

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

Bobby J. Armour,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2026-0021
)	
Spire Missouri Inc. d/b/a Spire,)	
)	
Respondent.)	

MOTION TO DISMISS COMPLAINT

COMES NOW Spire Missouri Inc. (“Spire”), by and through counsel, and moves to dismiss the formal complaint filed by Bobby J. Armour with the Missouri Public Service Commission (“Commission”) pursuant to Missouri Rules of Civil Procedure 55.27(a)(6) and 20 CSR 4240-2.070(7) for failure to state a claim for which relief can be granted, stating as follows:

1. Respondent is a natural gas utility providing service within the State of Missouri.
2. Complainant Bobby J. Armour and Margaret Armour filed a previous Complaint against Respondent on March 14, 2025.¹ In that case, this Commission issued an order directing the Armours to file a more definite statement specifying exactly what statute, Commission rule or order that the Armours alleged Spire was violating. The Armours failed to respond to the Commission order and the Commission issued a Show Cause Order on May 1, 2025. The Armours failed to respond to the Show Cause Order and this Commission dismissed the underlying case effective May 30, 2025.
3. On July 16, 2025, Complainant Bobby J. Armour filed with this Commission the following documents:

¹ Case No. GC-2025-0252.

a) An e-mail indicating that Complainants' e-mail to this Commission on May 2, 2025 had a delivery failure (Complainants had been notified of this delivery failure seven minutes after sending it on the same date);

b) the first page of this Commission's Show Cause Order from the previous Complaint; and

c) a new formal complaint form.

4. This Commission accepted these documents and opened this new case.

5. In the Complaint, the Complainant made similar statements that he does not agree with a bill he received. However, again, Complainant failed to allege a specific statute, tariff, Commission rule or order violated by Spire. Additionally, Complainant failed to allege facts that could be construed as a violation of statute, tariff, Commission or order.

6. A formal complaint may be filed against a utility, "setting forth any act or thing done or omitted to be done by any...public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission." 20 CSR 4240-2.070(4). However, under 20 CSR 4240-2.070(7), this Commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted. A motion to dismiss for failure to state a claim assumes that all allegations within a plaintiff's petition are true and only tests the adequacy of such petition.² In such a review, the petition must stand on its own.³

7. Here, the Complaint lists an amount at issue and alleges, "this company has a problem with the billing process, and we do not agree with the last billing[.]" However, there is no specificity as to what the problem is with the billing process and why the Complainant does not agree with the last billing. Furthermore, in response to why Complainant requested relief is appropriate, which is where complainants are able to explain the alleged violation of a statute,

² *Fenlon v. Union Elec. Co.*, 266 S.W.3d 852, 854 (Mo.App. E.D. 2008).

³ *Massey-Harris Harvester Co. v. Federal Reserve Bank of Kansas City*, 48 S.W.2d 158, 163 (Mo.App. 1932).

tariff, or Commission rule or order, Complainant states, “because if the amount is wrong why would you go alone (sic) with it.” There are no other details about why the amount is wrong or why Spire’s billing of the amount would be a violation of a statute, tariff, or Commission rule or order. While a customer may be unsatisfied with their bill, that does not mean that there has been a violation of a statute, tariff, or Commission rule or order.

8. The Commission’s jurisdiction, in hearing formal complaints, is over violations of a relevant statute, tariff, or Commission rule or order. The Company does not deny that billing issues are within the purview of the Commission. However, none of Complainant’s statements constitute allegations, which, if taken as true, would represent a claim upon which relief can be granted as they do not allege a violation of a relevant statute, tariff, or Commission rule or order. Nor do these statements allege any specific facts that may be construed as such a violation. Therefore, as the Commission could not determine on the face of this Complaint that there has been a violation of a statute, tariff, or Commission rule or order, Complainant has failed to state a claim upon which relief can be granted, and the Complaint should be dismissed.

9. For the reasons set forth above, Respondent moves to dismiss the Complaint for failure to state a claim on which relief may be granted.

WHEREFORE, Spire Missouri Inc. respectfully requests that the Commission grant the motion to dismiss this Complaint and any other relief that is just and reasonable.

Respectfully submitted,

/s/ Sreenivasa Rao Dandamudi

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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 by electronic mail to all counsel of record on this 30th day of July, 2025.

/s/ Julie Johnson

Julie Johnson