

In the Matter of:

**THE APPLICATION OF SPIRE MISSOURI, INC., TO CHANGE INFRASTRUCTURE, etc.**

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**GO-2019-0356 AND GO-2019-0357, VOL. I**

*October 02, 2019*

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

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TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

October 2, 2019

Jefferson City, Missouri

Volume 1

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In The Matter Of The )  
Application of Spire Missouri, ) File No. GO-2019-0356  
Inc. To Change Its )  
Infrastructure System )  
Replacement Surcharge In Its )  
Spire Missouri East Service )  
Territory )

In The Matter Of The )  
Application of Spire Missouri, ) File No. GO-2019-0357  
Inc. To Change Its )  
Infrastructure System )  
Replacement Surcharge In Its )  
Spire Missouri East Service )  
Territory )

NANCY DIPPELL, Presiding  
SENIOR REGULATORY LAW JUDGE

RYAN A. SILVEY, Chairman,  
WILLIAM P. KENNEY,  
DANIEL Y. HALL,  
SCOTT T. RUPP,  
MAIDA J. COLEMAN,  
COMMISSIONERS

REPORTED BY:  
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A P P E A R A N C E S

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(Spire Exhibits 1, 2, 4, 5, 6, 7, 8, 9; Staff Exhibits 100 and 101; and OPC Exhibits 200 and 201 were marked for identification.)

JUDGE DIPPELL: We're on the record. This is Case Numbers GO-2019-0356 and GO-2019-0357 In The Matter Of The Application Of Spire Missouri To Change Its Infrastructure System Replacement Surcharge In Its Spire Missouri East And West Service Territories.

My name is Nancy Dippell, I'm the Regulatory Law Judge presiding over this hearing. And I'd like to begin with entries of appearance. Can we have an entry for Spire Missouri, please.

MS. BOCKSTRUCK: Good morning, Judge. Goldie Bockstruck and Mike Pendergast. Our information has been submitted to the court reporter.

JUDGE DIPPELL: Commission Staff.

MR. BERLIN: Good morning, Judge. Robert S. Berlin and Karen E. Bretz, appearing on behalf of the Staff of the Missouri Public Service Commission. Our contact information has been provided to the court reporter.

JUDGE DIPPELL: And the Office of Public Counsel.

1 MR. CLIZER: Good morning, Your Honor.  
2 John Clizer, appearing on behalf of the Office of  
3 Public Counsel. I've supplied my information with the  
4 court reporter.

5 JUDGE DIPPELL: All right. And the other  
6 party in this case is the city of St. Joseph,  
7 Missouri. Mr. Steinmeier contacted me and asked to be  
8 excused from the hearing. They filed no testimony and  
9 had no witnesses or cross-examination and I excused  
10 them.

11 I also was contacted by the Company  
12 yesterday with regard to a potential stipulation on  
13 one of the issues. Did you want to speak to that,  
14 Mr. Pendergast? I see you nodding your head.

15 MR. PENDERGAST: Yes. I was planning on  
16 saying it in my opening remarks, but I can talk about  
17 it right now. One of the issues that we won't need to  
18 litigate over the next two days has to do with income  
19 taxes.

20 And as the Commission may recall, we have  
21 settled that issue for about the last 15 years by  
22 splitting the difference on what we call the 263A  
23 deductions. And, in fact, we did something similar in  
24 the last rate case and committed to sitting down  
25 between ISRS proceedings and seeing if we could come

1 up with an alternative.

2           While we weren't successful doing that,  
3 we did go ahead and gain a better understanding of  
4 each party's position. But for purposes of this case,  
5 we will be filing a stipulation, once again  
6 recommending close to a 50/50 split of those 263A  
7 deductions. It's actually 52/48.

8           And I know they're in the process of  
9 trying to finalize some schedules that will reflect  
10 that. And obviously if you've got some questions  
11 about that, we'll be happy to answer them.

12           JUDGE DIPPELL: And were -- the other  
13 parties were okay with Mr. Kuper being excused?

14           MR. BERLIN: Yes, Judge.

15           MR. CLIZER: Yes, Judge.

16           JUDGE DIPPELL: All right. I didn't  
17 receive any questions from the Commissioners for  
18 Mr. Kuper, so he may be excused from participating.

19           MR. PENDERGAST: Thank you.

20           JUDGE DIPPELL: Let's see. We marked the  
21 exhibits -- the pre-filed exhibits before we went on  
22 the record. And just to clarify again, the hearings  
23 are consolidated. The cases have not been  
24 consolidated, but we're going to mark all of the  
25 exhibits sequentially. All the exhibits are going to

1 go in both cases, even though some only relate to  
2 particular cases.

3 We'll also follow the witness order and  
4 order of opening statements that the parties  
5 recommended. If there are changes we need to make to  
6 that, let me know. And we don't have any outstanding  
7 motions.

8 Is there any other preliminary matters  
9 that the parties need to bring to the Commission's  
10 attention? Okay. I'm not seeing any.

11 With that then, I believe we can go ahead  
12 and begin with opening statements. We can begin with  
13 the Company.

14 MR. PENDERGAST: Good morning. If it  
15 please the Commission, we already discussed the  
16 resolution that's been agreed to by the parties on the  
17 income tax issue, so I'll move into the issues that we  
18 still need to examine and resolve in this proceeding  
19 in one way or another. And basically, there are five  
20 of them.

21 The first one is whether the cast iron,  
22 bare steel facilities that the Company is replacing  
23 under its various programs is in a worn out or  
24 deteriorated condition and, therefore, eligible for  
25 inclusion in the ISRS.

1           The second, which is a new issue, regards  
2 whether the costs incurred by the Company to replace  
3 certain bare steel mains that were cathodically  
4 protected decades after they were first installed are  
5 eligible for recovery through the ISRS.

6           The third issue is whether certain costs  
7 should be excluded from ISRS charges because some  
8 plastic components were replaced or bypassed as part  
9 of the Company's cast iron and bare steel systematic  
10 replacement program.

11           Fourth, whether there are components of  
12 the Company's overhead costs that have been allocated  
13 to various ISRS projects are eligible or not eligible  
14 for inclusion in the ISRS.

15           And fifth and finally, whether the  
16 Commission has the jurisdiction to consider ISRS  
17 investments that were not recovered in prior ISRS  
18 cases because those same costs were involved in an  
19 appeal pending at the Western District Court of  
20 Appeals. I'll briefly summarize the Company's  
21 position on evidence -- and evidence on each of these  
22 issues.

23           Let's begin with whether the cast iron,  
24 bare steel facilities are in a worn out or  
25 deteriorated condition such that they qualify for ISRS

1 treatment. OPC is again challenging whether or not  
2 they meet that particular criteria.

3           And I think it's important to note at the  
4 outset that the Commission definitively decided this  
5 issue in the Company's last ISRS cases, finding that  
6 because of their age and, in the case of cast iron,  
7 their propensity to fracture, and in the case of  
8 unprotected steel, their propensity to corrode, that  
9 these facilities were indeed in a worn out or  
10 deteriorated condition.

