

Joshua Michael Kearney

12/20/2023

FILED
December 26, 2023
Data Center
Missouri Public
Service Commission

Cover Letter

Subject: Submission of Motions - File No. GC-2024-0172

Dear Secretary,

I am writing to formally submit three motions in relation to the File No. GC-2024-0172 currently under consideration by the commission. As the complainant, I believe these motions are crucial to the fair and just resolution of the case.

1. ****Motion [1] Title: Motion to Amend Complaint****
- This motion should be filed first and is in regards to an amendment to the original complaint.
2. ****Motion [2] Title: Complainant's Motion to Strike Respondents Answer****
- This motion is to be filed second and is regarding the complainant's motion to strike specific items from the respondent's answer to the complaint.
3. ****Motion [3] Title: Motion for Judgment for Failure to Present a Valid Defense****
- This motion is to be filed last and is regarding the complainant's motion to pass judgment.

In support of these motions, I have attached relevant documents, exhibits, and any necessary supporting materials for the courts review. I kindly request that these motions be filed for consideration at the earliest opportunity.

I appreciate the court's and organization's attention to this matter and look forward to the resolution of these motions. Please feel free to contact me at [REDACTED] or [REDACTED] if there are any additional documents or information required.

Thank you for your time and consideration.

Sincerely,

Joshua Michael Kearney

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

2
3 Joshua Michael Kearney,
4 Complainant,

5 vs.
6 Spire, Inc.

7 Respondent,

)
)
)
) File No. GC-2024-0172
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)
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8 **Motion to Amend Complaint**

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11 Pursuant to Rule 15 of the Federal Rules of Civil Procedure and in accordance
12 with MO Title XXXV Chapter 509.490, the Complainant respectfully moves this court to
13 amend the original complaint to include relief in the form of the maximum civil
14 penalty of "\$1,000,000 per day per violation" as stated in the Natural Gas Act Sec.
15 22.(a). Totaling ██████████ for which the complainant holds the burden of proof for
16 49 violations of failure to charge a "just and reasonable" rate as required by the
17 Natural Gas Act Sec.(4) (a).

18
19 Rule 15 (a) (2) as well as MO Title XXXV chapter 509.490 provides this amendment
20 before trial, with the courts leave. Furthermore the Rule and Chapter compels the
21 court to freely give leave when justice so requires. The complainant's pleading
22 includes the accusation of "charging the consumer twice for the same service." In
23 accordance with Natural Gas Act Sec. 4 (a) rates and charges; "any such rate or charge
24 that is not just and reasonable is hereby declared to be unlawful." to which Sec.22
25 (a) of the Natural Gas Act applies the civil penalty in the amount of "\$1,000,000 per
26 day per violation for as long as the violation continues."
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Therefor the complainant respectfully moves this court to file the complainant's "Amended Formal Complaint" attached to this motion in accordance with the Rule, and Chapter.

Dated this 20th day of Dec, 2023

Signature, 
Joshua Michael Kearney


FORMAL COMPLAINT FORM

Attach extra pages as necessary.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Joshua Michael Kearney)	
(Your name here))	
Complainant,)	
v.)	File No.
Spire Inc)	
(Utility's name here))	(PSC fills this in)
Respondent,)	

Amended FORMAL COMPLAINT

1. Complainant resides at:

████████████████████
 (Address of complainant)

██████████ ████ ██████████
 (City) (State) (Zip Code)

2. The utility service complained of was received at:

- a. Complainant's address listed in paragraph 1.
- b. A different address:

 (Address where service is provided, if different from Complainant's address)

 (City) (State) (Zip Code)

3. Respondent's address is:

700 Market St.

(Address of complainant)

Saint Louis

MO

63101

(City)

(State)

(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$ _____
(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

Order Spire Inc to cease and desist and return any and all over charges back to the respective remitter as well as fix the current issued tariff to more strictly and clearly state the charges that are allowed to be included on a customer's monthly bill.
Amendment 1: The complainant also requests the maximum civil penalty in accordance with Natural Gas Act Sec. 22 (a). The act states a penalty of "\$1,000,000 per day per violation for as long as the violation continues." is just. The complainant is requesting relief totaling \$ [REDACTED] USD for which the complainant can provide the Burden of Proof for 49 violations of failure to charge a just and reasonable rate.

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

Spire Inc has engaged in unjust enrichment and avoiding regulatory compliance. By charging customers a charge for gas used and also charging the adjusted charge for gas used amount known as the PGA or Purchased Gas Adjustment. They have done so by placing the charge on the customer's bill as (natural gas charges - usage). Which according to the schedule of rates in the tariff is not a lawful charge. It is being done this way because the PGA or Purchased Gas Adjustment is calculated using the previous charge for gas used therefor effectively charging the consumer twice for the same service.
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8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

The Complainant has contacted Spire Inc directly in an attempt to find a resolution to the matter. The Complainant has also contacted the MO PSC in an attempt to resolve this matter, as well as filed an informal complaint with the commission and has had no resolution to the matter.

Date 11/7/2023


Signature of Complainant

Complainant's Phone Number [REDACTED]

Joshua Michael Kearney
Complainant's Printed Full Name

Alternate Contact Number N/A

[REDACTED]
Complainant's E-mail Address

Attach additional pages, as necessary. Attach copies of any supporting documentation. Do not send originals of any supporting documentation.

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Josh Kearney
[REDACTED ADDRESS]

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200 Madison Street
Jefferson City MO 63101

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