

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

In the Matter of the Application of Spire)
Missouri, Inc. d/b/a Spire for a Variance) **Case No. GE-2023-0393**
of its Tariff Rules and Regulations for)
for Resale of Natural Gas)

**STAFF MOTION TO CONTACT PIPELINE AND
HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its *Motion To Contact PHMSA* hereby states:

1. On May 19, Spire Missouri Inc. d/b/a Spire filed its *Application* requesting a variance from its tariff provisions related to the resale of natural gas and a waiver of the 60-day notice rule in connection with the new KCI Airport terminal built by the City of Kansas City. Presently Staff is ordered to file its recommendation no later than March 13, 2024. The City of Kansas City has been joined as a party.

2. Spire's *Application* includes identification of 20 CSR 4240-24.017(1) and the specific tariff provision, both for which it requests a variance and identifies natural gas safety rules 20 CSR 4240-40.020 and 40.030. To certify that the City will comply with these rules, Spire provides the affidavit of Patrick Klein, the Director of Aviation for the City of Kansas City, attesting to recognize that the City must adhere to those rules and the Pipeline and Hazardous Materials Safety Administration (PHMSA) safety and reporting rules, as applicable. Staff has sought discovery from Spire and the City of Kansas City in an attempt to determine whether or not the natural gas distribution system at KCI Airport is a master meter as that term is contemplated in 20 CSR 4240-40.020 (1)(H) and 49 CFR Part 191.3, and in compliance with the pipeline safety

standards applicable to master meter systems in Commission rule 20 CSR 4240-40.030 and PHMSA rule 49 CFR Part 192.

3. The City of Kansas City has objected to many of Staff's data requests on the basis that the requests call for a legal opinion. Staff believes that the point of contention at this time is that the City does not agree with Staff that its system meets the definition of a Master Meter System in 20 CSR 4240-40.020 (1)(H) and 49 CFR Part 191.3. Because the Commission's definition of master meter system in 20 CSR 4240-40.020 is an adoption of the federal definition of a master meter system in 49 CFR 191, Staff requests to seek a formal interpretation of the federal rule.

4. Attached with this pleading is a draft letter to the Pipeline and Hazardous Materials Safety Administration requesting an interpretation of the natural gas system at KCI Airport. Staff now asks the Commission to either send this letter on behalf of the Missouri Public Service Commission or to permit Staff to do so. Staff is uncertain what the timeframe for such a determination from PHMSA will be, but believes this is the next natural step in this matter.

WHEREFORE, Staff prays that the Commission will accept this *Motion to Contact the Pipeline and Hazardous Materials Safety Administration*; will either send the letter on behalf of the Commission or order Staff to send the letter on its behalf; and provide such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Whitney Scurlock

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, to all parties or their representatives pursuant to the Service List maintained by the Commission's Data Center for this file, on this 29th day of December, 2023.

/s/ Whitney Scurlock



Missouri Public Service Commission

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Commissioner

December **X**, 2023

Mr. John A. Gale
Director, Office of Standards and Rulemaking
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
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John.Gale@dot.gov

Subject: Request for Written Regulatory Interpretation; Applicability of Definition of Master Meter System in 49 CFR 191.3 to the City of Kansas City Missouri Airport Terminal

Dear Mr. Gale:

The Staff of the Missouri Public Service Commission (“Staff”) is requesting an interpretation as to whether the Kansas City Airport (“KCI”) natural gas distribution system would be classified as a master meter system and subject to the requirements for master meter systems in 49 CFR Part 192. The following outlines the system in question:

1. KCI is an international airport operating in the City of Kansas City (“City”), in Platte County, Missouri.
2. The City constructed a new airport terminal, which opened on February 28, 2023.
3. During the construction process, Spire Missouri, operator of the local gas distribution system, provided natural gas service through a single large meter.
4. The City constructed natural gas distribution piping within the airport terminal to serve concessionaries within the new airport terminal.
5. The natural gas distribution piping installed by the City of Kansas City consists of both buried and above ground piping.

6. The buried piping is 6-inch diameter High Density Polyethylene (PE), connecting from the outlet of Spire Missouri's meter to the transition to steel prior to entering the new airport terminal.
7. Within the terminal the piping system consists of welded, threaded and mechanically joined steel pipe, ranging from 6-inch to 1-inch diameter at the various concession areas.
8. The City furnishes utilities, including natural gas, to food and beverage providers (Sublessees) renting space with the terminal.
9. Sublessees utilize natural gas for cooking food which is sold within the airport terminal.

For this system, Staff has the following questions:

1. Does this system meet the definition of Master Meter System in 49 CFR 191.3?
2. Would the applicability of the definition of Master Meter System be different under the following situations?
 - a. If the cost of gas is individually metered to the Sublessees?
 - b. If the cost of gas is prorated based on some factor (e.g. square footage) as opposed to metering?
 - c. If the cost of gas was not directly passed on to sublessees through metering or prorating but indirectly through rent of space?
 - d. If the City outsources management of the sublessees to another company, and that company recovers the cost of gas from the individual sublessees?