11           And I would submit to you that OPC really  
12 offers nothing new in its attempt to suggest otherwise  
13 in these cases. Instead, it just invents new and, in  
14 our view, irrelevant hoops for needlessly reproving  
15 what we already know and what the Commission has  
16 already determined; namely, that these facilities are  
17 indeed worn out or in a deteriorated condition.

18           And at this point I think given these  
19 repeated efforts to suggest that they are not, that  
20 it's important to put this in the historical context  
21 of what the Commission has done in terms of  
22 replacement programs. And these rules were fashioned  
23 1989 to 1990 and you -- some may recall or remember  
24 seeing information on this, but they were promulgated  
25 in response to a number of explosions that had taken

1 place, primarily in the Kansas City area.

2 And there were multiple explosions.  
3 Unfortunately, they resulted in death. They resulted  
4 in severe injuries and they resulted in extreme  
5 property damage. And as a result of those explosions,  
6 it became a very real and very grim issue.

7 There were meetings between the governors  
8 of both Missouri and Kansas at a summit to discuss how  
9 you deal with the problem. There was a tremendous  
10 amount of pressure put on the Commission, put on the  
11 utilities that were involved to do something about it.  
12 And the then Chairman of the Commission said publicly  
13 it's clear that our current existing safety rules are  
14 not sufficient to protect the public. And then the  
15 new current rules were eventually promulgated and  
16 adopted by the Commission.

17 Now, as these things took place, one of  
18 the things the Commission decided, it's still  
19 reflected in your rule, we had these unprotected bare  
20 steel services and yard lines. And those are both the  
21 same thing. It just depends on who owns them, whether  
22 it's the utility or the customer owned them. And we  
23 need to get those out of the ground.

24 As you've decided on bare steel, they  
25 tend to go ahead and corrode. And, unfortunately,

1 they had corroded to an extent that under the  
2 conditions that existed at that time, they began to  
3 explode. So the Commission said let's have a plan,  
4 let's get these things out of the ground. And at that  
5 point MGE embarked on a replacement program.

6 And I think it's, you know, helpful to  
7 note that once the Commission made that determination,  
8 that these facilities were problematic and they needed  
9 to come out of the ground, that's what happened. And  
10 nobody came back and nobody said well, you know, let's  
11 go ahead and start digging up some of these lines and  
12 let's see whether they're really in a deteriorated or  
13 worn out condition. Let's examine them, let's test  
14 them, and let's try and make a determination of  
15 whether we really need to replace all of them.

16 It was determined at that time that we  
17 did need to replace it. It was a determination that  
18 was made by the Commission. And at that point given  
19 that determination, let's move forward and let's get  
20 it done. And that's kind of in stark contrast to what  
21 we've seen on the cast iron and unprotected steel that  
22 the Commission also said needed to be addressed in  
23 those rules.

24 And the same thing is true of other  
25 replacement programs. Laclede, now Spire East had

1 problems with direct buried copper service lines. And  
2 as a result, we began a replacement program for those.  
3 And over a specific period of time, we got those out  
4 of the ground.

5           And, again, once we determined that these  
6 were problematic lines that were prone to leakage,  
7 nobody came back and nobody said well, you know, we  
8 need to reevaluate them or dig some of them up or  
9 whatever to see whether we really need to replace them  
10 or not. It was assumed that that determination had  
11 been made and that our job was to go ahead and get it  
12 done.

13           And, you know, you may ask well, why  
14 didn't anybody raise that issue? And I would submit  
15 to you that it's probably because everybody who  
16 understands the law of physics know that problematic  
17 facilities of this nature don't get better over time.  
18 That the longer they're in the ground, they don't  
19 improve, they don't get less deteriorated, and they  
20 don't get less worn out. So job one is to go ahead  
21 and get done what the Commission has said ought to be  
22 done in removing these facilities.

23           So I think that that's sort of the  
24 approach that's been -- that isn't sort of. That is  
25 the approach that's been followed in the past. And

1 because of these aggressive actions in getting rid of  
2 these facilities, you know, it's really impossible to  
3 tell how many lives have been saved and how much  
4 property damage has been avoided by taking this  
5 sensible and entirely appropriate approach that the  
6 Commission has historically followed.

7           But while you can't tell what that  
8 alternative universe may have been, the Company does  
9 not want to go ahead and see our trajectory that we're  
10 currently on compromised by allegations that more  
11 testing is necessary, that we need to go ahead and try  
12 and reprove what you've already determined in the case  
13 over and over again.

14           And from our perspective -- you know, we  
15 understand Public Counsel has to represent the public  
16 interest. We can all have different views of what  
17 that means and what the public interest is. But from  
18 our perspective, continuing to go ahead and challenge  
19 programs and the recovery of these costs that are  
20 being incurred to keep our systems safe, you know,  
21 is -- is not our definition of what you do to protect  
22 the public interest.

23           And that's particularly true given the  
24 fact that these programs are not costing ratepayers  
25 anything more than if we had followed the traditional

1 approach of just doing piecemeal replacement. If you  
2 look at the analysis that's been submitted by the  
3 Company in Craig Hoferlin's testimony, you'll see  
4 that that's the case, and I'll explain that in a  
5 little more detail in a few minutes.

6 But if you have programs that are both  
7 improving the safety of the system, that they are  
8 cheaper over the long run for our customers than doing  
9 what we used to do and that Public Counsel would  
10 basically have us return to doing, then why on earth  
11 would you go ahead and say that that's not the  
12 approach you should be taking? Why on earth would you  
13 penalize the Company effectively for doing it by  
14 disallowing costs?

15 We're doing the right thing. And people,  
16 even Public Counsel, have said that repeatedly over  
17 and over again. And I think they've said it because  
18 it's true and we need to go ahead and I think  
19 recognize that it's being done with the replacement of  
20 plastic and these other things essentially being a  
21 freebie. Because if you went back and did it the way  
22 we used to do it, it would cost more.

23 And I want to note that one of the  
24 witnesses we have is Bob Leonberger. For many years,  
25 he was the manager of the Commission Safety Staff.

1 And I think it's important for Mr. Leonberger to weigh  
2 in here. He was at the fulcrum of this storm in 1989  
3 and 1990. He has personal experience with shattered  
4 lives and the shattered buildings that resulted from  
5 not perhaps providing the requisite degree of  
6 attention to getting these facilities out. And from  
7 our perspective, it's always important to keep those  
8 particular concerns in mind as we move forward.

9           So on to bare steel that's been  
10 subsequently precluded -- protected with cathodic  
11 protection. And as I said, this is kind of a new  
12 issue, hasn't been raised before. And once again, you  
13 have to go back to the 1989, '90 period when the  
14 Commission formulated its rules, including its rules  
15 for replacement programs.

