

**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)
of its Tariff Rules and Regulations for)
Resale of Natural Gas)

Case No. GE-2023-0393

STAFF’S SURRESPONSE TO THE CITY OF KANSAS CITY, MISSOURI

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Surrespnse to the City of Kansas City, Missouri*, 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. On March 12, 2024, Staff filed its *Response* to the City's *Motion*.

10. The City replied to Staff on March 13, 2024.

11. Staff believes it is necessary to respond to the allegation of Paragraph 7 in the City's *Reply*, to-wit: "It is the position of the City that there are numerous master meter gas facilities located throughout Missouri - - for example including those located at mobile home parks, office building complexes, and business and education campuses - - and that to the best of the knowledge of the City, in no instance has the Staff sought an interpretation from PHMSA that the master meters are subject to federal regulation."

Staff responds that there are indeed other jurisdictional master meter systems in Missouri, which are generally brought to Staff's attention by the local gas distribution companies ("LDCs") providing gas to the systems. When Staff is notified of a potential master meter system operator, Staff performs a site visit to evaluate if it meets the

regulatory definition of a master meter system in 20 CSR 4240-40.020 (corresponding to the federal definition in 49 CFR 191.31). For those systems that do meet the definition, Staff performs safety inspections.

Staff has not previously sought an interpretation from the Pipeline and Hazardous Materials Safety Administration Division (“PHMSA”) because, in these previous instances, the operators of the master meter systems have not disagreed that they are such. In the present case, the City denies that its system at KCI is a master meter system. The parties now await the interpretation of PHMSA as to whether or not the City is operating a master meter system at KCI.

WHEREFORE, Staff prays the Commission will accept its *Surreponse* filed herein; and grant such other and further relief as is appropriate in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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¹ Master Meter System means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents;

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 13th day of March, 2024.**

/s/ Kevin A. Thompson