

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

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0309** Replacement
Surcharge in its Spire Missouri East)
Service Territory)

In the Matter of the Application of Spire Missouri)
Inc. to Change its Infrastructure System) **File No. GO-2018-0310**
Replacement Surcharge in its Spire Missouri West)
Service Territory)

**PUBLIC COUNSELS RESPONSE TO
THE STAFF RESPONSE**

COMES NOW the Office of the Public Counsel (“Public Counsel” or “OPC”) and for its Response to the Commission Staff Response in this case respectfully states:

1. In its Response in this case, Staff claims it is neutral, in that: “Staff takes no position on Spire’s requested waiver or OPC’s objection.” Staff, however, “would note that Spire or its predecessors in interest, has previously received waivers from the sixty-day notice requirement in ISRS cases;” and “the waiver request was unopposed.” Staff Response, p. 2.

2. Notably, Staff fails to mention that in its filings in Commission File Nos. GO-2015-0341, and GO-2015-0343 Laclede and Missouri Gas Energy complied with the statutory requirements it “shall detail the type of case and issues likely to be before the commission.” 4 CSR 240-40.020(2)

3. In GO-2015-0341, the Company states “Laclede intends to file its next ISRS application shortly, and believes that it will include issues that have been disputed in the past and, absent an agreement resolving such issues, will likely make it a contested case. The issues likely to be before the Commission involve matters that have already been identified by the parties in

recent Laclede ISRS cases and deferred to its next ISRS case. These matters include ISRS eligibility of telemetry equipment installed in regulator stations to provide important information from those stations to gas control personnel; the ISRS eligibility of certain regulator stations in the City of St. Louis that were installed to replace old regulator stations that Laclede asserts were worn out or deteriorated; and the legality of a well-established practice implemented by Laclede and the Staff to update both ISRS investments and depreciation during the term of the case.” Commission File GO-2015-0341, p. 2, paragraph 7.

4. In that case, Spire’s affidavit actually had some merit as to the expected issues, which were specifically identified in the pleading, as required by Commission rule.

5. In this case, in contrast, Spire states it is unknown what issues will arise in these cases, and fails to provide any detailed list of issues, in derogation of Commission Rule 4 CSR 240-4.017.

6. Due to Spire’s inability to predict the issues likely be before the Commission in these cases, it cannot truthfully verify it has not had any substantive discussions with “the office of the Commission” on potential issues.

7. This renders Spire’s verification invalid. Thus, Spire has failed to comply with Commission rules.

WHEREFORE, Public Counsel respectfully states, for all the reasons stated above, the Commission should deny Spire’s request for a waiver of the 60-day notice requirements.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Lera L. Shemwell
Lera Shemwell, Mo. Bar No. 43792
Senior Counsel
PO Box 2230
Jefferson City, MO 65102
P: (573) 751-4857
F: (573) 751-5562
E-mail: lera.shemwell@ded.mo.gov

CERTIFICATE OF SERVICE

On this 22nd day of May 2018, I hereby certify that a true and correct copy of the foregoing motion was submitted to all relevant parties by depositing this motion into the Commission's Electronic Filing Information System ("EFIS").

/s/ Lera Shemwell