

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

The Staff of the Missouri Public Service Commission)	
)	
Complainant ,)	
vs.)	<u>File No. GC-2026-XXXX</u>
)	
Spire Missouri Inc., d/b/a Spire,)	
Respondent.)	

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, pursuant to Section 386.390 of the Revised Statutes of Missouri (“RSMo”), 20 CSR 4240-40.030, as follow-up to its investigation in Case No. GS-2025-0068, and for its *Complaint* states as follows:

Introduction

1. The Respondent is the present operator of Spire Missouri Inc., d/b/a Spire (“Spire” or “Spire Missouri”), a regulated provider of natural gas service in Missouri. Staff contends that Spire violated certain sections of the Commission’s Safety Standards – Transportation of Gas by Pipeline Rule, 20 CSR 4240-40.030, specifically related to failing to accurately mark the location of an underground Spire pipeline located in Independence, Missouri. The pipeline was subsequently damaged by excavation activities, leading to a natural gas incident on August 26, 2024. There were no injuries or fatalities as a result of this incident; property damages included damages to the residence at 426 East Fair Street, Independence, Missouri, and Spire facilities.

Complainant

2. Complainant is the Staff acting through Staff Counsel as authorized by Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.070(1).

Respondent

3. Respondent Spire Missouri, Inc. (Spire Missouri) is a Missouri general business corporation in good standing, its principal place of business is located at 700 Market Street, St. Louis, Missouri 63101 and its registered agent is InCorp Services, Inc. The registered agent’s office has now changed to 2847 South Ingram Mill Road, Suite A100, Springfield, Missouri 65804. Spire Missouri is a public utility engaged in distributing and transporting natural gas to retail customers in both western and eastern portions of Missouri. Spire Missouri serves retail customers in the City of Kansas City and thirty (30) counties in western Missouri through its Spire Missouri West operating unit and serves retail customers in the City of St. Louis and ten (10) counties in eastern Missouri through its Spire Missouri East operating unit.

Jurisdiction

4. By virtue of the activities described in the above paragraphs, Respondent is now, and at all times pertinent to the events described above was, a “gas corporation” within the definition of Section 386.020(18), RSMo, and a “public utility” within the definition of Section 386.020(43), RSMo, and thus subject to the jurisdiction of this Commission and the provisions of the Public Service Commission Law at Chapters 386 and 393, RSMo.

Powers of the Commission

5. Pursuant to Sections 386.250(1) and 393.140(1), RSMo, this Commission is charged with the supervision and regulation of public utilities engaged

in the supply of natural gas at retail and is authorized by Sections 386.250(6), 386.310.1, and 393.140, RSMo, to promulgate safety rules applicable to the transportation and distribution of natural gas. Pursuant to this authority, the Commission has duly promulgated its Rule 20 CSR 4240-40.030, Safety Standards-Transportation of Gas by Pipeline (“Gas Pipeline Safety Rule”).

6. Section 386.570.1, RSMo, provides for a penalty between \$100 to \$2,000, per offense, for “[a]ny corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand, or requirement, or any part or provision thereof, of the commission....”

7. When the incident occurred on August 26, 2024, Section 386.572.2, RSMo, stated that beginning January 1, 2015, the maximum penalty for each violation shall be “twenty thousand dollars” while the “maximum penalty for a continuing violation or a multiple series of violations of the same standard or rule provision” shall be “two hundred thousand dollars.”

8. Pursuant to Section 386.590, RSMo, “[a] penalties...shall be cumulative of each other, and the suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture.”

9. The Commission has authority to hear and determine complaints against public utilities pursuant to Section 386.390.1, RSMo, which provides that “[c]omplaint may be made...in writing, setting forth any act or thing done or omitted to be done by any corporation...in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission....”

10. The Commission is authorized by Section 386.310.1, RSMo, after a hearing upon a complaint, to require a public utility to maintain and operate its line, plant,

systems, and equipment in such manner as to promote and safeguard the health and safety of its employees, customers, and the public, and to this end to require the performance of any other act which the health or safety of its employees, customers or the public may demand.

11. This Commission is authorized by Section 393.140(2), RSMo, to investigate the methods employed in distributing gas and “[has] power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas...and those employed in the manufacture and distribution thereof...” The Commission is authorized by Section 393.140(5), RSMo, if it shall be of the opinion after a hearing upon complaint that the property, equipment, or appliances of any such person or corporation under its supervision is unsafe, insufficient or inadequate, the Commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used for the security and accommodation of the public and in compliance with the provisions of law and franchises and charters.

Factual Statement

12. The Commission’s Staff (“Staff”) performs routine inspections of natural gas operators jurisdictional to the Commission for gas pipeline safety,¹ as well as investigations as to causes of incidents. These include inspections and investigations for compliance with the Commission requirements for operators of natural gas pipelines to:

- a. Have and follow a written program to prevent damage to its buried pipelines by excavation activities,²

¹ RSMo 386.310 establishes the commission’s jurisdiction with respect to gas pipeline safety jurisdiction

² 20 CSR 4240-40.030(I)1.

