

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day of
March, 2024.

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) **File No. GE-2023-0393**
of Natural Gas)

ORDER GRANTING REQUEST TO CONTACT PHMSA

Issue Date: March 27, 2024

Effective Date: March 27, 2024

On December 29, 2023, the Staff of the Commission (Staff) filed a request to contact the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) about whether the natural gas distribution system at the City's airport, Kansas City International Airport (KCI), meets the definition of a master meter system in Commission Rule 20 CSR 4240-40.020(1)(H) and federal regulation 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 requested authority to seek a formal interpretation of the federal rule. No party objected or responded to Staff's request. The Commission approved Staff's request to contact PHMSA on January 18, 2024, and directed Staff to file a copy of the letter sent to PHMSA as well as any response it received.

On March 7, 2024, the City of Kansas City¹ (City) filed a motion (Motion) seeking authority to also contact PHMSA. The Motion took issue with several points of phrasing from the Staff motion of December 13, 2023, and restated its position that the PHMSA regulations regarding master metering are not applicable to the City in the circumstances described.

On March 12, 2024, Staff responded to the City's motion. Staff responded that the letter sent to PHMSA did not include any reference to any past statements by the City. Staff states that its letter sought PHMSA's interpretation of the applicability of PHMSA's regulations regarding master metering to the City's natural gas system at KCI, and did not state either Staff's opinion, or the City's opinion regarding the applicability of the master meter rules.

Staff raises two concerns in objecting to the City's request. Staff is concerned that the City's communication with PHMSA at this time may negatively affect the timely receipt of an unbiased interpretation from PHMSA. Staff also expressed its concern that the City may have information that it has not provided to the Commission Staff.

On March 13, 2024, the City responded to Staff's concerns. The City states that there is no basis in fact or law to support the position that the provision of information by the City to PHMSA would negatively affect the timely receipt of an unbiased interpretation from PHMSA. The City affirmatively states that it will provide all information to the Staff that it provides to PHMSA. The City also affirmatively states that it has provided all information in its possession that has been requested, and will continue to do so.²

¹ *Order Granting Intervention*, issued July 13, 2023.

² The City's Motion included a comment regarding Staff's investigation of other types of master meter gas facilities. On March 13, 2024, Staff filed a response regarding its investigation into other types of master meter gas facilities. These statements are not being considered in this order.

The Commission finds the City's Motion to be reasonable and will grant it. The Commission will also direct the City to file in this docket a copy of any communication it has with, or receives from, PHMSA.

THE COMMISSION ORDERS THAT:

1. The City's Motion is granted. The City shall file a copy of any communication it has with PHMSA, including communications sent or received.
2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Rupp, Coleman, Holsman
and Kolkmeier CC., concur.

Hatcher, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 27th day of March 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 27, 2024

File/Case No. GE-2023-0393

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.