

FILED

OCT 16 2024

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

Missouri Public
Service Commission

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

Christopher Vincent Modzeleski
(Your name here)

Complainant,

v.

Spire Missouri Inc.
(Utility's name here)

Respondent,

File No.

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

(Address of complainant)

(City)

(State)

(Zip Code)

2. The utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

b. A different address:

(Address where service is provided, if different from Complainant's address)

(City)

(State)

(Zip Code)

3. Respondent's address is:

700 Market Street,

(Address of complainant)

St. Louis

(City)

Missouri

(State)

63101-1829

(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$

(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

Complainant is seeking to recover in damages resulting from Spire Missouri Inc.'s negligent behavior and failure to follow governing Missouri laws and regulations.

Complainant is seeking that the Commission award this amount in damages to him.

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

Failure to Notify of Service Termination (Chapter 393 RSMo)

Duty to Notify under Missouri Code (4 CSR 240-13)

Gross Negligence Leading to Property Damage

Please see attached explanation.

8. The Complainant has taken the following steps to present this matter to the Respondent:

(Please describe in detail what steps you have already taken to resolve this complaint.)

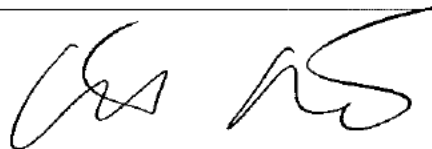
Complainant has contacted Spire Missouri Inc. via email to attempt to resolve this matter informally on August 22, 2023
Complainant then sent a formal demand letter on October 26, 2023.
Complainant filed a small claims suit against Spire Missouri Inc. on November 16, 2023 (23VE-CV00769 - CHRISTOPHER MODZELESKI V SPIRE MISSOURI, INC). This was heard on January 8, 2024.
This was dismissed *without* prejudice. Notably, the Honorable Judge Fisher in his decision wrote, "Court finds that this matter is under to purview of the Missouri Public Service Commission and that all administrative remedies must be sought prior to suit." Therefore, the next appropriate step is to submit this complaint.

10/8/2024

Date

Complainant's Phone Number

Alternate Contact Number



Signature of Complainant

Christopher Vincent Modzeleski

Complainant's Printed Full Name

Complainant's E-mail Address

*Attach additional pages, as necessary. Attach **copies** of any supporting documentation. Do **not** send **originals** of any supporting documentation.*

October 8, 2024

Subject:

Demand for Damages Resulting from Spire's Failure to Provide Timely Notice of Gas Service Termination at [REDACTED]

To:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

Complainant:

Christopher Vincent Modzeleski
[REDACTED]

Respondent:

Spire Missouri Inc.	Registered Agent: Incorp Services, Inc.
Attention: Legal Department	2847 S. Ingram Mill Rd.
700 Market St	Suite A100
Saint Louis, MO 63101-1829	Springfield, MO 65804

I, Christopher Modzeleski, the owner of [REDACTED], am submitting a formal demand for damages caused by Spire Missouri Inc's failure to notify me of the termination of gas service at [REDACTED] in violation of our "Revert to Owner" (RTO) agreement, resulting in extensive property damage.

Incident Overview

On December 24, 2022, a burst pipe caused significant water damage in Apartment 1C due to freezing temperatures. This could have been mitigated had heating been available. On January 16, 2023, a representative from Spire informed me that gas service to [REDACTED] had been terminated in July 2022. However, I was not notified at the time of the disconnection, nor was I informed when the RTO agreement for [REDACTED] was established on September 1, 2022, a clear violation of procedural RTO obligations.

Violation of Missouri Utility Regulations

Under Missouri PSC regulations, a utility provider must comply with clear notification procedures when gas services are terminated, especially in the context of landlord agreements. As of September 1, 2022, I had established an RTO agreement for all my properties, including [REDACTED]. This agreement ensures that utility services are automatically transferred to the landlord's account when a tenant discontinues service.

Failure to notify the property owner of an inability to execute such an agreement constitutes a breach of Missouri state laws regarding utility provider duties under Chapter 393 RSMo, governing gas corporations.

Evidence of Revert to Owner (RTO) Agreement and Spire's Negligence

On September 1, 2022, I received confirmation from Spire that the RTO agreement was in place (See Figure 1).

