

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

In the Matter of the Application of Spire )  
Missouri Inc. for a Certificate of Convenience )  
and Necessity to Construct, Install, Own, Operate )  
Maintain, and Otherwise Control and Manage a ) Case No. GA-2023-xxxx  
Natural Gas Distribution System in Cass County, )  
Missouri As an Expansion of its Existing )  
Certified Areas. )

**APPLICATION FOR CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR CASS COUNTY AND REQUEST  
FOR WAIVER**

COMES NOW Spire Missouri Inc. (“Spire” or the “Company”), by and through its undersigned counsel, and, pursuant to Section §393.170 RSMo, and Commission Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.205, respectfully submits this Application to the Missouri Public Service Commission (“Commission”) for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service in Cass County, Missouri, as a further expansion of its existing certificated area. Pursuant to Commission Rule 20 CSR 4240-4.017(1)(D), the Company also requests a waiver from the notice provisions of Rule 20 CSR 4240-4.017(1). In support of its application and request for a waiver, Spire states as follows:

1. Spire is a public utility and gas corporation incorporated under the laws of the State of Missouri, with its principal office located at 700 Market Street, St. Louis, Missouri 63101.
2. A Certificate of Good Standing evidencing Spire's standing to do business in Missouri was submitted in Case No. GF-2022-0169 and is incorporated by reference herein for all purposes. The information in such Certificate is current and correct.

3. Spire is engaged in the business of distributing and transporting natural gas to customers in Missouri as a gas corporation subject to the jurisdiction of the Commission. Spire provides gas service in Missouri to customers in the City of St. Louis and the Counties of St. Louis, St. Charles, Crawford, Jefferson, Franklin, Iron, St. Genevieve, St. Francois, Madison, Butler, Andrew, Barry, Barton, Bates, Buchanan, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cooper, Dade, Dekalb, Greene, Henry, Howard, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Moniteau, Newton, Pettis, Platte, Ray, Saline, Stone, and Vernon.

4. Other than cases that have been docketed at the Commission, Spire has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. Spire has no annual report or assessment fees that are overdue.

5. All correspondence, communications, notices, orders, and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and to:

Julie Johnson  
Manager, Tariffs and Rates  
Spire Missouri Inc.  
700 Market Street, 5<sup>th</sup> Floor  
St. Louis, Missouri 63101  
(314) 574-6636  
Julie.Johnson@spireenergy.com

#### **CERTIFICATE OF CONVENIENCE AND NECESSITY**

6. Spire submits this Application for a CCN to construct, install, own, operate, maintain, and otherwise control and manage a natural gas system to provide natural gas service in Cass County, Missouri, as a further expansion of its existing certificated area. Spire is seeking a

CCN for Sections 24-25, Township 46 North, Range 32 West of Cass County (“Section 24 and Section 25”), Section 30, Township 46 North, Range 31 West of Cass County (“Section 30”) to serve a development for subdivision homes.

7. \*\*[REDACTED]\*\* (the “Customer”) contacted Spire with a need for a distribution system extension to receive natural gas service for Phases 1-3 in order to serve 50 lots for customers’ homes.

8. The legal description of the area is listed above. Attached as **Appendix 1** is a plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch. Natural gas service is not currently offered by another unregulated or regulated entity in the area for which a CCN is being requested.

9. The residential rates in tariff sheet P.S.C. MO. No. 9 First Revised Sheet No. 2, for the proposed areas will be those approved and in effect for the customers in the adjoining Spire West operating unit certificated areas, until such rates may be changed by approved tariff or order of the Commission.

10. There are currently fifteen homes between our existing main and \*\*[REDACTED]\*\* that could be an opportunity to serve. These customers have not approached Spire at this time. The addresses of these properties are listed in **Appendix 2**, which has been marked as Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)1 because it contains information relating directly to potential specific customers.

11. Estimated revenues and actual construction costs associated with the initial main extension are shown in the feasibility study attached as **Appendix 3**, which has been marked as

Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)3 and 4 because it contains information regarding market-specific information. A contribution in aid of construction will be funded by the developer.

12. Spire holds all necessary franchises and permits from municipalities, counties, or other authorities that are required for Spire to serve the subject areas. Documentation that provides assent from the Cass County Commission is attached as **Appendix 4**.

13. Attached as **Appendix 5** is a signed affidavit of Clifford Garrett, Manager of Residential Business Development for Spire Missouri Inc, asserting that all information regarding this proposed CCN is accurate and truthful.

14. This CCN application is in the public interest because: (1) there is a need for service; (2) Spire is qualified to provide such service as an experienced operator of natural gas systems with the proven ability to provide safe, reliable, and adequate service in an efficient manner; (3) Spire has the financial ability to provide such service as an established natural gas utility operator; and (4) the project is economically feasible, as shown in Appendix 3, and, in addition, Spire is receiving a contribution in aid of construction. Spire is also the only utility in the immediate area of these customers and has adjacent sections in this county in its certificated area. For all the reasons set forth herein, Commission approval of this Application is required by the public convenience and necessity.

