

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 18th day of November, 2020.

In the Matter of the Application of Spire Missouri Inc. d/b/a Spire to Change its Infrastructure System Replacement Surcharge in its Spire Missouri East Service Territory)	<u>File No. GO-2021-0030</u>
)	Tariff No. YG-2021-0117
)	
)	

In the Matter of the Application of Spire Missouri Inc. d/b/a Spire to Change its Infrastructure System Replacement Surcharge in its Spire Missouri West Service Territory)	<u>File No. GO-2021-0031</u>
)	Tariff No. YG-2021-0118
)	
)	

**ORDER APPROVING TARIFF AND GRANTING MOTION
FOR EXPEDITED TREATMENT**

Issue Date: November 18, 2020

Effective Date: November 28, 2020

On November 12, 2020, the Commission issued its *Order Approving Stipulation and Agreement*, which authorizes changes to Spire Missouri East and Spire Missouri West Infrastructure System Replacement Surcharges (ISRS). The Commission's order directed Spire to file tariff sheets conforming to the Commission's order. The Commission also ordered its Staff (Staff) to file a statement regarding the compliance of the tariff sheets no later than November 16, 2020. Staff filed a statement advising that the tariff sheets comply with the Commission's *Order Approving Stipulation and Agreement*. Staff requests that the Commission approve the tariff sheets to become effective at least 10 days after the Commission issues an order approving the tariff sheets.

Spire's compliance tariff sheets bear an effective date of December 12, 2020, but Spire filed a motion for expedited treatment asking the Commission to approve the compliance tariff sheets to take effect with less than thirty days' notice. Spire asks that the Commission allow the compliance sheets to become effective on November 22, 2020, if practical. Spire submits that there is good cause to allow the tariff sheets to become effective on November 22, 2020, in order to meet the 120-day time period mandated by the ISRS statute.¹ The 120-day time mandated by the ISRS statute ends December 2, 2020.

The Commission has reviewed the compliance tariff sheets and Staff's statement and finds that the tariff sheets should be approved. The Commission has also reviewed the motion for expedited treatment and finds that good cause exists under Section 393.140(11), RSMo, to expedite the effective date of the tariff sheets. However, Missouri courts have determined that the Commission should allow ten days after the issuance of an order for the order to become effective.² Consequently, the soonest the tariff sheets could be made effective is November 28, 2020. The Commission will approve Spire's compliance tariff sheets to become effective on November 28, 2020. In addition, the Commission will exercise its discretion under Section 386.490.2, RSMo, to make this order effective in less than 30 days so that the order will be effective concurrently with the compliance tariff sheets.

¹ Section 393.1015.2(3), RSMo.

² *Harter v. Missouri Public Service Commission*, 361 S.W.3d 52 (2011) and *State ex rel. Kansas City, Independence & Fairmount Stage Lines Co. v. Public Service Commission*, 333 Mo. 544, 63 S.W.2d 88, at 93 (1933). An effective date providing less than ten days is presumptively unreasonable. *State ex rel. Office of Public Counsel v. Pub. Serv. Comm'n*, 409 S.W.3d 522, 528 (Mo App. 2013).

THE COMMISSION ORDERS THAT:

1. *Spire Missouri Inc's Motion for Expedited Treatment* is granted.

2. The compliance tariff sheets filed by Spire on November 12, 2020, assigned Tariff Nos. YG-2021-0117 and YG-2021-0118, are approved to become effective on November 28, 2020. The tariff sheets approved are:

P.S.C. MO. No. 7

Sixth Revised Sheet No. 12, canceling Fifth Revised Sheet No. 12

P.S.C. MO. No. 8

Sixth Revised Sheet No. 12, canceling Fifth Revised Sheet No. 12

3. This order shall become effective on November 28, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Clark, Senior Regulatory Law Judge