

**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)	

REPLY TO OPPOSITION TO MOTION TO STRIKE

COMES NOW Spire Missouri Inc. (“Respondent”) and submits its Reply to Complainant’s *Opposition to Motion to Strike* filed by Joshua Michael Kearney (“Complainant”), stating the following:

1. Respondent’s Motion to Strike stated that the Natural Gas Act found in Title 15, Chapter 15B of the United States Code does not apply to Respondent, and, as such, Complainant’s claim for relief relying on the penalty provisions of 15 U.S.C. § 717t-1 (a) of Chapter 15B should be stricken.

2. Complainant responded to the Motion to Strike, noting that Spire Missouri Inc. has an existing precedent agreement with Spire STL Pipeline LLC for interstate transportation service. Complainant relies on this agreement to argue that Respondent is engaged in interstate commerce making it subject to Title 15, Chapter 15B.

3. Respondent acknowledges its agreement with Spire STL Pipeline LLC. However, Chapter 15B, in 15 U.S.C. § 717(c), explicitly exempts Respondent from Chapter 15B. It specifically provides:

The provisions of this chapter shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such

State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this chapter by this subsection are declared to be matters primarily of local concern and subject to regulation by the several States.

Simply put, any person¹ engaged in the transportation of natural gas in interstate commerce is exempt from Chapter 15B if all natural gas received by such person is consumed within the state, provided that the rates and service of such person are subject to regulation by the state commission.

4. Complainant is correct: Respondent does engage in transactions to bring natural gas to the state of Missouri from outside of the state. However, the gas brought into the state of Missouri by Respondent is received at or within the Missouri state boundary and is for the consumption of its customers within the state. Spire Missouri Inc. has no customers outside of the state of Missouri. Moreover, the rates and service of Respondent are subject to regulation by the state commission, the Missouri Public Service Commission. Under 15 U.S.C. § 717(c), Respondent is in fact exempt from Chapter 15B, which includes 15 U.S.C. § 717t-1 (a) that Complainant relies for the claim for relief in his Amendment 1. Again, Complainant's Amendment 1 should be stricken.

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

¹ Under 15 U.S.C. § 717a (1) person is defined as an "individual or corporation."

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 8th day of January, 2024.

/s/ J. Antonio Arias

J. Antonio Arias