#### **REQUEST FOR WAIVER FROM 60-DAY NOTICE RULE**

15. 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.

16. 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, as **Appendix 6**, the verified declaration of Julie Johnson that neither the Company, nor any person or entity acting on behalf of the Company, 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 application for a CCN in Cass County.

**WHEREFORE**, Spire respectfully requests, for good cause shown, that the Commission waive the notice requirement of 20 CSR 4240-4.017(1), approve this Application, issue a CCN to Spire as set forth above and in the attached appendices, and grant such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

*/s/ J. Antonio Arias*

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Matthew Aplington MoBar #58565  
General Counsel  
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700 Market Street, 6<sup>th</sup> Floor  
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J. Antonio Arias, MoBar #74475  
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(314) 342-0655 (Office)  
Email: antonio.arias@spireenergy.com

**ATTORNEYS FOR SPIRE MISSOURI INC.**

**CERTIFICATE OF SERVICE**

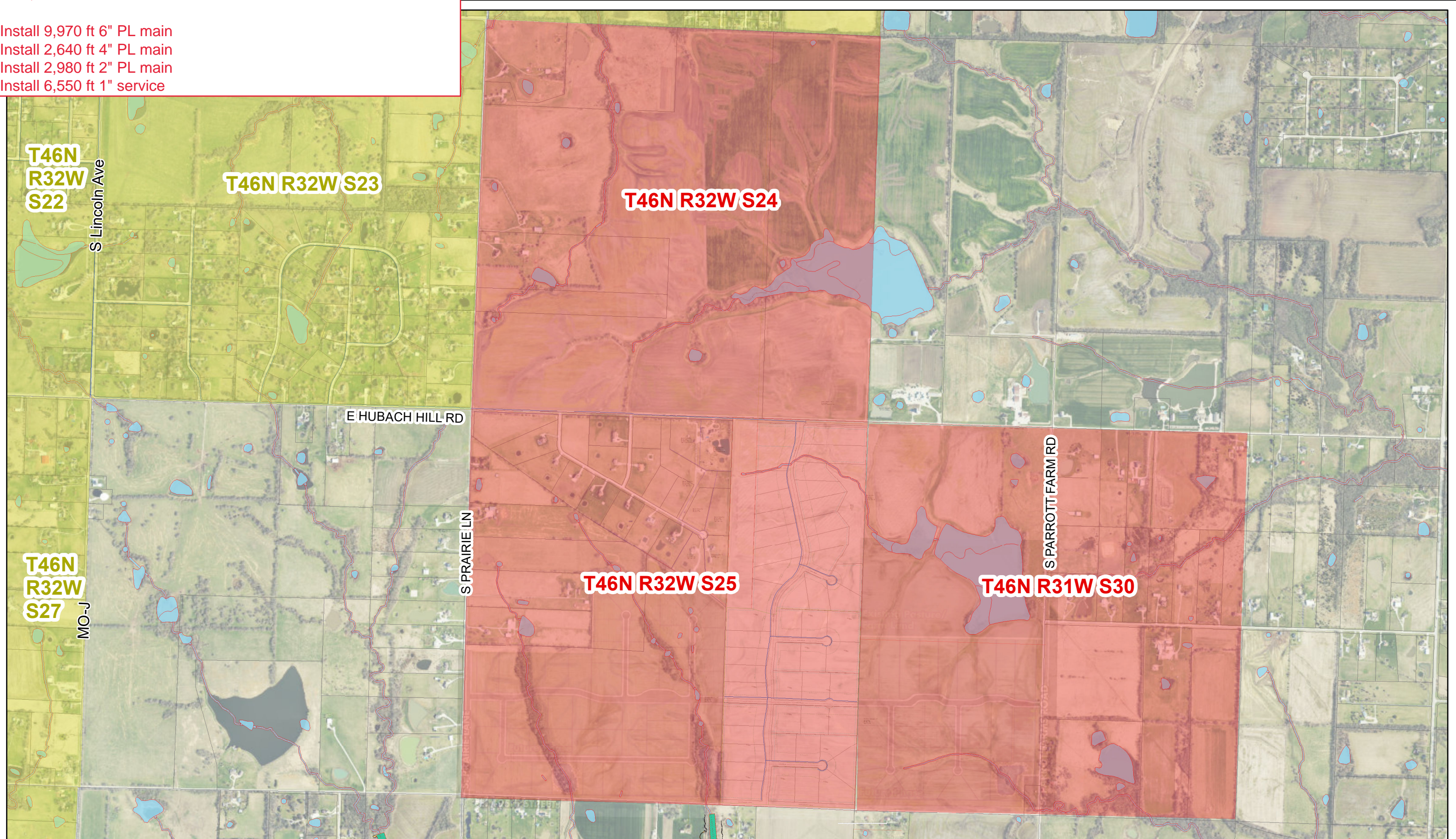
The undersigned hereby certifies that a true and correct copy of the foregoing was serve on the Staff of the Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 22nd day of September 2023.

