

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 20th day of June, 2024.

Marquette Lumumba Mugabe Bey,)	
)	
Complainant,)	
)	<u>File No. GC-2024-0290</u>
v.)	
)	
Spire Missouri d/b/a/ Spire)	
)	
Respondent.)	
)	

ORDER DISMISSING CASE

Issue Date: June 20, 2024

Effective Date: July 20, 2024

On April 3, 2024, Marquette Lumumba Mugabe Bey (Complainant) filed a formal complaint pursuant to Commission Rule 20 CSR 4240-2.070 against Spire Missouri Inc. d/b/a Spire (Spire). The complaint alleges Spire has violated numerous federal laws and the Uniform Commercial Code. On April 23, 2024, and June 11, 2024, the Complainant filed additional documents that also cited federal laws, federal cases and the uniform commercial code as the basis for the complaint.

On April 8, 2024, the Commission issued an order directing an answer to the complaint. On May 8, 2024, Spire filed a motion to dismiss. On May 23, 2024, Staff filed a report which said the complaint did not identify any violation of Commission rules or any matter over which the Commission has jurisdiction and Staff recommended the complaint be dismissed for failure to state a claim upon which relief can be granted.

Spire states in their motion to dismiss that the Complainant has not established that Spire violated any, “rule or order or decisions of the Commission.” Spire further states that the Complainant has alleged no facts demonstrating a violation of any law, rule, order, decision of, or within the jurisdiction of the Commission; but instead alleges violations of applicable law outside of the jurisdiction of the Commission. Spire specifically notes the Complainant has alleged violations of the Uniform Commercial Code and federal provisions of the law. Spire said the Commission must grant its motion to dismiss because Complainant failed to state a claim upon which relief can be granted.

The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto.¹ Further, Section 386.390.1, RSMo (Supp. 2023) provides that the Commission shall hear complaints regarding “a violation, of any provision of law, or of any rule or order or decision of the commission.”

Commission Rule 20 CSR 4240-2.070(7) states that the Commission may after notice dismiss a complaint for failure to state a claim on which relief may be granted or for failure to comply with any provision of these rules or an order of the Commission. Section 386.390.1 says that the Commission shall hear complaints regarding, “a violation, of any provision of law, or of any rule or order or decision of the commission”.²

In this case, the Complainant does not allege that Spire violated any law, rule, or order or decision of the Commission. The Complainant also does not allege any violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction.

¹ See, e.g., *State ex. rel. City of St. Louis v. Missouri Public Service Comm’n*, 73 S.W.2d 393, 399 (Mo. banc 1934); *State ex. rel. Kansas City Transit, Inc. v. Public Service Comm’n*, 406 S.W.2d 5, 8 (Mo. 1966); *State ex rel GS Technologies Operating Co. v. PSC of Mo.*, 116 S.W.3d 680, 696 (Mo. App. 2003).

² Section 386.390.1 RSMo (2016).

Rather, the Complainant alleges only that Spire violated several federal laws including the Uniform Commercial Code. The Commission finds the complaint does not allege any facts upon which relief may be granted. The Commission further finds that because the complaint alleges no claim for which relief may be granted and no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction, good cause exists to dismiss the complaint under 20 CSR 4240-2.070(7). The Commission will grant Spire's motion to dismiss.

Under Commission Rule 20 CSR 4240-2.070(14), the regulatory law judge shall cause the parties to be notified that the dismissal of the complaint will be final unless an application for rehearing is filed. The application for rehearing must be filed with the Commission before the effective date of this order, which is July 20, 2024.³

If the Commission denies the application for rehearing, the parties then have 30 days after the denial is issued to file an appeal with the court of appeals.⁴ If the Commission grants the application for rehearing, then the Commission will order appropriate actions at that time.

THE COMMISSION ORDERS THAT:

1. The complaint filed on April 3, 2024, is dismissed.
2. The motion to dismiss filed by Spire on May 8, 2024 is granted.
3. If the Complainant wishes to request a rehearing by the Commission, such request must be filed before July 20, 2024.

³ Section 386.500, RSMo (2016) and Section 386.515, RSMo (Supp. 2023).

⁴ Section 386.510, RSMo (Supp. 2023).

4. This order shall be effective on July 20, 2024.



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 20th day of June 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 20, 2024

File/Case No. GC-2024-0290

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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.