UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Spire STL Pipeline LLC	**)** **)**	**Docket No. CP17-40-007**

MOTION FOR LEAVE TO ANSWER AND ANSWER OF ENVIRONMENTAL DEFENSE FUND

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission" or "FERC"), Environmental Defense Fund ("EDF") respectfully submits this motion for leave to answer and answer to the Reply Comments of the Public Service Commission of the State of Missouri ("MoPSC Reply Comments") filed in this docket on October 5, 2021. The MoPSC Reply Comments raise issues specifically related to EDF's Motion to Reject in Part and Protest ("Motion and Protest") filed on August 5, 2021. As explained below, the Commission should accept EDF's answer, as it will correct misstatements in the record, aid in the understanding of the issues, and assist the Commission's decision-making process in this matter.[1]

EDF has repeatedly stated that FERC should act as necessary to ensure that residents and businesses in St. Louis continue to have reliable access to natural gas and reiterates that position here. The conditions EDF offered in this docket, as further clarified herein, provide Spire STL a reasonable pathway for operation of the pipeline through the 2021-22 winter, while at the same time ensuring that ratepayers are protected from self-dealing, which the D.C. Circuit found was supported by record evidence in *EDF v. FERC*.[2] As *amicus curiae* American Antitrust Institute

---

[1] *See, e.g.*, *California Independent System Operator Corporation*, 103 FERC ¶ 61,260 (2003); *Midwest Independent Transmission System Operator, Inc.*, 103 FERC ¶ 61,028 (2003).

[2] In setting aside FERC's unlawful order approving the Spire STL pipeline, the D.C. Circuit panel found "that the Commission ignored record evidence of self-dealing." *Envtl. Def. Fund v. FERC*, 2 F.4th 953, 960 (D.C. Cir. 2021).

explained in its brief before the D.C. Circuit, "there are no competing shippers present to create a reasonable cost benchmark" and without an independent market to measure against, "there is nothing to prevent Spire STL from artificially inflating the costs that it imposes on Spire Missouri to raise downstream prices and upstream profits."[3] The failure of the Commission to impose any rate conditions in light of the record evidence of self-dealing will render its decision just as legally infirm as its orders granting the now-unlawful initial certificate.

In response to the MoPSC Reply Comments, EDF explains herein that its proposed rate condition is necessary to address the evidence of self-dealing between Spire STL and Spire Missouri and will benefit, not harm, Spire Missouri customers. EDF, in response to the MoPSC's statements concerning the practical operation of the Spire Missouri filed in-state tariff, also modifies its proposed operational condition to allow Spire STL to transport gas to Spire Missouri to the extent necessary, upon notice by Spire Missouri to Spire STL, to prevent interruption of or curtailment of service to any Spire Missouri customer, rather than only firm Spire Missouri customers.

I. MOTION FOR LEAVE TO ANSWER

Rule 213 does not prohibit an answer to reply comments. However, out of an abundance of caution, EDF seeks leave to file this answer from the Commission. The Commission has allowed answers that aid the Commission in understanding the issues, provide additional information to assist the Commission in its decision-making process, and help develop a full record.[4] EDF's submittal meets this standard. This Answer refutes the MoPSC's suggestion that

---

[3] *Envtl. Def. Fund v.* FERC, Case Nos. 20-1016, *et al.* Brief of Amicus Curiae the American Antitrust Institute in Support of Petitioner Environmental Defense Fund and Reversal at p. 23 (D.C. Circuit, filed July 3, 2020).

[4] *Columbia Gas Transmission, LLC*, 157 FERC ¶ 61,247 at ¶ 5, n.4 (2016); *Algonquin Gas Transmission, LLC*, 157 FERC ¶ 61,164 at ¶ 10 (2016).

the rate conditions proposed by EDF will harm Missouri customers. EDF's Answer also details how the rate condition would work in practice, and the savings that would result for customers, further clarifying the record and aiding the Commission in its decision-making. For these reasons, EDF respectfully requests that the Commission grant its Motion for Leave to Answer.

II. ANSWER

A. A Rate Condition is Necessary to Protect Against Evidence of Self-Dealing

Issuance of a temporary certificate of the Spire STL pipeline, as is appropriate to ensure reliable gas service to St. Louis customers during the 2021-2022 winter, must involve imposition of conditions to ensure that captive ratepayers of Spire Missouri are protected from the impacts of self-dealing. Allowing the Spire affiliates to continue operating under their preexisting certificate, now deemed unlawful by the D.C. Circuit court, would be unprecedented acceptance of affiliate self-dealing by the Commission. The conditions offered by EDF provide a more than generous pathway to allow for operation of the affiliate pipeline during the winter period, while ensuring the necessary protections are in place to address the evidence of self-dealing identified by the D.C. Circuit.

