

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Constellation NewEnergy – Gas Division, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2021-0315
	)	
Spire Missouri, Inc. d/b/a Spire,	)	
	)	
Respondent,	)	
	)	
Symmetry Energy Solutions, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2021-0316
	)	
Spire Missouri, Inc. and its operating unit	)	
Spire Missouri West,	)	
	)	
Respondent,	)	
	)	
Clearwater Enterprises, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. GC-2021-0353
	)	
Spire Missouri, Inc. d/b/a Spire and its Operating	)	
Unit Spire Missouri West,	)	
	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

This is to certify that on the 7<sup>th</sup> day of December 2021, Complainant, Clearwater Enterprises, LLC caused to be served on all parties on the official service list for this matter via filing in the Commission’s EFIS system and/or email, Clearwater Enterprises, LLC’s Amended Notice of Videotaped Deposition, a copy of which is attached.

By: /s/ Lauren M. Marciano

James M. Reed  
Lauren M. Marciano  
HALL, ESTILL, HARDWICK, GABLE, GOLDEN,  
& NELSON, P.C.  
320 S. Boston Ave., Ste. 200  
Tulsa, OK 74103  
T: 918/594-0400 | F: 918/594-0505  
Email: jreed@hallestill.com  
Email: lmarciano@hallestill.com

By: /s/ Stephanie S. Bell

Stephanie S. Bell, #61855  
Ellinger & Associates, LLC  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
(573)750-4100  
Email: sbell@ellingerlaw.com

*Attorneys for Clearwater Enterprises, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission, on December 7, 2021.

/s/ Stephanie S. Bell

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Clearwater Enterprises, LLC,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. GC-2021-0353
Spire Missouri, Inc. and its operating unit	)	
Spire Missouri West,	)	
	)	
Respondents.	)	

**CLEARWATER ENTERPRISES, LLC’S AMENDED  
NOTICE OF VIDEOTAPED DEPOSITION**

PLEASE TAKE NOTICE that pursuant to Missouri Rule of Civil Procedure 57.03(b)(4) and 20 CSR 4240-2.090, Complainant Clearwater Enterprises, LLC (“Clearwater”) shall take the videotaped deposition by oral examination of Respondents Spire Missouri, Inc. and its Operating Unit Spire Missouri West (“Spire”). Spire shall designate one or more officers, agents, or other persons as specified in Missouri Rule of Civil Procedure 57.03(b)(4) to testify on its behalf as to the topics set forth below, and on the date and at the time and place indicated below. The videotaped deposition will be recorded by stenographic means and will take place before a certified court reporter by a person authorized by law to administer oaths. The videotaped deposition will continue from business day to business day until completed. The videotaped deposition is being taken for the purposes of discovery, for use at hearings or trial, and for other purposes permitted under the Missouri Code of State Regulations, Division 4240, Chapter 2 and the Missouri Rules of Civil Procedure. Clearwater expressly reserves all rights to serve additional Notices of (Videotaped) Deposition pursuant to Rule 57.03 and/or to designate additional topics for examination.

DATE: December 13-14, 2021

TIME: 9:00 am CST

PLACE: Dowd Bennett LLP  
7733 Forsyth Blvd.  
Suite 1900  
St. Louis, MO 63105

DEPONENT: Spire Missouri, Inc. and its operating unit Spire Missouri West

COURT REPORTER: Arranged by Alaris Litigation Services  
711 North 11<sup>th</sup> Street  
St. Louis, MO 63101  
(800) 280-3376

VIDEOGRAPHER: Arranged by Alaris Litigation Services  
711 North 11<sup>th</sup> Street  
St. Louis, MO 63101  
(800) 280-3376

Dated: December 7, 2021

By: /s/ Lauren M. Marciano  
James M. Reed  
Lauren M. Marciano  
HALL, ESTILL, HARDWICK, GABLE, GOLDEN,  
& NELSON, P.C.  
320 S. Boston Ave., Ste. 200  
Tulsa, OK 74103  
T: 918/594-0400 | F: 918/594-0505  
Email: jreed@hallestill.com  
Email: lmarciano@hallestill.com

By: /s/ Stephanie S. Bell  
Stephanie S. Bell, #61855  
Ellinger & Associates, LLC  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
(573)750-4100  
Email: sbell@ellingerlaw.com

*Attorneys for Clearwater Enterprises, LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of December 2021, a copy of the foregoing has been served on all parties on the official service list for this matter via filing in the Commission's EFIS system and/or email.

