

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 24th day of April, 2019.

In the Matter of the Application of Spire Missouri, Inc.,)
for Permission and Approval and a Certificate of)
Convenience and Necessity to Construct, Install, Own,)
Operate, Maintain, and Otherwise Control and Manage)
a Natural Gas Distribution System to Provide Gas)
Service in Barry County as an Expansion of its)
Existing Certificated Areas)

File No.: GA-2019-0210

**ORDER GRANTING CERTIFICATE
OF CONVENIENCE AND NECESSITY**

Issue Date: April 24, 2019

Effective Date: May 4, 2019

Procedural History

On January 16, 2019, Spire Missouri, Inc. ("Spire") applied for a certificate of convenience and necessity ("CCN") to serve a single property in Barry County, Missouri. Spire estimates the addition of 8 customers as a result of this extension, which includes 5 accounts from the poultry operation on the property at issue. Spire requested a waiver of the Commission's 60-day notice requirement found in Commission Rule 4 CSR 240-4.017(1). Spire also requested a variance from the filing requirements of Commission Rule 4 CSR 240-3.205(1)(A).

The Commission set a deadline of February 9, 2019, to intervene in the case. No requests to intervene were received.

The Staff of the Commission filed its Recommendation on April 10. Staff recommends that the Commission grant the certificate, subject to two conditions. Spire filed no objections to the conditions or the Recommendation. The conditions are that the Commission should:

- reserve all rate making determinations regarding the revenue requirement impact of this service area extension request until the Company's next general rate making proceeding.
- require Spire to file an updated Tariff Sheet No. 20 incorporating the requested Sections for Barry County provided above.

Commission Rule 4 CSR 240-2.080(13) states that parties have ten days to respond to pleadings unless otherwise ordered. The parties here were not otherwise ordered. Ten days have elapsed since Staff's recommendation. No party has objected to the recommendation. The Commission will take up the recommendation unopposed.

Decision

Spire is a gas corporation and a public utility subject to Commission jurisdiction.¹ The Commission may grant a gas corporation a certificate of convenience and necessity to operate after determining that the construction and operation are either "necessary or convenient for the public service."² The Commission has stated five criteria that it will use to make this determination:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed service;
- 3) The applicant must have the financial ability to provide the service;

¹ Section 386.020(18), (43) RSMo 2016.

² Section 393.170, RSMo 2016.

- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.³

Based on the verified pleadings and Staff's Recommendation and Memorandum, the Commission finds the application for a certificate of convenience and necessity to provide gas service meets the above listed criteria, when subject to the conditions recommended by Staff. No party has objected to Spire being granted a CCN, to the recommended conditions, nor requested a hearing.⁴ The application will be granted, subject to the conditions recommended by Staff. This order will be given a ten-day effective date to meet the immediate needs of the poultry farm at issue which has already contributed approximately \$10,000 in order to construct the extension⁵, because the application and recommended conditions are unopposed, and because the Commission does not wish to cause undue delay.

Spire requested a waiver of the 60-day notice of case filing requirement established by 4 CSR 240-4.017(1). Commission Rule 4 CSR 240-4.017(1)(D) states that a waiver may be granted for good cause, which includes "a verified declaration from the filing party that it has had no communication with the office of the commission within the prior 150 days regarding any substantive issue likely to be in the case". Spire has had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case, other than those

³ *In re Tartan Energy Company*, 3 Mo. P.S.C. 173, 177 (1994).

⁴ The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. No party requested a hearing in this matter; thus, no hearing is necessary. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

⁵ See Staff Memorandum, page 2.

pleadings filed for record. Accordingly, for good cause shown, the Commission waives the 60-day notice requirement of Commission Rule 4 CSR 240-4.017(1).

In its application, Spire also requested a variance from the filing requirements of Commission Rule 4 CSR 240-3.205(1)(A). The filing requirements are: a statement of existing utility service in the area; name and addresses of certain landowners or residents; a legal description of the area to be certificated; a plat drawn to one-half inch scale; and a feasibility study. The missing items were obtained through discovery and are no longer at issue. Therefore, the request is moot as all filing requirements in (1)(A) have been met. Thus, the Commission will not grant a variance from the filing requirements of CSR 240-3.205(1)(A).

THE COMMISSION ORDERS THAT:

1. The sixty day notice requirement of Commission Rule 4 CSR 240-4.017(1) is waived.
2. Spire Missouri, Inc. is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain gas plant as more particularly described in its application and Staff Recommendation.
3. The certificate of convenience and necessity is subject to the condition that the Commission will reserve all ratemaking determinations regarding the revenue impact of this service area extension request until Spire Missouri, Inc.'s next general ratemaking proceeding.
4. No later than May 27, 2019, Spire Missouri, Inc. shall update Tariff Sheet No. 20 incorporating the requested sections for Barry County.

5. This order shall become effective on May 4, 2019.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Hatcher, Regulatory Law Judge

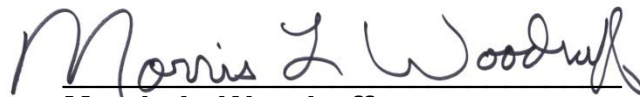
STATE OF MISSOURI

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 24th day of April 2019.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 24, 2019

File/Case No. GA-2019-0210

**Missouri Public Service
Commission**

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Spire

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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**

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