

## MEMORANDUM

TO: Missouri Public Service Commission Official Case File,  
Case No. GS-2025-0068, Spire Missouri Inc.

FROM: John D. Kottwitz, Associate Engineer, Safety Engineering Department  
Kathleen A. McNelis, PE, Engineer Manager, Safety Engineering Department

/s/ Kathleen A. McNelis, PE / 12-03-2025  
Safety Engineering Department/ Date

SUBJECT: In Response to Commission Order in the Matter of an Investigation into  
Spire Missouri Inc., d/b/a Spire Concerning a Natural Gas Incident in  
Independence, Missouri

### **Background:**

On August 26, 2024, an excavator using directional drilling equipment damaged a Spire Missouri, Inc. (“Spire”) natural gas main, the location of which had not been accurately marked by Spire’s contract locator. Natural gas migrated from the damaged natural gas main into a nearby residence and ignited, resulting in an explosion and fire. On August 28, 2024, the Staff of the Missouri Public Service Commission (“Staff”) filed a motion requesting that the Commission establish a case for purposes of receiving a report resulting from Staff’s investigation of the incident. The Commission granted Staff’s request, and on October 3, 2025, Staff filed its *Staff’s Gas Incident Report* (“Staff’s Report”). As stated in Staff’s Report, Staff found sufficient facts and information as a result of its investigation to assert violations of three Commission rules<sup>1</sup> and makes eight recommendations.<sup>2</sup> Staff additionally identified that with respect to the first asserted violation of Commission rules,<sup>3</sup> Spire did not appear to meet the requirements of Missouri Revised Statutes (“RSMo”) Section 319.030 to mark its facilities within the “approximate location” as defined in RSMo Section 319.015 , and requested that the Commission to authorize Staff to provide a public (redacted) copy of Staff’s Report to the Missouri Attorney General’s Office (“AGO”) in the event the AGO would like to take further action.<sup>4</sup>

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<sup>1</sup> Pages 2-3 of Staff’s Report.

<sup>2</sup> Pages 54-56 of Staff’s Report.

<sup>3</sup> On Page 2 of Staff’ Report: “Spire’s failure to locate its underground facilities within the “approximate location” as required by Section 319.030, of the Revised Statutes of Missouri (“RSMo”), was a violation of 20 CSR 4240-40.030(12)(I)1.”

<sup>4</sup> RSMo 319.045 confers enforcement authority for violations of section 319.030 to the Attorney General.

On November 14, 2025, Spire filed its *Response to Gas Incident Report* (“Spire’s Response”). In Spire’s Response, Spire stated that it does not dispute the facts leading to Staff’s alleged violations,<sup>5</sup> but does not appear to acknowledge Spire’s culpability regarding the alleged violations of Commission Rules, or RSMo 319.030. In Paragraph 29 of Spire’s Response, Spire states: “As discussed above, this incident and investigation stems from the actions of the Company’s contract locator, which the Company has held at-fault.” Staff notes that the contract locator referred to by Spire was a contractor working for Spire. Under the Commission’s Rule 20 CSR 4240-40.030, Spire is responsible for ensuring that its contractors comply with the rule, including requirements pertaining to marking of Spire’s pipeline locations.<sup>6</sup>

On November 18, 2025, the Commission directed its Staff to:

**Commission Order Item 1.** No later than December 4, 2025, Staff shall file a response to Spire’s concerns with recommendation four.

**Commission Order Item 4.** With Spire’s suggestions for any cover document, Staff may provide a public copy of the incident report to the Missouri Attorney General’s Office.

### **Staff’s Response:**

**Regarding Commission Order Item 1:** No later than December 4, 2025, Staff shall file a response to Spire’s concerns with recommendation four.

Recommendation 4 reads as follows in Staff’s Report:

Staff recommends that in instances when only road centerline measurements are provided to determine the observed actual pipe location, Spire should add measurements or change to electronic and GPS mapping

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<sup>5</sup> Paragraph 9 of Spire’s Response.

<sup>6</sup> 20 CSR 4240-40.030(12)(B)3. states that each operator is responsible for ensuring that all work completed on its pipelines by its consultants and contractors complies with this rule. Subsection (12)(I) of 20 CSR 4240-40.030 requires that each operator of a buried pipeline shall carry out in accordance with this subsection a written program to prevent damage to that pipeline by excavation activities.

coordinates. Updated maps should be provided to the contract locator.  
(See Section III.D - Damage Prevention Program of this report).<sup>7</sup>

Spire's concern as stated in Spire's Response reads: "While the Company is not sure whether this was Staff's recommendation, the Company does not believe it is appropriate to excavate and expose piping solely for the purpose of adding measurements or GPS coordinates when only centerline measurements are available."<sup>8</sup>

