

BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI

Jonathan Miller, Complainant vs. Spire Energy, Respondent

Case Number: GC-2026-0007

Complainant's Formal Letter to the Commission Regarding Confidentiality Breach in Discovery

To the Honorable Commission:

This letter is to respectfully and immediately inform the Commission of a severe breach of confidentiality that occurred during the discovery process. This breach compromises the integrity of the discovery process and requires the Commission's urgent intervention. It is particularly egregious as the discovery I received was of the exact nature—digital call recordings on a third-party platform—that Spire previously withheld from me.

On or about August 11, 2025, in response to my Data Request 2 (DR-2), Spire's attorney, [REDACTED], mistakenly sent me a complete, confidential case file belonging to another customer involved in a separate PSC investigation, Case No. GC-2026-0021. The file was sent via an unofficial, private platform called Kiteworks.

The materials contained in this unauthorized transmission included, but were not limited to, private phone call recordings totaling **83 minutes**, and other confidential information related to the other customer's case. This incident is an undeniable breach of professional and ethical conduct by Spire's legal counsel. It proves that the private, ad-hoc discovery process used by Spire is unreliable and exposes confidential customer information to unauthorized parties. Furthermore, by providing the wrong discovery, Spire has violated its obligation to provide the discovery requested for my case, thereby violating my own due process rights. **This combination of failures constitutes a trifecta of legal and ethical violations.**

In light of this catastrophic failure, I cannot in good faith continue with discovery until this issue is resolved. The security of my own and other customers' confidential information is paramount.

Violations, Consequences, and Damages

The events described above constitute a **trifecta** of serious violations of legal, ethical, and regulatory standards.

Legal Violations

- **Breach of Privacy:** The act of transmitting another customer's private phone call recordings and confidential case materials to a third party is a fundamental breach of their right to privacy. This may also violate Spire's own customer service agreements and state privacy laws.

- **Violation of Due Process:** By providing a complainant in one case with confidential discovery from another, Spire has demonstrated an inability to manage discovery in a fair and secure manner. This incident is a dual violation of due process, as it compromises the other complainant's rights by disclosing their information, and it compromises my own rights by failing to provide the discovery I legally requested. This undermines the principle of due process for both the Complainant in this case and the Complainant in Case No. GC-2026-0021.

Ethical Violations

- **Breach of Attorney's Duty of Competence:** Rule 1.1 of the Missouri Rules of Professional Conduct requires that a lawyer provide competent representation. This includes a lawyer's duty to manage client files and discovery with appropriate care and security. Sending a confidential file to an unauthorized recipient demonstrates a clear failure of competence.
- **Breach of Attorney's Duty of Confidentiality:** Rule 1.6 of the Missouri Rules of Professional Conduct requires a lawyer to not reveal information relating to the representation of a client. By disclosing the identity and private records of another Spire customer, the attorney has violated this core ethical obligation.
- **Breach of Attorney's Duty to Avoid Conflicts of Interest:** Rule 1.7 of the Missouri Rules of Professional Conduct prohibits a lawyer from representing a client if the representation involves a concurrent conflict of interest. By communicating with me about another customer's case, the attorney has created an unauthorized and unethical relationship, compromising her ability to properly represent all parties in an impartial manner.

Regulatory Violations

- **Failure to Use Official Channels:** The PSC has an established e-filing system for the purpose of secure and auditable document sharing. Spire's use of a private, third-party platform for discovery, which led directly to this breach, is a violation of the spirit and intent of the Commission's procedures.

Potential Consequences and Damages

- **For Spire:** The Commission may impose sanctions, fines, or other penalties on Spire for this violation. The company's credibility and its ability to properly manage customer data are now in question. The cost of a potential lawsuit from the other customer for the breach of their confidentiality could be substantial.
- **For the Attorney:** The attorney may face professional consequences from the Missouri Bar. This could include a reprimand, suspension, or other disciplinary action for the violations of the Rules of Professional Conduct.
- **For the Affected Customer:** The unauthorized disclosure of their private information, including phone call recordings, has caused a serious injury. The customer's expectation of privacy was violated, which could lead to claims for damages for the harm caused.

Prayer for Relief

I respectfully request that the Commission take the following immediate actions:

1. **Acknowledge and investigate** this severe breach of confidentiality.
2. **Suspend all discovery** in this case until a secure, official process can be guaranteed.
3. **Order Spire to cease** using private platforms for discovery and require that **all future discovery** be transmitted through the official, secure, and auditable PSC e-filing system.

Attached to this letter, as **Exhibit A**, are screenshots of the email and the contents of the files received, which serve as proof of this breach.

I thank the Commission for its immediate attention to this critical matter.

Sincerely,

Jonathan Miller Complainant

Exhibit A: Evidence of Spire Attorney's Confidentiality Breach

This exhibit is submitted in support of the Complainant's formal letter to the Public Service Commission, detailing a severe breach of confidentiality by Spire's attorney, [REDACTED]. The evidence herein demonstrates that in an attempt to fulfill the Complainant's own Data Request 2 (DR-2), Spire's attorney mistakenly provided the Complainant with the complete confidential case file of another customer involved in a separate PSC investigation.

Image 1: Email from Spire's Attorney (Screenshot (4845).png)

- **Description:** This screenshot shows an email sent to the Complainant from [REDACTED] via the Kiteworks platform.
- **Relevance:** The email is explicitly titled "GC-2026-0021 DR 2 response," confirming that the documents belong to a different PSC case. This demonstrates that in the process of attempting to fulfill the Complainant's own Data Request 2, the attorney instead provided a response from another case. The email directs the Complainant to access the confidential files via a private platform, proving that the breach was an active transmission of information from Spire's attorney to an unauthorized recipient.

Image 2: Access to Kiteworks Platform (Screenshot (4846).jpg)

- **Description:** This screenshot shows the Complainant's view upon accessing the Kiteworks platform, confirming successful access to the other customer's confidential files.
- **Relevance:** This image serves as proof that the access granted in the previous email was successful and that the Complainant was able to view and interact with the other customer's private case files.

Images 3-11: List of Downloadable Confidential Files (Screenshot (4847).png through Screenshot (4855).png)

- **Description:** This series of screenshots documents the contents of the files provided to the Complainant on the Kiteworks platform. The file list includes a PDF document and a large number of .wav files.
- **Relevance:** The .wav file extension is used for audio recordings, which confirms that Spire's attorney disclosed the other customer's private phone calls with the company. The quantity and nature of these files, totaling over **83 minutes** of audio, demonstrate the sheer volume and sensitivity of the confidential information that was improperly transmitted. This proves not only a breach of documentation but also a direct violation of a private citizen's right to confidentiality in their communications with a utility.

Conclusion

The evidence in this exhibit demonstrates a catastrophic failure on the part of Spire's legal counsel. The breach of confidentiality is undeniable, and it proves that the private discovery process used by Spire is unreliable and prone to severe errors. This exhibit is submitted for the Commission's review to demonstrate Spire's failure to adhere to professional and regulatory standards.