

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

**Jonathan Miller, Complainant, v. Spire Missouri Inc. d/b/a Spire, Respondent.**

**File No. GC-2026-0007**

## **COMPLAINANT'S RESPONSE TO SPIRE'S ANSWER AND NOTICE**

COMES NOW Complainant, Jonathan Miller, and submits this response to Respondent Spire Missouri Inc.'s Answer and Notice, with a ruling scheduled for August 31, 2025. Complainant respectfully asserts that this submission is time-sensitive and that Spire's continued procedural failures and lack of cooperation should be considered in light of this impending date. Complainant states the following:

**I. RESPONSE TO SPIRE'S ANSWER (RE: BUDGET BILLING)** Complainant notes Respondent's admission in its Answer that Complainant was "improperly enrolled on a budget billing plan." Complainant accepts this admission as a formal acknowledgment of Respondent's error.

Complainant disputes Respondent's attempt to characterize this event as a singular, "inadvertent" action by one customer service representative. As will be further demonstrated, this incident is part of a pattern of systemic failures within Spire's internal processes.

Complainant specifically denies that the budget billing plan "terminated on May 5, 2025," as claimed in Paragraph 8 of Respondent's Answer. On or about June 27, 2025, Complainant was forced to call Respondent to remove himself from the plan, which he was initially unable to do. This demonstrates that the plan was active and was not terminated automatically.

Complainant denies that his wife was the cause of the enrollment. As stated in Respondent's own Answer, the "customer experience representative inadvertently activated the budget billing plan," thereby enrolling Complainant without proper authorization or consent. This is proof of a systemic internal failure, not a customer error.

Complainant denies that his wife was authorized to make account changes on his behalf. Respondent's employee made a unilateral, unauthorized change to the account.

Complainant also notes Respondent's admission in Paragraph 7 of its Answer that it was "inaccurate for Complainant to be told that he could be automatically enrolled in budget billing after receiving a third-party pledge." This proves that Respondent's customer service representatives were providing false and misleading information.

**II. RESPONSE TO SPIRE'S NOTICE AND DEMAND (RE: DATA BREACH)** Complainant is in receipt of Respondent's Notice, dated August 12, 2025, concerning the "inadvertent disclosure" of recorded phone calls.

Complainant hereby formally refuses to comply with Respondent's demand to "return, sequester, or destroy the materials." Complainant is obligated to preserve all evidence relevant to this matter for the duration of the ongoing investigation.

Respondent's characterization of the event as an "inadvertent disclosure" is a severe understatement. The disclosed materials constitute a full-scale data breach, not a simple clerical error.

The evidence in question consists of 8 recorded phone calls totaling 83 minutes, concerning a separate customer's account. The information includes, but is not limited to:

- The full names of both account holders.
- Their full Social Security number.
- Their full bank card numbers, including three-digit security codes and expiration dates.
- Their full phone number.
- The other party's PSC Case Number: GC-2026-0021.
- Addresses of their residences at three separate locations.
- Service appointment times and dates.
- A comprehensive history of their payments, billing, and personal financial conversations with Spire customer service.

It is critical to note that one of the individuals whose personal and financial data was disclosed is not an account holder. This is a severe breach of data privacy for a non-customer and demonstrates an extreme lack of internal controls.

The disclosure of residential addresses at three separate locations, in addition to other sensitive personal data, poses a direct and serious threat to the personal safety and security of the affected individuals.

The exposure of a customer's Social Security number and complete bank card information, including the security code, is a severe violation of their privacy and places them at a high risk of identity theft and fraud.

Complainant notes that this very data, which Spire is now demanding be destroyed, was provided as part of Respondent's official response to Data Request 2 in the separate PSC investigation for File No. GC-2026-0021. This demonstrates that Respondent is not only aware of the breach but is continuing to re-disclose the confidential information in an official capacity.

Despite notifying both Respondent and the Commission, Complainant still has full and active access to the affected customers' data as of 11:10 PM on August 12, 2025. This proves the data breach is ongoing and that Respondent has failed to take immediate and necessary action to secure customer data after being put on formal notice. This demonstrates gross negligence and an ongoing systemic failure.

Respondent's attempt to have Complainant destroy evidence of this egregious data breach is a serious matter that the Commission should consider.

