

**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	)	<b><u>Case No. GE-2023-0393</u></b>
of its Tariff Rules and Regulations for	)	
Resale of Natural Gas	)	

**STAFF’S RESPONSE TO THE MOTION OF THE CITY OF  
KANSAS CITY, MISSOURI, TO CONTACT PIPELINE AND  
HAZARDOUS MATERIALS SAFETY ADMINISTRATION DIVISION AND TO  
PROVIDE INFORMATION TO PIPELINE AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response to the Motion of the City of Kansas City, Missouri, to Contact Pipeline and Hazardous Materials Safety Administration Division and to Provide Information to Pipeline and Hazardous Materials Safety Administration Division*, and hereby states:

1. On May 19, 2023, Spire Missouri Inc. d/b/a Spire filed an application requesting a variance from the resale provision of its tariff rules and regulations.
2. The Commission opened Case No. GE-2023-0393, and directed the Staff of the Commission to file a recommendation with regard to Spire’s application. The variance involves the City of Kansas City, Missouri (“City”), which has been joined as a party to the case. Specifically, the variance would apply to the Kansas City International Airport (“KCI”).
3. On December 29, 2023, Staff filed its *Motion* to Contact the Pipeline and Hazardous Materials Safety Administration Division (“PHMSA”). Staff requested authority from the Commission to seek from PHMSA a formal interpretation of a federal rule and attached a draft letter to PHMSA to its *Motion*.

4. Ten days were allowed for responses to the Staff Motion. No responses were received.

5. On January 18, 2024, the Commission granted Staff's *Motion*, and authorized Staff to send its draft letter to PHMSA. The Commission also directed that Staff file a status report indicating when it expects to receive an answer from PHMSA no later than February 20, 2024; and that Staff file a copy of the letter it sent and any response received.

6. On January 19, 2024, Staff sent its letter to PHMSA requesting an interpretation.

7. On February 16, 2024, Staff filed its Status Report as a Response to Commission Order. A copy of the January 19, 2024, letter Staff sent to PHMSA was included as an attachment to the Staff Response to Commission Order filed on February 16, 2024.

8. On March 7, 2024, the City filed its *Motion* for leave to contact PHMSA to provide factual information and documentation that would assist PHMSA in its determination.

9. Contrary to statements made in the City's *Motion*, Staff did not include any reference in its letter of January 19 to any past statements by the City. The City has not identified any factual errors in Staff's letter of January 19 to PHMSA.

10. Staff's letter of January 19 to PHMSA seeks PHMSA's interpretation of the applicability of PHMSA's regulations regarding master metering to the City's natural gas system at KCI; the letter did not state either Staff's opinion, or the City's opinion regarding the applicability of those rules. Neither does Staff seek an opinion as to whether or not

the City's natural gas system is in compliance with the requirements of the Commission's rules pertaining to master meter systems in 20 CSR 4240-40.030, or any other state or local regulations.

11. Staff has requested factual information from the City pertaining to the design and construction of the City's natural gas system, as well as its procedures applicable to operations, maintenance, emergency response and leak investigation and repair. The City has frequently objected to Staff's data requests.

12. Staff is concerned that, whether or not it is the City's intention, the City's interjection of its legal opinions to PHMSA at this time may negatively affect the timely receipt of an unbiased interpretation from PHMSA in this matter. Staff is also concerned, based on Paragraph 5 of the City's motion, that the City may have information pertaining to this Case that it has not provided to the Commission Staff.

13. Staff therefore recommends that the Commission deny the City's *Motion* on the grounds that the City has not identified any errors or omissions within Staff's letter of January 19, 2024, that would prevent PHMSA from providing an unbiased interpretation of its rule definition.

14. In the event the Commission grants the City's *Motion*, Staff recommends that the Commission order the City to file a copy of all information it provides to PHMSA concurrently in this docket.

**WHEREFORE**, having responded fully to the City's *Motion*, Staff recommends that the Commission **DENY** the same; and grant such other and further relief as is appropriate in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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Missouri Public Service Commission

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served upon every party to this docket pursuant to the Service List maintained by the Commission's Data Center, either electronically or by First Class United States Mail, postage prepaid, **on this 12<sup>th</sup> day of March, 2024.**

/s/ Kevin A. Thompson