

**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)
Barton County as an Expansion of its Existing)
Certificated Areas)

File No.: GA-2019-0214

**ORDER GRANTING CERTIFICATE OF
CONVENIENCE AND NECESSITY AND WAIVER**

Issue Date: April 24, 2019

Effective Date: May 4, 2019

Procedural History

On January 17, 2019,¹ Spire Missouri, Inc. (“Spire”) applied for a certificate of convenience and necessity (“CCN”) to extend its existing certificated area in Barton County, Missouri, to Township 33 North, Range 30 West, Sections 7 and 18, in order to serve one customer.² On April 10, 2019, the Staff filed its *Report and Recommendation*.

Staff recommends approval of Spire’s CNN application subject to two conditions:

- That the Commission reserve all rate making determinations regarding the revenue requirement impact of this service area extension request until Spire’s next general rate making proceeding;
- That the Commission require Spire to update Tariff Sheet No. 20.1 incorporating the requested Sections for Barton County provided above.

¹ Calendar references are to 2019.

² *Recommendation*, Memorandum, pp. 1-2.

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.³ 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."⁴ The Commission has five criteria for this determination:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the service;
- 3) The applicant must have the financial ability to provide the service;
- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.⁵

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.⁶ No party has objected to Spire's being granted a CCN, the recommended conditions, nor requested a hearing. The application will be granted,

³ Section 386.020(18) and (43), RSMO.

⁴ Section 393.170, RSMO.

⁵ *In re Tartan Energy Company*, 3 Mo. P.S.C. 173, 177 (1994).

⁶ 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, so 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).

subject to the conditions recommended by Staff. This order will be given a ten-day effective date because the application is unopposed and because the Commission does not wish to cause undue delay.

Spire also requested a waiver of the Commission's 60-day notice requirement set out in Commission Rule 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. Good cause exists in this case because Spire declared in its application that it has had no communication with the Commission within the prior 150 days regarding any substantive issue likely to be in this case other than the pleadings here filed of record. For good cause shown, the Commission will waive the 60-day notice requirement of Commission Rule 4 CSR 240-4.017(1).

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 service in Township 33 North, Range 30 West, Sections 7 and 18 as more particularly described in its application and Staff's Recommendation.
3. The certificate of convenience and necessity is subject to the condition that the Commission will reserve all rate making determinations regarding the revenue impact of this service area extension until Spire Missouri, Inc.'s next general rate making proceeding.
4. Spire Missouri, Inc. shall update Tariff Sheet No. 20.1 to incorporate the above described section of Barton County, Missouri.
5. This Order shall be effective on May 4, 2019.

6. This file shall be closed on May 5, 2019.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

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

Graham, Regulatory Law Judge

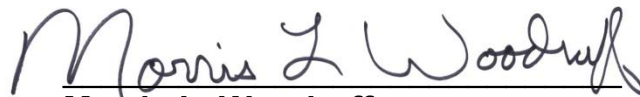
STATE OF MISSOURI

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-2019-0214

**Missouri Public Service
Commission**

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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.