16           And when it came to unprotected steel --  
17 and, once again, that was the motivating factor behind  
18 these explosions that happened at the time, only they  
19 were bare steel yard lines rather than bare steel  
20 mains. The Commission said you need to have a program  
21 to address that. And the Commission outlined a couple  
22 of tools. It said cathodic protection was one tool  
23 you could use. It said replacing was another tool you  
24 could use.

25           Nowhere in the rule did the Commission

1 say they're mutually exclusive, that you've got to go  
2 with door number one or door number two, but you can't  
3 use both of those tools in combination.

4 And so at the time MGE had to decide  
5 which way, at least initially, it was going to handle  
6 it. It said let's cathodically protect all these  
7 steel mains that have been in the ground for 30 or  
8 40 or 50 years without any kind of cathodic  
9 protection.

10 And as Mr. Hoeferlin will relate and also  
11 as Mr. Leonberger will relate, one of the reasons they  
12 decided to go out of the box and start with that was  
13 because it was something that could be done quickly  
14 and comprehensively and because they had massive  
15 resource commitments to replace all these service  
16 lines -- these tens of thousands of service lines that  
17 I mentioned before, as well as work on these cast iron  
18 facilities.

19 And in the meantime with the cathodic  
20 protection, although it did nothing to repair the  
21 corrosion that had already taken place, it at least  
22 slowed down future corrosion while they went ahead and  
23 went about the business of replacing these other  
24 facilities.

25 About ten years later though, you know,

1 as they had a leg up on the replacement of these other  
2 facilities, you know, it was determined that we need  
3 to go ahead and start replacing some of these bare  
4 steel facilities that have been cathodically protected  
5 after the fact.

6           And the Staff weighed in and said that  
7 was a reasonable thing to do and talked about why just  
8 leaving these bare steel, subsequently protected  
9 facilities in the ground forever wasn't really an  
10 option. And, once again, point out that they'd  
11 already been in the ground on an unprotected basis for  
12 three decades, four decades.

13           We know what the steel services had done  
14 that were in the same kind of ground, the same kind of  
15 condition. In 1989, they eventually leaked and they  
16 eventually exploded. I think Mr. Leonberger would say  
17 that there was some concern about whether cathodic  
18 protection should really be an option. But I think on  
19 balance, from the standpoint that it allowed you to  
20 immediately go ahead and at least slow down the rate  
21 of corrosion was a good thing.

22           But the thing is, once again, that  
23 cathodic protection did not do anything to address the  
24 corrosion that had already taken place. And while it  
25 slowed down significantly the rate of future

1 corrosion, it didn't stop it. And both Mr. Hoeflerlin  
2 and Mr. Leonberger can explain, you know, why that's  
3 the case.

4 But in any event, in 2002, they said  
5 let's -- let's start getting some of this stuff out of  
6 the ground. We've achieved a number of our other  
7 objectives and this problematic facility have to go  
8 ahead and be addressed. And they started a  
9 replacement program that at that time was a minimum of  
10 five miles a year. Since that time, with our  
11 accelerated efforts that we've taken with other  
12 facilities, we've already also accelerated the  
13 replacement of that.

14 We think that given the circumstances  
15 under which these were installed, the fact that they  
16 were bare for so long, that they undoubtedly corroded  
17 over that period of time, just like service lines had,  
18 and that while slowing corrosion is important, it  
19 doesn't represent a permanent fix.

20 And as our witnesses will say, it truly  
21 was a stopgap measure. It truly was let's just go  
22 ahead and get something done over here with the view  
23 that eventually because leaks continue to erupt, if  
24 you will, we need to go ahead and get these facilities  
25 replaced. And that's what we're doing and we don't

1 want to backtrack.

2           And you know, if there are doubts about  
3 the condition of this pipe, you know, we've brought a  
4 couple samples with us. And Mr. Hoferlin will be  
5 able to add -- answer any questions you might have.  
6 These are facilities that were cathodically protected,  
7 that were taken out of the ground not too long ago.  
8 This is a smaller line. That's a larger line down  
9 there (indicating).

10           And as you can see, whether it's been  
11 cathodically protected or not, I think these are  
12 facilities that would fit anybody's definition of in a  
13 worn out or deteriorated condition.

14           So let's move on to the plastics issue.  
15 You're really familiar with the plastic issue. I  
16 don't want to belabor that, you know. We're not here  
17 today to reargue the 509 cost studies and to what  
18 extent that demonstrated that our replacement of  
19 plastic components was really a freebie. It didn't  
20 increase cost, didn't increase the ISRS charges that  
21 we were seeking to recover.

22           But you've looked at that issue, you've  
23 made your determination. And while we would always be  
24 thrilled if you wanted to revisit it and change it,  
25 you know, we understand where you came from.

1           So what we did was we said is there  
2 another way we can look at this? And Commissioner  
3 Hall was helpful I think in that. And I'm not going  
4 to say we've looked at it exactly the way he would,  
5 but when the Commission said those 509 cost studies we  
6 did that were endorsed by the Staff weren't, you know,  
7 the right basis of comparison, the Commission really  
8 didn't identify in its Report and Order what that  
9 basis for comparison would be.

10           But Commissioner Hall did go ahead and  
11 issue a concurring opinion. And he said, you know,  
12 what I think we ought to do is really look at what the  
13 cost would be under your systemic approach, where  
14 we've gone in and eliminated facilities in a very  
15 efficient coordinated fashion versus what the costs  
16 would be if you were continuing to do your piecemeal  
17 approach where you find some facilities that need more  
18 immediate action, you go and you replace those, but  
19 you only replace around, you know, those trouble  
20 spots.

21           And so we did take a look at that. We  
22 did some additional engineering cost analyses and we  
23 tried to figure out what would be the costs -- or what  
24 were the costs -- we didn't have to figure that out --  
25 of replacing these facilities under our systemic

1 approach. And then what would the costs have been if  
2 we went ahead and just continued to replace facilities  
3 through the piecemeal approach.

4 And what that showed is that -- that  
5 over time, the piecemeal approach, the I'll just get  
6 it when it looks like you need to get a particular  
7 piece was anywhere from 18 to 200 percent more costly  
8 than the systematic approach.

9 And that, you know, shouldn't be  
10 something that's intuitively odd for people because if  
11 you're doing the piecemeal approach, you're going to  
12 have to muster your crews, you're going to have to  
13 come out to the same facility multiple times in order  
14 to go ahead and take care of replacing whatever  
15 trouble spots you had. That all adds up by the way of  
16 costs.

17 And if you continue to do the piecemeal  
18 approach, you wouldn't have been able to get some of  
19 the efficiencies we've gotten from the systemic  
20 approach, including moving away from the larger  
21 diameter cast iron pipe; being able to use smaller  
22 pipe; being able to go ahead and reduce our regulator  
23 stations from over 130 down to 5 or 6; being able to  
24 go ahead and use directional boring, which requires  
25 smaller facilities, rather than having to go ahead and

1 dig and -- and -- in order to install the larger  
2 facilities.

3           So I think this exercise was very  
4 helpful. It's another data point that goes ahead and  
5 shows that these programs, even though they involve  
6 replacement of some plastic, are absolutely to the  
7 financial benefit of our customers.

