BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
October 30, 2026
Missouri Public
Service Commission

Brett Felber,
Complainant,
v.
Spire Missouri Inc., d/b/a Spire,
Respondent.

Case No. GC-2027-0114

COMPLAINANT'S RESPONSE IN OPPOSITION TO STAFF'S MOTION IN SUPPORT OF DISMISSAL

COMES NOW, Brett Felber, Complainant, pro se, and for his Response in Opposition to the Staff of the Missouri Public Service Commission's Motion in Support of Dismissal, states as follows:

I. INTRODUCTION – STAFF AND SPIRE SEEK TO AVOID THE MANDATORY "SHALL" REQUIREMENTS

This Motion in Support of Dismissal is an attempt by Staff of the Commission, and more importantly Spire, to alter, substitute, switch, and change the language of the concise Commission rules, regulations, and tariffs rather than admit the truth. Neither the Commission Staff nor Spire wants to discuss the mandatory language of "shall" that governs discontinuance and denial of service. The word "shall" appears 259 times in the Commission's rules, regulations, and tariffs. Spire and Commission Staff have failed to present a legal defense against these mandatory obligations and instead offer defenses that are not found in the Commission rules, regulations, and tariffs. Spire has committed numerous violations in which the rules provide that the utility "shall" provide written notice, "shall" make reasonable efforts to contact the customer at least twenty-four hours prior to discontinuance, and "shall" leave a notice upon the premises when service is discontinued. These are not discretionary suggestions. They are mandatory obligations. When caught failing to comply, Staff and Spire respond by attempting to rewrite the rules and manufacture grounds for dismissal instead of acknowledging the violations.

Staff's Motion fundamentally mischaracterizes the Commission's October 26, 2026 Order Denying Motion for Restoration of Gas Service, misapplies the standing and nonjoinder provisions of § 386.390 RSMo and 20 CSR 4240-2.070, and prematurely concludes that good cause exists for dismissal under 20 CSR 4240-2.116(4). The Commission ordered this complaint to proceed under the formal complaint procedure and directed Staff to investigate and file a report by December 18, 2026. An interlocutory denial of immediate restoration does not moot the alleged violations of 20 CSR 4240-13.050, 20 CSR 4240-13.035, or Spire's tariff, nor does it eliminate the active controversy.

II. STAFF MISCHARACTERIZES THE COMMISSION'S ORDER

Staff asserts that "the Commission has found that the proper party for these allegations is not a party to the case. The complainant does not have a personal account started at the service

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address, and the facts presented are misleading. Therefore, the issues alleged in this case are not properly before the Commission, and good cause exists to dismiss the complaint at this time."

This is inaccurate and is an attempt to substitute Staff's desired conclusion for the Commission's actual Order. As Staff itself summarizes in paragraph 8 of its Motion, the Commission denied the Motion for Immediate Restoration because (a) the Church of Jesus and Hope is not a party (so allegations specific to its account would require a separate complaint), (b) Spire argued there was no disconnection of a personal account because service was not started and the deposit was refunded, and (c) the past-due balance linked to the same service address had not been eliminated. The Commission did not find that the facts are "misleading," that the issues "are not properly before the Commission," that there is "no proper party" for the entire complaint, or that good cause exists to dismiss the case. The Commission had already ordered formal processing and a Staff investigation. Staff is rewriting the Order to manufacture grounds for dismissal rather than address the mandatory "shall" requirements Spire failed to meet. These defenses are not grounded in the Commission's rules, regulations, or tariffs.

III. STANDING AND PROPER PARTY UNDER STATUTE AND RULES

Section 386.390.1 RSMo authorizes a complaint by "any ... person" setting forth any act or omission claimed to violate a provision of law subject to the Commission's authority, a Commission rule, a utility tariff, or a Commission order. Section 386.390.3 provides that "[t]he commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant." Section 386.390.2 states that "no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties."