- b. Prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response,³ and
- c. Implement a written procedure to ensure that work completed on an operator's pipelines by its contractors complies with Commission rules.⁴

13. On August 28, 2024, the Staff requested that the Commission open a case to investigate a reportable natural gas incident that occurred on August 26, 2024, in Independence, Missouri, and Spire's compliance with the Commission's Rules regarding natural gas safety, and to assist Staff in conducting more formal discovery, pursuant to the Commission's rules of practice and procedure.⁵

14. Prior to the incident, on August 16, 2024, JJC Underground ("the Excavator") requested marking of buried utility locations through Missouri 811 for an area extending along South Hocker Avenue in Independence, Missouri. On August 20, 2024, the Status History section of the Missouri 811 ticket shows an update to the ticket indicating that Spire's responded that its facilities were marked.⁶

15. On August 26, 2024, the Excavator was using directional drilling equipment to install telecommunication facilities along the west side of South Hocker Avenue, when the bore head on the horizontal directional drilling equipment damaged Spire's four-inch plastic main near the intersection of East Fair Street. Natural gas released from the four-inch plastic main migrated into the residence at 426 East Fair Street and ignited, causing an explosion and fire.

³ 20 CSR 4240-40.030(12)(C)1.

⁴ 20 CSR 4240-40.030(12)(B)3.

⁵ See 20 CSR 4240-2.090 and 20 CSR 4240-2.100

⁶ The work was completed by Spire's Contract Locator company, ** [REDACTED] **, on behalf of Spire.

16. The markings placed in the vicinity by Spire’s Contract Locator on August 20, 2024, indicated that Spire’s gas facilities in this area were anticipated to be parallel with and approximately six feet to the east of the bore location. Excavations made subsequent to the incident revealed that the markings found closest to the damage location were offset by approximately six feet from the actual pipeline location. Consistent with the requirements of Spire’s written program to prevent damages to its buried facilities,⁷ the Missouri Underground Facility Safety and Damage Prevention Act⁸ requires owners of underground facilities to use markings to provide the “approximate location” of the facilities,⁹ where approximate location is defined as a strip of land not wider than the width of the underground facility plus two feet on either side thereof.¹⁰

17. Staff’s investigation and review of Spire’s compliance with applicable commission rules and state statutes showed sufficient facts to assert Spire failed to mark its buried facilities within the tolerance specified in Spire’s written program and the Missouri Underground Facility Safety and Damage Prevention Act.

18. Staff incorporates by reference the attached *Staff’s Gas Incident Report* (“Report”) with appendices filed on October 3, 2025, in Case No. GS-2025-0068. In the Report, Staff asserted Spire violated three Commission Rules,¹¹ made seven recommendations to Spire,¹² and requested Commission authorization to provide a public copy of the Report to the Missouri Attorney General’s Office (AGO).

⁷ 20 CSR 4240-40.030(12)(I)1 requires each operator of a buried pipeline to have and carry out a written program to prevent damage to the pipeline by excavation activities.

⁸ Missouri Revised Statutes (RSMo) Sections 319.010 through 319.050.

⁹ RSMo 319.030.1.

¹⁰ RSMo 319.015(1).

¹¹ See *Section IV Staff’s Findings*, pages 53-54 of Report.

¹² See *Section V Staff’s Recommendations*, pages 54-56 of Report.

19. Spire filed its response to Staff's Incident Report on November 14, 2025, ("Response") in Case No. GS-2025-0068. Spire's Response stated that the company does not dispute the facts leading to Staff's alleged violations. Spire remarked that despite being trained, the contract locator's employee did not follow Spire's procedures.¹³ Spire expressed concerns regarding the scope of Staff Recommendation four, and regarding Staff's request to the Commission to authorize Staff to provide a redacted (public) copy of the Report to the Missouri AGO, Spire requested the opportunity to provide suggestions with any cover document accompanying the Report. Spire additionally stated that it believes the parties will be able to reach an agreement on each of the recommendations.¹⁴

20. On November 18, 2025, the Commission ordered Staff to respond to Spire's concern with recommendation four, and authorized Staff with Spire's suggestions for any cover document to provide a copy of the Report to the AGO.

21. On December 3, 2025, Staff filed its Response to the Commission, providing amended language for Staff Recommendation Four, and stated that the amended language would be used in the Complaint. Staff has used the amended language in COUNT IV, Paragraph 28, Subparagraph D. of this Complaint. In its December 3, 2025, Response to the Commission, Staff additionally provided its draft of a transmittal cover document and requested the Commission to set a deadline of December 18, 2025, for Spire to file its suggestions that will be added to the transmittal cover document. On December 4, 2025, the Commission ordered Spire to file its response to Staff's amended recommendation four and to file its suggestions and the

¹³ Spire's Response, paragraph 9.