8           And I think it really demonstrates what  
9 the alternative universe would be like if we went  
10 ahead and actually did things the way Public Counsel  
11 suggests they should be done and just kind of sent  
12 crews out there to take care of trouble spots and, you  
13 know, send them out again when another trouble spot  
14 develops and then again, you know.

15           That's not only a system that makes your  
16 distribution system less safe, it's one that costs  
17 more. And why we would ever want to go ahead and  
18 reject a program that's both cheaper and that also  
19 makes a company system safer is beyond me. I don't  
20 think there's a reasonable public policy approach that  
21 justifies that.

22           On the overheads issue, this was raised  
23 in the last case, but it really wasn't taken  
24 Commission determination. Instead -- and once again,  
25 it was raised by OPC. The idea was we would sit down,

1 talk between ISRS cases and see if we could go ahead  
2 and address whatever concerns there were about our  
3 allocation of overheads to ISRS projects.

4           And, once again, we weren't able to go  
5 ahead and reach an accommodation on that. There was,  
6 you know, various concentrations of activity designed  
7 to go ahead and do that, some maybe by more parties  
8 than others. But pursuant to the Stipulation  
9 Agreement, we made a detailed presentation here's how  
10 we do it, here's the factors that go into it, you  
11 know, here's how we arrive at the overheads that we've  
12 charged to ISRS projects.

13           Now, OPC has filed testimony saying, you  
14 know, I don't think this is consistent with the  
15 Uniform System of Accounts, that you're allocating  
16 some things to these projects using a general  
17 allocator -- systems allocator so we don't think that  
18 you can do that.

19           Well, everybody that's familiar with the  
20 Uniform System of Accounts and the Commission rule  
21 that adopts it says that yeah, that's kind of our  
22 starting point, our benchmark. Make sure you adopt  
23 it, but we're not bound by it and we're going to go  
24 ahead and make rate-making decisions based on what we  
25 believe is appropriate even if those rate-making

1 decisions result in different outcomes, that just  
2 saying okay, what's in your Uniform System of  
3 Accounts, that's what we'll reflect.

4 I'm not suggesting that we aren't  
5 consistent with the Uniform System of Accounts,  
6 because I think we are. But this Commission has a  
7 long-standing, two-decade old practice of approving  
8 the various methods that we have gone ahead and used  
9 to establish overheads for ISRS projects, the methods  
10 we use to capitalize costs that we assign and how we  
11 assign it. And it's done so in rate case after rate  
12 case after rate case.

13 So whatever you want to say about the  
14 Uniform System of Accounts, the fact of the matter is  
15 we're doing it in a way that's consistent with what  
16 the Commission has approved. And I think if you look  
17 at Staff's report that was filed in this case, it will  
18 go ahead and verify that that's the case.

19 The percentage that we are actually  
20 transferring to capital projects in our ISRS cases is  
21 nearly identical to the percentage that was used in  
22 the rate case to go ahead and determine what was  
23 capital and what should be recognized as an expense.

24 So I think that both demonstrates we're  
25 doing it the same way that we've done it for years and

1 that we did in the last rate case and it shouldn't put  
2 the dagger -- although I don't think it's being raised  
3 in this case -- that somehow there's some double  
4 accounting going on.

5           The fact of the matter is, whatever we're  
6 capitalizing now in ISRS projects were capitalized in  
7 the rate case. And so it's not a case of we've got  
8 some expenses that reflected expenses in the rate case  
9 and now you're capitalizing them and recovering them  
10 twice. We are being absolutely consistent with how we  
11 did it then, what proportions were being capitalized.  
12 In fact, we capitalized a little bit less in our ISRS  
13 projects than we did in the rate case.

14           In any event, we fully agree with the  
15 Staff that this is an issue that if it's to be  
16 addressed, it ought to be addressed in a rate case.  
17 And not only is that a preferred venue because you get  
18 to look at these issues with greater time and  
19 deliberation, you get to go ahead and sort through the  
20 issue based on direct, rebuttal and surrebuttal  
21 testimony rather than just one round of testimony and  
22 maybe some live rebuttal held a few business days  
23 later. It's just a preferred approach for looking at  
24 something like this. Plus, it also allows the  
25 Commission to address both the capital and expense

1 side of the equation.

2           If, in fact, the Commission ultimately  
3 determines, you know, some of these things that have  
4 been included in overheads -- capitalized included in  
5 overheads, they really ought to be expensed, and if  
6 you want to expense them, you know, that's something  
7 the Commission can certainly do. Just have to  
8 recognize that if you expense these costs, you'll be  
9 recovering the full amount each year in total in rates  
10 rather than spreading those costs over many years as a  
11 capital item.

12           So if folks think it's important to  
13 contemporaneously recover these costs by charging  
14 customers 100 cents on the dollar for them rather than  
15 10 cents or 15 cents on the dollar that happens when  
16 you capitalize them, they will be able to make that  
17 determination and it will be able to reflect both  
18 sides of the equation in the rate case. You can't do  
19 that in this ISRS proceeding.

20           Finally, on the jurisdictional issue, we  
21 had this raised in the last rate case. We had a  
22 robust discussion of it. I think the Commission's  
23 fully aware of what the Company's position was. Once  
24 again, I'm not going to go ahead and belabor it.

25           You know, I think that like the plastics

1 issue, that's going to be something that's going to  
2 have to be sorted out by the Western District Court of  
3 Appeals. And you know, we certainly respect that  
4 process.

5 I will say that at the time we filed our  
6 ISRS application and included these costs, the  
7 Commission had not yet finalized its Report and Order.  
8 It hadn't ruled on our request for it to reconsider  
9 that, so we thought we needed to include those costs  
10 in it. And since that time, we have gone ahead and  
11 appealed it and just out of abundance of caution and  
12 make sure that our right to ultimately collect dollars  
13 isn't compromised because we didn't pursue it, we went  
14 ahead and continued to keep them in there.

15 But, you know, we understand that for  
16 consistency sake, the Commission may be inclined to go  
17 in the same direction it did last time. Again, we'd  
18 be thrilled if you decide to go in a different  
19 direction, but what we've done is we had submitted  
20 alternative calculations that recognize what our ISRS  
21 ask would be if we went ahead and excluded those  
22 amounts. So if that's where the Commission decides to  
23 come out, it will be an easy enough process to go  
24 ahead and reflect that.

25 So I think that covers the issues I

1 wanted to cover and if anybody has any questions, I'd  
2 be happy to answer them.

3 JUDGE DIPPELL: Are there Commission  
4 questions? Mr. Chairman.

5 QUESTIONS BY CHAIRMAN SILVEY:

6 Q. Thank you. Just a couple questions.

7 A. Sure.

8 Q. Is the Commission bound by the ISRS  
9 statute?

10 A. Yeah. I would say that that gives very  
11 explicit instructions as to what the Commission is  
12 supposed to do, and you need to follow that.

