

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

Jonathan Miller,	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. GC-2026-0007</u></b>
	)	
Spire Missouri, Inc. d/b/a Spire,	)	
	)	
	)	
Respondent.	)	

**STAFF RESPONSE TO MOTION FOR SUMMARY DETERMINATION**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and submits its *Staff Response to Motion for Summary Determination* ("Response"):

**LEGAL STANDARD**

Commission Rule 20 CSR 4240-2.117(1)(E) states: "[t]he commission may grant the motion for summary determination if the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no *genuine issue as to any material fact*, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines that it is in the public interest." (Emphasis Added).

**ARGUMENT**

Staff does not object to Spire's *Motion for Summary Determination* ("Motion").

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[REDACTED]

[REDACTED]

██████████.<sup>\*\*1</sup> In his response to the Motion, Mr. Miller asserts there are four additional material facts in dispute.

Staff is agreement with Spire's Motion and believes there are no material facts remaining and therefore a decision can be based upon these pleadings.

Staff is mindful of the public policy interests behind giving complainants an opportunity to argue their complaint in an evidentiary hearing. Staff observes that the question of whether or not to have a hearing in a complaint case is left to the discretion of the Commission.<sup>2</sup> Staff is of the view that where, as in this case, there is no genuine issue about any material fact, the Commission can make a ruling on this case without holding an evidentiary hearing.<sup>3</sup> Additionally, the Commission has the authority to strike any allegations it deems irrelevant.<sup>4</sup>

**WHEREFORE**, Staff hereby tenders its *Staff Response to Motion for Summary Determination* for the Commission's information and consideration, and prays the Commission grant the relief the Commission deems appropriate in this instance.

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<sup>1</sup> Docket Item No. 68, Complainant's Response in Opposition to Respondent's Motion for Summary Determination.

<sup>2</sup> Commission Rule 20 CSR 4240-2.070(12) states, in relevant part: "[w]hen the commission determines that a hearing should be held, the commission shall fix the time and place of the hearing." (Emphasis Added).

<sup>3</sup> Commission Rule 20 CSR 4240-2.070(12) states, in relevant part: "[w]hen the commission determines that a hearing should be held, the commission shall fix the time and place of the hearing." (Emphasis Added.)

<sup>4</sup> Commission Rule 20 CSR 4240-2.070(7) states: "[t]he 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 or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations." (Emphasis Added).

Respectfully submitted,

/s/ Andrea B. Hansen

**Andrea B. Hansen**

Legal Counsel

Missouri Bar No. 73737

**Paul T. Graham**

Senior Staff Counsel

Missouri Bar No. 30416

Attorneys for the Staff of the

Missouri Public Service Commission

200 Madison Street

P.O. Box 360

Jefferson City, Missouri 65102

Phone: (573) 522-1243

Fax: (573) 526-1500

E-mail: [Andrea.Hansen@psc.mo.gov](mailto:Andrea.Hansen@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 14<sup>th</sup> day of November, 2025.

/s/ Andrea B. Hansen