An inquiry I submitted on February 15, 2023, further confirmed that the RTO account was active for all 12 properties, including [REDACTED] (See Figure 3).

Despite this, no notification was provided when gas service remained inactive at [REDACTED], which directly contributed to the burst pipe and subsequent damage.

Spire's failure to notify me of the inactive service upon receiving the RTO request is a violation of Missouri PSC rules regarding utility notifications (4 CSR 240-13). Spire had a duty to communicate that the RTO agreement could not be executed due to the prior termination of service in July 2022. This duty has been demonstrated in communications with other customers, and the omission here constitutes gross negligence.

Please find the damages listed on the following page.

Damages Incurred

A	01/03/2023	██████████	Electrical Corporation of America Electrical Inspection by Licensed Electrician To Ensure Wiring Was Safe Before Restoring Power
B	12/28/2023	██████████	Paul Heydon Repairs
C	01/02/2023	██████████	Paul Heydon Pipe Repairs
D	01/04/2023	██████████	Blue River Maintenance Water Extraction
E	01/11/2023	██████████	Kenneth And Sons Contracting New Flooring Due to Water Intruding Under The Vinyl Plank
F	01/14/2023	██████████	Mold Busters Mold Test
G	01/17/2023	██████████	Kade Cleaning Systems Mold Remediation
H	03/03/2023	██████████	Blue River Maintenance Sheetrock Repairs from Openings Made To Access Plumbing
I	01/27/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
J	02/21/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
K	03/28/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
L	04/24/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
M	05/23/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
N	06/23/2023	██████████	Spire - Gas Service During Vacancy of ██████████ In Name of Christopher Modzeleski
O	January 2023	██████████	Lost Rent Due to Vacancy ██████████ (January 2023) 1 From 01/20/2023 – 01/31/2023 (\$675/month * 11/31)
P	February 2023	██████████	Lost Rent Due to Vacancy ██████████ (February 2023) From 02/01/2023 – 02/28/2023 (\$675/month)
Q	March 2023	██████████	Lost Rent Due to Vacancy ██████████ (March 2023) From 03/01/2023 – 03/31/2023 (\$675/month)
R	April 2023	██████████	Lost Rent Due to Vacancy ██████████ (April 2023) From 04/01/2023 – 04/30/2023 (\$675/month)
S	May 2023	██████████	Lost Rent Due to Vacancy ██████████ (May 2023) From 06/01/2023 – 05/31/2023 (\$675/month)
T	June 2023	██████████	Lost Rent Due to Vacancy ██████████ (June 2023) From 06/01/2023 – 06/09/2023 (\$675/month * 9/30)
U	June 2023	██████████	Andrew Kogan, Elite Properties ██████████ Leasing Fee for ██████████ To Property Manager
		██████████	Total

Total damages: ** ██████████ **

Specific Violations and Legal Considerations:

1. **Failure to Notify of Service Termination (Chapter 393 RSMo):**
Spire's failure to notify the Complainant of the termination of gas service upon disconnection in July 2022, and again after receiving the Revert to Owner (RTO) agreement in September 2022, constitutes a violation of Missouri's regulations under Chapter 393 RSMo. These regulations govern the duties of utility companies to provide notice and maintain services for landlords who have entered into reversion agreements, ensuring continuity of service upon tenant disconnection.
2. **Duty to Notify under Missouri Code (4 CSR 240-13):**
Missouri utilities are obligated to inform landlords when a requested service, such as an RTO agreement, cannot be executed. In this case, Spire's failure to notify the Complainant represents a breach of this statutory duty, particularly given that Spire had demonstrated adherence to this duty in similar circumstances with other customers. The failure to follow the notification protocol underlines Spire's negligence in handling the service agreement for the Complainant's property.
3. **Gross Negligence Leading to Property Damage:**
Spire's actions qualify as gross negligence under Missouri law due to the foreseeable and preventable consequences of allowing gas service to remain inactive, leading to a lack of heating during freezing temperatures. This failure directly contributed to substantial property damage, for which Spire is liable under Missouri negligence laws.

