

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

In the Matter of an Investigation into)
Empire District Gas Company)
Concerning Compliance with the)
Commission’s Rules Regarding Natural)
Gas Safety Found at 20 CSR 4240-)
40.030)
File No. GS-2026-XXXX

STAFF’S MOTION TO ESTABLISH A CASE

COMES NOW the Staff of the Missouri Public Service Commission (hereafter the “Staff” or Commission”), by and through counsel, and for its Motion to Establish a Case states as follows:

1. Pursuant to Section 386.310 of the Revised Statutes of Missouri (“RSMo”), the Commission has the authority to require every gas utility, including municipal gas systems, to operate its system in a manner that promotes and safeguards the health and safety of its employees, customers, and the public.
2. The Commission has jurisdiction to regulate gas pipeline safety under Section 386.310, RSMo.
3. A public utility that owns any gas plant is subject to the provisions of Section 386.572, RSMo., for violation of any law, order, decision, decree, rule, direction, demand, or requirement of the Commission. § 386.572, RSMo.
4. Empire District Gas Company (“Empire”) is a public utility under Section 386.020, RSMo.
5. Empire owns and operates a gas plant and is subject to the provisions of Section 386.572, RSMo.

6. The monetary penalties for violations of such gas safety standards are set forth in Sections 386.572.2 and .3, RSMo., and are considered “separate and distinct offenses, regardless of whether such violations relate to the same incident. In the case of a continuing violation, each day’s continuance thereof shall be a separate and distinct offense.”

7. On August 29, 2025, students at Platte City, Missouri, schools were evacuated following a natural gas leak due to damages to Empire gas facilities by a contractor utilizing directional boring.

8. On September 25, 2025, residents in a Lexington, Missouri, neighborhood were evacuated following a natural gas leak due to damages to Empire gas facilities by a contractor utilizing directional boring.

9. Again, on September 26, 2025, residents in a Lexington, Missouri, neighborhood were evacuated following a natural gas leak due to damages to Empire gas facilities by a contractor utilizing directional boring. Media reports indicate that in both instances in Lexington, Missouri, Empire failed to mark the locations of its pipelines.

10. Commission rules require that each operator of a buried pipeline shall carry out a written program to prevent damage to that pipeline by excavation activities.¹ One of the requirements of this program is that each operator must provide temporary markings of buried pipelines in areas of excavation activity.²

11. Commission rules additionally require each natural gas pipeline operator to establish written procedures to minimize the hazard resulting from a gas pipeline emergency.³

¹ 20 CSR 4240-40.030(12)(I)1.

² 20 CSR 4240-40.030(12)(I)3.G.

³ 20 CSR 4240-40.030(12)(J).

12. The Safety Engineering Department intends to investigate these events fully and investigate Empire's damage prevention and emergency response programs and performances.

13. In order to gather additional information regarding the aforementioned recent events in Platte City and Lexington, Missouri, and to assist Staff in conducting more formal discovery, Staff recommends the Commission establish a case for purposes of investigating Empire's compliance with applicable Commission rules regarding pipeline safety in 20 CSR 4240-40.030.

14. Staff further recommends the Commission direct that a report, or a status report, be filed by January 16, 2026.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission establish a case for the purpose of investigating Empire's compliance with Commission rules regarding pipeline safety in the above-listed locations, receiving a report, or status report, as described herein, and for any other such orders and relief as it deems just and appropriate under the circumstances.

Respectfully submitted,

/s/ J. Scott Stacey

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**ATTORNEY FOR STAFF OF THE
PUBLIC SERVICE COMMISSION**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 8th day of October, 2025.

/s/ J. Scott Stacey