

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

Hoy Shoe Company, Inc.,	)	
a Missouri corporation,	)	
	)	
Complainant,	)	
	)	
vs.	)	File No.
	)	
Spire Missouri Inc.,	)	
a Missouri corporation,	)	
	)	
Respondent.	)	

**FORMAL COMPLAINT**

COMES NOW Complainant and for its formal complaint against Respondent herewith states to the Public Service Commission (the "PSC") as follows, to-wit:

1. Complainant is and was at all times herein mentioned a corporation duly organized and existing under and by virtue of the laws of the state of Missouri and in good standing in the state of Missouri and doing business at [REDACTED] at which location Complainant received utility services provided by Respondent.

2. Respondent is and was at all times herein mentioned a corporation duly organized and existing under and by virtue of the laws of the State of Missouri and in good standing in the State of Missouri; that at all times herein mentioned Respondent is a specific subsidiary of Spire Inc. and is responsible for the purchase, retail distribution, and sale of natural gas in the state of Missouri. that Respondent is part of the Spire Inc. group that directly serves customers in Missouri ; that Respondent is and was a public utility providing natural gas utility service to businesses and residences located throughout the state of Missouri including the [REDACTED]

3. Respondent is at all times herein mentioned a public utility under the jurisdiction of the Missouri Public Service Commission (the "PSC").

4. The amount in controversy is [REDACTED]  
Dollars [REDACTED] more or less.

5. Spire utilizes meters attached to gas lines located at its customer's premises in order to determine how many hundreds of cubic feet of gas ("Ccfs") a customer has utilized during a usage/billing period; that the customer is then charged for the Ccfs which it has used according to tariffs submitted to and approved by the PSC and which the PSCt has determined should be charged to the customer; that the meters which measure the Ccfs can provide actual readings to the utility by one of its employees physically going to a customer's residence or place of business and reading the meter or by the utility utilizing meters which send the readings of the monthly Ccfs electronically to the utility; in the event that the meter at a residence or place of business malfunctions then in lieu of an actual reading the utility will bill the customer an estimate of the number of Ccfs which the utility determines the customer used for the usage period based upon the usage of the customer in prior years; that when the malfunctioning meter is repaired or replaced the estimated amount charged to the customer will be adjusted to the actual readings so that the customer is not overcharged or undercharged.

6. Prior to a certain unknown date between August 9, 2019 and September 9, 2019, (the "unknown August/September 2019 replacement date"), and for reasons also unknown to Complainant, the meter at Complainant's premises (Meter #1) which had been operating without a problem since before 2018 was removed by Respondent on its own accord and replaced by a second meter (Meter #2) which was used at Complainant's premises from the unknown August/September 2019 replacement date until November 8, 2022 when it was replaced by a

third meter (Meter #3) which was used until its replacement on December 27, 2023 ; that at all times herein mentioned Meter #2 functioned properly and transmitted actual readings to Respondent.

7. After Meter #3 was installed on November 8, 2022, until it was finally removed on December 27, 2023, Meter #3 never once transmitted an actual reading to Respondent and Respondent repeatedly billed Complainant estimated bills which were in line with previous years usage; that on or about December 6, 2023, Respondent came to Complainant's premises and did a reading of Meter #3 whereupon Respondent purportedly changed the estimated amounts to actual readings for the previous 13 months which Complainant then disputed as being grossly excessive; that Meter #3 remained in use until December 27, 2023, when Respondent came to Complainant's premises, removed the faulty meter and installed yet another meter (Meter #4).

8. At all times herein mentioned, Meter #3 never once transmitted an actual reading of the Ccfs used by Complainant to Respondent; that at the date of the removal of Meter #3 on December 27, 2023, it erroneously reported that Complainant had used 71,841 Ccfs for the 14 months which it had been attached to the subject premises.

9. That the report by Meter #3 of 71,841 Ccfs for such 14 month period averaged 5,131.5 Ccfs of usage per month while the 73 months of combined Ccfs usage as reported by Meters #1, #2, #4 and #5 only totaled 55,692 Ccfs or an average of 762.9 Ccfs per month, a significant difference

10. After its installation, Meter #4 was reading the Ccfs correctly but not transmitting the information to Respondent and as a result on July 19, 2024, it was replaced with a fifth meter (Meter #5) which meter remains connected to the subject premises to this day; that upon

information and belief since its installation Meter #5 has been sending accurate Ccf readings to Respondent.

11. Meter #3 had communication issues from the date of its installation; that the purported monthly actual readings reported by Meter #3 when it was replaced were more than six times (6x) higher than the average of monthly Ccf usage reported by any prior or subsequently utilized meter used either before or after the installation of Meter #3.

12. Complainant has prepared a spreadsheet chart, a copy of which is attached hereto, incorporated herein by this reference and made a part hereof, the same as if more fully set out at length herein and marked Exhibit "1", which reflects the Ccf usage billed to it by Respondent for the calendar years 2018 through March, 2025.

