



explain why the brief is desirable, and state how the matters asserted in the brief are relevant to a determination in the case.

Spire Inc. f.k.a. The Laclede Group, Inc. is a Missouri based holding company that is subject to an agreement with a provision similar to the one at issue in this case. Spire Inc. has established an interest in this matter due to its comparable experiences as a holding company that is a parent company of regulated and foreign utilities. Spire Inc. states that it is in a unique position to provide a legal perspective and background information relevant to the Commission's consideration in this case.

MECG's argument that Spire Inc. does not limit itself to the three issues identified by the parties or to the facts accepted into the record is not persuasive. Spire Inc.'s brief does not ask the Commission to determine issues beyond the three identified by the parties. While an *amicus curiae* should not inject new issues into a case, courts normally permit an *amicus curiae* brief that demonstrates facts or questions of law at issue may not be adequately presented by the parties.<sup>1</sup> Spire Inc.'s brief addresses relevant questions of law, such as potential legal implications from the Commission's prior disclaiming of jurisdiction in circumstances similar to the one at issue in this case and the potential for discriminatory regulatory treatment based on the location of parent companies.

For these reasons, the Commission finds that Spire Inc. has complied with the requirements of Commission Rule 4 CSR 240-2.075(11) and will grant the company's Petition.

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<sup>1</sup> *Gem Stores, Inc. v. O'Brien*, 374 S.W.2d 109 (Mo. banc 1963) (Internal citations omitted). See also *Sermchief v. Gonzales*, 660 S.W.2d 683 (Mo. 1983).

**THE COMMISSION ORDERS THAT:**

1. MCEG's Motion to Late File is granted.
2. The *Petition of Spire Inc. for Leave to File Amicus Curiae Brief* is granted

and the company's *amicus curiae* brief is deemed filed on January 31, 2017.

3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and  
Coleman, CC., concur.

Burton, Senior Regulatory.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8<sup>th</sup> day of February 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**February 8, 2017**

**File/Case No. EC-2017-0107**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

  
**Morris L. Woodruff**  
**Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.