These provisions are tracked in 20 CSR 4240-2.070(1) and (6). Staff's "no proper party" and "facts misleading" argument is an attempt to alter the clear language of the statute and rules to seek dismissal for nonjoinder or lack of direct interest. See State ex rel. Jackson County v. Public Service Comm'n, 532 S.W.2d 20 (Mo. 1976). Complainant is an occupant and applicant at the service address who tendered payment that Spire accepted on Account Number [redacted]. That is sufficient under the standing rules. Spire and Staff do not get to rewrite who may complain. Their proposed defenses are not found in the Commission's rules, regulations, or tariffs.

IV. COMMISSION RULES DEFINING CUSTOMER, APPLICANT, AND ACCOUNT RESPONSIBILITY

20 CSR 4240-13.015(1)(G) defines "Customer" as "a person or legal entity responsible for payment for service, except one (1) denoted as a guarantor." 20 CSR 4240-13.015(1)(A) defines "Applicant" as "an individual(s) or other legal entity who has applied to receive service."

Acceptance of payment on an account number creates responsibility for payment for service under these definitions. Spire's acceptance of Complainant's [redacted] payment while refusing restoration or commencement of service at the address constitutes denial of service or improper refusal to re-establish service. The Commission requires and accepts as an account the person responsible for payment; a fully "started" personal account is not a prerequisite to the notice and denial rules once payment is tendered and accepted or once discontinuance occurs at the premises. Staff and Spire are attempting to substitute their own invented requirements for the

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plain language of the definitions. These invented requirements are not in the Commission rules, regulations, or tariffs.

V. EXACT COMMISSION RULES FOR DENIAL OF SERVICE THAT WERE NOT FOLLOWED

20 CSR 4240-13.035 (Denial of Service) provides:

> (1) When the utility refuses to provide service to an applicant, it shall inform the applicant in writing, and shall maintain a record of the written notice. A utility may refuse to commence service to an applicant for any of the following reasons:
>
> (A) Failure to pay a delinquent utility charge for services provided by that utility or by its regulated affiliate that is not subject to dispute under applicable dispute review provisions of 20 CSR 4240-13.045;
>
> (B) Failure to post a required deposit or guarantee in accordance with 20 CSR 4240-13.030 or the utility's tariffs;
>
> (and other limited grounds).

20 CSR 4240-13.035(2) provides that a utility shall not refuse to commence service for failure to pay the bill of another customer unless the applicant received substantial benefit and use of the service (burden of proof on the utility).

Spire accepted payment yet refused to restore or commence service without providing the required written notice of denial under 20 CSR 4240-13.035(1) and without establishing a permissible ground under that rule. The rule uses the mandatory "shall inform the applicant in writing." This is a denial of service in violation of the rule. Staff's Motion ignores this entirely and attempts to change the language of the denial-of-service rule to fit Spire's preferred narrative. The defenses offered are not in the Commission rules, regulations, or tariffs.

VI. NOTICE AND DISCONTINUANCE RULES THAT WERE NOT FOLLOWED – 20 CSR 4240-13.050 (THE MANDATORY "SHALL")

The Complaint alleges, and the facts support, violations of the following specific provisions of 20 CSR 4240-13.050 (which Spire's tariff P.S.C. MO. No. 9, Rules and Regulations § 14, substantially tracks). These are concise, mandatory rules that repeatedly use the word "shall." The word "shall" appears 259 times across the Commission's rules, regulations, and tariffs. Staff and Spire do not want to discuss this mandatory language and have failed to present a legal defense against it. Instead, they seek to alter the rules and offer defenses not found in those authorities rather than admit Spire failed to comply with what the utility "shall" do:

20 CSR 4240-13.050(5): An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance.

20 CSR 4240-13.050(8): At least twenty-four (24) hours preceding discontinuance, a utility shall make reasonable efforts to contact the customer to advise the customer of the proposed discontinuance, and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger, or at least two (2) telephone call attempts reasonably calculated to reach the customer.