¹⁴ Spire's Response, paragraph 11.

name of the Spire representative to be copied on the email transmission to the AGO. On December 18, 2025, Spire filed its response. On January 14, 2026, Staff provided a copy of its Report to the AGO by email, copying Spire.

COUNT I

Spire’s failure to locate its underground facilities within the “approximate location”¹⁵ as required by Section 319.030, RSMo was a violation of 20 CSR 4240-40.030(12)(I)1.

22. The Staff’s Report filed on October 3, 2025, in Case No. GS-2025-0068 at pages 21 – 33 in *Section III.D Damage Prevention Program* covers the substance of this Count and is attached.

23. Spire is required to have and carry out a written program to prevent damage to its underground pipelines by excavation activities.¹⁶ Consistent with the requirements of the Missouri Underground Facility Safety and Damage Prevention Act,¹⁷ Spire’s written program requires markings to be within the width of the facility plus no more than two feet on either side. The natural gas main damaged in this incident was not marked within this tolerance, therefore Spire did not carry out its written program to prevent damage to this facility.

¹⁵ Approximate location is defined in RSMo 319.015 as a strip of land not wider than the width of the underground facility plus two feet on either side thereof. In situations where reinforced concrete, multiplicity of adjacent facilities or other unusual specified conditions interfere with location attempts, the owner or operator shall designate to the best of his or her ability an approximate location of greater width.

¹⁶ 20 CSR 4240-40.030(12)(I)1. requires 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.

¹⁷ Missouri Revised Statutes (RSMo) Sections 319.010 through 319.050.

WHEREFORE, Staff prays that the Commission, after due notice and hearing, will determine that Spire violated the Commission’s Gas Pipeline Safety Rule 20 CSR 4240-40.030 as stated herein and, pursuant to Section 386.600, RSMo, authorize its General Counsel to seek penalties under Sections 386.570, 386.572 and 386.590, RSMo; and grant such other and further relief as is just in the circumstances.

COUNT II

Spire’s Contract Locator’s failure to follow Spire’s manual of written procedures for conducting operations and maintenance activities and for emergency response was a violation of 20 CSR 4240-40.030(12)(C)1.

24. The Staff’s Report filed on October 3, 2025, in Case No. GS-2025-0068 at pages 21 – 33 in *Section III.D Damage Prevention Program* covers the substance of this Count and is attached.

25. Spire is required to prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response.¹⁸ During the course of the investigation, Spire determined and Staff concurs that Spire’s Contract Locator did not follow certain requirements of Spire’s Contract Locating Procedure Standard Operating Procedure (SOP) 220.R.5.¹⁹ when marking Spire’s facilities.

WHEREFORE, Staff prays that the Commission, after due notice and hearing, will determine that Spire violated the Commission’s Gas Pipeline Safety Rule 20 CSR 4240-40.030 as stated herein and, pursuant to Section 386.600, RSMo, authorize its General Counsel to seek penalties under Sections 386.570, 386.572 and 386.590, RSMo;

¹⁸ 20 CSR 4240-40.030(12)(C)1 requires the written procedure. 20 CSR 4240-40.030(12)(C)2.A specifically requires procedures required for operating in accordance with Section (12) of the rule. Having a Damage Prevention Program is a requirement of Section (12) of 20 CSR 4240-40.030.

¹⁹ Report pages 21 – 33 in *Section III.D Damage Prevention Program*, and Spire’s Response paragraph 9.

and grant such other and further relief as is just in the circumstances.

COUNT III

Spire's failure to ensure that all work completed on its pipelines by its contractor complies with 20 CSR 4240-40.030 was a violation of 20 CSR 4240-40.030(12)(B)3.

26. The Staff's Report filed on October 3, 2025, in Case No. GS-2025-0068 at pages 49 – 53 in *Section III.H Oversight of Contractors* covers the substance of this Count and is attached.

27. Spire is required to ensure that all work its contractors complete on its pipelines complies with the requirements of 20 CSR 4240-40.030.²⁰ As alleged in Count II, Spire's Locate Contractor did not comply with the requirements of 20 CSR 4240-40.030(12)(C)1 to follow applicable procedures. Therefore, Staff alleges that Spire failed to ensure compliance by its Locate Contractor.

WHEREFORE, Staff prays that the Commission, after due notice and hearing, will determine that Spire violated the Commission's Gas Pipeline Safety Rule 20 CSR 4240-40.030 as stated herein and, pursuant to Section 386.600, RSMo, authorize its General Counsel to seek penalties under Sections 386.570, 386.572 and 386.590, RSMo; and grant such other and further relief as is just in the circumstances.