In holding the Commission's certification of the Spire STL project unlawful, the D.C. Circuit found "no judicial authority endorsing a Commission Certificate in a situation in which the proposed pipeline was not meant to serve any new load demand, there was no Commission finding that a new pipeline would reduce costs, the application was supported by only a single precedent agreement, and the one shipper who was party to the precedent agreement was a corporate affiliate of the applicant who was proposing to build the new pipeline."[5] The Court stated that "evidence of 'market need' is too easy to manipulate when there is a corporate

[5] *Envtl. Def. Fund*, 2 F.4th at 973.

affiliation between the proponent of a new pipeline and a single shipper who have entered into a precedent agreement," and found "that the Commission ignored record evidence of self-dealing" when assessing the need for Spire's proposed pipeline.[6]

1. FERC Precedent Requires Protections Against Affiliate Self-Dealing

A failure to attach any conditions to a temporary certificate for the Spire STL pipeline would violate FERC precedent on affiliate self-dealing, given the absence of any arms-length negotiation in this case.[7] Indeed, where the Commission has identified the threat of self-dealing in the past, it has rejected outright the affiliate agreement or proposed rates.[8] In other cases, the Commission has engaged in a rigorous analysis of rates to evaluate self-dealing concerns.[9] The

---

6 *Id.* at 960, 973.

7 *Tapstone Midstream, LLC*, 150 FERC ¶ 61,016 at ¶ 15 (2015) ("Because the shipper is an affiliate, there is no assurance that there was an arms-length negotiation between the entities agreeing to the rate, as required by Commission policy and precedent."); *See Chinook Power Transmission, LLC*, 126 FERC ¶ 61,134 at ¶ 49 (2009) ("We will apply a higher level of scrutiny . . . due to the absence of arms' length negotiations as a basis for the commitment [and] concerns that a utility affiliate contract could shift costs to captive ratepayers of the affiliate"); *see also Am. L.A. Pipe Line Co.*, Opinion No. 387, 29 F.P.C. 932, 935-36 (May 16, 1963) ("sales to affiliates present possibilities of abuse and should be scrutinized with care").

8 *See, e.g.*, *TECO Power Servs. Corp.*, 52 FERC ¶ 61,191, 61,697 (1990) ("we cannot conclude, on the basis of the facts presented, that there has been no abuse of self-dealing. In addition, we cannot conclude that neither Power Services nor Tampa Electric exercised market power over Seminole. Accordingly, we will reject the Applicants' filing and will dismiss their request for waiver."); *Cove Point LNG Limited P'ship*, 68 FERC ¶ 61,128, 61,613, 61,618-61,623 (1994) (denying Cove Point LNG's proposal to charge negotiated market-based rates for the proposed peaking services given the concern that were no similarly situated non-affiliates to which the Commission could turn for information on reasonable prices).

9 *Ocean State Power*, 44 FERC 61,261, 61,983 (1988) ("When a purchaser is affiliated with a seller, the purchaser might agree to pay a higher price than it would otherwise agree to pay because the purchaser would financially profit from the transaction. To prevent inflated rates that might result from the affiliate relationship, we must review the rates to the affiliated purchasers to evaluate whether there is any indication of abuse due to self-dealing. To evaluate whether the affiliate relationship has been abused, the Commission will compare the

Commission has allowed such affiliate arrangements to proceed only when sufficient safeguards are in place.[10] No such safeguards are present here, as there are no other competing shippers present to create a reasonable cost benchmark.[11]

The affiliate negotiated rate agreement in this case flunks basic principles of customer accountability given the absence of arm's length negotiations and the associated shifting of risk to the shipper (Spire Missouri) and its captive customers (St. Louis ratepayers). Under the affiliate agreement, all of Spire STL's costs are in the reservation rate, which the Commission has recognized as a particularly fraught issue in cases of self-dealing. As the Commission has stated:

