

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

In the Matter of the Application of Spire Missouri     )  
Inc. to Change its Infrastructure System             )     **File No. GO-2020-0\_\_\_\_\_**  
Replacement Surcharge in its Spire Missouri East     )  
Service Territory   )

In the Matter of the Application of Spire Missouri     )  
Inc. to Change its Infrastructure System             )     **File No. GO-2020-0\_\_\_\_\_**  
Replacement Surcharge in its Spire Missouri West     )  
Service Territory   )

**SPIRE MISSOURI INC’S REQUEST FOR  
WAIVER OF RULE 4 CSR 4.017(1) FOR ISRS CASE FILINGS,  
OR IN THE ALTERNATIVE, NOTICE OF INTENDED CASE FILINGS**

**COMES NOW** Spire Missouri Inc. (“Spire Missouri” or “Company”), on behalf of its operating units, Spire Missouri East (“Spire East”) and Spire Missouri West (“Spire West”) and, pursuant to Commission Rule 4 CSR 240-4.017(4)(D), files this request for waiver of the notice provisions of Rule 4 CSR 4.017(1) and in the alternative, provides this Notice of Intended Case Filings, respectfully stating as follows:

1. Commission Rule 4 CSR 240-4.017(1) provides, in part, as follows:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice.

2. Rule 4.017(4)(D) permits a party to request a waiver of the above cited rule for good cause. The rule provision specifically provides that good cause may be established by submitting a verified declaration that the filing party has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case. The Company

interprets this to mean that good cause is established if the filing party has had no communication with a member of the office of the Commission outside of pleadings or other public communications. Subject to that understanding, the Company has attached to this request a verified declaration that neither the Company nor any person or entity acting on behalf of the Company or its Missouri operating units, has had a communication with a member of the office of the commission in the last 150 days regarding any substantive issues that are likely to arise in these ISRS cases. For that reason, the Company requests that the Commission grant a waiver of the 60-day notice requirement for both the Spire East and Spire West ISRS filings that the Company is preparing to make in February of 2020.

4. Rule 4.017(4)(D) also specifies that good cause may be established by verifying that circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm. In that regard, the Company would note the extraordinary level of appellate activity that has taken place over the past two and a half months. In that span, the Western District Court of Appeals has issued opinions in three separate appeals involving the Company's 2016, 2017 and 2018 ISRS cases, the Company and Commission have sought and been denied post-opinion relief from the Western District on various issues decided in those opinions, and both the Company and Commission presently have applications for transfer relating to those opinions before the Missouri Supreme Court. The complexity, potential impact and continuing uncertainty over whether and when those impacts may be realized have understandably affected the Company's ongoing efforts to assess the timing and contents of these ISRS filings. Nevertheless, because it remains uncertain when a final appellate determination will be

made in connection with these matters, the Company has concluded that the financial harm caused by any further delay in submitting these filings and beginning to recover those ISRS costs as it is specifically authorized to do by statute would be unnecessarily detrimental.

5. Independent of these justifications, Spire Missouri also asserts that good cause exists for a waiver of the 60-day notice requirements since both Spire East and Spire West generally file ISRS cases twice per year on a regular basis. As a result, the filing of such cases can be, and are, expected by all parties involved, which significantly limits the need for a notice to the parties involved. This is an additional reason for waiving the 60-day notice requirement for the anticipated Spire East and Spire West ISRS filings.

6. In the event that the waiver is not granted at all, the Company hereby provides notice that it intends to file its next ISRS cases in 60 days. It is unclear at this time what, if any, issues are likely to be before the Commission in those cases, given the appellate and remand status of the Company's prior ISRS cases.

**WHEREFORE**, Spire Missouri, Inc. respectfully requests that the Commission waive the 60-day notice requirements of Commission Rule 4.017(1) for the ISRS cases to be filed on behalf of its operating units, Spire East and Spire West, or in the alternative, accept this Notice regarding these upcoming ISRS case filings.

Respectfully submitted,

**/s/Matthew Aplington**

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**/s/ Michael C. Pendergast #31763**

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ATTORNEYS FOR SPIRE MISSOURI  
INC.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and on the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 3<sup>rd</sup> day of February, 2019.

**/s/Michael C. Pendergast**

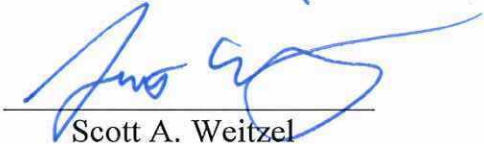
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**VERIFIED DECLARATION**

I, Scott A. Weitzel, being of lawful age, state that I am Managing Director, Regulatory and Legislative Affairs for Spire Missouri Inc., that I have read the foregoing Request for Waiver, and hereby declare that, other than pleadings or other public communications, Spire Missouri Inc. has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the above referenced cases. I also declare that the complexity, potential impact and continuing uncertainty arising from appellant activity involving appeals of prior ISRS cases has affected the Company's efforts to assess the timing and contents of these ISRS filings and that the financial harm caused by any further delay in submitting these filings would be unnecessarily detrimental.

  
\_\_\_\_\_  
Scott A. Weitzel

Subscribed and sworn to before me this 3rd day of February, 2020.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: *March 9, 2023*