

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

Bobby and Margaret Armour)	
)	
Complainants,)	
)	
v.)	File No. GC-2025-0282
)	
Spire Missouri Inc. d/b/a Spire,)	
)	
Respondent)	

MOTION TO DISMISS COMPLAINT

COME NOWS Spire Missouri Inc. (“Respondent”), by and through counsel, and moves to dismiss the formal complaint (“Complaint”) filed by Bobby and Margaret Armour (“Complainants”) with the Missouri Public Service Commission (“Commission”) pursuant to Missouri Rules of Civil Procedure 55.27(a)(6) and 20 CSR 4240-2.070(7) for failure to state a claim for which relief can be granted, stating as follows:

1. Respondent is a natural gas utility providing service within the State of Missouri.
2. Complainants filed this Complaint against Respondent on March 14, 2025.
3. A formal complaint may be filed against a utility, “setting forth any act or thing done or omitted to be done by any...public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission.” 20 CSR 4240-2.070(4). However, under 20 CSR 4240-2.070(7), the Commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted. A motion to dismiss for failure to state a claim assumes that all allegations within a plaintiff’s petition are true and only tests the adequacy of such petition. *Fenlon v. Union Elec. Co.*, 266 S.W.3d 852, 854 (Mo.App. E.D. 2008). In such a review, the petition must stand on its own.

Massey-Harris Harvester Co. v. Federal Reserve Bank of Kansas City, 48 S.W.2d 158, 163 (Mo.App. 1932).

4. Here, the Complaint lists an amount at issue, and proceeds to make three statements, first, that the relief requested is to make the right adjustment to the Complainants' bill. second, that billing is not supposed "to be like this," and third, that the present Complaint is the second one that Complainants have filed. The Commission's jurisdiction, in hearing formal complaints, is over violations of a relevant statute, tariff, or Commission regulation or order. The Company does not deny that billing issues are within the purview of the Commission. However, none of these statements are allegations, which, if taken as true, would represent a claim upon which relief can be granted as they do not allege a violation of a relevant statute, tariff, or Commission regulation or order.

5. In response to why Complainants' requested relief is appropriate, which is where Complainants could explain the alleged violation of a statute, tariff, or Commission regulation or order, Complainants' stating that billing is not supposed "to be like this." Even if this statement is taken as true by the Commission, there are no other allegations or details about what Complainants' actual issue with their billing is and why it would be a violation of a statute, tariff, or Commission regulation or order. While a customer may be unsatisfied with their bill, that does not mean that there has been a violation of a statute, tariff, or Commission regulation or order. With no other facts or allegations, the Commission could not determine that there has been a violation of a statute, tariff, or Commission regulation or order from this statement, even if taken as true. Therefore, Complainants' have failed to state a claim upon which relief can be granted.

6. In stating that there should be a "right" adjustment to their bill in their request for relief, Complainants' still fail to state a claim upon which relief can be granted. Complainants'

present no facts of what the wrong adjustment was, or what the right adjustment should be. Even if this statement is taken as true, without further facts or allegations, the Complainants' have not alleged any facts arising to a violation of a statute, tariff, or Commission regulation or order.

7. Finally, Complainants' state that this is the second complaint that has been filed. While true, the present Complaint must stand on its own, and any reference to a prior complaint should not be considered in determining whether the present Complaint fails to state a claim upon which relief can be granted.

8. For the reasons set forth above, Respondent moves to dismiss the Complaint for failure to state a claim on which relief may be granted.

9. Should the Commission deny this motion, Respondent, in the alternative, also moves for a more definite statement of the matters contained in the Complaint, pursuant to § 509.310, RSMo. For the reasons set forth in the above motion to dismiss, Respondent requests further definiteness or particularity of the matters contained in the Complaint so that Respondent may accurately answer the Complaint, if the motion to dismiss is denied.

10. Finally, Respondent is committed to providing superior customer service and takes customer complaints very seriously. Respondent takes pride in being a trusted energy provider in the state and always strives to proactively work through issues with its customers.

WHEREFORE, Spire Missouri respectfully requests that the Commission grant the motion to dismiss this Complaint, or, in the alternative, grant the motion for a more definite statement, and any other relief that is just and reasonable.

Respectfully submitted,

/s/ J. Antonio Arias

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ATTORNEYS FOR SPIRE MISSOURI INC.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all counsel of record on this 14th day of April, 2025.

/s/ J. Antonio Arias

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