

**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** _____
20 CSR 4240-40.030 (9)(Q), (13)(M), (15)(C),)
(15)(D) and (15)(E) and Orders Pertaining to)
Inspections and Replacements)

**SPIRE MISSOURI INC’S REQUEST FOR A TEMPORARY WAIVER FROM
RULES AND ORDERS PERTAINING TO INSPECTIONS AND
REPLACEMENTS, MOTION FOR EXPEDITED TREATMENT, AND REQUEST
FOR WAIVER OF 60-DAY NOTICE RULE**

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, pursuant to Commission Rules 20 CSR 4240-2.080(14); 20 CSR 4240-2.205 and 20 CSR 4240-40.030(18) files this Request for a Temporary Variance from Commission Rules and Orders pertaining to inspections and replacements and Motion for Expedited Treatment. Specifically, the Company is seeking a waiver from Commission Rules 20 CSR 4240-40.030(9)(Q), (13)(M), (15)(C), (15)(D), and (15)(E). Pursuant to Commission Rule 20 CSR 4240-4.017(1)(D), the Company also requests a waiver for the notice provisions of Rule 20 CSR 4240-4.017(1). In support thereof, Spire Missouri respectfully states as follows:

BACKGROUND

1. As this Commission is well aware, the current Coronavirus (COVID-19) pandemic is confronting the world and the United States with a variety of fundamental and even unprecedented health, economic and social challenges. A number of governmental and private sector measures aimed at restricting travel, crowd sizes, the

operation of schools, businesses, and churches as well as sporting and other events have been implemented in an effort to mitigate the spread and impact of COVID-19 including, but not limited to, “Stay at Home Orders” implemented by the Governor of Missouri, the Mayor of St. Louis, the St. Louis County Executive, and the Mayor of Kansas City (the “Health Orders”). As a consequence of these measures, many of the Company’s customers are being forced to stay at home for lengthy periods of time and avoid work, social gatherings and other interactive activities.

2. As these events unfold, the Company has adapted its work processes and schedules to minimize entry into customer premises and associated in-person interaction with customers. These measures have been implemented for the health and safety of both the Company’s customers and employees, and consistent with the Health Orders.

3. As a result of these COVID-19-related changes to the Company’s work processes and schedules, the Company has been unable to timely complete (1) atmospheric corrosion inspections and leak surveys of inside meter sets, and (2) required replacement work associated with cast iron mains, bare steel mains, and unprotected steel services and yard lines (all of which require entry into customer premises to perform tie-over work and maintain continuity of service), as required under certain Commission Rules and Orders.

4. It now seems apparent that the Health Orders will be lifted gradually, as governments order a phased approach to returning to more normal operating conditions in society. For its part, the Company also anticipates ramping up work within customer premises slowly.

REQUEST FOR WAIVER

5. To facilitate these actions, Spire Missouri respectfully requests that the Commission grant it a temporary waiver from the following Commission Rules and Orders:

- Atmospheric Corrosion Inspections of inside meter sets – 49 CFR 192.481 and 20 CSR 4240.030 (9)(Q)
- Leak Survey of inside meter sets – 49 CFR 192.723 and 20 CSR 4240.030 (13)(M)
- Mandated Cast Iron Replacements – 20 CSR 4240-40.030 (15)(D), Spire Missouri West Case No. GO-2008-0002, Spire Missouri West Case No. GO-2002-50, and Spire Missouri East Case No. GO-91-275
- Unprotected Steel Service Line and Yard Line Replacements – 20 CSR 4240.030 (15)(C), Spire Missouri East Case No. GO-93-343, Spire Missouri East Case No. GO-99-155, Spire Missouri West Case No. GO-91-277, Spire Missouri West Case No. GO-91-239, Spire Missouri West Case No. GO-91-295, Spire Missouri West Case No. GO-99-302, Spire Missouri West Case No. GO-2002-50, and MPSC 20 CSR 4240-40.030 (15)(C)
- Unprotected Steel Main Replacement – Spire Missouri West Case No. GO-2002-50 and MPSC 20 CSR 4240-40.030(15)(E)

6. The waiver of the Commission’s gas safety rules is addressed in Rule 20 CSR 4240-40.030(18) which states:

Waiver of Compliance. Upon written request to the secretary of the commission, the commission, by authority order and under such terms and conditions as the commission deems appropriate, may waive in whole or part compliance with any of the requirements contained in this rule. Waiver will be granted only on a showing that gas safety is not compromised. If the waiver request would waive compliance with a federal requirement in 49 CFR par 192, additional actions shall be taken in accordance with 94 USC 60118.

