

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Structural Glass Systems, Inc.)
)
 Complainant,)
)
 v.) **No.** _____
)
 Spire)
)
 Respondent.)

REPLY SUGGESTIONS IN OPPOSITION TO RESPONDENT’S MOTION TO DISMISS

COMES NOW Complainant, by and through Counsel, and for its Reply Suggestions in Opposition to the Respondent’s Motion to Dismiss states the following.

The Complainant has alleged and realleged that: 1) Spire installed the wrong gas meter; 2) Spire billed for an assumed underpayment resulting from the incorrect meter reading without any evidence to support the claim that the Complainant actually used that much natural gas; 3) Complainant sustained (and continues to sustain) significant consequential damages and that 4) Spire has refused to enter into a payment plan in order to keep the Complainant’s business operational. These allegations are sufficient to defeat a motion to dismiss, which is simply a test of the adequacy of the pleader’s petition (which was prepared on a form provided by the agency).

WHEREFORE, the Complainant moves the Commission to deny the Respondent’s Motion and for such other relief as is just and proper.

Respectfully Submitted,
/s/Mark E. Meyer

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A copy of this was served upon all persons receiving electronic notice in this matter.

/s/Mark E. Meyer