**III. RELEVANT STATUTES, REGULATIONS, AND CODES** For the Commission's reference, the following statutes and regulations appear to be relevant to the issues raised in this case:

- **RSMo § 407.1500 (Missouri's Personal Information Protection Act):** This statute defines what constitutes a "breach of security" and outlines the responsibilities of a company to protect personal information, including financial account numbers, credit card numbers, and Social Security numbers. It also requires notification to affected consumers.
- **RSMo § 386.250 (Jurisdiction of Commission):** This statute grants the Public Service Commission the authority to regulate public utilities, including the power to adopt rules prescribing the conditions of rendering service, billing, and other operational procedures.
- **20 CSR 4240-2.070(9) (Answer to Complaint):** This is the rule cited by Spire in its own Answer, and it governs the formal complaint process, requiring a respondent to answer the essential allegations.
- **20 CSR 4240-13.025 (Billing Adjustments):** This rule establishes the requirements for a utility to make billing adjustments in the event of an overcharge or undercharge, which is relevant to the billing error that occurred.
- **20 CSR 4240-13.050 (Service, Billing and Customer Information):** This section likely contains rules regarding how utilities must handle customer information, including the establishment of service and billing procedures.

**IV. THE SYSTEMIC NATURE OF RESPONDENT'S FAILURES** The "inadvertent" enrollment of Complainant into an unauthorized budget plan and the "inadvertent" disclosure of another customer's full, sensitive personal and financial history are not isolated incidents.

These events demonstrate a clear pattern of systemic failure and a reckless disregard for customer data protection and proper administrative procedure, in direct violation of the statutes and regulations cited above.

These failures also follow a pattern of former systemic discrepancies from which Complainant has suffered, and which were never adequately addressed by Respondent. This highlights a continuous pattern of negligence, not a series of isolated mistakes.

Additionally, Complainant notes that Respondent still has nine Data Requests to respond to, which is further evidence of their failure to cooperate with the Commission and their attempt to obstruct a fair and transparent investigation.

Furthermore, Complainant notes that many of these filings have not been addressed by the Commission, highlighting the need for immediate action and a complete investigation to ensure a comprehensive understanding of the situation.

Respondent's actions and lack of adequate internal controls necessitate a thorough and complete investigation by the Commission.

**V. COMPLAINT TO THE OFFICE OF THE ATTORNEY GENERAL** Complainant has filed a formal complaint regarding this matter with the Missouri Attorney General's Office. The

complaint number is CC-2025-08-002680. This confirms that a separate state authority is now also actively investigating Respondent's conduct in this matter.

**VI. ETHICAL, LEGAL, AND REGULATORY IMPLICATIONS** Ethical Implications: Respondent's actions demonstrate a profound failure of its ethical duties to customers, breaking the fundamental duty of care and trust that a public utility must uphold. Respondent's subsequent attempts to minimize the severity of the breach and demand the destruction of evidence suggest a culture that prioritizes concealing failures over protecting its customers.

Legal Implications: The disclosure of a named customer's full Social Security number and complete bank card information constitutes an act of gross negligence, in direct violation of **RSMo § 407.1500**. This places the affected individuals at a high risk of identity theft and financial fraud, and could give rise to a civil lawsuit for damages. Furthermore, Respondent's formal demand for the destruction of evidence could be construed as an attempt to obstruct an ongoing administrative proceeding.

Regulatory Implications: Spire's actions are a direct violation of regulatory standards for both billing and data security, falling under the jurisdiction of the Commission as defined by **RSMo § 386.250**. The Missouri Public Service Commission is charged with ensuring utilities provide safe and adequate service. The systemic failures demonstrated by these events prove that Respondent is failing in this duty. These violations warrant a full and comprehensive investigation into Respondent's internal processes, with the potential for significant penalties, fines, and mandated security audits.

**VII. POTENTIAL DAMAGES** As a result of Respondent's negligence, Complainant has suffered significant stress, anxiety, and a loss of confidence in the utility service provider. The affected customer and their partner now face the immense, ongoing burden of financial monitoring and the constant threat of identity theft due to Respondent's egregious negligence. Additionally, they are facing a direct threat to their personal safety and security due to the disclosure of their residential addresses.

**WHEREFORE**, Complainant respectfully requests the Commission: a) Accept Respondent's Answer as an admission of fault regarding the improper budget billing enrollment. b) Reject Respondent's demand that Complainant destroy evidence of a severe data breach. c) Launch a full and immediate investigation into Spire Missouri Inc.'s data security protocols and internal processes. d) Ensure that Spire is compelled to immediately contact the customers affected by the data breach and be held accountable for the ongoing security failure. e) Consider the Respondent's failure to respond to nine data requests when making its ruling on August 31, 2025. f) Take into consideration the parallel investigation now being conducted by the Missouri Attorney General's office. g) Grant any other relief as is just and reasonable.

Respectfully submitted, /s/ Jonathan Miller Jonathan Miller

**CERTIFICATE OF SERVICE** I hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all counsel of record, including Spire's Counsel's Name at Spire's Counsel's Email Address, on this 12th day of August, 2025.

/s/ Jonathan Miller Jonathan Miller