

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

Mariah Gordon,)	
Complainant,)	
)	
v.)	<u>File No. GC-2025-0175</u>
)	
Spire Missouri, Inc. d/b/a Spire,)	
Respondent.)	

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and provides the Commission with the following Recommendation:

1. On December 3, 2024, Complainant, Mariah Gordon, filed a complaint with the Missouri Public Service Commission against Spire Missouri, Inc. d/b/a Spire (“Spire”). On December 3, 2024, the Commission issued its *Order Giving Notice of Case Filing, Directing an Answer, and Directing a Staff Investigation*. The Commission ordered Staff to file, no later than December 17, 2024, a pleading stating when it could file a report on the complaint. Upon Staff’s suggestion, the Commission ordered Staff to file its report no later than Friday, January 31, 2025.

2. Staff has conducted a complete investigation. A memorandum describing its investigation and setting out its findings completely and in detail is attached as **Appendix A**.

3. Complainant Mariah Gordon alleges that Spire initiated a negative credit report concerning her account. She also alleges that the account was closed in August, 2024. She alleges that in the course of her communications with Spire, Spire provided her with inconsistent information concerning the amounts due, failed to notify

her “of the rate, or late fees, refusing service, sending bill to collection agency with payments being received[,] reporting negatively to credit [bureaus], hiding fees, hiding billing history.”

4. On January 2, 2025, Spire filed an Answer to the Complaint. Therein, Spire admitted that “one CWR payment arrangement quote generated did not expire following a partial payment by Complainant, and such quote may have exceeded Complainant’s outstanding balance following the payment.”

5. Spire’s Answer further stated:

Respondent denies that removing “negative inquiry of [Complainant’s] credit report” is appropriate relief as, to Respondent’s knowledge, the collections agency did not report Complainant’s account as delinquent to a credit reporting agency.

6. In reviewing the Complaint, Staff Counsel has concluded that the only relief the Complainant has requested is that Spire be ordered to “remove [a] negative inquiry of my credit report.”

7. Staff Counsel has reviewed the applicability of the Missouri Merchandising Practices Act (“MMPA”) to regulated public utilities, such as gas companies. The MMPA, codified in Chapter 407 of the Revised Statutes of Missouri (“RSMo”), is designed to protect consumers from deceptive and unfair practices. Section 407.020.2(2), RSMo, specifies exemptions for certain regulated entities. It states that nothing contained in the section shall apply to:

Any institution, company, or entity that is subject to chartering, licensing, or regulation by the director of the department of commerce and insurance under chapter 354 or chapters 374 to 385, the director of the division of credit unions under chapter 370, or director of the division of finance under chapters 361 to 369, or chapter 371, unless such directors specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute . . .

8. The exclusion set out in Section 407.020.2(2), RSMo, does not apply to companies regulated under Chapter 386, RSMo. Chapter 386 applies to “the public services herein described and the commission herein created, and to the public service corporations, persons and public utilities mentioned and referred to in this chapter.” See Section 386.010, RSMo. Spire is a “gas corporation” as defined in Section 386.020 (18), RSMo. Section 386.250 (1), RSMo, extends the jurisdiction of the Missouri Public Service Commission to “the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the state, and to persons or corporations owning, leasing, operating or controlling the same; and to gas and electric plants, and to persons or corporations owning, leasing, operating or controlling the same.”

9. The statute’s exclusion does not exclude Spire from the application of the statute. Staff Counsel finds no cases construing Chapter 407, RSMo, such that Spire is excluded from the obligations and prohibitions set out in that Chapter. It is, therefore, Staff’s conclusion that the remedies which Complainant seeks fall within the purview of that statute.

10. The Public Service Commission, as an administrative body, is not a court and has no power to exercise or perform a judicial function. It has no power to declare or enforce any principle of law or equity. It cannot construe contracts or enforce them. It cannot determine or adjudicate individual or personal rights. See *Katz Drug Co. v. Kansas City Power & Light Co.*, 303 S.W.2d 672, 679 (K.C. Ct. of Appeals, 1957). Circuit courts, on the other hand, have original jurisdiction in all civil cases not otherwise provided for. See Art. V, Sec. 14, Const. Mo.1945.

11. Staff Counsel cannot conclude that Spire's conduct with respect to reporting accounts to credit agencies, if wrongful, falls within the purview of any statute, regulation, or tariff over which the Missouri Public Service Commission has regulatory jurisdiction. It appears, instead, that this conduct falls under the purview of Chapter 407, RSMo. **Based upon the cases herein cited, it is Staff Counsel's opinion that the application of Chapter 407 is not within the authority or jurisdiction of the Missouri Public Service Commission. It is Staff's conclusion, therefore, that the only remedy which Complainant has requested is beyond the Commission's authority to grant.** If Complainant has an action, it is in the Circuit Court and not the Missouri Public Service Commission.

12. Staff's Memorandum, attached hereto, describes fully and in detail its investigation and finding. Staff found no violations of Spire's tariffs or the statutes.

13. It is, accordingly, Staff's recommendation that the Commission issue an order denying Complainant's only request for relief.

WHEREFORE, Staff prays that the Commission will accept Staff's Report and Investigation.

Respectively submitted,

/s/ Paul T. Graham

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System on this 31st day of January, 2025.

/s/ Paul T. Graham