Demand for Compensation

I am formally requesting that Spire remit [REDACTED] to cover the full cost of damages resulting from its failure to properly execute and notify me regarding the RTO agreement. Under Missouri law (Chapter 386.390 RSMo), any person injured by a public utility's unlawful or negligent acts has the right to seek compensation. Given the overwhelming evidence of Spire's negligence and the resultant damages

Complainant requests that payment by Spire Missouri Inc. remit payment to the following address:
Christopher Modzeleski

[REDACTED]

Thank you.

Sincerely,



Christopher Vincent Modzeleski

[REDACTED]

Figure 1 – Revert to Owner Request

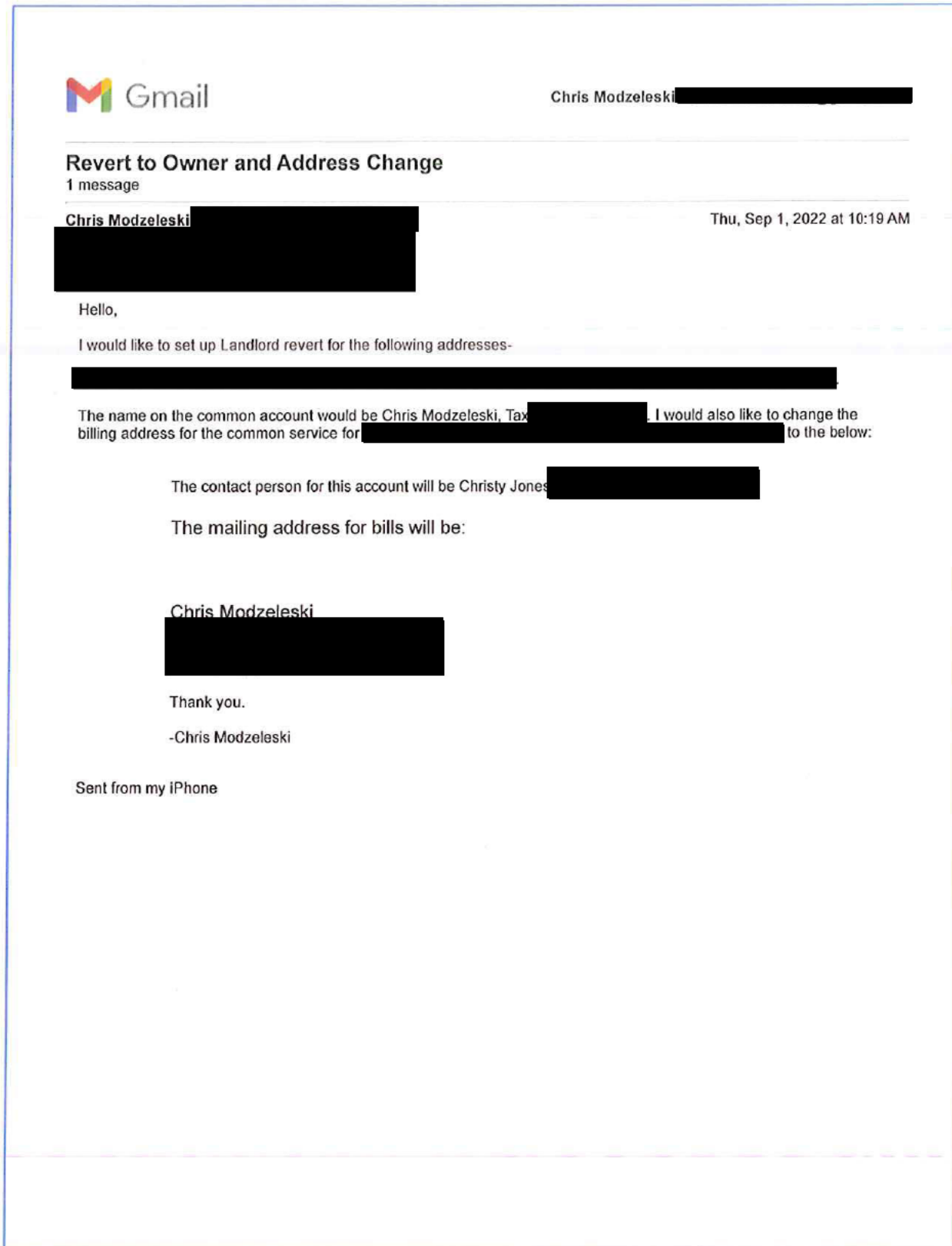
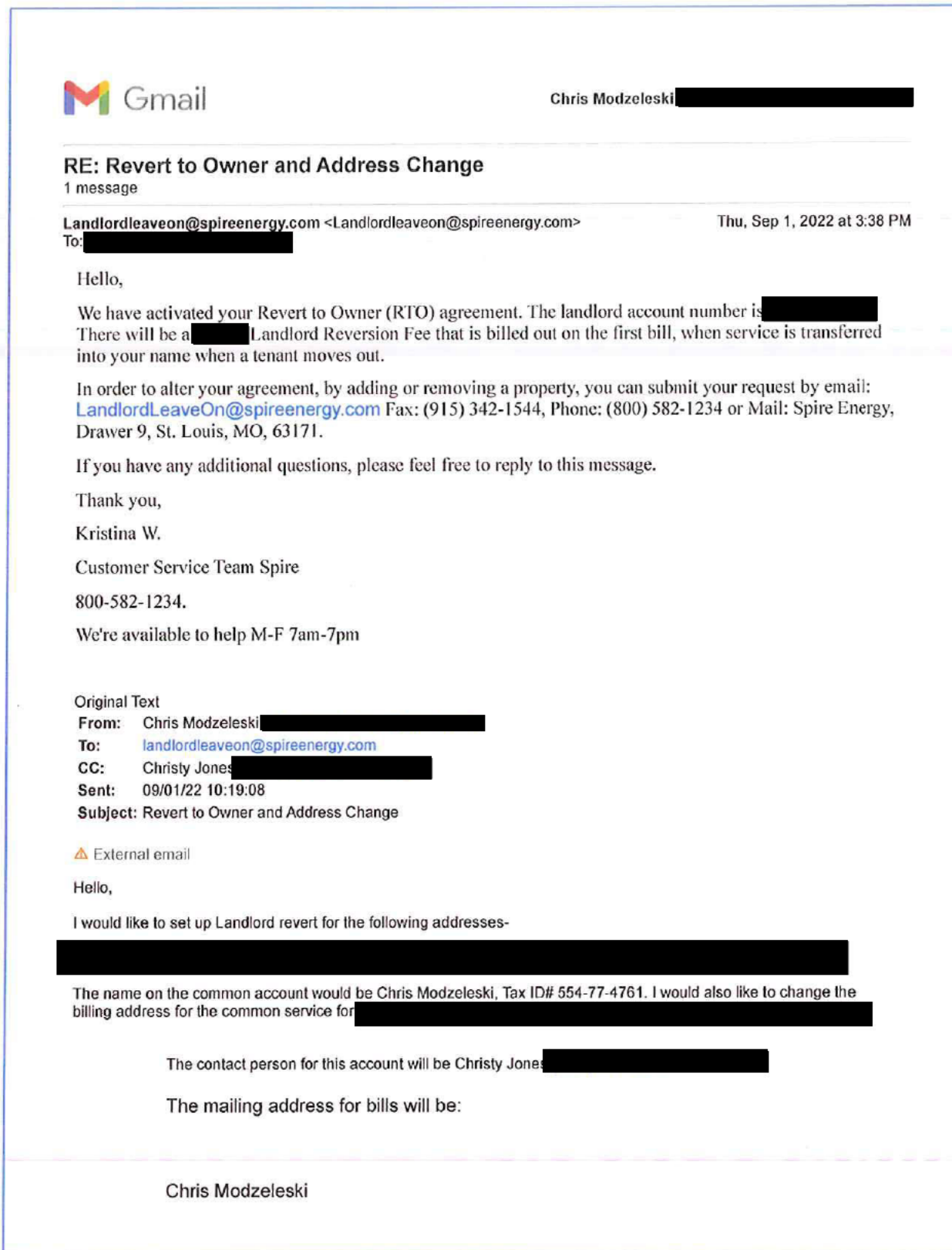


Figure 2 – Spire Revert to Owner Confirmation





Thank you.

-Chris Modzeleski

Sent from my iPhone

Figure 3 – Confirmation of Landlord Revert/Revert to Owner (RTO)





Thank you.

