BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

FILED
November 4, 2026
Missouri Public
Service Commission

Brett Felber,

Complainant,

v. Case No. GC-2027-0114

Spire Missouri Inc. d/b/a Spire,

Respondent.

MEMORANDUM IN SUPPORT OF

MOTION FOR SUMMARY DETERMINATION

COMES NOW Complainant and submits this Memorandum in Support of his Motion for Summary Determination pursuant to 20 CSR 4240-2.117(1)(B).

I. INTRODUCTION AND LEGAL STANDARD

Commission Rule 20 CSR 4240-2.117(1)(E) provides that the Commission may grant a 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. An order granting summary determination shall include findings of fact and conclusions of law.

Summary determination is appropriate on the discrete issue of Spire's failure to leave a door tag because Spire has admitted that fact in its October 23, 2026 Response.

II. PURPOSE OF THE COMMISSION'S DISCONTINUANCE RULES

The official purpose of 20 CSR 4240-13.050 states: "This rule prescribes the conditions under which service to a customer may be discontinued and procedures to be followed by utilities and customers regarding these matters so that reasonable and uniform standards exist for the discontinuance of service."

The Commission adopted these layered notice requirements—including the written 10-day notice, 24-hour contact efforts, personal identification of the technician, and the mandatory requirement in subsection (9) that the employee leave a conspicuous notice upon the premises when service is discontinued—precisely to protect residential customers of essential utility service (such as natural gas) from abrupt or undocumented discontinuances. The final door-tag requirement ensures that, even if verbal contact is disputed or the customer is not present at the exact moment of shutoff, a conspicuous written record remains on the premises stating that service has been discontinued and providing the utility's address and telephone number so the customer can immediately arrange restoration. These procedures create clear, uniform, and enforceable standards that balance the utility's right to collect for service with the customer's right to due process and continuity of essential service.

III. ARGUMENT

A. Spire's Admission Establishes the Absence of a Genuine Issue of Material Fact

In Paragraph 9 of its October 23, 2026 Response to Complainant's Motion for Immediate Restoration of Gas Service and for Production of Documents, Spire states: "The technician did not leave a door tag due to already having spoken with an individual at the home about the disconnection and concerns regarding safety if he approached the door to leave a door tag."

In Paragraph 12 of the same Response, Spire states: "while no door tag was left, the technician made the reasonable decision to not approach the front door to leave a door tag, considering his conversation with the individual about the disconnection and safety concerns."

These statements are contained in a pleading filed with the Commission. Under the summary determination standard, an admission in a pleading is conclusive as to the fact admitted for purposes of the motion. There is no genuine dispute that Spire's technician did not leave a door tag on October 6, 2026.

B. The Admission Establishes Non-Compliance with 20 CSR 4240-13.050(9) as a Matter of Law

20 CSR 4240-13.050(9) states, in relevant part:

"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 manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored."

Spire's own statements establish that no notice was left. While Spire asserts a safety rationale for not approaching the door, the rule's leave-notice requirement is separate from the initial contact effort. The undisputed fact that no door tag was left constitutes non-compliance with 20 CSR 4240-13.050(9). No further factual development is required on this point.

C. Granting Summary Determination on This Issue Is in the Public Interest

Enforcing the notice requirements of 20 CSR 4240-13.050 protects residential customers from unexpected and undocumented discontinuances of essential natural gas service. A clear finding based on Spire's own admission promotes compliance and transparency. Partial summary determination on this discrete, admitted fact is therefore in the public interest and will streamline the remaining issues in the case. The Commission adopted these precise processes to ensure uniform standards and customer protection; failure to enforce them undermines that purpose.

IV. CONCLUSION

For the foregoing reasons, the Commission should grant Complainant's Motion for Summary Determination, find the violation of 20 CSR 4240-13.050(9), recommend the maximum penalty under Section 386.570, RSMo, of $[redacted] per day as a continuing violation since October 6, 2026, and recommend actual damages including lost wages at $300 per day together with punitive damages under common law and Section 510.261, RSMo.

Respectfully submitted,

/s/ Brett Felber

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Brett Felber

[redacted]

[redacted]

[redacted]

[redacted]

Pro Se Complainant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all parties of record by email or U.S. mail this 4th day of November, 2026.

/s/ Brett Felber

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Brett Felber