouri to provide locate timeliness for Spire Missouri East for all months available since the inspection. Staff also requested Spire Missouri provide more detail on actions Spire Missouri had taken since the inspection and additional actions that would be taken going forward with an estimated time schedule.

15. Spire Missouri provided a response to Staff's request for additional information on March 1, 2021 and provided additional information regarding locate timeliness. Spire Missouri stated that it had worked with its Contract Locating Company to ensure that staffing levels are in line with incoming ticket volumes.

16. On April 30, 2021, Spire Missouri provided Staff with a quarterly report on Spire Missouri East's locate timeliness in the months of January, February and March of 2021.

17. Staff asked Spire Missouri a series of questions on the March 1 reply and the April 30 Quarterly Report. Spire Missouri responded to Staff's questions on June 24, 2021, and stated, among other things, that Spire Missouri continues to be focused on meeting the requirements for locate requests and working closely with its Contract Locating Company. Spire Missouri also stated that the labor market in general has been challenging for the Contract Locating Company.

18. On January 6, 2022, Staff responded to a reply Spire Missouri had provided on June 24, 2021, and Spire Missouri's 2nd and 3rd Quarter 2021 Reports. Staff noted that the locate timeliness for Spire Missouri East has continued to decline since Staff's 2020 inspection and that Staff intended to request the Commission open an investigation docket to investigate Spire Missouri's compliance with the Commission's Rules regarding gas safety.

19. In order to gather additional information on the reasons for the decreasing trend in locate timeliness¹ and what Spire Missouri is doing to improve its locate timeliness, Staff recommends the Commission open this case to investigate Spire's compliance with the Commission's Rules regarding natural gas safety found at 20 CSR 4240-40.030 and to assist Staff in conducting more formal discovery, pursuant to the Commission's rules of practice and procedure. See 20 CSR 4240-2.090 and 20 CSR 4240-2.100. Additionally, Staff would like to include in its investigation an

¹ Included with this motion, and incorporated herein, is Appendix A (Confidential) that contains a Trend Analysis for Spire Missouri East's locate timeliness.

evaluation of the locating practices of Spire Missouri East and Spire Missouri West², since the same circumstances may be present in both service areas and may have had similar results.

WHEREFORE, Staff moves the Commission to open a case for the reasons noted above.

Respectfully submitted,

/s/ Jamie S. Myers

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to Spire Missouri, Inc., Goldie Bockstruck, and The Office of the Public Counsel on this 29th day of March, 2022.

/s/ Jamie S. Myers

² Spire Missouri West serves the Kansas City metropolitan area and western Missouri, previously served by Missouri Gas Energy.