

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

Joshua Michael Kearney,)
)
 Complainant,)
)
 v.) **File No. GC-2024-0172**
)
 Spire, Inc.)
)
 Respondent.)

CERTIFIED MAIL

**NOTICE OF AMENDED COMPLAINT
AND ORDER DIRECTING ANSWER**

Issue Date: December 27, 2023

Effective Date: December 27, 2023

On December 16, 2023, Joshua Kearney filed an amended complaint. A copy of the amended complaint accompanies this notice.

The Commission’s provisions governing procedures before the Commission are found at Commission Rule 20 CSR 4240-2. Specific provisions relating to discovery are found at Commission Rule 20 CSR 4240-2.090. The Commission will order responses.

THE COMMISSION ORDERS THAT:

1. The Commission’s Data Center shall send, by certified mail, a copy of this notice and order and a copy of the amended complaint to:

Spire, Inc.
700 Market Street
St. Louis, MO 63101

2. Respondent shall file an answer to this complaint no later than January 26, 2024. All pleadings shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service.

3. The Staff of the Commission shall file a Recommendation no later than February 14, 2024.
4. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Ronald D. Pridgin, Deputy Chief
Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 27th day of December, 2023.

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

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.

U.S. POSTAGE PAID



65101

DEC 21, 2023

\$28.75

R2305K131995-20

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

RDC 07

PRIORITY MAIL EXPRESS®

FAST RATE ENVELOPE ANY WEIGHT



UNITED STATES POSTAL SERVICE®

PRIORITY MAIL EXPRESS®



EI 921 419 512 US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT) PHONE [REDACTED]

Josh Kearney
[REDACTED ADDRESS]

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.
Delivery Options
 No Saturday Delivery (delivered next business day)
 Sunday/Holiday Delivery Required (additional fee, where available*)
*Refer to USPS.com® or local Post Office® for availability.

TO: (PLEASE PRINT) PHONE ()

Secretary
200 Madison Street
Jefferson City MO 63101

ZIP + 4® (U.S. ADDRESSES ONLY)
65101

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 insurance included.

PAYMENT BY ACCOUNT (if applicable)
Federal Agency Acct. No. or Postal Service™ Acct. No.

ORIGIN (POSTAL SERVICE USE ONLY)

<input checked="" type="checkbox"/> 1-Day	<input type="checkbox"/> 2-Day	<input type="checkbox"/> Military	<input type="checkbox"/> DPO
PO ZIP Code 63366	Scheduled Delivery Date (MM/DD/YY) 12/22/23	Postage \$ 28.75	
Date Accepted (MM/DD/YY) 12/21/23	Scheduled Delivery Time 5:00 PM	Insurance Fee \$	COD Fee \$
Time Accepted 8:40	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees 28.75	
Weight Flat Rate	Acceptance Engine Initials [Signature]	\$	

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY) 12/21/23	Time 2:00	Employee Signature [Signature]
Delivery Attempt (MM/DD/YY)	Time	Employee Signature

LABEL 11-B, NOVEMBER 2023 PSN 7590-02-000-6996

PEEL FROM THIS CORNER

Schedule free Package Pickup, scan the QR code.



USPS.COM/PICKUP



PS10001000006

EP13F July 2022
OD: 12 1/2 x 9 1/2



This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail Express® shipments. Misuses may be a violation of federal law. This package is not for resale. EP13F © U.S. Postal Service; July 2022; All rights reserved.

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 27th day of December 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 27, 2023

File/Case No. GC-2024-0172

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Joshua M. Kearney

Joshua Kearney
26B Joan Drive
Saint Peters, MO 63376
joshkearney.us@gmail.com

MO PSC Staff

Eric Vandergriff
200 Madison Street
Jefferson City, MO 65101
eric.vandergriff@psc.mo.gov

Spire

Matthew Aplington
700 Market Street
Saint Louis, MO 63101
matt.aplington@spireenergy.com

Spire

J. Antonio Arias
700 Market Street, 6th Floor
St. Louis, MO 63101
antonio.arias@spireenergy.com

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

Sincerely,



**Nancy Dippell
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.