The Company believes, and hopes that the Commission would agree, that the risk associated with this potentially deadly infectious disease transmission (COVID-

19) must be balanced against the low risk to gas safety by granting a temporary waiver from these rules. While the Company cannot unequivocally say that gas safety would not be affected by the granting of this waiver, Spire can say that the risk to gas safety is relatively low, particularly when considering the duration of this waiver and given the unprecedented COVID-19 circumstances.

7. Company anticipates it can clear its backlog of atmospheric corrosion inspections and leak surveys of inside meters, and return to compliance by December 31, 2020.

8. Company anticipates it can clear its backlog of mandated replacement work for cast iron mains, bare steel mains, and unprotected steel services and yard lines by December 31, 2020 for Spire West and May 31, 2021 for Spire East, an extension of six months or less per service territory. This request does not apply to large commercial and industrial yard lines that are subject to a different variance application pending as Case No. GE-2020-0294.

9. Company is not seeking these variances to unnecessarily delay compliance with the applicable Rules and Orders. Rather, this application is due solely to the extraordinary circumstances of the COVID-19 pandemic.

MOTION FOR EXPEDITED TREATMENT

10. Given the impending deadlines for these inspections and replacements as well as ongoing issues regarding customer interaction during the COVID-19 pandemic, the Company submits that there is good cause to approve this application on an expedited basis and respectfully requests that the Commission approve it as soon as possible, but no later than 30 days from the date of filing of this Request.

11. Company believes the granting of this waiver will slow the potential spread of COVID-19. and that there will be no negative impact on customers or the general public if the Commission grants such relief on an expedited basis. For all of these reasons, Spire Missouri submits that there is good cause for the Commission to approve its request.

12. This pleading was filed as soon as it could have been following the Company's formulation of its anticipated compliance shortfalls relating to the COVID-19 pandemic and associated work restrictions.

13. Spire Missouri has discussed this application for a variance with the Commission Staff, which has indicated that they have no objection to the relief requested herein.

REQUEST FOR WAIVER OF NOTICE

13. Commission Rule 20 CSR 4240-4.017(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.

Rule 20 CSR 4240-4.017(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. The Company interprets this to mean that good cause is established if the filing party has had no

communication with a member of the office of the Commission outside of pleadings or other public communications. Subject to that understanding, the Company has attached to this request a verified declaration that neither the Company nor any person or entity acting on behalf of the Company or its Missouri operating units, has had a communication with a member of the office of the commission in the last 150 days regarding any substantive issues that are likely to arise in the case. For that reason, the Company requests that the Commission grant a waiver of the 60-day notice requirement for Spire Missouri's request for temporary waiver from Commission Rules 20 CSR 4240-40.030(9)(Q), (13)(M), (15)(C) – (E) and the Commission Orders referenced herein.

WHEREFORE, Spire Missouri, Inc. respectfully requests that the Commission grant its Request for Temporary Waiver from Commission Rules 20 CSR 4240-40.030(9)(Q), (13)(M), (15)(C) – (E) and the Commission Orders referenced herein, the Company's Motion for Expedited Treatment, and the Company's Request for Waiver from the 60 day notice rule .

Respectfully submitted,

/s/ Matthew J. Aplington

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ATTORNEYS 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 15th day of May, 2020.

/s/ Goldie T. Bockstruck

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AFFIDAVIT OF NICOLE CHRISTIANER

STATE OF MISSOURI)
)
CITY OF ST. LOUIS) SS.

Nicole Christianer, of lawful age, being first duly sworn, deposes and states:

1. My name is Nicole Christianer. I am the Manager of Pipeline Safety-Distribution for Spire Missouri Inc. My business address is 700 Market St., St. Louis, Missouri, 63101.

2. I hereby swear and affirm that I have read the foregoing Request for Waiver, and hereby declare that other than pleadings or other public communications, Spire Missouri Inc., has had no communication with the office of the Commission, within the prior one hundred and fifty (150) days regarding any substantive issue likely to be in the above referenced case.

3. Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge and belief.

Nicole Christianer
Nicole Christianer

This 15th day of May, 2020