

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22<sup>nd</sup> day of May, 2024.

Joshua M. Kearney, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 Spire Missouri, Inc. d/b/a/ Spire, )  
 )  
 Respondent. )

**File No. GC-2024-0172**

**ORDER SETTING PROCEDURAL SCHEDULE AND GRANTING  
MOTION TO AMEND COMPLAINT**

Issue Date: May 22, 2024

Effective Date: May 22, 2024

On November 17, 2023, Joshua M. Kearney filed a formal complaint with the Commission.

On December 26, 2023 the Complainant filed a Motion to Amend the complaint. On April 4, 2024 the Complainant filed a second amended Formal Complaint. There were no responses to the second amended Formal Complaint. The Commission grants the second request to amend the Formal Complaint.

On April 4, 2024, the Commission issued an Order directing the filing of procedural schedules by the parties. On April 12, 2024, Spire Missouri, Inc. d/b/a/ Spire filed a procedural schedule. On May 9, 2024, Staff filed a procedural schedule and on May 13, 2024, the Complainant filed their procedural schedule. The Commission has considered the remaining procedural dates and procedures proposed by Complainant, Spire, and Staff and adopts the following schedule:

**THE COMMISSION ORDERS THAT:**

1. The second motion to amend the Complaint is granted.
2. The following procedural schedule is established:

Direct Testimony	June 5, 2024
Last Day to Request Discovery	June 12, 2024
Exhibit List	June 17, 2024
List of Issues, Order of Opening Statements, Witnesses and Cross-Examination	June 18, 2024
Position Statements	June 25, 2024
Evidentiary Hearing	August 7, 2024
Post Hearing Brief	September 9, 2024

3. The Commission will hold an evidentiary hearing on August 7, 2024. The hearing will begin at 9:00 a.m. on August 7, 2024. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. The parties shall comply with the following procedural requirements:

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

(b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in

which they will be called, and the order of cross-examination for each witness. The Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(e) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit at the hearing. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each Commissioner, the presiding officer, and counsel for each other party.

(f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.

(g) Public documents filed in the Commission's Electronic Filing and Information System (EFIS) shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding data requests issued via EFIS, if the description contains confidential

information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

(i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.

(j) Any pending written discovery motion may be taken up at a prehearing conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(k) Exhibit numbers are assigned as follows:

Kearney	1-99
Spire	100-199
Staff	200-299

(l) Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public Exhibit 2 would be marked as Exhibit 2, whereas the confidential version of Exhibit 2 would be marked as Exhibit 2C.

(m) Each party shall prepare a list of its pre-filed, pre-marked exhibits and file a copy of that list in the EFIS file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

5. This order is effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

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

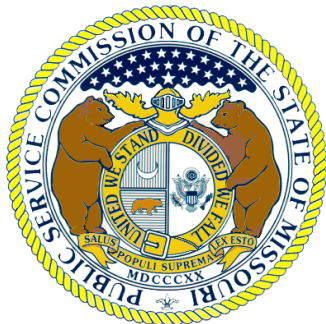
Karolin S. Walker, Regulatory Law Judge

**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 22<sup>nd</sup> day of May 2024.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**May 22, 2024**

**File/Case No. GC-2024-0172**

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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**

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