

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

Joshua Michael Kearney)	
)	
Complainant,)	
)	
v.)	File No. GC-2024-0172
)	
Spire Missouri Inc. d/b/a Spire,)	
)	
Respondent)	

**ANSWER TO AMENDED COMPLAINT AND
MOTION TO STRIKE**

COMES NOW Spire Missouri Inc. (“Respondent”) and submits its Answer to the Amended Complaint filed by Joshua Michael Kearney (“Complainant”) and submits its Motion to Strike Amendment 1 of the Amended Complaint, stating the following:

ANSWER

1. Respondent maintains its admissions and denials from its Answer filed on December 19, 2023.
2. Respondent denies that the relief requested in Complainant’s Amendment 1 is appropriate for reasons set forth below in Respondent’s Motion to Strike.

MOTION TO STRIKE

3. Under § 509.320 RSMo., “a party may move to strike any redundant, immaterial, impertinent, or scandalous matter from any pleading.”
4. In Amendment 1 of the Amended Complaint, Complainant states:

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. (sic) The complainant is requesting relief totaling \$49,000,000 USD for which the complainant can provide the Burden of Proof for 49 violations of failure to charge a just and reasonable rate.

5. Complainant relies on Natural Gas Act Sec. 22 (a), as well as Natural Gas Act Sec. 4 (a), in his Motion to Amend Complaint to support the request for relief, which are codified in the United States Code as 15 U.S.C.A. § 717t-1 (a) and 15 U.S.C.A. § 717c (a), respectively.

6. 15 U.S.C.A. § 717c (a) states that “all rates and charges made, demanded, or received by any natural-gas company...subject to the jurisdiction of the *Commission*...shall be just and reasonable.” (emphasis added). 15 U.S.C.A. § 717t-1 (a) states that “any person that violates this chapter, or any rule, regulation, restriction, condition, or order made or imposed by the *Commission* under authority of this chapter, shall be subject to a civil penalty of not more than \$1,000,000 per day per violation for as long as the violation continues.” (emphasis added).

7. However, these statutes, on their own, do not provide their purpose or the purpose Title 15, Chapter 15 B of the United States Code, which encompasses these two statutes. 15 U.S.C.A. § 717a (9) defines “*Commission*,” that is referred to in the two above statutes, as the Federal Power Commission, which has since been replaced by the Federal Energy Regulatory Commission. 15 U.S.C.A. § 717 (b) further states, generally, that the provisions of the chapter apply to the transportation and sale of natural gas in interstate commerce and shall not apply to “the local distribution of natural gas.” Therefore, the purpose of this is to govern both the Federal Energy Regulatory Commission and natural gas companies engaged in interstate commerce.

8. Respondent, Spire Missouri Inc., an intrastate, local natural gas distribution company, is not engaged in interstate commerce falling under the jurisdiction of the Federal Energy Regulatory Commission or the statutes referenced above. Moreover, its rates are set and its service is regulated by the Missouri Public Service Commission, not the Federal Energy Regulatory Commission. As such, applying 15 U.S.C.A. § 717t-1(a), the penalty provision cited by the Complainant to support his claim for \$49,000,000, or any other statute from Chapter 15B

would be flawed. Therefore, Complainant's Amendment 1 adding the claim for relief, which is supported by such statutes, is an immaterial matter subject to be stricken. Respondent moves to strike Complainant's Amendment 1.

WHEREFORE, Respondent respectfully requests that the Commission accept this Answer, grant this Motion to Strike, and order any other relief as is just and reasonable.

Respectfully submitted,

/s/ J. Antonio Arias

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ATTORNEYS FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all parties of record on this 4th day of January, 2024.

/s/ J. Antonio Arias

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