13 Q. And so when looking at what is or is not  
14 eligible for ISRS, does the statute currently contain  
15 a cost allocation model?

16 A. It -- it doesn't contain a cost  
17 allocation model. It just says that, you know, those  
18 costs are not eligible for inclusion if they're not  
19 worn out and deteriorated. We have accepted that all  
20 along.

21 Our mission has kind of been okay, so  
22 what are those costs, you know? What's a reasonable  
23 way of determining what they are? And that's why we  
24 did all those engineering analysis that basically said  
25 there aren't really any costs associated with doing

1 it. Because if you were to go ahead and not replace  
2 them but instead re-use them, in most instances, it  
3 would be more expensive. So it's a negative cost.  
4 And we think that's something you're entitled to take  
5 into consideration in interpreting how you apply that  
6 worn out or in a deteriorated condition language.

7 Q. So you think that the current statute  
8 allows for ISRS recovery for things that are not  
9 specifically worn out and deteriorated if the cost  
10 allocation shows that it's less?

11 A. I think if the cost allocation shows that  
12 it's being bypassed at no cost to the customer, it  
13 does. And one of the things I -- I should emphasize  
14 again -- and I'm not saying that we're, you know,  
15 basing our position that they shouldn't be excluded,  
16 because we think we already have to the extent there  
17 are any costs, we did with 509. But the ISRS statute  
18 also references the term "prudence." And it doesn't  
19 do it directly, but it talks about you can look at the  
20 prudence of these in a subsequent case.

21 And I think by using that term  
22 "prudence," the legislature anticipated that when you  
23 went ahead and did these replacement programs, that  
24 you would do them in a prudent and reasonable manner.  
25 And everybody, you know, has indicated they have no

1 problem with how the Company is doing this, that the  
2 Company is prudent in doing it.

3           And I think if you have that as a ground  
4 stone of what you're talking about and then you add up  
5 the fact that under our view of cost at least, there  
6 are no costs to replacing plastic, I think the  
7 legislature would sit there and if they heard that  
8 story and it believed it, would say what you're doing  
9 is fully consistent with what we intended.

10           Q.     The issue of pensions and OPEB were --  
11 the amounts were set going forward in the last rate  
12 case; is that right?

13           A.     Yes.

14           Q.     And that case is currently on appeal  
15 before the Missouri Supreme Court?

16           A.     It is.

17           Q.     Can you explain what issues are in  
18 dispute at the Supreme Court and what, if any, impact  
19 the inclusion of the legacy pension amounts in this  
20 case would have?

21           A.     Well, I think there's a distinction  
22 between what's at the Supreme Court and what we're  
23 talking about in this case. And the reason I say that  
24 is what's at the Supreme Court is the issue of the  
25 amounts that you disallowed. The amounts that you

1 said we're not going to permit you to recover.

2           And we have, you know, challenged that  
3 and said well, we've got a different perspective on  
4 whether these amounts should have been excluded from  
5 rates. The pension that is included in our benefits  
6 that is being recovered partially as an overhead are  
7 the pensions that nobody had a problem with. They are  
8 the pension costs that we had built up a substantial  
9 asset on over the years because we weren't recovering  
10 them contemporaneously.

11           And so in this particular case, all the  
12 parties agree, let's start amortizing that over time.  
13 And it's that amortization that's in the overheads  
14 that we're dealing with in the ISRS case. So it's  
15 kind of different from what we're dealing with at the  
16 Supreme Court.

17           Q.     Okay. So just so I'm clear, so the  
18 issues in dispute at the Supreme Court are -- the  
19 amounts or the issues that are in dispute there are  
20 different enough that whatever decision we make here  
21 should not be affected by that decision?

22           A.     I think that's right, yeah. I mean it's  
23 not at issue there.

24           Q.     Okay. Thank you.

25           CHAIRMAN SILVEY: Thank you, Judge.

1 JUDGE DIPPELL: Commissioner Hall, did  
2 you have questions?

3 COMMISSIONER HALL: I do.

4 BY COMMISSIONER HALL:

5 Q. Good morning.

6 A. Good morning.

7 Q. Can you explain to me where the Company  
8 and Staff are -- are in disagreement?

9 A. Yeah. I think the primary place where  
10 they're in disagreement is kind of on the plastic  
11 issue. And think the Staff has kind of approached it  
12 the same way that the Commission directed it to be  
13 approached in the last couple of cases, applying, you  
14 know, sort of the percentage type methodology.

15 Whereas, we included all of the costs,  
16 including those plastic components based on the  
17 analyses that we presented in this case and kind of  
18 our historical position.

19 We also were apart on the tax issue. You  
20 know, Staff was kind of at full recognition of those  
21 deductions. We were at no recognition of those  
22 deductions for various reasons. And once again, we  
23 have kind of -- we've settled that by -- by splitting  
24 it.

25 Q. There -- there's also a disagreement on

1 the old costs though. Correct?

2 A. Oh, I'm sorry. Yeah.

3 Q. Okay.

4 A. I mean, when you -- yeah, of course.

5 Q. So the -- the calculation that the  
6 Company did in Appendix C of the application, that --  
7 that is the approach where the Company attempted to  
8 implement the formula in the concurring opinion.  
9 Correct?

10 A. Yeah. I think that would be included --  
11 no? Wes?

12 MR. SELINGER: That's using the Staff  
13 percentage method.

14 BY COMMISSIONER HALL:

15 Q. Okay.

16 A. Okay. What -- what that is is when I  
17 said we gave some alternative figures so that, you  
18 know, if you wanted to exclude the past amounts, you  
19 could exclude the past amounts. But that also adopts  
20 the percentage method in the event you reconfirm  
21 that's what you want to do in this case. And my  
22 understanding is that that is very close to what the  
23 Staff came up with by applying the percentage method.

24 Q. So where is -- and -- and maybe it's in  
25 the testimony, but where is your calculation applying

1 the -- the methodology set forth in the concurring  
2 opinion?

3 A. That would be in our applications, which  
4 are 1 and -- and 2, 3 and 4. Because part of it is  
5 the update.

6 Q. So did -- did that calculation result in  
7 the exclusion of any plastic?

8 A. It did not, no. And so basically what it  
9 was, was our ISRS costs with no exclusion because we  
10 didn't believe there was a cost to doing it.

11 Q. Do you know -- and -- and this may be a  
12 subject for questions to -- to witnesses, but do you  
13 know does it -- does the Staff believe that the  
14 Company properly did -- did the calculations  
15 consistent with that methodology?

16 A. You know, I would probably feel more  
17 comfortable if you asked Staff rather than, you know,  
18 speak for them.

