

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

William Wehrle,)	
)	
Complainant,)	
)	
v.)	<u>Case No. GC-2013-0361</u>
)	
Laclede Gas Company,)	
)	
Respondent)	

STAFF’S RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW the Staff of the Missouri Public Service Commission and for its *Response* to the Commission’s *Order to Show Cause*, states herein as follows:

1. On August 8, 2018, the Commission directed Complainant to show cause by August 20, 2018, why this case should not be dismissed.

2. The undersigned, having discussed the matter today with Complainant William Wehrle, urges the Commission to set the case for prompt hearing and not to dismiss it. Assuming the facts stated in the complaint are true, as is appropriate for the present purpose, Complainant has stated a *prima facie* case and dismissal is thus not appropriate. As for dismissal for failure to prosecute, Mr. Wehrle is a non-attorney consumer and simply lacks the skills necessary to enforce his claim against an unwilling and highly sophisticated corporate adversary.

3. The gravamen of the complaint, pending since January 22, 2013, is that Laclede Gas Company, now known as Spire Missouri, improperly replaced the gas meter at Complainant’s residence causing an increase in gas pressure that damaged his furnace, thus violating § 393.130.1, RSMo., which requires that “[e]very gas

corporation . . . shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable.”

4. The Commission is authorized, under § 393.140(2), RSMo., to “examine or investigate the methods employed by such persons and corporations in manufacturing, distributing and supplying gas . . . for light, heat or power and in transmitting the same, . . . and [shall] have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas . . . , and have power to order reasonable improvements and extensions of the works, wires, poles, pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations”

5. Additionally, § 386.310.1, RSMo., states that the Commission has “power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every person, corporation, municipal gas system and public utility to maintain and operate its line, plant, system, equipment, apparatus, and premises in such manner as to promote and safeguard the health and safety of its employees, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety and other devices or appliances, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, customers or the public may demand The commission may waive the requirements for notice and hearing and provide for expeditious issuance of an order in any case in which the commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the

commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order.”

6. The complaint herein states a *prima facie* case against Spire Missouri for violation of § 393.130.1, RSMo., and further engages the Commission’s authority under §§ 393.140(2) and 386.310.1, RSMo., to require such improvements in Spire’s methods and facilities as may be required by the public interest. Therefore, the case should not be dismissed but instead should be set for a speedy hearing. Furthermore, the case should not be designated as a Small Formal Complaint pursuant to Rule 4 CSR 240-2.070(15), because the importance of the issues are such that Staff may advocate a position herein. The hearing should be held in the St. Louis area for the convenience of the Complainant and Respondent.

7. This matter has been pending for over five years. During that interval, the Complainant and Spire pursued unsuccessful settlement discussions. Now, the case should be promptly resolved by an evidentiary hearing. In order to ensure its prompt resolution, Staff will reinvestigate the matters complained of and, if appropriate, file and pursue a Staff complaint against Spire Missouri for failure to provide safe and adequate service.

WHEREFORE, on account of all the foregoing, Staff prays that the Commission will **NOT DISMISS** the instant complaint, but set the same for a speedy hearing; and grant such other and further relief as the Commission deems just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

Kevin A. Thompson
Missouri Bar Number 36288
Chief Staff Counsel

Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-6514 Voice
(573) 526-6969 FAX
kevin.thompson@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing on all of the parties of record or their representatives according to the Service List maintained by the Commission's Data Center, either electronically or by First Class United States Mail, postage prepaid, on this 20th day of August, 2018.

/s/ Kevin A. Thompson