> First, a reservation fee, to serve its purpose of promoting customer accountability, must be clearly negotiable and cannot be done so unless at arms' length. In Great Lakes, the Commission emphasized that the negotiation of reservation fees between an OEC pipeline and its affiliated shippers "circumvents the arms-length negotiation process and does not result in shipper/customer agreement to assume the charge, both necessary underpinnings in any successful reservation fee." In WyCal, the Commission reiterated that the sharing of risk between an optional certificate applicant and its customers can be negotiated "as long as the customers are willing customers, and the negotiation process is at arm's length." It is clear, then, that, consistent with Commission precedent, Ok-Ark's affiliated customers could not have participated, and cannot participate, in an arm's-length negotiation of the reservation fees that Ok-Ark plans to charge them. ***Thus, Ok-Ark may not impose a reservation fee for transportation service rendered to its affiliates; instead, Ok-Ark will be permitted to negotiate to charge its shippers that are***

---

rates paid by the affiliated purchasers to (1) the rates that the affiliated purchasers would pay to other suppliers for similar service, and (2) the rates that non-affiliated purchasers pay to the same source for similar service.").

[10] *See id.* at 61,977-78 (noting, among other safeguards, that power sales agreements were negotiated in a competitive power supply market, numerous suppliers were considered, and a cost analysis was performed by a state regulator).

[11] *Spire STL Pipeline LLC*, Order Issuing Certificates,164 FERC ¶ 61,085 at ¶ 10 (2018) ("Spire Missouri is the only shipper that subscribed for capacity on the project"); *EDF v. FERC*, Case Nos. 20-1016, *et al.*, Brief of Amicus Curiae the American Antitrust Institute in Support of Petitioner Environmental Defense Fund and Reversal at page 23 (D.C. Cir., filed July 3, 2020).

> ***affiliated regulated entities only a one-part volumetric rate that is between the maximum and minimum Transportation Commodity Rates*** we set forth above.[12]

The Commission further emphasized that such reservation charges are "potentially problematic because the affiliated shippers are regulated pipelines that would seek to pass on Ok-Ark's costs (and thus most of the risk of the project) to these pipelines' existing customers."[13] Similar findings abound.[14]

In the matter at hand, the Commission has the authority and flexibility to require a significant shift of the risk-bearing onto Spire STL, in order to protect the pipeline's affiliated shipper's captive customers from unfair costs. EDF is proposing a middle-ground approach—not to shift all of the risk to Spire STL via purely volumetric rates, but rather that a Seaboard rate design, under which 50% of fixed costs associated with return and taxes be assigned to the usage rate, be put in place for the period of time that is the greater of a) December 1, 2021 through March 31, 2022 or b) from December 1, 2021 until the Commission determines the final disposition of the remand proceeding or a potential new certificate application by Spire STL.[15] Accordingly, the effect of this proposed rate and period of applicability is that Spire STL will receive usage revenues, and thus additional contributions to return, when the pipeline is actually utilized to provide necessary service.

---

[12] *Oklahoma-Arkansas Pipeline Company*, 53 FERC ¶ 61,019, 61,067 (1990) (emphasis added).

[13] *Id.* at n.25.

[14] *See, e.g., Great Lakes Gas Transmission Co.*, 37 FERC ¶ 61,270, 61,799 (1986) ("The scheme presented by these applications circumvents the arms-length negotiation process and does not result in shipper/customer agreement to assume the charge, both necessary underpinnings for any successful reservation fee.").

[15] *See* Motion to Reject in Part and Protest of the Environmental Defense Fund at p. 37 and Ex. A pp. 11-12 , *Spire STL Pipeline LLC*, Docket No. CP17-40-007 (Aug. 5, 2021).

2. *The Commission's Review Must Consider Available Transportation Capacity on Existing Pipelines*

Moreover, the consequences of the Commission's *de minimis* review of the initial application are now apparent. In greenlighting the Spire STL Pipeline without a full assessment of the impacts to neighboring pipelines (to say nothing of the other adverse effects), the Commission has created a market with excess, dormant capacity, just as then-Commissioner LaFleur predicted.[16] Now, the St. Louis market is saddled not only with an affiliate tainted project but also 165,849 Dth/d of excess capacity on MRT's East Line.[17] As shown in MRT's filing, Spire inquired about the available capacity on June 23, 2021 but never took any action to secure this capacity, choosing instead to focus its efforts on a fear campaign demanding use of its affiliate pipeline instead. This is particularly problematic given that the rates on MRT's East Line are lower than the rates for service on Spire STL: Spire STL charges a reservation rate of $0.25 per Dth/day under the precedent agreement, compared to a reservation rate of approximately $0.21 per Dth/day for capacity on the MRT East Line, albeit with a usage rate of $0.0098 per Dth.