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20 CSR 4240-13.050(9): Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a conspicuous place advising that service has been discontinued and how service may be restored, and the telephone number of the utility.

The second sentence of 20 CSR 4240-13.050(9) requires that, when service is discontinued, the employee "shall leave a notice upon the premises in a conspicuous place advising that service has been discontinued and how service may be restored, and the telephone number of the utility." Spire failed to leave proper notice at the residence as required. Staff's Motion does not address these mandatory "shall" notice requirements and instead treats account status as dispositive of all rule violations. That is an attempt to switch and change the language of the rules rather than admit the truth that the required notices were not given. Spire has committed numerous violations of provisions in which the utility "shall" act. Spire and Staff have offered no legal defense grounded in the Commission's rules, regulations, or tariffs.

VII. GOOD CAUSE DISMISSAL IS PREMATURE AND UNSUPPORTED

20 CSR 4240-2.116(4) permits dismissal for good cause after a minimum of ten days' notice to all parties. Staff correctly cites the rule in form but misapplies and seeks to manipulate it. No Commission order has found good cause to dismiss this complaint. Typical grounds (lack of prosecution under 20 CSR 4240-2.116(2), failure to appear or comply under 20 CSR 4240-2.116(3), or failure to state a claim under 20 CSR 4240-2.070(7)) are absent. Supporting dismissal before Staff's own ordered investigation is inconsistent with the Commission's prior order directing the investigation and is another effort to avoid addressing the mandatory "shall" violations. The proposed grounds for dismissal are not found in the Commission's rules, regulations, or tariffs.

VIII. SUSPENSION OF STAFF'S REPORT IS IMPROPER

Staff's request to suspend the ordered investigation and December 18 report as "moot" is circular and premature. A pending motion to dismiss does not eliminate the Commission's direction to investigate specific alleged violations of 20 CSR 4240-13.050, 20 CSR 4240-13.035, and the tariff. No rule or statute authorizes automatic suspension on this basis. This is simply another attempt by Staff and Spire to avoid discussing what the rules require the utility "shall" do and to rely on defenses outside the Commission's rules, regulations, and tariffs.

IX. CONCLUSION

Neither the Commission Staff nor Spire wants to talk about the mandatory language of "shall" in the Commission's rules, regulations, and tariffs. The word "shall" appears 259 times in those authorities. Spire and Commission Staff have failed to present a legal defense against these mandatory requirements and instead advance defenses that are not in the Commission rules, regulations, and tariffs. Speaking of "shall," Spire has committed numerous violations of provisions in which the utility shall provide written notice at least ten days prior, shall make reasonable efforts to contact the customer at least twenty-four hours preceding discontinuance, and shall leave a notice upon the premises when service is discontinued. See 20 CSR 4240-13.050(5), (8), and (9). Spire also failed to inform the applicant in writing when refusing to

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commence or restore service, as required by 20 CSR 4240-13.035(1). Staff's Motion adopts Spire's characterizations without investigation, misstates the Commission's Order, and seeks dismissal contrary to § 386.390 RSMo and the Commission's own rules rather than address these mandatory obligations. The complaint states claims upon which relief may be granted (restoration of service, compliance orders, and appropriate regulatory remedies). Good cause for dismissal does not exist.

WHEREFORE, Complainant respectfully requests that the Commission deny Staff's Motion in Support of Dismissal, deny Spire's Motion to Dismiss, require Staff to complete its ordered investigation and report, and grant such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

Dated: October 30, 2026

/s/ Brett Felber
Brett Felber, Pro Se
[redacted]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complainant's Response in Opposition to Staff's Motion in Support of Dismissal was served by electronic mail on this 30th day of October, 2026, to all counsel of record and the parties listed on the official service list for Case No. GC-2027-0114.

/s/ Brett Felber
Brett Felber

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