19 Q. Okay. Thank you.

20 JUDGE DIPPELL: Thank you. Commissioner  
21 Kenney, did you have any questions for --

22 COMMISSIONER KENNEY: No. Thank you.

23 JUDGE DIPPELL: Commissioner Rupp?

24 COMMISSIONER RUPP: No, thank you.

25 JUDGE DIPPELL: Commissioner Coleman?

1 COMMISSIONER COLEMAN: No, thank you.

2 QUESTIONS BY JUDGE DIPPELL:

3 Q. All right. I just have one -- one for  
4 you, Mr. Pendergast.

5 A. Sure.

6 Q. So isn't the issue not whether it costs  
7 more or it costs less, but whether what the Company is  
8 including is ISRS eligible?

9 A. I think if you start with the premise  
10 that you can't be including costs for facilities that  
11 aren't ISRS eligible, nobody at the Company would  
12 disagree with that. But then I think it's incumbent  
13 to determine what those costs are.

14 And what we've done is try to do -- well,  
15 in the last case, a lot of analyses to determine  
16 because we replaced rather than re-used plastic, did  
17 that add to the cost of the project or was it, as I've  
18 said, a freebie?

19 And what we've determined was that in  
20 most instances there was no added cost. Where there  
21 was an added cost, we excluded it from our ISRS filing  
22 so that, you know, all we were seeking to recover were  
23 costs that did not include any incremental costs for  
24 the replacement of plastic.

25 This time around, you know, we've tried

1 to use the guidance given in the concurring opinion to  
2 take a more macro view of it and just say, okay, let's  
3 look at these cast iron replacement programs under the  
4 systemic approach that also includes the replacement  
5 or bypass of certain plastic components and how does  
6 that compare if we were doing the traditional piece--  
7 piecemeal or patchwork approach?

8           And we determined that it is far cheaper  
9 to go ahead and do the systemic approach. That there  
10 are no costs being added because some plastic is being  
11 replaced compared to how we used to go ahead and do  
12 it. And we think that was a good data point to look  
13 at, because it really demonstrates there isn't any  
14 cost associated with plastic and this is a much  
15 cheaper method for taking these problematic facilities  
16 out of the ground than the way we used do it.

17           Q.     And with regard to overheads, a  
18 similar -- similar question. It may be that -- and  
19 we'd all like more time to review these issues, so it  
20 may be that a rate case would be a better -- better  
21 venue, but if you're going to include those costs,  
22 don't we have to find them ISRS eligible?

23           A.     Well, I think what you have to do is find  
24 the underlying projects are ISRS eligible. And, you  
25 know, those are, you know, our cast iron and steel

1 replacement programs primarily. And then once you  
2 determine that those projects are eligible, you've got  
3 to determine what's the appropriate cost of that  
4 project.

5           And part of the cost of that project is  
6 not just materials, it's not just the wages and  
7 salaries of the people that are out there, but it's  
8 also the overheads that are largely comprised of the  
9 benefits for those employees.

10           I mean I think if you read OPC's  
11 testimony and they talk about the items that are  
12 properly included in those overheads, they suggest  
13 substantially more of those overheads are just fine  
14 because they recognize benefits, they recognize that  
15 those kind of things follow the employees and need to  
16 be allocated to those jobs.

17           And so I think that the ISRS statute says  
18 these are the kind of projects you can include and  
19 then it's up to us to say what's the real cost of  
20 those projects.

21           Q.     Okay. All right. I don't see any other  
22 questions for you, so.

23           MR. PENDERGAST: Thank you very much.

24           JUDGE DIPPELL: Thank you.

25           Would Staff like to make its opening

1 statement?

2 MR. BERLIN: Yes. Good morning. May it  
3 please the Commission. I'm Bob Berlin with Staff  
4 counsel. I'm going to have Ms. Bretz hand out a  
5 demonstrative chart for you to give you some ideas to  
6 the scope of the ISRS project that is under review.

7 Staff prepared this after testimony had  
8 been filed and we thought that it would be a -- a good  
9 way to show just how big of a series of ISRS eligible  
10 projects were -- we were looking at for both Spire  
11 East and Spire West. And we can talk to that a little  
12 bit later and certainly the witnesses that Staff has  
13 can offer testimony as to this information on the  
14 chart. I would say that it comes from the Company's  
15 work papers.

16 But having said that, Spire counsel just  
17 gave a pretty big overview of its ISRS request, which  
18 is what we call an Infrastructure Replacement  
19 Surcharge Application. So I'm going to limit my  
20 opening remarks to a brief summary of Staff's actions  
21 that were taken to review Spire's application and the  
22 key points of Staff's recommendation for ISRS cost  
23 recovery.

24 Spire's application request basically has  
25 two components on which it seeks to recover. The

1 first component in its request seeks a recovery of its  
2 ISRS eligible costs for the period of February 2019  
3 through the end of July 2019. I call this the new  
4 request because it deals with new ISRS eligible costs  
5 for a new period of time not previously addressed.

6 And the second component of Spire's  
7 request, which Mr. Pendergast addressed at length,  
8 seeks to recover costs that were incurred during the  
9 past period of October 1, 2017 through June 30th of  
10 2018 and denied by the Commission. The Commission has  
11 seen this request before in previous ISRS cases, and I  
12 call this request the old request.

13 Spire first sought recovery of the old  
14 request costs in Case Numbers GO-2018-0309 and 0310  
15 and the Commission denied the recovery. Spire again  
16 sought recovery of the old request costs in its most  
17 recent previous ISRS cases, GO-2019-0115 and 0116.  
18 The Commission denied ISRS recovery for costs in the  
19 old request because the Commission no longer had  
20 jurisdiction over the old request costs from the 309  
21 and 310 cases.

22 Both the 309 and 310 cases were appealed  
23 by Spire and Public Counsel to the Western District  
24 Court of Appeals. The Appellate Court, not the  
25 Commission, has jurisdiction over the 309 and 310

1 cases in Docket Number WD82302.

2 The 309 and 310 cases, along with  
3 previously appealed Commission ISRS cases from 2016  
4 and 2017, are set for oral argument at the Western  
5 District in a couple of weeks, I believe.

6 Now, recognizing that the old request was  
7 under Appellate Court jurisdiction when Spire applied  
8 for recovery again in the 115 and 116 cases, the  
9 Commission denied Spire's old request in its Report  
10 and Order on rehearing that was issued August 21st.

11 Both Spire and Public Counsel have since  
12 filed their Notices of Appeal for appellate review of  
13 the recently decided 0115 and 0116 cases. Because  
14 Spire again seeks recovery for its old request in the  
15 cases now before the Commission, Spire has, like it  
16 did in the past ISRS cases, not included the old  
17 request in its recommendation.

18 Staff follows the same legal and  
19 jurisdictional rationale set out in the Commission's  
20 Report and Order on Rehearing issued in the 115 and  
21 116 cases.

22 For the same reasons affirmed by the  
23 Commission in its August 21st Report and Order on  
24 Rehearing, Staff recommends the Commission again  
25 reject the old request component of Spire's ISRS

1 application in the current 0356 and 0357 cases.