EDF v. FERC demands the Commission grapple with this comparative economic analysis. The decision underscores the importance of the Commission assessing whether the construction of a proposed pipeline would result in cost savings or otherwise represent a more

---

[16] *Spire STL Pipeline LLC*, Order Issuing Certificates,164 FERC ¶ 61,085 (2018) (Comm'r LaFleur, dissenting) ("With no growth in market demand in the St. Louis region, there is real concern that existing pipelines would not be able to develop new business and make up for the loss of Spire Missouri.").

[17] Reply Comments of Enable Mississippi River Transmission, LLC, *Spire STL Pipeline LLC*, Docket No. CP17-40-007 (Oct. 5, 2021).

economical alternative to existing pipelines.[18] Going forward, FERC must thoroughly consider how, and to what extent, existing infrastructure in the vicinity of the project is being used and whether new infrastructure presents a more economical choice.

3. The Commission Has the Authority to Address Self-Dealing Between a Jurisdictional Pipeline and its LDC Affiliate

As EDF previously stated in this matter, the Commission has broad authority to attach conditions to the Spire Affiliates' request for a temporary emergency certificate, and an obligation to protect the public interest by attaching appropriate conditions.[19]

The suggestion that "FERC has no authority to direct the business activity of an LDC such as Spire Missouri"[20] is clearly belied by the caselaw making clear that the Commission has an independent obligation to protect against affiliate abuse.[21] For example, *Cove Point LNG* involved a state-regulated entity's purchase of liquefied natural gas peaking services from an affiliate.[22] FERC denied Cove Point LNG's proposal to charge negotiated market-based rates for

[18] *Envtl. Def. Fund v. FERC*, 2 F.4th at 976 ("[T]he Commission neglected to make a finding as to whether the construction of the proposed pipeline would result in cost savings or otherwise represented a more economical alternative to existing pipelines.").

[19] Motion to Reject in Part and Protest of the Environmental Defense Fund at 25, *Spire STL Pipeline LLC*, Docket No. CP17-40-007 (Aug. 5, 2021) (citing 15 U.S.C. § 717o; *Gulf Oil Corp. v. Federal Power Com.*, 563 F.2d 588, 606 (3rd Cir. 1977)).

[20] Reply Comments of the Public Service Commission of the State of Missouri at 3, *Spire STL Pipeline LLC*, Docket No. CP17-40-007 (Oct. 5, 2021).

[21] *Elec. Power Supply Ass'n v. FirstEnergy Solutions Corp.*, 155 FERC ¶ 61,101 at ¶ 65 (2016) ("Our determination to rescind the affiliate waiver as to the Affiliate PPA does not frustrate or usurp the Ohio Commission's role in protecting retail customers. Rather, this Commission has an independent role to ensure that wholesale sales of electric energy and capacity are just and reasonable and to protect against affiliate abuse."); *Boston Edison*, 55 FERC ¶ 61,382, 62,169-70 (disagreeing that FERC "need not worry about self-dealing because the [state regulator] ultimately will have to approve the…project," and recognizing FERC's "independent responsibility to protect against affiliate abuse.").

[22] *Cove Point LNG Limited P'ship*, 68 FERC ¶ 61,128, 61,617.

the proposed peaking services because Cove Point LNG could not demonstrate that it lacked market power over storage services in the market area. The Commission expressed concern that "many of the proposed customers of Cove Point LNG are regulated affiliates: in other words, Cove Point LNG could provide peaking services to its regulated affiliates at 'negotiated' but higher than competitive rates, and those affiliates could then pass those costs on to captive customers downstream."[23] In other words, the Commission's obligation to address the threat of affiliate abuse resulted in the Commission appropriately considering the risks to captive customers of the affiliates, even though those affiliates were regulated at the state level, and denying the use of negotiated, market-based rates as a result of those risks.

Here, the D.C. Circuit has already found there is record evidence of self-dealing.[24] And now before the Commission, the Spire Affiliates—Spire STL and Spire Missouri—are further indicating their own lack of arms' length dealing by continuing to act as an entwined business entity. To support Spire STL's application for a temporary certificate, the President of Spire Missouri submitted an affidavit attesting to the need for the pipeline.[25] The Commission's role is all the more paramount here because there are no other safeguards present such as a prior state commission determination of a legitimate third party growth estimate.[26]

---

[23] *Id.*

[24] *Envtl. Def. Fund v. FERC*, 2 F.4th at 960.

