

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

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

**RESPONSE TO PUBLIC COUNSEL’S LATE-FILED MOTION TO REJECT
SPIRE MISSOURI INC’S REQUEST FOR WAIVER OF RULE 4 CSR 4.017(1)**

COMES NOW Spire Missouri Inc. (“Spire Missouri” or “Company”), on behalf of its operating units, Spire Missouri East (“Spire East”) and Spire Missouri West (“Spire West”), and files this Response to the Motion by the Office of Public Counsel (“OPC”) to reject the Company’s request for waiver of Commission Rule 4 CSR 240-4.017(1), which requires a 60 day notice before a party may file a case before the Commission. In support thereof, Spire Missouri respectfully states as follows:

1. Commission Rule 4 CSR 240-4.017(1) provides, in part, as follows:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice.

2. Rule 4.017(1)(D) permits a party to request a waiver of the above cited rule for good cause. The rule provision specifically provides that good cause may be established by submitting a verified declaration that the filing party has had no

communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case.

3. On April 30, 2018, The Company filed its request (the “Request”) to waive the 60-day notice requirement for both the Spire East and Spire West ISRS filings that the Company is preparing to make in early June of 2018. The Company supported the Request by stating that (1) it had not communicated with the Commission in the last 150 days regarding any substantive issues likely to arise in the ISRS cases; and (2) it makes ISRS filings twice per year on a routine basis and therefore such ISRS filings should be expected by all parties involved.

4. Given the fact that Spire Missouri seeks to file its ISRS cases in early June, the Request effectively seeks permission to file the cases on notice of at least 30 days, rather than 60 days.

5. On May 14, OPC filed its untimely motion (the “Motion”) to reject the Request on this time-sensitive matter. In the Motion, OPC argues that Spire Missouri did not provide sufficient detail to meet the requirements of Section 4.017(1). In fact, Spire Missouri (i) plainly identified that it was filing ISRS cases, (ii) noted that the Company routinely files these cases twice per year, (iii) referred to the appellate and remand status of the Company’s prior ISRS cases, and (iv) frankly disclosed that it did not know what other issues might be raised in the cases.

6. First, simply identifying the cases as ISRS cases, the same type of cases that the Company files twice per year, is more than sufficient detail to inform parties of the type of case and the issues they involve (*i.e.* recovery of the cost to comply with safety requirements and mandated government relocations). Given OPC’s involvement

in, and appeal of, numerous ISRS cases, OPC is in a very poor position to argue that Spire Missouri's identification of the cases as ISRS cases does not provide sufficient detail to meet the requirement of Rule 4.017.

7. Second, Spire Missouri's reference to the appeal and remand process clearly indicates that an issue may be raised that involves the incidental replacement of plastic associated with the Company's cast iron and bare steel main replacement programs. Again, given that OPC itself argued the plastics issue at the Commission, appealed the Commission's decision to the Western District, and is now participating in remand proceedings at the Commission, OPC is in a very poor position to argue that Spire Missouri's identification of the case as an ISRS case and reference to this issue in particular does not provide sufficient detail to meet the requirement of Rule 4.017.

8. Third, Spire Missouri's disclosure that other issues may be raised is simply an acknowledgment that the Company does not control what matters other parties may introduce in an ISRS case. For example, in previous Spire Missouri ISRS cases, OPC has raised issues concerning the worn or deteriorated nature of regulator stations and telemetry equipment, and thrice challenged whether ISRS costs could be updated during a case. Accordingly, the Company's mentioning that other, as yet unknown, issues could be raised by a party is simply a matter of fact, and not a flaw in the notice filing. Given the fact that OPC itself has been the moving party in virtually all matters raised in Spire Missouri ISRS cases over the past several years, OPC is again in a very poor position to argue that Spire Missouri's acknowledgment of this reality somehow causes it to fail to meet the requirement of Rule 4.017.

WHEREFORE, Spire Missouri, Inc. respectfully requests that the Commission reject OPC's Motion and waive the 60-day notice requirements of Commission Rule 4.017(1) for the ISRS cases to be filed on behalf of its operating units, Spire East and Spire West.

Respectfully submitted,

/s/ Rick Zucker

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ATTORNEYS FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and on the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 21st day of May, 2018.

/s/ Marcia Spangler