In Recommendation 4, Staff did not intend that additional excavations and measurements be made solely for the sake of having such measurements, but instead to address a potential source of confusion and inaccuracy in determining the actual locations of Spire's underground pipelines prior to the commencement of nearby excavation work. Specifically, to address the potential for errors when the only available measurement of a pipeline location is from a road centerline as discussed in Staff's Report, pages 27-31. Whenever Spire, its contractors or a third-party excavator exposes an underground Spire facility, Spire has the opportunity to address and improve future determinations of the actual gas facility location by providing additional mapping measurements or changing to electronic and GPS mapping. Such opportunities include but are not limited to instances when Spire or its contractor has excavated a pipeline to complete a repair or to tie in another pipeline, and when Spire is observing excavation work by third parties in which Spire facilities are exposed. As stated in Paragraph 16 of the *GS-2025-0068 Staff's Gas Incident Report* pleading filed with Staff's Report in this case on October 3, 2025, Staff intends to file a Complaint in this matter. Staff proposes to address Spire's concern regarding the purpose, scope and wording of Staff Recommendation 4 by substituting the following Amended Staff Recommendation 4 for Staff Recommendation 4 in the Complaint:

**Amended Staff Recommendation 4:**

Staff recommends that in instances when Spire is able to observe the actual location of a Spire gas facility for which the only documented measurement of the pipeline location is from a road centerline, in addition to verification

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<sup>7</sup> From page 55 of Staff's Report.

<sup>8</sup> From Paragraph 19 of Spire's Response.

of the accuracy of this measurement (Staff Recommendation 3), Spire obtain and add to its records measurements of distance from the pipeline to additional landmarks, or change to electronic and GPS mapping coordinates. Updated maps should be provided to the contract locator. (See Section III.D - Damage Prevention Program of this report).

**Regarding Order Item 4:** With Spire's suggestions for any cover document, Staff may provide a public copy of the incident report to the Missouri Attorney General's Office.

Staff proposes to provide the report copy by email, and has provided a draft of the email Staff proposes to send as Confidential Attachment 1 to this *Memorandum*.

Staff has two concerns related to inclusion of Spire's suggestions into Staff's email. First, Staff does not know what suggestions Spire may make, and does not want to appear to present Spire's positions, opinions or legal conclusions as Staff's own, or as representing the views of the Commission. Second, Staff may not be able to address questions that the Attorney General's Office (AGO) may have pertaining to Spire's suggestions. To address these concerns, Staff has left room at the end of the draft email to include Spire's suggestions, specifically attributing any such suggestions as being provided by Spire. Staff additionally proposes to copy a Spire representative on the email transmission, so that the Spire representative can address any questions that the AGO may have regarding Spire's suggestions.

Staff requests that the Commission set a deadline of no later than December 18, 2025, for Spire to file its suggestions, and the name of the Spire representative to copy on the email transmission.

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

In the Matter of an Investigation into     )  
Spire Missouri Inc. d/b/a Spire             )  
Concerning a Natural Gas Incident in,     )  
Independence, Missouri                     )

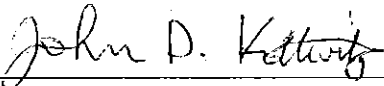
Case No. GS-2025-0068

**AFFIDAVIT OF JOHN D. KOTTWITZ**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

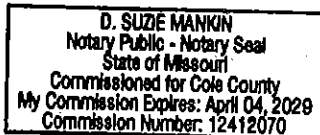
**COMES NOW JOHN D. KOTTWITZ**, and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing *Staff's Recommendation* in memorandum form; and that the same is true and correct according to his best knowledge and belief.

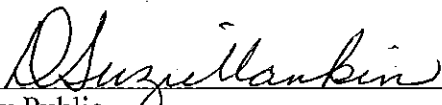
Further the Affiant sayeth not.

  
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**JOHN D. KOTTWITZ**

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 1<sup>st</sup> day of December 2025.



  
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Notary Public

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

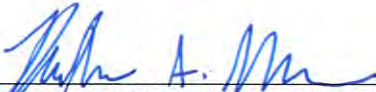
In the Matter of an Investigation into	)	
Spire Missouri Inc., d/b/a Spire	)	<u>Case No. GS-2025-0068</u>
Concerning a Natural Gas Incident in,	)	
Independence, Missouri	)	

**AFFIDAVIT OF KATHLEEN A. McNELIS, PE**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

COMES NOW KATHLEEN A. McNELIS, PE, and on her oath states that she is of sound mind and lawful age; that she contributed to the foregoing *Staff's Recommendation* in memorandum form; and that the same is true and correct according to her best knowledge and belief.

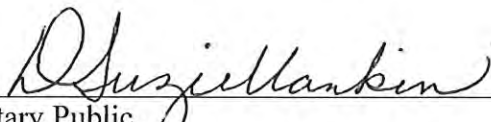
Further the Affiant sayeth not.

  
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KATHLEEN A. McNELIS, PE

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 3<sup>rd</sup> day of December 2025.



  
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Notary Public

**Case No. GS-2025-0068**

**ATTACHMENT 1**

**HAS BEEN DEEMED**

**CONFIDENTIAL**

**IN ITS ENTIRETY**