

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

David Apted,)	
)	
Complainant,)	
v.)	File No. GC-2017-0348
)	
Spire Missouri Inc.,)	
f/k/a Laclede Gas Company,)	
)	
Respondent.)	

**LIST OF ISSUES, POSITION STATEMENTS AND IDENTIFICATION OF
WITNESSES**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, on behalf of itself, Mr. David Apted (Complainant), and Spire Missouri Inc., f/k/a Laclede Gas Company (Respondent), and for its *List of Issues, Position Statements and Identification of Witnesses* in this matter hereby states:

1. Pursuant to the Commission's Order issued on November 6, 2018, the parties were directed to file a List of Issues and the Identification of Witnesses for the evidentiary hearing scheduled for December 10, 2018. Staff reached out to Complainant and Respondent, and now files this pleading in satisfaction of that directive. It should be noted that the parties are also providing a statement of position on the issues raised in this proceeding. All parties may not agree that the issues are the same.

2. The issues are as follows:

- A. Did the Respondent violate any statute, rule, order or decision of the Commission or any provision of a Commission-approved tariff in connection with its billings to Complainant for natural gas service during the period addressed by this Complaint?
 - B. If a Party believes that the answer to A is yes, what statute, rule, order or decision of the Commission or what provision of a Commission-approved tariff was violated and how did that violation occur?
 - C. Did the Respondent violate any statute, rule, order or decision of the Commission or any provision of a Commission-approved tariff in connection with its actions responding to or investigating the Complaint.
3. The witnesses and the order in which they will take the stand are:
- A. Complainant's Witness
 - a. Individuals identified in Respondent's discovery responses as those that have knowledge of AMR technology as it pertains to the Complaint. More specifically, Respondent stated that it "will be sponsoring a witness in this case who will be able to answer questions regarding this matter" (Respondents disagree to the calling of this witness(es);

- b. Individuals yet to be identified by Respondent who installed the meters identified in the Complaint (Respondents disagree to the calling of this witness(es);
- c. Individuals yet to be identified by Respondent who tested the accuracy of the meters identified in the Complaint (Respondents disagree to the calling of this witness(es);
- d. Complainant;
- e. Rick Zucker (Respondents disagree to the calling of this witness).

B. Respondent's Witness

- a. Danielle Holland, Community Services Partner

C. Staff's Witness

- a. Joseph Roling

5. The positions of each party are:

A. Complainant

- a. Issue A-C. As demonstrated by the Amended Complaint filed by Complainant on November 15, 2017 and Respondent's actions investigating this Complaint as well as evidence adduced at the upcoming hearing on December 10, 2018, Complainant will demonstrate that Respondent violated a statute, rule, order or decision. Complainant was not billed accurately for usage and Respondent's actions during this

investigation have constituted violations of law, including Rule 14 of Spire Missouri Inc.'s "Standard Rules and Regulations."

B. Respondent

- a. Issue A. As demonstrated by the Report filed by the Staff in this matter on August 10, 2017, and the Amended Answer to Amended Complaint filed by Respondent on November 15, 2017, Spire Missouri did not violate any statute, rule, order or decision of the Commission or any provision of its Commission-approved tariffs in connection with its billings to Complainant during the period covered by this Complaint. Complainant was billed accurately for Complainant's actual usage and owes the Company a balance of \$1,950.94 for such period.
- b. Issue B. Because Spire Missouri did not violate any statute, rule, order or decision of the Commission or any provision of a Commission-approved tariff in connection with its billings to Complainant for natural gas service during the period addressed this Complaint, this issue is inapplicable.

C. Staff

- a. Issue A. Staff investigated this Complaint and filed an Investigation Report with attached Memorandum in which it states that it has not found that Spire Missouri violated its tariff

or any law or rule of the Commission in relation to this Complaint.

- b. Issue B. Pursuant to Staff's position on Issue A, Issue B does not apply.
- c. Issue C. Staff has not found that Spire Missouri violated its tariff or any law or rule of the Commission in relation to this Complaint.

WHEREFORE, Staff prays on behalf of the parties that the Commission will accept this *List of Issues and Identification of Witnesses and Position Statements*; and grant such other and further relief as the Commission considers just in the circumstances.

/s/ Whitney Payne

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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 4th day of December, 2018, to all counsel of record.

/s/Whitney Payne