

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

|                                                      |   |                                     |
|------------------------------------------------------|---|-------------------------------------|
| The Staff of the Missouri Public Service Commission, | ) |                                     |
|                                                      | ) |                                     |
| Complainant ,                                        | ) |                                     |
|                                                      | ) |                                     |
| vs.                                                  | ) | <b><u>File No. GC-2027-XXXX</u></b> |
|                                                      | ) |                                     |
| 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-2025-0295, 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 follow its written procedures for conducting operators and maintenance activities and for emergency response, and failure to implement required actions to prevent an accidental ignition where a hazardous amount of gas was venting into open air during Spire’s emergency response to a gas release in Kansas City Missouri. A Spire natural gas pipeline was damaged during backfilling of an excavation on April 22, 2025, leading to a release of

natural gas from the pipeline. Three Spire employees arriving on scene as part of Spire's emergency response ignited the released gas by excavation of the backfill material using a mini-excavator, injuring the three Spire employees. The Spire Machine Operator was hospitalized for extended treatment.

### **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 April 22, 2025, Section 386.572.2, RSMo, stated that beginning January 1, 2025, the maximum penalty for each violation shall be “twenty-five 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 fifty 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,<sup>1</sup> 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,<sup>2</sup>
- b. Prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response,<sup>3</sup> and
- c. Implement a written procedure to ensure that work completed on an operator's pipelines by its contractors complies with Commission rules.<sup>4</sup>

13. On April 23, 2025, the Staff requested that the Commission open a case to investigate a reportable natural gas incident that occurred on April 22, 2025, in Kansas City, 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.<sup>5</sup>

14. Prior to the incident, on April 14, 2025, the Kansas City Missouri Water Department ("KC Water" or "the Excavator") requested marking of buried utility locations through Missouri 811 in the vicinity of Grandview Rd. north of the intersection

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<sup>1</sup> RSMo 386.310 establishes the commission's jurisdiction with respect to gas pipeline safety jurisdiction.

<sup>2</sup> 20 CSR 4240-40.030(12)(I)1.

<sup>3</sup> 20 CSR 4240-40.030(12)(C)1.

<sup>4</sup> 20 CSR 4240-40.030(12)(B)3.

<sup>5</sup> See 20 CSR 4240-2.090 and 20 CSR 4240-2.100

with Red Bud Dr. in Kansas City, Missouri. A high pressure 10-inch steel Spire natural gas main owned by Spire was located within the area identified for excavation.

15. During the KC Water work that occurred on April 22, 2025, a Spire Civic Improvement Inspector was on-site to observe the excavation work, however he departed at about 5:06 pm while the excavator was beginning backfilling work. At approximately 5:10 pm during the backfilling work, a 1-inch pipe nipple welded onto the 12:00 position (top of) the 10-inch steel natural gas pipeline was hit and bent, causing a fracture in the pipeline. The pipeline was operating at approximately 130 psig when the pipeline fracture occurred. Natural gas was blowing from the open excavation but had not yet ignited.

16. KC Water notified the Spire Civic Improvement Inspector of the pipeline damage at approximately 5:17 pm and notified Spire dispatch at 5:18 pm. Spire's first responding personnel, a Machine Operator and a Working Foreman, arrived at the incident location at 5:36 pm and unloaded Spire's excavation equipment near the damage location. A Spire Serviceperson arrived at the incident location at 5:42 pm. The Spire Working Foreman instructed KC Water personnel to move their equipment away from the blowing gas, then the Spire Machine Operator began excavating the backfill using a mini-excavator.

17. The natural gas ignited during Spire's excavation activities, resulting in severe burns to the Spire Machine Operator. The location of the pipeline damage was then made safe by closing two nearby valves. Repair was completed by removing the damaged 1-inch nipple and welding on a permanent repair sleeve. Three Spire employees,

the Machine Operator, Working Foreman, and Serviceperson, were injured. The Machine Operator was hospitalized for extended treatment.

18. Staff's investigation and review of Spire's compliance with applicable commission rules and state statutes showed sufficient facts to assert Spire failed to follow its written procedures for conducting operations, maintenance and emergency response,<sup>6</sup> and failed to implement required actions to prevent accidental ignition.<sup>7</sup>

19. Staff incorporates by reference the attached *Staff's Gas Incident Report* ("Report") with appendices filed on April 30, 2026, in Case No. GS-2025-0295. In the Report, Staff asserted Spire violated two Commission Rules and made eight recommendations to Spire.

20. Spire filed its initial response to Staff's Incident Report on June 12, 2026, ("Response") in Case No. GS-2025-0295. Spire's Response was silent regarding the violations that Staff asserted and indicated general agreement with Staff's recommendations to Spire.

#### **COUNT I**

**Spire's failure to follow Spire's written procedures for conducting operations and maintenance activities and for emergency response, including Spire's Emergency Plan, was a violation of Commission Rule 20 CSR 4240-40.030(12)(C)1. Specifically:**

- a. **Spire did not \*\* [REDACTED] \*\* as required by Spire's SOP 220.D.7 and instead operated machinery in the presence of a major gas leak, which resulted in injuries to Spire personnel,**

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<sup>6</sup> See Section III.A. *Incident Description and Emergency Response* of Staff's Gas Incident Report.

