

# 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**

**Related Case No. GC-2026-0021**

**Attorney General Complaint No. CC-2025-08-002680**

## COMPLAINANT'S CONSOLIDATED MOTION FOR SANCTIONS

**COMES NOW** Complainant, Jonathan Miller, proceeding *pro se*, and respectfully moves the Honorable Commission for an order imposing severe sanctions on Respondent, Spire Missouri Inc. d/b/a Spire, for its egregious and continuing pattern of legal and ethical violations. This motion is based on the public record, including but not limited to, Spire's systemic procedural failures, its documented confidentiality breach, its attempted spoliation of evidence, and its bad-faith refusal to participate in reasonable settlement discussions.

### I. Factual and Procedural History

The Complainant submits that a chronological timeline of events, substantiated by irrefutable evidence previously filed with the Commission, demonstrates a deliberate and continuous course of misconduct by the Respondent and its legal counsel.

1. **Initial Misconduct:** On or about January 27, 2025, Spire improperly enrolled the Complainant in a budget billing plan and, at the same time, allegedly discussed the Complainant's account with a non-account holder, violating the Complainant's privacy. Spire has since admitted to this "manual error" and "unauthorized budget plan." A formal transcript of the call with the Spire representative has been submitted as an exhibit to substantiate this violation.
2. **Discovery Obstruction:** Throughout the discovery process, Spire has engaged in a pattern of obfuscation and delay. As detailed in the Complainant's filings, Spire initially failed to provide a complete and timely response to Data Request 2 (DR-2), withholding call recordings and other materials. A formal motion to compel was filed on August 8, 2025.
3. **The Confidentiality Breach:** On or about August 11, 2025, in response to DR-2, Spire's attorney, Julie Johnson, transmitted a complete, confidential case file belonging to another customer from an unrelated PSC investigation (Case No. GC-2026-0021) to the

Complainant. The data, sent via an unofficial platform called Kiteworks, included the other customer's full name, Social Security number, bank card details, residential address, and over 83 minutes of private phone call recordings. This is an undeniable breach of confidentiality.

4. **Attempted Spoliation of Evidence:** Upon discovering the breach, Spire's counsel did not formally notify the Commission of the error. Instead, Spire formally attempted to have the evidence "withdrawn" and "destroyed." As demonstrated by exhibits filed on August 13, 2025, this constitutes a clear and documented act of spoliation of evidence and attempted obstruction of an ongoing regulatory investigation.
5. **Bad-Faith Settlement Refusal:** The Complainant, in a good-faith effort to resolve this matter privately, submitted two comprehensive settlement offers, dated August 12, 2025, and August 13, 2025. Both offers were summarily rejected without a counteroffer. Spire's refusal to engage in meaningful negotiations, particularly after the damages had been compounded by their continued misconduct and the immense emotional and financial distress placed upon the Complainant and his family of five, including his wife and three daughters, constitutes an act of bad faith. This refusal has also placed an added strain on the Complainant's financial obligations, including his mortgage and bills.

## II. The Commission and OPC's Characterization

The Complainant respectfully asserts that the characterizations of this case by both the Office of the Public Counsel (OPC) and the Public Service Commission (PSC) staff are based on incomplete information and misinterpretations of the severity of the misconduct.

1. **OPC's Flawed Conclusion:** The OPC has concluded that this case is an "isolated incident." This conclusion is in direct conflict with the Complainant's extensive filings, which demonstrate a systemic pattern of billing errors, discovery obstruction, and data security failures. The OPC's assessment fails to account for the totality of the Complainant's documented evidence.
2. **PSC Staff's Irresponsible Characterization:** The PSC staff has characterized the data breach as "not a 'real threat'" because the confidential data was only sent to the Complainant. This characterization is fundamentally flawed, irresponsible, and demonstrates a severe misunderstanding of the gravity of the situation. It constitutes a direct admission that an improper transmission of confidential data did, in fact, occur, violating the privacy of the affected customer. The characterization fails to recognize the high risk of financial fraud and identity theft and signals to Spire that such security failures will not be held to account.

## III. Evidence of a Systemic Problem and Unfair Process

The misconduct described above is not an isolated incident; it is a symptom of a systemic failure and an unfair procedural practice that grants Spire a clear advantage.

1. **Spire's Use of a Private Discovery Platform:** Spire's legal counsel uses a private, third-party platform called Kiteworks to share discovery materials with the Commission.

As evidenced in Spire's presentation materials, this platform allows them to share large, digital files securely, a privilege not afforded to a *pro se* complainant.

2. **Discrepancies in Evidence Submission:** The Public Service Commission's own Electronic Filing and Information System (EFIS) has file size limitations that forced the Complainant to provide his evidence via a physical thumb drive or transcripts. Furthermore, the PSC would not accept YouTube links as a valid format for evidence. This stands in stark contrast to the secure, digital process Spire is using, highlighting the "cumbersome and unreasonable solutions" required of a *pro se* plaintiff.
3. **Spire's Admission of a Systemic Policy:** In the course of this dispute, Spire has admitted to having a "systemic auto-enrollment policy" that led to the improper budget billing enrollment. This admission, coupled with the security failures documented in the confidentiality breach, proves that the issues raised in this complaint are indeed systemic in nature and not the result of an "isolated incident."

#### IV. Legal Basis for Sanctions

Spire's conduct is not merely negligent; it is a profound violation of its legal, ethical, and regulatory duties.

1. **Violation of State Law:** The data breach is a direct violation of **RSMo § 407.1500**, Missouri's Personal Information Protection Act, which requires companies to protect private financial information and Social Security numbers. This breach gives rise to a separate civil lawsuit.
2. **Spoliation of Evidence:** Spire's attempt to have the evidence of the breach destroyed is a clear act of spoliation. A judge or the Commission would likely view this as an attempt to obstruct justice, which warrants severe penalties.
3. **Violation of Regulatory Codes:** The systemic failures in Spire's data security protocols and its documented billing issues are in direct violation of **RSMo § 386.250**, which grants the Commission the authority to regulate public utilities and ensure they provide safe and adequate service.

#### V. Sanctions Requested

Given the egregious and compounding nature of Spire's misconduct, the Complainant respectfully requests that the Commission impose the following sanctions:

1. **Adverse Inference:** The Commission should draw an adverse inference against Spire due to its attempted spoliation of evidence. This means that the Commission should presume the destroyed evidence was highly damaging to Spire's case.
2. **Mandatory Fines:** The Commission should impose significant financial penalties on Spire, which would be more substantial than the punitive amount in the Complainant's last settlement offer (██████████), to punish Spire's bad faith and serve as a deterrent.
3. **Mandated Institutional Changes:** The Commission should compel Spire to contract with an independent, third-party auditor to review and overhaul its data management,

discovery, and file-sharing protocols. A full audit report, including a plan for implementing the auditor's recommendations, must be provided to the PSC within 90 days.

4. **Mandatory Compensation:** The Commission should order Spire to pay the Complainant compensatory damages for his time and effort. This amount ( 360,000 ) is a baseline and will continue to increase as the case proceeds.
5. **Justice for the Affected Customer:** The Commission should order Spire to immediately notify the customer and Judge from Case No. GC-2026-0021 of the breach and provide them with three years of complimentary credit monitoring and identity theft protection.

**WHEREFORE, Complainant, Jonathan Miller, respectfully requests that the Honorable Commission grant this motion, impose the requested sanctions on Spire Missouri Inc., and grant any other relief as is just and reasonable.**

Respectfully submitted, /s/ Jonathan Miller

**Jonathan Miller**

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