2           Therefore, for the reasons I just  
3 addressed, the Staff's recommendation for ISRS cost  
4 recovery is limited to the examination of new or  
5 current ISRS eligible costs incurred and requested by  
6 Spire for the new period of February through July  
7 2019. Staff's calculation of the ISRS revenue  
8 requirement applies the same methodology that the  
9 Commission approved in the 309 and 310 and the 115 and  
10 the 116 cases.

11           As a result of Staff's examination and  
12 analysis of Spire East ISRS application, Staff  
13 recommends a revenue requirement for the period of  
14 February through July 2019 of 4,439,498 dollars.  
15 That's Spire East. For Spire West, Staff recommends a  
16 revenue requirement for the February through July 2019  
17 period of 3,721,343 dollars.

18           As part of Staff's examination of the  
19 Spire East and Spire West ISRS applications, auditing  
20 staff reviewed a number of different things. Auditing  
21 staff reviewed supporting work papers, work order  
22 authorizations, accounting entries for a selection of  
23 work orders and a sample of invoices supporting the  
24 work order authorizations, much like it did in the  
25 previous case.

1 Staff also visited Spire St. Louis  
2 headquarters from August 19th through the 21st to  
3 discuss and review the ISRS application, to interview  
4 Spire personnel and to visit two active job sites.  
5 Staff also received updated work papers and conducted  
6 a dialogue with Spire staff throughout its review of  
7 the application as needed.

8 In Spire's application, Appendix C that  
9 was filed in this case, Spire used the same  
10 methodology that was applied by the Commission in the  
11 previous 309, 310 and 115 and 116 ISRS cases to  
12 calculate the amount of ineligible plastic in their  
13 requested ISRS recovery.

14 So how was the amount of ineligible  
15 plastic determined? The number of feet of plastic  
16 main and service lines replaced or retired were  
17 divided by the total number of feet of pipe replaced  
18 or retired to arrive at the percentage of costs  
19 associated with the plastic to be removed from the  
20 ISRS recovery.

21 Staff reviewed all work orders Spire  
22 provided to confirm the number of feet of main and  
23 service lines replaced and retired by the type of  
24 pipe, plastic, cast iron, steel, and concluded that  
25 Spire's adjustments are consistent with Staff's

1 methodology used in the 309 and 310 and the 115 and  
2 the 116 cases.

3           Staff also reviewed Spire's work papers  
4 concerning blanket work orders. Now, blanket work  
5 order, those are work orders that cover a very large  
6 number of tasks and the work orders stay open for  
7 quite a period of time and do not close until much  
8 later.

9           To address the issues arising in prior  
10 ISRS cases regarding the determining of ISRS cost  
11 eligibility for costs in the blanket work orders,  
12 Spire had categorized each separate task in the work  
13 order as either ISRS eligible or ISRS ineligible.  
14 Spire calculated the percentage of eligible versus  
15 ineligible tasks and applied the ineligible task  
16 percentage to the blanket work order, total amount, in  
17 order to calculate an amount of blanket work order  
18 costs that are not ISRS eligible.

19           As part of its examination, Staff  
20 reviewed Spire's categorization to determine if each  
21 task that was considered eligible meets the  
22 requirements for ISRS recovery. Tasks that are  
23 considered eligible are mandated relocations,  
24 replacements due to leak repairs and corrosion  
25 inspections, and replacement of copper and cast iron

1 pipe as well as the bare steel.

2           Tasks considered ineligible are  
3 relocations that are done at customer request,  
4 excavation damage replacements, replacement of plastic  
5 not related to leak repair, and installation of new  
6 services.

7           So after review of Spire's calculations,  
8 Spire accepted the amount -- or I'm sorry, Staff  
9 accepted the amount of Spire's adjustments for blanket  
10 work orders. In addition, Staff included all  
11 accumulated depreciation, deferred income taxes on  
12 ISRS qualifying infrastructure replacement costs  
13 through October 31st, 2019.

14           This reflects Staff's intention that the  
15 ISRS revenue requirements should closely reflect the  
16 revenue requirement for ISRS qualifying plant as of  
17 the effective date of new ISRS rates. Staff also  
18 considered and included in its ISRS revenue  
19 requirement the calculations -- excuse me -- tax  
20 deductions associated with interest expense,  
21 capitalized overheads and service transfers associated  
22 with ISRS plant addition in this period.

23           And again, much like we did in the last  
24 case, all tax deductions are directly associated with  
25 and incremental to the ISRS eligible plant additions

1 in this proceeding. This has been Staff's approach  
2 that we took in our direct case in that the amount of  
3 tax deductions associated with installation of ISRS  
4 eligible plant did generate enough tax savings to  
5 offset, in our view, the current income taxes that  
6 would be applicable for recovery under ISRS.

7 As Mr. Pendergast explained, the parties  
8 have been able to come together and have been able to  
9 reach what we believe is to agree -- to be a  
10 reasonable resolution of a very complicated issue that  
11 has many different viewpoints to it.

12 As for reconciliation, which is required  
13 by Commission Rule 20 CSR 4240-3.265 (17), Staff took  
14 into consideration the terms of the property tax  
15 stipulation that was agreed to in the 115 and 116  
16 cases. As a part of the reconciliation, Staff  
17 compared the billed versus authorized revenues and  
18 determined that Spire East under-collected ISRS  
19 revenue as of July 31st, 2019 by an amount of about  
20 238,393 dollars and Spire East under-collected an  
21 amount of 338,218 dollars. Again, those -- those  
22 numbers are inclusive of the property tax settlement  
23 in the 115 and 116 cases.

24 And in conclusion, as a result of its  
25 examination and analyses of Spire's ISRS application

1 for the February through July 2019 period, Staff  
2 recommends that Spire East receive additional ISRS  
3 revenues of 4,439,498 dollars for a cumulative annual  
4 ISRS revenue requirement of 12,990,598 dollars and  
5 that Spire West receive additional ISRS revenues of  
6 3,721,343 dollars for a cumulative annual ISRS revenue  
7 requirement of 15,634,591 dollars.

8           Of course, I believe those numbers would  
9 change based upon the Stipulation and Agreement that  
10 was reached in the tax stipulation that Mr. Pendergast  
11 just discussed.

12           Should the Commission have more detailed  
13 questions about how Staff formed its recommendation,  
14 Staff has available the following witnesses who  
15 prepared testimony in support of Staff's ISRS  
16 recommendation: Karen Lyons has testimony on policy,  
17 tax issues and blanket work orders, as well as the  
18 overall revenue requirement; Matt Young provided  
19 testimony on overheads and reconciliations; Antonija  
20 Nieto provided testimony on the overall revenue  
21 requirement and plastics disallowance; Chuck Poston  
22 provided testimony on engineering analyses; Dave  
23 Sommerer provided testimony on rate design.

24           At this time this concludes my remarks.  
25 I'd be glad to answer any questions that you may have

1 at this time.

2 JUDGE DIPPELL: Are there any Commission  
3 questions? Commissioner Hall.

4 QUESTIONS BY COMMISSIONER HALL:

5 Q. Good morning. I am still confused as to  
6 where Staff and the Company disagree on the plastic  
7 issue. Can you attempt to help me out there?