<sup>7</sup> See Section III.A. *Incident Description and Emergency Response* of Staff's Gas Incident Report.

- b. Spire did not \*\* [REDACTED] \*\* or wait for  
\*\* [REDACTED]  
[REDACTED] \*\* before entering the area around the  
excavation with blowing gas as required by Spire's SOP 220.L.3., and
- c. Although working conditions on the job site had become unsafe and  
hazardous, Spire employees did not follow \*\* [REDACTED]  
[REDACTED] \*\* as required by Spire's SOP 110.C before the ignition occurred.

21. The Staff's Gas Incident Report filed on April 30, 2026, in Case No. GS-2025-0295 at pages 3-14 in *Section III.A Incident Description and Emergency Response* covers the substance of this Count and is attached.

22. Spire is required to prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response.<sup>8</sup> One of the minimum requirements for emergency response procedures is to take actions directed toward protecting people first and then property.<sup>9</sup>

**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.

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<sup>8</sup> Commission Rule 20 CSR 4240-40.030(12)(C)1 requires the written procedure. Commission Rule 20 CSR 4240-40.030(12)(C)2.A specifically requires procedures required for operating in accordance with Section (12) of the rule. Having written procedures to minimize the hazard resulting from a gas pipeline emergency is a required of Subsection (12)(J) of the rule.

<sup>9</sup> Required by Commission Rule 20 CSR 4240-40.030(12)(J)1.E.

## **COUNT II**

**Spire's failure to implement required actions to prevent an accidental ignition was a violation of Commission Rule 20 CSR 4240-40.030(13)(X)1. Specifically in a location where a hazardous amount of gas was venting into the open air, Spire failed to remove each source of ignition and instead introduced a source of ignition that was used by Spire personnel at the location of the blowing gas.**

23. The Staff's Gas Incident Report filed on April 30, 2026, in Case No. GS-2025-0295 at pages 3-14 in *Section III.A Incident Description and Emergency Response* covers the substance of this Count and is attached.

**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 III**

### **Staff Recommendations**

24. In addition to identifying violations of Commission Rules, Staff set out in its Staff's Report at pages 36-37 recommendations respecting areas related to the violations with the intended effect of implementation of the recommendations to minimize the possibility of a recurrence of the same violations.

A. Staff recommends that Spire review the clarity of requirements and priorities in Spire's procedures pertaining to emergency response to ensure that actions

related to protecting people first are clearly articulated in each procedure without need to reference other procedures; and provide additional training to Spire personnel who may be involved in emergency response activities on the requirements and priorities in emergency responses to blowing gas with emphasis on safe work practices and communication between response personnel. (See *Section III.A. Incident Description and Emergency Response* of the Report).

B. Staff recommends that Spire include simulated emergencies and mock drills in the additional training and that discussion should occur about the circumstances of this incident. (See *Section III.A. Incident Description and Emergency Response* of the Report).

C. Staff recommends that Spire update SOPs 220.L \*\* [REDACTED] \*\* and 230.H \*\* [REDACTED] \*\* to limit when work can be performed in an excavation \*\* [REDACTED] [REDACTED] \*\*. Specifically, Staff recommends changing \*\* [REDACTED] \*\* in SOPs 220.L and 230.H to “Spire pipelines”. (See *Section III.A. Incident Description and Emergency Response* of the Report).

D. Staff recommends that Spire provide the status of implementation for action items 1-10 in Confidential Table 2 of this report and for items not completed, provide quarterly updates to the Commission until the action items have been completed satisfactorily. If any action item is no longer considered to be necessary by Spire, the reason(s) should be explained when providing the status of implementation. (See *Section III.B. Investigation of Failures and Incidents* of the Report).

E. Staff recommends that going forward, if Spire continues to use the 5 Whys approach for conducting RCAs, that Spire complete the questioning until either five why questions have been asked and answered, or until no logical why questions remain. (See *Section III.B. Investigation of Failures and Incidents* of the Report).

F. Staff recommends that when Spire determines the need for an on-site inspection by Spire personnel of an excavation, that Spire also inspect the backfilling when the backfilling activity will be in proximity to the Spire pipeline like occurred in this incident. (See *Section III.D. Damage Prevention Program* of the Report).

G. Staff recommends in the future that to the extent that Spire has personnel available who can perform the required tasks, Spire utilize personnel who were not directly involved in the incident to perform the emergency response actions. (See *Section III.E. Drug and Alcohol Testing* of the Report).

H. Staff recommends that Spire report to Staff the status of the DIMP Plan action to use ticket management system risk modeling for targeted excavator inspections. If this action has not been completed, Staff recommended that Spire complete this DIMP Plan action and inform Staff when it is completed and implemented. (See *Section III.G. Distribution Integrity Management Program (“DIMP”) of the Report*).

I. 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 28<sup>th</sup> day of July, 2026.

**/s/ J. Scott Stacey**