

Locustwood Associates,)
)
Complainant)
)
Vs.) **File No. GC-2018-0267**
)
Spire Missouri, Inc. d/b/a Spire)
)
Respondent)

COMES NOW the Complainant, by and through the undersigned counsel, and for its *Motion to Compel Discovery* states:

1. On July 16, 2018, Locustwood Associates (“Locustwood”) sent to Spire a second set of interrogatories and request for production of documents.
2. Locustwood asked the following:
 7. Identify all communications by and between Spire and its employees directly or indirectly related to the decision to shut off gas service to 9922 and any communication within Spire of whether to contact Locustwood Associates under the revert to owner agreement related to notifying owner about the shut off of gas service to 9922 and provide all documents related to such communications.
 8. Is Rochelle Robinson still employed by Spire or any of its affiliates? Robinson executed the revert to owner agreement with Locustwood Associates on behalf of Missouri Gas Energy. Provide work location and phone number of Robinson, if still employed.
 9. Identify and produce all forms of revert to owner agreements that differ in any way from the agreement signed with Locustwood Associated in use by Missouri Gas Energy, Spire and its affiliates or Laclede gas from 2010 to the present:
 - (a) Within Missouri service area.

(b) Outside of the Missouri service area.

10. Identify and produce all forms of revert to owner agreements that were used by Missouri Gas Energy, Spire and its affiliate and Laclede gas from 2010 to the present:

(a) Within Missouri service area.

(b) Outside of the Missouri service area.

3. Pursuant to 4 CSR-2.090, Discovery and Prehearing rules, Locustwood has not received no objections from Spire within ten days and has received no responses from Spire within the twenty days as required by the rule.

4. On August 7, 2018, Locustwood sent e-mail to Spire's Counsel asking what the status of the responses to the second set of discovery. See Exhibit A hereto. No response has been received to this request.

5. The second set of discovery is calculated to lead to discoverable evidence related to the issues raised in the formal complaint. Specifically, whether Spire's conduct violates Section 393.130 (1) of RSMO and Section 393.130 (3) of RSMO? Locustwood had a revert to owner agreement with Spire for 9922 and all other 15 rental units for units 9900-9914 and 9916-9930 Locust Street Kansas City Missouri 64131. Spire had an obligation to provide safe, proper and adequate service to Locustwood, and it failed to meet its duty and obligations under Public Utility Laws and Regulations. Spire never notified Locustwood that gas service had been turned off to 9922, and as a result, water pipes in the unit froze and were damaged due to the lack of heat.

WHEREFORE, Locustwood by its attorney respectfully submits its *Motion to Compel Discovery* for the Commission's consideration.

Respectfully submitted,

/s/ Christopher J. White

Christopher J. White

Attorney for Locustswood

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served electronically, or hand-delivered, or via First Class United States Mail, postage prepaid, on all parties of record herein on this 10th day of August, 2018.

/s/Christopher J. White

Hello cjlw01

Sign Out

Preferences

Themes

Help

Classic Mail

Web Search +

Voicemail

Email

Contacts

Inbox: FW: RE: GC-2018-0267

Reply

Reply All

Forward

Forward as Attachment

Bulk Mail

Print

Delete

Previous

Next

Subject: **FW: RE: GC-2018-0267**

A

A

Add Contact

Options

Rick, I am forwarding this e-mail to you so you are in the loop. I did not receive a call back from you. Discovery responses are past due.

----- Begin forwarded message -----
Subject: RE: GC-2018-0267
Date: 08/07/18 10:38:29 AM
From: "chris white" <cjlw01@optonline.net >
To: "cjlw01@optonline.net: cjlw01@optonline.net " <cjlw01@optonline.net >
Cc: "Aplington, Matt J." <Matt.Aplington@spireenergy.com >

Matt, what is the status of your responses to the second set of discovery.

On Tue, Jul 17, 2018 at 01:05 PM, chris white wrote:

Matt, your settlement offer is not acceptable. Therefore, Locustwood will proceed with the formal complaint before the Commission. In that regard, enclosed is a second set of discovery related to the case. I will send an e-mail to Judge Dippell on Thursday and tell her we were unable to settle the matter and will proceed before the Commission on the formal complaint. I will copy you on it. Thanks for the effort.

On Mon, Jul 16, 2018 at 05:44 PM, Aplington, Matt wrote:

Chris,