

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Amendment of the            )  
Commission’s Rule Regarding                    )  
Stipulations and Agreements                    )        **File No. OX-2024-0255**

**COMMENTS OF SPIRE MISSOURI**

COMES NOW Spire Missouri (“Spire”), and for its Comments on the Missouri Public Service Commission Staff (“Staff”) draft of a proposed new rule regarding stipulations and agreements, states as follows:

1.       On March 22, 2024, a *Notice Opening File* was issued opening this case. On March 27, 2024, the Missouri Public Service Commission (“Commission”) issued its *Finding of Necessity and Order Directing that the Proposed Rule Amendments Be Filed for Publication*. A draft of the rules and amendments were filed with the Missouri Secretary of State’s Office the same day, and filed on the Commission’s Electronic Filing and Information System (“EFIS”).

2.       On May 1, 2024, the draft rule was published in the Missouri Register with a date for submission of comments to the Commission of May 31, 2024.

3.       On May 2, 2024, the Commission issued its *Notice of Rulemaking Hearing*, establishing a hearing regarding the proposed amendment of 20 CSR 4240-2.115 for June 4, 2024.

4.       Spire appreciates the efforts that the Commission and its Staff have taken to amend this regulation to further encourage stipulations and agreements. Spire is in support of the amendment to 20 CSR 4240-2.115.

5.       Spire would also suggest that the Commission further strengthen its amendment to 20 CSR 4240-2.115 by adding language that would prohibit objections to a stipulation for any reason regarding which the objecting party has not previously filed testimony in the case or have witnesses in the case.

6. Spire's suggested language, in bold and underlined, is the following: :

**20 CSR 4240-2.1115 Stipulations and Agreements.** The commission is amending section (2).

(2) Nonunanimous Stipulations and Agreements.

(B) Each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement. **The objecting party shall state with specificity the basis for the objection, and the specific provisions of the stipulation and agreement that are objected to. Furthermore, the objecting party may not object to issues that it has not previously raised in its testimony.** Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing.

7. This additional language would further encourage parties to move forward with stipulations and promote good faith negotiations. The current process allows parties to hold out and not state their positions through the procedural process in testimony, which may be unproductive and unfair to parties that have negotiated and worked in good faith to reach a resolution.

8. Going along with the spirit of entering into stipulations and agreements, Spire would also suggest including language to 20 CSR 4240-2.115 that would provide greater deference to nonunanimous stipulations to which a majority of the parties, including Commission Staff and utilities, are signatories. The current rules lock signatories into the stipulated position but give no extra weight to the fact that a majority of the rate case parties believe that the stipulation is the appropriate result. Instead, the stipulated position rests on equal footing as a single objector's position, which is unfair to the signatories of the stipulation.

9. A suitable place for this language would be in 20 CSR 4240-2.115(d). Suggested language, in bold and underlined, might be:

(D) A nonunanimous stipulation and agreement to which a timely objection has been filed shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. **However, a nonunanimous stipulation and agreement that has the majority of parties as signatories, including commission staff and the company or utility, shall be given greater deference over any objections by the remaining party(ies).** All issues shall remain for determination after hearing.

WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Commission accept these comments for consideration in determining the next steps regarding the proposed rule revisions.

Respectfully submitted,

*/s/ Sreenivasa Rao Dandamudi*

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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 individuals on the service list of record on this 31st day of May, 2024.

*/s/ Julie Johnson*

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Julie Johnson