*/s/ Julie Johnson*

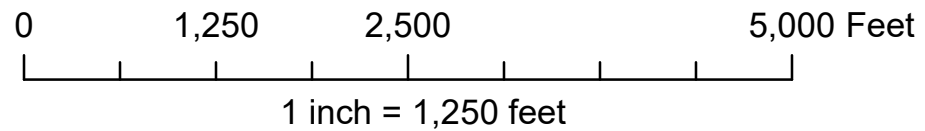
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REQUIRE CERTIFICATION FOR AREAS HIGHLIGHTED IN RED

Install 9,970 ft 6" PL main  
Install 2,640 ft 4" PL main  
Install 2,980 ft 2" PL main  
Install 6,550 ft 1" service



Job Description:



Maximo Work Order:

Project #:



**Confidential pursuant to 20 CSR 4240-2.135 (2)(A) 1**  
**Cass County CCN**  
Addresses



Confidential in its Entirety

**Confidential Pursuant to 20 CSR 4240-2.135(2)(A) 3 and 4**

# Certified Copy of Record

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STATE OF MISSOURI, }  
County of Cass, } ss.

In the County Commission of Cass County, Missouri, at the January Term, 2020, held on the 6th day of February, 2020 amongst others, were the following proceedings:

**CASS COUNTY, MISSOURI  
ORDER NO.20-01  
Spire Gas Company**

**AN ORDER GRANTING TO SPIRE MISSOURI, ITS SUCCESSORS AND ASSIGNS, AN ASSENT TO USE OF THE PUBLIC ROADS OR HIGHWAYS OF CASS COUNTY, MISSOURI, FOR THE PURPOSE OF PROVIDING NATURAL GAS DISTRIBUTION SERVICE AND RELATED FACILITIES UNDER SAID PUBLIC ROADS OR HIGHWAYS.**

WHEREAS, Cass County (the "County") is a political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

WHEREAS, Spire Missouri is a Missouri corporation duly authorized to conduct business in Missouri and is engaged in the construction and operation of natural gas distribution facilities in Missouri; and

WHEREAS, Spire Missouri intends to request and obtain a Certificate of Convenience and Necessity from the Missouri Public Service Commission, recognizing that projects to be placed in service by the Company in Cass County are in the public interest and authorizing it to construct natural gas distribution facilities in Southwest Missouri and, specifically, in the County; and

WHEREAS, Spire Missouri anticipates utilizing the public roads and highways of the County as construction routes; and


WHEREAS, Spire Missouri intends to install natural gas distribution facilities under the public roads and highways of the County; and

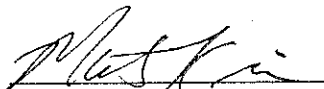
WHEREAS, the County, acting by and through its County Commission, desires to grant to Spire Missouri its assent authorizing Spire Missouri to construct natural gas facilities under the public roads or highways.

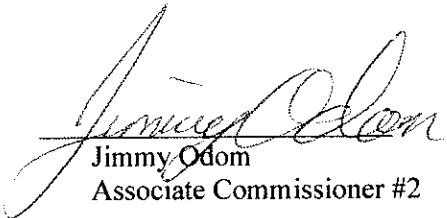
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF CASS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** There is hereby granted to Spire Missouri, its successors and assigns, the assent of Cass County (the "County") pursuant to section 229.100 of the Revised Statutes of Missouri for the use of the public roads or highways of Cass County, Missouri, for the construction of natural gas distribution or related facilities through, on, under, and across said public roads or highways. Notwithstanding the foregoing, the assent granted herein shall not be invalidated by the subsequent repeal of section 229.100 of the Revised Statutes of Missouri.

**Section 2.** This order shall be in force and effect from and after its passage.


  
\_\_\_\_\_  
Bob Huston  
Presiding Commissioner

  
\_\_\_\_\_  
Monty Kisner  
Associate Commissioner #1

  
\_\_\_\_\_  
Jimmy Odom  
Associate Commissioner #2

I, Jeff Fletcher, Clerk of the County Commission said County, hereby certify the above and foregoing to be a true copy of the proceedings of said County Commission, on the day and year above written; **IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said Commission, at office in the courthouse in Harrisonville, Missouri, this 6th day of February, 2020.

(SEAL)

  
\_\_\_\_\_  
Jeff Fletcher, County Clerk



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**VERIFIED DECLARATION**

State of Missouri )  
 ) SS  
County of St. Louis )

I, Julie Johnson, state that I am a Manager, Tariffs and Rates for Spire Missouri Inc. I am authorized to make this verification on behalf of Spire Missouri Inc.t Under the penalty of perjury, I declare that the matters and things stated in the foregoing Application are true and correct to the best of my knowledge and belief. I also hereby swear and affirm that I have read the foregoing Request for Waiver and 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.

*/s/ Julie Johnson*  
\_\_\_\_\_  
Julie Johnson

September 22, 2023  
\_\_\_\_\_  
Dated