*/s/ Stephanie S. Bell*

\_\_\_\_\_  
Stephanie S. Bell

## **DEPOSITION TOPICS**

### **I. DEFINITIONS**

1. The terms “Spire,” “you,” and “yours” mean and refer to Spire Missouri, Inc. and its operating unit Spire Missouri West, and their employees, agents, officers, directors, representatives, and, when applicable, its employees, agents, officers, directors, representatives, and any other person or persons acting in concert with it or under its control, whether directly or indirectly.

2. Unless stated otherwise, the time period for the Examination Topics is February 1, 2021 through February 28, 2021.

### **II. EXAMINATION TOPICS**

1. Any analysis Spire engaged in concerning the issuance of the Operational Flow Order (“OFO”) Spire issued on February 10, 2021, including why it was necessary, when it should be issued, and any internal discussions or communications with third parties about this topic.

2. The process by which Spire determined to issue an Operational Flow Order (including the curtailment of various customer classes) as outlined in its Commission approved tariffs.

3. Any analysis Spire engaged in concerning the lifting of the OFO, including why it was lifted on February 20, 2021, why it was not lifted earlier, and any internal discussions or communications with third parties about this topic.

4. The extent to which Spire personnel were physically present and working at Spire’s gas control center versus remote work immediately prior to and during the OFO period.

5. Spire's calculation of the actual cost of gas delivered to Clearwater customers - including the calculated cost, and the way in which it was calculated.

6. Communications between employees of Spire Missouri Inc. and Spire Marketing

Inc. concerning Winter Storm Uri or Clearwater during February or March 2021.

7. The availability and use of storage gas by Spire in February 2021, including any decisions to draw from storage or to sell gas to third parties.

8. The process by which Spire engages in month-end balancing with Clearwater regarding monthly invoicing, including but not limited to the process as applied since November 2020.

9. Spire's collection and production of documents in this matter in response to Clearwater's data requests, including a discussion of the factual allegations in or factual basis of the spreadsheets, documents, and reports produced by Spire to Clearwater in this docket.

10. The factual basis for each of Spire's responses to Clearwater's data requests.

11. Factual allegations in Spire's pleadings in this docket.

12. The factual bases for Spire's produced files titled "GC-2021-0353 CONFIDENTIAL MOW Invoices.pdf", "Clearwater OFO Report GD 12 through GD 18 CONFIDENTIAL.pdf", "Confidential Actual Cover Costs Spire MOWEST Daily purchases Feb 12 through Feb 19.xls", and "Clearwater OFO Report Confidential.xlsx"

13. The identities of the persons who provided the factual information supporting the responses to Clearwater's data requests.

14. Spire Missouri West gas distribution system's integrity and operating parameters for the period February 1, 2021 through March 10, 2021, including: (a) Details of line pack management; (b) Storage withdraws and injections on the Spire and Southern Star systems; (c) Maximum Allowable Operating Pressure (MAOP) by segment; (d) Actual operating pressures by segment by hour; (e) Actual daily average operating pressures by delivery point, by receipt point; (f) Actual total receipt volumes into the Spire Missouri West gas distribution system; (g) Actual deliveries out of the Spire Missouri West gas distribution system; and (h) Daily balance/imbalance tracking on the Spire Missouri West gas distribution system.

15. Spire's evaluation and related decisions for issuing or implementing,

maintaining, and terminating each/all of the following actions with regard to any/all Spire Customers, affiliates, shippers, pool managers, aggregators and other parties affecting the Spire Missouri West gas distribution system, by segment, during the month of February 2021: (a) Requests for voluntary actions; (b) Unauthorized overrun notices; (c) Contract Demand delivered volumes and notices by Customer; (d) OBA notices to any/all parties for any action; (e) Advance notice of any OFO or curtailments; (f) Notice of OFOs and curtailment orders or requests; (g) Notice of any Emergency OFOs, and if none, details of the evaluation supporting the decision not to issue same; and (h) Emergency Gas Sales and if none, details of the evaluation supporting the decision not to implement same.

16. All gas sales and/or deliveries by Spire of gas supplied directly by Spire, to any party on its system who was a customer of a third party.

17. All gas purchases and all gas sales made by Spire on its system, and for volumes on, into and out of the Southern Star system, including: (a) Affiliated transactions, including transactions with Spire Marketing, Inc.; (b) Upstream and downstream pipelines; and (c) Storage injections, withdraws, and intra-storage purchases, sales and exchanges.

18. Spire's communications issued to end users and to Clearwater regarding permitted gas usage and/or curtailment obligations.

19. What, if any, steps Spire took with regard to curtailment.