

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

In the Matter of Spire Missouri Inc.'s Proposed )  
Gas Supply Incentive Plan Tariff Sheet Filing )

**Case No. GT-2020-XXXX**  
Tariff Filing No. JG-2020-0104

**MOTION TO OPEN DOCKET AND SUSPEND TARIFF SHEET  
FOR ADDITIONAL 120 DAYS**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Open Docket and Suspend Tariff Sheet for Additional 120 Days* ("Motion"), respectfully states as follows:

1. On December 18, 2019, Spire Missouri Inc. d/b/a Spire ("Company") filed a revised tariff sheet, P.S.C. MO. No. 7 First Revised Sheet No. 11.10 (JG-2020-0104) to revise and update the key benchmark that is used as the standard by which savings under the Spire East Gas Supply Incentive Plan (GSIP) are measured. Tariff sheet 11.10 bears an effective date of January 17, 2020. The GSIP is a mechanism that allows Spire East an opportunity to retain some of the savings achieved through its gas commodity purchasing decisions.

2. The significant change proposed in the benchmark in this tariff sheet filing is driven by Spire's recent addition of a contract with its FERC-regulated affiliate, Spire STL Pipeline, and related reductions in capacity on other pipelines. As such, at the heart of this filing is an affiliate transaction. The Missouri Supreme Court has emphasized that these types of affiliate transactions require extra scrutiny. *Office of the Public Counsel v. Missouri Public Service Commission and Atmos Energy Corporation*, 409 S.W.3d 371(Mo. banc 2013).

3. Acceptance of a new, significantly changed GSIP benchmark, as called for in this tariff sheet filing, without Staff having completed an extensive prudence review of the underlying gas portfolio, could allow Spire to profit in the short term from a restructuring of its gas contracts and could result in unreasonable and excessive gas costs passed on to customers.

4. Staff further notes that the ultimate prudence of Spire's contracting decisions driving the proposed GSIP tariff change would not be fully known and reviewed until much later. The prudence of the Spire STL Pipeline contract and related gas portfolio restructuring would be reviewed in the Actual Cost Adjustment (ACA) period wherein gas began to flow through the new contract, causing costs to be incurred. This initial gas flow began at the end of November 2019. The ACA period that would include a Staff review of the initial gas costs would be in the 12 month period ending September 2020. Because of this timing, Staff's review of that ACA period would start in late 2020 and continue on into late 2021.

5. Because Spire's proposed tariff change is a consequence of Spire's extensive rearranging of its gas portfolio, there are numerous operational, economic, and reliability questions that must be considered. Staff proposes this tariff sheet be suspended 120 days to allow Staff sufficient time to conduct the detailed discovery necessary for Staff to make an informed recommendation to the Commission on whether Spire's proposed GSIP tariff change filing should be accepted, modified, or denied.

**WHEREFORE** Staff respectfully requests that the Commission issue an order 1) creating a new case docket; 2) suspending the Company's revised tariff sheet, P.S.C. MO. No. 7 First Revised Sheet No. 11.10 (JG-2020-0104) for 120 days, with an

effective date no sooner than May 17, 2020; and 3) directing Staff to file either a recommendation or a status report no later than May 5, 2020, informing the Commission when it will file a recommendation.

Respectfully submitted,

**/s/ Robert S. Berlin**

Robert S. Berlin  
MOBAR#51709  
Deputy Staff Counsel  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 526-7779 (Telephone)  
(573) 751-9285 (Fax)  
Email: [bob.berlin@psc.mo.gov](mailto:bob.berlin@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 31<sup>st</sup> day of December, 2019.

**/s/ Robert S. Berlin**