

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

Kyland Powell	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2025-0021
	)	
Spire Missouri Inc. d/b/a Spire,	)	
	)	
Respondent	)	

**RESPONSE SUPPORTING STAFF’S MOTION TO DISMISS**

COMES NOW Spire Missouri Inc. (“Respondent”) and respectfully submits *Response Supporting Staff’s Motion to Dismiss*, stating the following:

1. On July 17, 2024, Kyland Powell (“Complainant”) filed a *Formal Complaint* (the “Complaint”) with the Missouri Public Service Commission (“Commission”) alleging Respondent violated various federal laws, the Uniform Commercial Code, and other statutes in refusing his tender of payment.

2. On July 22, 2024, Staff of the Commission (“Staff”) filed *Staff’s Motion to Dismiss* (“Motion”), explaining that the Commission does not have the jurisdiction to enforce the federal statutes or Missouri statutes that Complainant alleges Respondent has violated. Staff also concluded that the document that Complainant has filed with his Complaint does not qualify as a draft under Missouri law and does not meet the legal standards of a negotiable instrument, and that Complainant has not alleged any other facts, which if true, would be within the Commission’s jurisdiction or allow the Commission to grant any relief requested by Complainant.

3. Respondent agrees with and supports Staff’s Motion. The primary issue in Complainant’s Complaint is that Respondent has rejected Complainant’s form of payment, which was Complainant’s gas bill endorsed and sent back to Respondent. The bills that Respondent sends

to its customers for natural gas service are not negotiable instruments or a form of payment. The Commission has defined a payment in 20 CSR 4240-13.015(1)(V) as “cash, draft of good and sufficient funds, or electronic transfer[.]” A utility bill is not a form of payment included in this definition. Additionally, the Commission does not have jurisdiction to hear violations of the federal and state laws alleged by Complainant, as noted by Staff. For the reasons set forth in Staff’s Motion, it is appropriate for the Commission to dismiss the Complaint.

4. Respondent also agrees with Staff’s recommendation that the Commission suspend Respondent’s obligation to file an answer to this Complaint pending a decision on Staff’s Motion.

**WHEREFORE**, Respondent respectfully requests that the Commission accept this Response, grant Staff’s Motion, and order any relief as is just and reasonable.

Respectfully submitted,

*/s/ J. Antonio Arias*

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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 either by mail or electronic mail to all parties of record on this 25<sup>th</sup> day of July, 2024.

*/s/ J. Antonio Arias*

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J. Antonio Arias