

**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 is a public utility under Section 386.020, RSMo.

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

6. On August 25 - 27, 2020, the Commission's Safety Engineering Department Staff ("Staff") conducted an inspection of new pipeline construction being performed on

the Spire Missouri East¹ gas system for compliance with the Commission's pipeline safety standards in 20 CSR 4240-40.030.

7. On September 27, 2020, Staff provided an inspection summary letter to Spire, which listed and explained one (1) Area of Probable Violation (APV) of Commission rule 20 CSR 4240-40.030(6)(H)1. & 3.² Staff found during its August 25 - 27, 2020 inspection. Specifically, during the inspection Staff observed that one individual who completed a mechanical joint on a plastic pipe in Spire's natural gas distribution system had not been requalified to perform this joining procedure within the time interval specified by 20 CSR 4240-40.030(6)(H)3. The letter requested information from Spire specific to the individual observed, and that Spire review its records with respect to other employee qualifications. Staff requested a response from Spire within thirty (30) days indicating any actions taken or will be scheduled as a result thereof.

8. Spire provided a response to Staff's letter on October 27, 2020, stating that it had reviewed all employee qualifications for mechanical joints and annual requalification for all employees found to not to have completed the qualification and was in the process of completing said necessary qualifications and requalifications. Spire stated this should be completed by the end of November [2020]. Staff notes that this inspection and Spire's responses are specific to the Spire Missouri East service area.

9. Following review of Spire's response, Staff requested additional information from Spire on November 1, 2020, asking Spire to provide a list of each

¹ Spire Missouri East serves the St. Louis metropolitan area and eastern Missouri, previously served by Laclede Gas Co.

² 20 CSR 4240-40.030(6)(H)1. requires that no person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure. 20 CSR 4240-40.030(6)(H)3. requires that persons making plastic pipe joints must be requalified under applicable procedures once each calendar year at intervals not to exceed fifteen (15) months.

Spire Missouri East employee who exceeded fifteen (15) months for requalification of mechanical joining and an estimated date for initial qualification³ to be recompleted.

10. Spire provided a response to Staff's request for additional information on December 1, 2020 with a list of Spire employees who worked on Spire Missouri East projects who had not yet requalified and estimated that completion of requalification or confirmation that an individual is no longer performing mechanical joining should be complete by December 31, 2020.

11. Staff sent a response to Spire on January 11, 2021, requesting an update to the list of employees who were no longer qualified to perform mechanical joining and to include the date the initial qualification was recompleted or the date Spire anticipates that initial qualification will be recompleted. Staff noted that the mechanical joining qualifications for the list of employees provided in Spire Missouri East's December 1, 2020 response had all expired in October 2020. Staff therefore additionally requested that Spire review employee mechanical joining qualifications prior to October 2020 and provide a list of all employees found to have expired mechanical joining qualifications.

12. Spire provided a response to Staff on February 11, 2021, stating that the company was continuing to investigate and had determined that additional employees had their qualifications expire prior to October 2020, and Spire stated it would notify Staff when its investigation was complete.

³ Staff notes that Spire Missouri East's predecessor Laclede Gas Company was one of a group of natural gas operators that applied for and was granted a waiver from physically completing certain joints, including mechanical joints during requalification in Case No. GE-2000-543. However, for initial qualification, completion of a specimen joint is required by 20 CSR 4240-40.030(6)(H)2. Initial qualification is required when a joiner's qualification has lapsed.

13. On April 5, 2021 Staff requested an updated list of Spire employees who had worked on Spire Missouri East projects and who were found to no longer be qualified to perform mechanical joining, a list of all locations where employees completed mechanical joints while unqualified, and a schedule for removal/replacement of the mechanical joints.

14. Spire provided an email response to Staff on July 2, 2021, stating that Spire had determined based on the investigation that the qualification of 436 employees expired between April 13, 2020 and October 9, 2020, and that all employees were requalified by December 16, 2020. Spire additionally stated that during the time that qualifications had lapsed, these employees had completed mechanical fitting installations at 4,226 locations throughout the Spire Missouri East operational area.

15. Spire cited the COVID-19 pandemic and the challenges in maintaining social distancing requirements and incorrect coding in its Operator Qualification (OQ) software program as the reasons for the employees' lapse in qualifications, and Spire stated that it strongly believes installations were done correctly despite the employees' expiration of qualifications. Staff notes that although Spire requested temporary waivers of other Commission pipeline safety rules due to the COVID-19 pandemic in Case No. GE-2020-0373⁴ both before and after Staff's August 2020 inspection, Spire did not request a waiver from joining qualification or requalification requirements in 20 CSR 4240-40.030(6)(H).

⁴ On May 15, 2020, Spire filed a request for temporary waiver from the requirements of Commission rules 20 CSR 4240-40.030(9)(Q), (13)(M), (15)(C), (15)(D) and (15)(E), citing COVID-19-related changes to the Company's work processes and schedules as a reason. The Commission issued orders approving the requested temporary waivers on June 11, 2020 with conditions. Spire filed additional requests to extend the duration of the temporary waiver from the requirements of Commission rules 20 CSR 4240-40.030(9)(Q)1. and (13)(M), first on October 16, 2020 requesting an extension through March 31, 2021, and again on January 18, 2021 requesting an extension through October 31, 2021. Spire's requests for temporary waivers, and for extension of temporary waivers were silent with respect to requalification of its employees to perform mechanical joining.

16. Spire's typical process for remedying these situations is to remove, and replace any joints that have been completed by unqualified individuals. However, in this instance Spire has requested that a different approach be taken.

17. Staff's typical response to operators in situations where it is determined that plastic pipe joints have been completed by unqualified individuals is that the joint(s) must be removed and replaced by a qualified individual in order to comply with the requirements of 20 CSR 4240-40.030(6)(H).

18. In order to gather additional information and make an informed recommendation on the most appropriate remedy, 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 evaluation of the joining qualification status of all Spire employees who work on projects in either Spire Missouri East or Spire Missouri West⁵, since the same circumstances (COVID and software coding errors) were present in each service area and may have had similar results.

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

⁵ Spire Missouri West serves the Kansas City metropolitan area and western Missouri, previously served by Missouri Gas Energy.

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 24th day of August, 2021.

/s/ Jamie S. Myers