-Chris Modzeleski

Sent from my iPhone

Figure 4 – Spire Landlord Revert Standard Practice

Note that this does not involve complainant's property but demonstrates that this is Spire's standard practice.

From: Christy Jones [REDACTED]
Subject: Fw: JTMS LLC Landlord Reversion forms
Date: September 1, 2022 at 2:03 PM
To: [REDACTED]
Cc: [REDACTED]

FYI

We are here to help. Please let us know if you have any questions or if we can assist you in any way. You May also call our office Monday through Friday excluding holidays from 9 a.m. to 5p.m. A CJ Real Estate representative will be happy to assist you!

Sincerely,
Christy Jones
CJ Real Estate, Inc.
Blue River Maintenance, LLC [REDACTED]
Corporate Office Mailing Address
[REDACTED]

Main Office [REDACTED] Ext. 127
Fax 816-224-7921
[REDACTED]

Serving Missouri, Kansas, and Florida.
"Commitment to Excellence in Customer Service"

From: Landlordleaveon@spireenergy.com <Landlordleaveon@spireenergy.com>
Sent: Thursday, September 1, 2022 1:52 PM
To: Christy Jones [REDACTED]
Subject: RE: JTMS LLC Landlord Reversion forms

Hello,

We have activated your Revert to Owner (RTO) agreement. The landlord account number is [REDACTED]. There will be a [REDACTED] Landlord Reversion Fee that is billed out on the first bill, when service is transferred into your name when a tenant moves out. Please provide the W9 Form.

We switched service for the following properties over into JTMS, LLC:

[REDACTED] we had to contact our sales department to have service started because there is no service point to cut gas on. Someone from our sales department will contact you.

[REDACTED] start service as of 09-13-22. The account number is [REDACTED]

[REDACTED] we had to contact our sales department to have service started because there is no service point to cut gas on. Someone from our sales department will contact you.

5412 MICHIGAN AVE active as of 09-01-22. The account number is [REDACTED]

[REDACTED] on 09-06-22 between [REDACTED]. The account number is [REDACTED]

Please provide lockbox code if applicable.

[REDACTED] start service as of 09-08-22. The account number is [REDACTED]

In order to alter your agreement, by adding or removing a property, you can submit your request by email: LandlordLeaveOn@spireenergy.com Fax: (915) 342-1544, Phone: (800) 582-1234 or Mail: Spire Energy, Drawer 9, St. Louis, MO, 63171.

If you have any additional questions, please feel free to reply to this message.

Thank you,

Kristina W.

Customer Service Team Spire

800-582-1234.

We're available to help M-F 7am-7pm

Original Text

From: Christy Jones [REDACTED]
To: landlordleaveon@spireenergy.com
CC: Heather Lee [REDACTED]
Sent: 08/31/22 17:22:56
Subject: JTMS LLC Landlord Reversion forms

External email

Dear Customer Service,

We have taken over property management for this owner mentioned above.

Attached is the landlord reversion forms along with the property listing total properties we want on the revert to owner contract and the vacancies we have currently that we need to make sure that has service on or get started , we are requesting for Landlord reversion set up. Photo ID, Management agreement, Warranty Deed are available per your request : Heather from our office has the management agreement once it is uploaded in system i can send that to you
Property: (Address) Vacant

[REDACTED]
If you need to have us meet your technician at the property for gas turn on please call a head 30 minutes to Jim Jones Cell phone [REDACTED]

Please expedite to make sure there is no lapse in service
Please confirm receipt of this and let me know if there is anything else you may need
Thank you for your prompt attention to this request.

We are here to help. Please let us know if you have any questions or if we can assist you in any way. You May also call our office Monday through Friday excluding holidays from 9 a.m. to 5p.m. A CJ Real Estate representative will be happy to assist you!

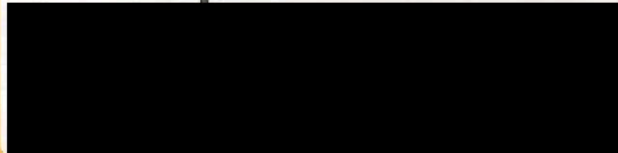
Sincerely,
Christy Jones

~~Company Name~~
CJ Real Estate, Inc.

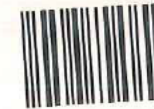


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Christopher Modzeleski



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