

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

In the Matter of Spire Missouri Inc.’s Request)
for Authority to Implement a General Rate)
Increase for Natural Gas Service Provided) Case No. GR-2021-0108
in the Company’s Missouri Service Areas.)

**MISSOURI PROPANE GAS ASSOCIATION’S REPLY TO SPIRE MISSOURI’S
RESPONSE TO THE MISSOURI GAS ASSOCIATION’S APPLICATION TO
INTERVENE OUT OF TIME**

COMES NOW the Missouri Propane Gas Association (“MPGA”), by and through counsel, and for its reply to Spire Missouri Inc.’s (“Spire”) response to MPGA’s Application to Intervene, states as follows:

1. In their response, Spire opposes MPGA’s application, asserting that MPGA does not have an interest which is different from that of the general public or which may be adversely affected by a final order arising from the case, nor does its proposed intervention serve the public interest.

2. The Commission’s rule on intervention is 4 CSR 240-2.075. Subsection 3 provides the requirements for intervention:

The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

3. MPGA’s application clearly sets forth facts showing that it meets all of the requirements contained in the Commission’s intervention rule. As stated in its application, MPGA propane provider members compete with investor-owned natural gas utilities for

customers in many areas, including Spire’s service area. As such, MPGA represents members that may be negatively affected by Orders entered by the Commission in this proceeding, and accordingly, MPGA and those members are interested parties in this proceeding. MPGA and the members it represents have a direct interest in this proceeding which is different from that of the general public, and which interests cannot be adequately represented by any other party. In addition, given that Orders entered in this case may affect others who are not regulated utilities, such as MPGA members and their customers, it is in the public interest for the Commission to hear and consider their views.

4. Bizarrely, Spire argues that because MPGA has not intervened in Spire’s rate cases for awhile, this “prior absence in those cases further supports Spire’s position that they do not meet requirements for proper intervention in this rate case.” MPGA has a history of intervening in Natural Gas Utility rate cases when they propose anticompetitive rate design or programs to expand into areas served by propane, like Spire’s proposed new gas expansion program – The Growing Missouri Program (“GMP”).¹

5. Spire also asserts that “MPGA’s request to participate is self-serving in that it allows them to gain competitive knowledge while not having to operate under the same regulations.” While MPGA members are not regulated by this Commission, they have to compete for customers with utilities regulated by this Commission but cannot offer the same types of subsidies and incentives to customers which Spire seeks approval from this Commission

¹ See, e.g., *In the Matter of Summit Natural Gas of Missouri Inc. ’s Filing of Revised Tariffs to Increase Its Annual Revenues for Natural Gas Service*, File No. GR-2014-0086 (MPGA intervened in the case to oppose Summit’s proposed rate design because it was anticompetitive); and *In the Matter of the Application of Summit Natural Gas of Missouri Inc., for Permission and approval and a Certificate of Convenience and Necessity to Construct, Install, Own, Operate, Maintain, and Otherwise Control and Manage a Natural Gas Distribution System to Provide Gas Service in various counties as an Expansion of its Existing Certificated Areas*, File No. GA-2017-0016 (MPGA intervened in that case because Summit was proposing to expand its service territories and would directly compete with MPGA members for customers, just like Spire is doing in this case).

to provide, and then have those costs paid for by the rest of their customers. It is not “self-serving” for MPGA to wish to participate in this proceeding to protect its interests, such as free markets and fair competition. However, it is self-serving for Spire to seek to exclude MPGA’s and its members’ valid perspectives from this Commission’s consideration.

6. Spire also objects that MPGA’s application is late “in violation of the Commission’s Order.” Spire ignores that this Commission’s Rule 4 CSR 240-2.075(10) specifically allows late interventions “for good cause”:

Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed.

MPGA meets these requirements. It and its members have a direct interest in the outcome of this proceeding. It and its members may be adversely affected by any Orders issued by the Commission in this proceeding. MPGA’s and its members’ participation in the case is in the public interest for the Commission to hear its and its members’ information and perspectives. MPGA affirmatively accepts the record established in this case, including acceptance of the procedural schedule approved by the Commission recently. Finally, no party to this matter will be adversely impacted or prejudiced by granting the application to intervene. MPGA acted as expeditiously as possible to submit the application to intervene upon learning of the instant filing with the Commission.

WHEREFORE, MPGA respectfully requests that the Commission grant its Application to Intervene on its behalf and on behalf of its members, entitling it to fully participate in this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 8th day of February, 2021.



Terry M. Jarrett