

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

In the Matter of the Request of Spire Missouri Inc.)
for a Temporary Waiver from Commission Rules) File No. GE-2020-0373
20 CSR 4240-40.030 (9)(Q), (13)(M), (15)(C),)
(15)(D) and (15)(E) and Orders Pertaining to)
Inspections and Replacements)

**RESPONSE TO THE COMMISSION’S DECEMBER 22, 2020 ORDER
DIRECTING EXPEDITED RESPONSE**

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 December 22, 2020 Order Directing Expedited Response issued by this Commission. In support of this filing, Spire Missouri respectfully states as follows:

1. On October 16, 2020, Spire Missouri filed a Motion to Modify the Commission’s June 11, 2020 Order to extend the waiver granted by this Commission pertaining to Rules 20 CSR 4240-40.030(9)(Q)1 as to atmospheric corrosion inspections (“ACI”) and 20 CSR 4240-40.030(13)(M) as to leak surveys from December 31, 2020 to March 31, 2021. The Company’s request for extension of the temporary waiver was to be applicable only to those customers who deny entry into their homes due to COVID-19. Spire Missouri requested an order with an effective date of January 1, 2021 in order to maintain compliance.

2. On December 2, 2020, the Commission issued an *Order Modifying Temporary Order and Directing Notice*, granting Spire Missouri’s request for extension with certain conditions to be effective February 1, 2021.

3. As noted, the original waiver issued by the Commission on June 11, 2020, expires on December 31, 2020, and the extension granted by the Commission goes into effect on February 1, 2021. The February 1, 2021 effective date was issued by the Commission in order to accommodate PHMSA's notice requirement pursuant to 49 USC § 60118(d) that requires 60 days' notice to the U.S. Secretary of Transportation before the effective date of a state commission order approving a waiver of a federal requirement under federal gas and safety regulations under 49 CFR part 192.

4. On December 17, 2020, PHMSA issued a Notice of Non-Objection to Spire Missouri's request for a waiver extension. On December 21, 2020, the Staff of the Commission filed a notice and attached the Notice of Non-Objection issued by PHMSA. Also on December 21, 2020, Spire Missouri filed a *Motion to Modify Effective Date of the Commission's December 2, 2020 Order and Motion for Expedited Treatment*. In its Motion, Spire Missouri noted that in order to maintain compliance with Commission rules, a modification of the effective date of the order from February 1, 2021 to January 1, 2021 is required. Given PHMSA's issuance of its notice of non-objection to the waiver request prior to the expiration of the 60-day federal notice period, Spire Missouri stated that the purposes behind the PHMSA notice requirement have been met, and a modified effective date is warranted.

5. On December 22, 2020, the Commission issued an Order directing Spire to file a pleading by December 23, 2020, advising the Commission of the practical consequences to Spire Missouri or its customers of any lapse in time between the waiver now in effect through December 31, 2020, and the waiver to be granted through March 31, 2021, pursuant to the Commission's December 2, 2020 Order.

6. Absent a Commission Order granting Spire Missouri's request for a modification of the effective date of the Order from February 1, 2021 to January 1, 2021, there is a risk that the Commission Staff could find the company out of compliance with gas pipeline safety rules for any inspections, leak surveys, or mandated replacement work not completed by December 31, 2020, thereby subjecting the company to potentially receiving notice of an Area of Probable Violation from the Staff. As an alternative to the company's request for a modification of the effective date, a Commission Order finding that the February 1, 2021 effective date may be applied retroactively to January 1, 2021 would also serve to insulate the company from a finding of potential violations for work not completed during the lapse period.

7. Spire Missouri is mindful that it is required to meet the established regulatory deadlines in order to ensure the safety of our customers and integrity of our system, and these remain the Company's top priorities. Spire Missouri continues to diligently pursue clearing its backlog of atmospheric corrosion inspections and leak surveys of inside meters, as well as its backlog of mandated replacement work for cast iron mains, bare steel mains, and unprotected steel services and yard lines. As previously noted, however, the unprecedented circumstances of the COVID-19 pandemic have resulted in Spire Missouri being unable to enter customer premises in order to complete much of the inspections and surveys for inside meter sets.

8. The Company submits that there will be no negative impact on customers or the general public if the Commission grants Spire Missouri's request to modify the effective date of the Commission's order. The Company reiterates that there is good cause to approve its request on an expedited basis and respectfully requests that the Commission either issue an order modifying the effective date of the waiver extension so that it bears an effective date of January 1,

2021, or permitting a retroactive application of the order's February 1, 2021 effective date to January 1, 2021.

WHEREFORE, Spire Missouri Inc. respectfully requests that the Commission approve the Company's *Motion to Modify Effective Date of Commission Order and Request for Expedited Treatment*.

Respectfully submitted,

/s/ Goldie T. Bockstruck

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ATTORNEY FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 23rd day of December, 2020.

/s/ Goldie T. Bockstruck