[25] Application of Spire STL Pipeline LLC for a Temporary Emergency Certificate or, In the Alternative, Limited Term Certificate, Exhibit Z-1, Affidavit of Scott Carter, President of Spire Missouri, Inc., *Spire STL Pipeline LLC*, Docket No. CP17-40-007 (filed July 26, 2021).

[26] *See Millennium Pipeline Co.,* 100 FERC ¶ 61,277 at ¶¶ 82-85 (2002) (citing high levels of use of existing pipelines and data from public agency sources showing robust demand growth in the relevant market); *Guardian*, 91 FERC ¶ 61,285, 61,959 (noting that Guardian provided a market study from a third party that projected growth in gas demand in the Wisconsin and northern Illinois markets in support of its project).

B. EDF's Proposed Rate Condition Will Benefit Spire Missouri Customers

In this section, EDF expands on the rate condition proposed in its initial comments to demonstrate that it will benefit Spire Missouri customers. However, EDF recognizes that other rate conditions, including a reduction in Spire STL's allowed return, could also address these issues. To the extent FERC does not accept EDF's rate condition, the Commission should impose a comparable safeguard to protect against the threat of self-dealing identified by the D.C. Circuit.

Spire STL's rates and its precedent agreement with Spire Missouri are designed to guarantee that Spire STL profits regardless of the need for the pipeline and therefore must be modified to address the self-dealing issues described above. Both the filed rate and the precedent agreement place 100% of Spire STL's cost of service into the reservation rate. As a result, Spire Missouri pays a high fixed cost each year that guarantees Spire STL's profitability, and Spire Missouri is then incentivized to use Spire STL rather than other suppliers because it pays no usage rate for gas shipped through Spire STL. Even during times when lower cost gas commodity is available through other pipelines, Spire Missouri will be incentivized to use Spire STL unless the difference in gas commodity cost is greater than the usage rate of the alternative pipelines through which the cheaper gas can be accessed. This shifts risk from Spire STL to Spire Missouri: regardless of the need for Spire STL, it will be paid its full cost of service by Spire Missouri, while Spire Missouri customers will see no savings from reduced usage of Spire STL.

EDF has recommended a rate condition that would move 50% of Spire STL's return and income taxes from the reservation rate into a new usage rate, consistent with a Seaboard rate design. Calculating the usage rate would also require the setting of a usage determinant; the usage determinant should be set at the pipeline's full capacity to return the risk of under-

utilization to Spire STL. This would result in a significant reduction in the fixed cost to Spire Missouri but would increase the incremental cost of using the Spire STL pipeline rather than alternative sources of supply. Because the cheapest gas supply is often available from other pipelines serving Spire Missouri,[27] this would result in a substantial reduction in the amount Spire Missouri ships gas through Spire STL rather than through those other pipelines. As a result, Spire Missouri's use of Spire STL would likely be substantially lower than previous years. This would result in reduced overall gas costs to Spire Missouri and ultimately its customers, as the total cost of its affiliate transportation agreement with Spire STL would be reduced; the costs associated with increased use of other pipelines would be less than those savings, as their usage would be based on their costs being lower than Spire STL's, as modified by the condition.

To demonstrate that Spire Missouri ratepayers would benefit from the rate condition, EDF also conducted an analysis of how the proposed rate condition would impact Spire Missouri's costs if its usage mirrored the 2020-2021 winter season (12/2020-3/31/2021),[28] but:

a) Spire STL's rates reflect EDF's proposed rate condition;

b) Spire Missouri replaces, for the winter season, 165,849 Dth/day of its contracted capacity with Spire STL with contracted capacity on the MRT East Line, keeping 184,151 Dth/day of capacity on Spire STL (i.e., the difference between 165,849 and the current subscription level of 350,000 Dth/day);

---

[27] A review of 2020 spot prices shows that gas prices at the Perryville Hub, reflective of the gas supply cost for Spire Missouri when it sources gas from MRT under its current contracts, were generally lower than gas prices in REX Zone 3, reflective of the gas supply cost for Spire Missouri when it sources gas from Spire STL; overall, on average, the gas price at the Perryville Hub was $0.005 lower through 2020.