13. In December, 2023, Complainant received a usage bill from Respondent of approximately \$ [REDACTED] which amount was in excess of the estimated bills which Complainant had been paying monthly as billed to it by Respondent for several years prior; that for the month of December, 2022, and after Meter #1 was replaced, Respondent was billed for usage of 10,526 Ccfs for November, 2022 which alleged usage amount was significantly larger than the November Ccfs billed to Complainant for prior years which had averaged approximately 1,200 Ccfs per month for November in prior years; that in January, 2023, based upon a December, 2022 reading from Meter #3, Complainant was charged with a usage of 11,578 Ccfs when its prior monthly January usage amounts before the installation of Meter #3 had only averaged approximately 1,800 Ccfs per month.

14. After receiving such a large bill Complainant complained to Respondent which offered to reduce its bill from \$ [REDACTED] to \$ [REDACTED] which offer was rejected by Complainant such that the \$ [REDACTED] amount remains in controversy.

15. It is apparent from the information contained on Exhibit "1" attached hereto and the allegations hereinabove set forth that Complainant has been grossly overbilled by Respondent resulting from Respondent's failure to properly maintain one or more meters attached to the subject premises such that incorrect and excessive Ccfs have been charged to Complainant.

16.. Complaint has attempted to informally resolve its dispute with Respondent by discussions and emails being sent to it to no avail as Respondent continues to claim that the amount in dispute remains owed to it and continues to seek payment thereof from Complainant.

17. Complaint has incurred attorneys' fees and costs in pursuing relief against Respondent and will incur additional attorneys' fees in the future, the exact amount of which is presently unknown.

WHEREFORE, Complainant prays that the PSC (i) hear its Formal Complaint and determine the amount, if any, by which Complainant is indebted to Respondent, (ii) award Complainant its attorneys' fees and costs herein incurred and (iii) for such other and further relief as to the PSC deems just and proper in the premises.

THE PINES LAW FIRM, LLC

By: M. Harvey Pines

M. HARVEY PINES, #22217

Attorneys for Complainant

867 Gardenway Drive

Ballwin, MO 63011

314-361-9994-Telephone

636-220-9007-Telefax

[hpines@pineslawfirm.com](mailto:hpines@pineslawfirm.com)

Dated: 4/23/25

# EXHIBIT #14

**Hoy Shoe Company CCFs by statement month (ex. Jan below would have CCFs usage from 12/6-1/9)**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total CCFs
2018	2492	2342	1466	1548	585	71	73	68	74	63	215	1913	10910
2019	1837	2451	2187	1000	133	40	29	17	14	45	562	1593	9908
2020	2080	2192	1953	767	254	125	57	53	48	40	652	1217	9438
2021	1992	2067	2269	815	312	83	14	10	5	11	166	933	8677
2022	1685	1035	1576	1055	556	25	6	3	4	6	187	10526	16664
2023	11578	10176	9383	8510	1654	204	197	176	190	190	1718	6783	50759
2024	6670	1893	1066	480	384	2	1	6	16	21	589	570	11698
2025	1464	2256	1873										

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg Annual
<b>Meters #1,#2,#4,#5</b>	1,812	1,982	1,821	823	328	55	21	18	17	25	492	1,078	8,472
<b>Meter #3</b>	9,124	10,176	9,383	8,510	1,654	204	197	176	190	190	1,718	8,655	50,177

Meter #1 was changed sometime between 8/9/2019 and 9/9/2019

Meter #2 was used from sometime between 8/9/2019 and 9/9/2019 until 11/8/2022

Meter #3 was used from 11/8/2022 until 12/27/2023

Meter #4 was used from 12/27/2023 until 7/19/2024

Meter #5 was installed on 7/19/2024 and is still in use today

Meter #3 had communications issues from the initial installation. All bills were estimated until December 2023, when a bill reading actuals was issued. Those actual readings are in the chart above and are in most cases 5x higher than any previous meters before and after. On December 27, 2023, Spire changed out the meter.

Prior to **Meter # 3** being installed, Hoy did not use more than 11,000 CCFs in a 12 month period, yet **Meter # 3** in 14 months read **71,841** when replaced. To further illustrate the problems with the readings of Meter #3, it was replaced 21 days into the service period and had a usage reading for the month of 5995 (See 1/12/24 statement) and 675 was the previous reading on the 2/13/2024 statement on the new meter, Meter#4. Those two combined give us 6670 usage readings for the period of 12/6/2023-1/9/2024 as shown in the January 2023 statement and work out to the following daily usages:

	CCFs	days	CCFs/day	AVG Hi	AVG Lo
<b>Meter #3 (12/6-12/27)</b>	5995	21	285.5	41 F	26 F
<b>Meter #4 (12/27-1/9)</b>	675	14	48.2	39 F	26 F