

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

In the Matter of Spire Missouri, Inc. d/b/a Spire's     )  
Compliance with the Commission's Report and     ) Case No. GO-2019-0040  
Order and the Stipulation and Agreement in     )  
Case No. GM-2013-0254.     )

**THE OFFICE OF THE PUBLIC COUNSEL'S RESPONSE TO  
STAFF'S MOTION AND REQUEST FOR COMMISSION ORDER THAT  
QUARTERLY CERTIFICATION FILINGS ARE NO LONGER NEEDED AND  
TO SPIRE MISSOURI'S RESPONSE TO STAFF'S MOTION**

**COMES NOW** the Office of the Public Counsel and for its Response to both Staff's August 10, 2018 *Motion to Establish Docket to Enforce Spire Missouri Inc.'s Compliance with Commission Order Approving Unanimous Stipulation and Agreement*, Spire Missouri's August 20 filing *Spire Missouri Inc.'s Response to Staff Motion and Request for Commission Order that Quarterly Certification Filings are No Longer Needed* and Staff's subsequent September 21 *Response*, the Office of the Public Counsel ("OPC" or "Public Counsel") respectfully states:

1. To the extent OPC reads Spire's Response to suggest it intends to expand its interpretation of the two recent rate cases to mean its compliance with the Stipulation in GM-2013-0254 is no longer necessary it cannot support the Company's request.

2. In footnote 1 in the Commission's August 21 *Order Directing Response to Spire's Request for Order*, the Commission states its understanding that: "Spire does not request leave to cease complying with the substance of the stipulation and agreement. Rather it asks that it no longer be required to file a quarterly certification of its continued compliance."

3. Public Counsel's reading of Spire's pleading, concerning its interpretation of results in recent rate cases, leads OPC to believe Commission approval of Spire's request to cease

making quarterly filings will quickly result in Spire claims that it may “interpret the approval of allocations and costs in two general rate cases to mean” that other agreements it made in Case No. GM-2013-0254 have been eliminated or superseded by the outcomes in subsequent general rate case proceedings.

4. Once the camel gets its nose under the tent, it will keep pushing its advantage. It is more than likely that Spire will expand its interpretation that the approval of allocations and costs in two general rate cases to mean the Commission does not need to enforce the provisions of the 2013 Stipulation.

5. To the extent Spire suggests there is no longer any danger of these merger-related detriments existing or occurring because “(i) five years have now elapsed since [the merger] (ii) both utilities have been through comprehensive rate case and other proceedings” that the need for Spire to protect West’s (MGE) customers from adverse consequences due to the merger has diminished or been eliminated by subsequent rate cases, OPC opposes Spire’s request for a waiver of the requirement: “Laclede Gas submit a quarterly report certifying it was complying with these conditions.” Spire Response at para 4.

6. Another statement which raises Public Counsel’s concern is Spire’s statement that: “[i]n making its most recent quarterly filing, Spire Missouri did not suggest that it be allowed to transfer assets Spire Missouri West uses to serve its customers, or that Spire Missouri West be exposed to adverse consequences of its affiliates.” What happened in Spire’s most recent filing is not predictive of actions or positions Spire might take at any time in the future.

7. OPC’s concern is further illustrated by Spire’s statement of its belief that “in the wake of the rate cases, it would be a useful exercise to streamline these reporting obligations and

eliminate those that are no longer necessary or repetitive of undertakings in other areas.” Spire Response at para. 7.

8. The only Agreement Spire/Laclede entered into in GM-2013-0254 to induce the Commission to approve its merger with MGE “are no longer necessary or repetitive of undertakings in other areas” might be the need for quarterly filings.

9. Public Counsel agrees with Staff’s recommendation “the Commission not determine that the Spire Missouri East and Spire Missouri West Divisions have achieved insulation from Spire Inc.’s other operations and the activities of any of its affiliates.”

10. Accordingly, Public Counsel recommends the Commission deny Spire’s request absent the strongest statement confirming the Commission’s intent it Order it is only granting Spire’s request for leave to cease being required to file a quarterly certification of its continued compliance.

**WHEREFORE** Public Counsel submits its Response to: Spire’s Request, Staff’s Response and the Commission’s August 21 Order and recommends the Commission deny Spire’s request or state clearly and unequivocally it is not waiving, changing or eliminating any other provision of the Agreement in Case No. GM-2013-0254.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Lera Shemwell

Lera Shemwell Bar No 43792

Senior Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5565

(573) 751-5562 FAX

lera.shemwell@ded.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record or all counsel of record has been notified of this filing this 21<sup>st</sup> day of September 2018.

/s/ Lera Shemwell

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