[28] The winter season typically begins on November 1, but because the Commission has already issued Spire STL a temporary certificate through December 13, 2021 without conditions, EDF analyzed the impact of its proposed rate condition starting in December rather than November.

c) To the extent that Spire Missouri needs to receive gas from MRT at the Chain of Rocks city gate, Spire STL allows Spire Missouri to receive that gas through its Chain of Rocks interconnect with the MRT East Line and city gate with Spire Missouri for a nominal fee for the period of time cited above, or otherwise facilitates the receipt of gas from the MRT East Line by Spire Missouri without charge; and

d) Spire Missouri uses the MRT East Line rather than Spire STL except (i) on days when Spire Missouri's total relevant usage exceeds 165,849 Dth/d, such that the added MRT capacity would not be sufficient; and (ii) for gas from Spire STL that is shipped to the MoGas pipeline, as the MRT East Line does not have the pressure cited by the Spire affiliates as the reason for injection of gas from Spire STL to MoGas.

Using Spire Missouri's scheduled quantities for the December 2020 through March 2021 period as the example would result in Spire Missouri reducing its usage of Spire STL from 20,532,774 Dth to 3,668,599 Dth, with the balance, 16,864,175 Dth, shipped on the MRT East Line instead.[29] Assuming a Spire STL subscription level of 184,151, the reduced reservation on Spire STL from placing 50% of Spire STL's return and income taxes into usage would reduce Spire Missouri's reservation rate charge on Spire STL for those 120 days from $10.5 million to $5.1 million; Spire Missouri would also pay MRT a reservation charge of $4.2 million for the additional MRT East Line capacity. The resulting total reservation charges would be $9.3 million. In addition, Spire Missouri would pay for its usage of MRT at MRT's rate of $0.0098/Dth and for its usage of Spire STL at Spire STL's new usage rate, which EDF calculated

[29] Consistent with point (c) above, some or all of the gas shipped on the MRT East Line may reach the Spire Missouri system through the Spire STL facilities at Chain of Rocks.

to be $0.1278, resulting in total usage charges of $165,269 on MRT and $468,847 on Spire STL, for a total of $634,116. Thus, Spire Missouri's total capacity and usage costs would be $9.9 million, for a capacity and usage savings of more than $0.5 million as compared to the $10.5 million it would pay Spire STL in absence of a rate condition. This calculation assumed that Spire Missouri would pay MRT's filed rates, where in fact Spire Missouri could potentially negotiate a lower rate.

C. EDF Modifies Its Proposed Operational Condition With Regard to Non-Firm Customers

The MoPSC Reply Comments explain that the term "firm" is not specifically defined in Spire Missouri's tariff and that it is unclear how a condition related to "firm customers" would impact transportation service customers. In recognition that more frequent reliance on interruptible customers could pose operational issues, including related to fuel switching, for those customers, EDF modifies its proposed operational condition to permit Spire STL, upon notice from Spire Missouri, to supply gas to Spire Missouri any time such service is necessary to ensure that any Spire Missouri customers, including transportation service customers, do not have their service interrupted or curtailed, rather than only to avoid curtailment of firm customers.

III. CONCLUSION

EDF respectfully requests that the Commission accept this answer and rule on Spire's Temporary Certificate Application consistent with the recommendations in EDF's August 5, 2021 Motion and Protest, October 5, 2020 Reply Comments, and this Answer.

Dated: October 20, 2021

Respectfully submitted,

/s/ Natalie Karas
Natalie Karas
Senior Director and Lead Counsel, Energy Markets and Utility Regulation
Environmental Defense Fund
1875 Connecticut Ave. NW
Suite 600
Washington, DC 20009
(202) 572-3389
nkaras@edf.org

/s/ Ted Kelly
Ted Kelly
Senior Attorney, Energy Markets & Utility Regulation
Environmental Defense Fund
1875 Connecticut Ave. NW
Suite 600
Washington, DC 20009
(202) 572-3317
tekelly@edf.org

Erin Murphy
Senior Attorney, Energy Markets & Utility Regulation
Environmental Defense Fund
1875 Connecticut Ave. NW, Suite 600
Washington, DC 20009
202-572-3525
emurphy@edf.org

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 20th day of October, 2021.

/s/ Ted Kelly
Ted Kelly
Senior Attorney, Energy Markets
& Utility Regulation
Environmental Defense Fund
1875 Connecticut Ave. NW
Suite 600
Washington, DC 20009
(202) 572-3317
tekelly@edf.org