

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

In the Matter of a Proposed Amendment to)	
Commission Rule 20 CSR 4240-13.050)	Case No. AX-2023-0287
Regarding Discontinuance of Service)	

**SPIRE MISSOURI INC.'S COMMENTS ON PETITION
FOR RULEMAKING**

COMES NOW Spire Missouri Inc. (“Spire Missouri” or the “Company”), by and through its undersigned counsel, and submits these written comments on the *Petition to Amend Rule* (“Petition”) filed by Mr. Charles A. Harter to amend the Missouri Public Service Commission’s (“Commission”) Discontinuance of Service rule, 20 CSR 4240-13.050, to require service by mailing to contain a postmark by the United States Postal Service:

1. On March 20, 2023, Mr. Charles A. Harter filed his Petition.
2. On March 20, 2023, the Commission directed Staff to file its recommendation no later than April 28, 2023, or in the alternative, no later than April 17, 2023, file a motion explaining the good cause why the Commission should petition the Joint Committee on Administrative Rules for an extension of time to respond to the rulemaking petition. The Commission directed any other person or entity wishing to respond to do so by April 17, 2023.
3. On April 12, 2023, Staff requested an extension to respond until May 17, 2023 as Staff’s data requests to the utilities are not due back until April 25, 2023. Staff stated it would need time to analyze the utilities’ responses.
4. The Petition for a rulemaking requests that Commission Rule 20 CSR 4240-13.050(5) be amended to require that discontinuance notices, sent by mail at least ten (10) days prior to the date of the proposed discontinuance, be postmarked by the United States Postal Service (“USPS”). Spire Missouri recommends that the Commission should not proceed with a

rulemaking on this issue, as discussed below.

5. According to the USPS Handbook PO-408 1-1.3,¹ a postmark “indicates the location and date the USPS accepted custody of a mailpiece.” However, postmarks are not required for “mailings bearing a permit, meter, or precanceled stamp for postage.”

6. Spire Missouri’s bill print vendor currently utilizes a mailing permit to send its discontinuance letters. As noted by the USPS above, this form of mailing does not require Spire Missouri to have its letters postmarked.

7. While the Petition states that there would be no added cost to postmark these letters, this is simply not true. First, Spire Missouri would incur \$0.08 in additional postage charges to have each discontinuance letter postmarked. Spire Missouri sends roughly 5,000 discontinuance letters per day, and all its other customer correspondence required by the Commission’s rules, using its mailing permit. Having to ensure that the discontinuance letters are postmarked would represent a significant annual expense for the Company approximated at \$146,000.

8. In addition to the increased postage charges, the Company would also incur additional daily processing fees assessed by its bill print vendor to individually affix postage and deliver the letters to the USPS for a postmark. These fees would amount to hundreds of dollars per day for the Company.

9. As the expenses associated with printing and mailing these discontinuance notices are included in Spire Missouri’s cost of service, utilizing its mailing permit allows the Company to avoid the increased fees and postage charges discussed above that would otherwise be collected from Spire Missouri’s customers.

¹ [1-1.3 Postmarks \(usps.com\)](https://usps.com/1-1.3-Postmarks)

10. The Petition also notes that a disconnection letter is sometimes received more than halfway through the ten (10) day period. Spire Missouri is unaware of any customer experiencing issues with receiving its discontinuance letters. Further, Spire Missouri, or any utility or entity for that matter, cannot control the speed at which mail is delivered, or situations that cause mail to be delayed. However, having the letters postmarked will not achieve the Petition's desired result. The Commission should not increase costs on customers only to have the date and location stamped on a letter when a piece of mail reaches a post office.

WHEREFORE, Spire Missouri respectfully requests that the Commission accept its recommendation and does not proceed with a rulemaking to amend the rule as requested in the Petition.

Respectfully submitted,

/s/ J. Antonio Arias

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ATTORNEYS FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was serve on the Staff of the Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 17th day of April, 2023.

/s/ Julie Trachsel