COUNT IV

Staff Recommendations

28. In addition to identifying violations of Commission Rules, Staff set out in its Staff's Report at pages 54-56 recommendations respecting areas related to the violation

²⁰ 20 CSR 4240-40.030(12)(B)3.

with the intended effect of implementation of the recommendations further evaluating the risks posed by the violation, and to minimize the possibility of a recurrence of the same violations. When Staff filed its Staff's Report on October 3, 2025, it also filed a cover pleading entitled *GS-2025-0068 Staff's Gas Incident Report* that stated it would file a Complaint against Spire which would contain Staff's recommendations in addition to identifying and addressing the violations of the Commission's pipeline safety rules. Pursuant to its authority under Section 386.310.1, RSMo, to require Spire to operate its system in such manner as promotes and safeguards the health and safety of its employees, customers, and the public, its authority under Section 393.140(2), RSMo, to order such reasonable improvements in Spire's methods of operation as will best promote the public interest, preserve the public health and protect both those using gas and those employed in the distribution of gas, and its authority under other statutory sections noted herein, the Commission may order Spire to implement these recommendations. Staff recommended in its Report and recommends through its Complaint that the Commission direct that Spire file an action plan to effectuate each recommendation.

A. Staff recommended that Spire provide quarterly updates to the Commission regarding the status of implementation for corrective action items 4 and 8 in Confidential Table 2 of the Report until the corrective action items have been completed satisfactorily. If either of the two identified corrective action items is no longer considered to be necessary by Spire, the reason(s) should be explained in the quarterly updates. (See Section III.B. - Investigation of Failures and Incidents of the Report). Spire's November 14, 2025, Response to Gas Incident Report stated, Spire Missouri has completed corrective action items 4 and 8 and has provided updates to Staff regarding these corrective actions in its regular safety quarterly reports.

Spire additionally provided further information on the completion of corrective action items 4 and 8 in its October 30, 2025, Spire Missouri West Quarterly Update to Staff. Based on the information provided to Staff by Spire for corrective action item 4, Staff considers this corrective item to be resolved. Based on information provided to Staff in the most recent quarterly report from Spire to Staff, it is Staff's understanding that implementation of corrective action item 8 ** [REDACTED] **. Staff recommends that Spire's progress towards completion of its corrective action item 8 be addressed in Spire's action plan.

B. Staff recommends that Spire evaluate the circumstances involved with locating offsets in its gas facilities and provide additional training and guidance to its Contract Locator employees regarding how to accurately locate the offset. This should include locating segments of plastic main that are offset from steel mains, where there may or may not be a working tracer wire to use for electronic locate equipment. When the tracer wire is not working for conductive methods using electronic locate equipment or the measurements for Spire records are not available or clear, the process needs to be clear for how Contract Locator employees should proceed. (See Section III.D - Damage Prevention Program of the Report).

C. Staff recommends that when Spire is able to observe the actual location of its gas facilities, including each instance when Spire or its contractor exposes buried gas facilities during operations and maintenance activities, that Spire verify and update its maps that are used by locating personnel and include electronic and GPS mapping coordinate information when appropriate. Updated maps should be provided to the contract locator. (See Section III.D - Damage Prevention Program of the Report).

D. 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 of the accuracy of this measurement (Staff Recommendation in Subparagraph C), 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 the Report).

E. Staff recommends that Spire revise SOP 220.R to use a distance of no greater than two feet in the procedure stating: ** [REDACTED] [REDACTED].” ** (See Section III.D - Damage Prevention Program of the Report).

F. Staff recommends that Spire provide a quarterly report to Staff of the “Quality Ratio” for each locating contractor that Spire utilizes in Missouri during that quarter. The report should include a quality ratio, calculated as contractor locate at fault damages divided by the total billable locates. (See Section III.H - Oversight of Contractors of the Report).

G. Staff recommends that Spire provide annual summaries of the results of audits Spire performs on each of its contract locators. The annual summaries should include at a minimum the date of the audit, Missouri 811 ticket number, internal remarks or notes by the auditor, an indication of whether the locate passed or failed the audit, and identification of all corrective measures taken as a result of locates that failed the audit. (See Section III.H - Oversight of Contractors of the Report).

H. The Commission should issue an order:

- a. Requiring the action plan include Spire's proposed resolution for addressing each recommendation and the timeframe for implementing the resolution.
- b. Requiring Spire to file updates every six months as to how the plan has been effectuated.

If Spire believes no action is necessary, Staff recommends the Commission order Spire to further explain, and provide supporting documentation as available, the reason(s) Spire believes no further action is required.

WHEREFORE, Staff files its Complaint with respect to the findings and violations against Spire as set out above and in the attached Incident Report.

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 3rd day of March, 2026.

/s/ J. Scott Stacey