8 A. Well, I -- my understanding is that the  
9 Company is still preserving its desire to recover the  
10 cost of plastics related to the project, much like the  
11 position that they took in the last -- 115 and 116  
12 cases.

13 Q. Okay. Let me -- I'm sorry. Let me  
14 rephrase. Where does -- what is the difference  
15 between Staff's position and the alternative  
16 calculation that the Company has proposed in -- in  
17 Appendix C?

18 A. My understanding from our auditors is  
19 they're actually very close numbers, but I would have  
20 to defer to the Staff witness on that. I think  
21 they're very, very close.

22 Q. Okay. So -- and what is Staff's position  
23 on the calculation that the -- the Company did related  
24 to the methodology in the concurring opinion? Does --  
25 does Staff believe that they -- that that calculation

1 is accurate? Or again, is that a question for one of  
2 your witnesses?

3 A. Are you referring to the comparison to  
4 the piecemeal approach?

5 Q. Yes.

6 A. Staff has had the opportunity, of course,  
7 to read the testimony, but there are rather extensive  
8 work papers behind that and Staff hasn't had the  
9 opportunity to really dig deep into the work papers.  
10 But I think Mr. Poston would testify that it appears  
11 to be a very logical and reasonable approach to --  
12 to -- that's about all I can answer on that.

13 Q. So if it -- if it is, in fact, true that  
14 the -- that the cost of doing the systemic approach  
15 was less than just replacing the eligible cast iron  
16 and steel, is it Staff's position that the -- that the  
17 Commission should follow its decisions in the prior  
18 cases or should it determine that -- that the entire  
19 program is ISRS eligible?

20 A. Well, with regard to the piecemeal  
21 approach, I don't believe Staff has made any  
22 definitive conclusions. Because as I said, there's a  
23 rather large number of work papers backing up how in  
24 their sample of ten projects they compared the  
25 systemic approach versus doing a piecemeal repair

1 approach, which as Mr. Pendergast described and I  
2 think their Company testimony describes, has some  
3 certain safety implications and system integrity  
4 issues associated with it.

5           So we view it as -- just as a comparison,  
6 but it doesn't really change our method, which is the  
7 method we used in the last case to extract the amount  
8 of plastics in the projects and to remove them from  
9 ISRS recovery.

10           So I don't know if that answers your  
11 question, but we really have not had any real  
12 opportunity to delve deep into an engineering analysis  
13 of the piecemeal approach because we just simply --  
14 we're kind of out of time on that.

15           Q.     Okay. Thank you.

16           JUDGE DIPPELL: Are there any other  
17 Commission questions? All right. Thank you.  
18           Public Counsel?

19           MR. CLIZER: I'm afraid this one isn't  
20 nearly as flashy as the last one.

21           JUDGE DIPPELL: Go ahead, yes

22           MR. CLIZER: All right. If it would  
23 please the Commission. Good morning. John Clizer on  
24 behalf of -- on behalf of the Office of Public  
25 Counsel.

1           So we got five issues in this case that I  
2 want to address. The first is the overheads issue;  
3 the second is the replacement of cathodically  
4 protected steel mains; The third is the replacement of  
5 cast iron mains; fourth, the replacement of plastic  
6 mains and services; and five is the recovery of costs  
7 from the old ISRS cases.

8           So first off, the overheads. I think  
9 this is a very straightforward issue personally. The  
10 USOA says that if you're going to capitalize costs to  
11 construction projects, they actually have to have a  
12 relationship to construction. You shouldn't just be  
13 sticking any old cost into construction. You have to  
14 actually show that they're construction costs. That  
15 makes a lot of sense to me.

16           You can see up there that's what the USOA  
17 says. You have to have a definitive -- definite  
18 relationship to construction and they can't just use  
19 arbitrary percentages.

20           The problem is that Spire is, in fact,  
21 using arbitrary percentages. But not all of them are.  
22 The ones I -- actually let me step back and just go  
23 over kind of again how this overhead things works.  
24 Right?

25           Imagine a construction worker. He goes

1 out to the job site, he's digging in the ground. He's  
2 going to charge his time directly to whatever project  
3 he's working on. He goes from project to project, he  
4 charges his time directly to each project. Okay.  
5 That's easy.

6           What about that over-- that construction  
7 worker's benefits, his vacation time? Well, he's not  
8 go to charge his vacation time project to project.  
9 Instead, they're going to say here's how much vacation  
10 time he had. Let's allocate that amongst the projects  
11 based on how much he worked at each project. Right?  
12 Using how much he worked at each project, that's a  
13 specific allocator. Again, that makes sense.

14           That's why you see those specific  
15 allocators; the benefit rates. You see group  
16 insurance, pension, employee benefits, that's their  
17 ov-- sorry, that's their overtime, their vacation.  
18 OPC, we're okay with all of those being included.

19           The problem we have are the other things,  
20 like director fees. This is literally how much Spire  
21 is paying its Board of Directors. Why on earth the  
22 money that Spire pays its Board of Directors gets  
23 capitalized to construction, I don't know. That  
24 doesn't make a whole lot of sense to me. It doesn't  
25 make sense to me that they are capitalizing injuries

1 and damages not on the basis of what occurs at any one  
2 site. They're just saying we're going to stick a  
3 random percent -- an arbitrary percentage of all of  
4 our injury and damages costs into every overhead  
5 construction projects. That doesn't make sense.

6 That arbitrary allocation is not  
7 permitted by the USOA. That's why these things  
8 shouldn't be included. Like I said, it's a very  
9 straightforward argument. And it's literally all I  
10 have to say on it, so I'm going to move on.

11 Replacement of the cathodically protected  
12 steel mains. I'm going to take a moment here to take  
13 a step back. You heard Mr. Pendergast come up here  
14 and talk. He describes, you know, kind of the history  
15 behind this. There was a point in the past -- I can't  
16 remember the exact dates -- unfortunately, there were  
17 some explosions. The explosions were caused by  
18 unprotected steel services; much thinner, much smaller  
19 than mains.

20 But nonetheless, the Commission thought  
21 there was a problem, it set out to make a fix and we  
22 got a fix. The Commission said replace all the steel  
23 services and replace or cathodically protect your  
24 steel mains.

25 And you know what? They did it. They

1 did a really good job, in fact. The report I've seen  
2 from 2011 suggests that Spire has replaced over  
3 300,000 steel services -- unprotected steel services.

4 And I congratulate them. That's a great  
5 job. We're not challenging steel service as part of  
6 this case. It wasn't in our list of issues. The  
7 issue we have is with the cathodically protected steel  
8 mains.

9 I also want to say Mr. Pendergast came up  
10 here and said this issue has been definitively  
11 decided. Unfortunately, that's not entirely true.  
12 The past Commission decisions have relied on the fact  
13 that bare steel is not cathodically protected. In  
14 fact, I'm going to quote from the Commission's  
15 decision, if I can find it. Or not. The steel pipes  
16 being replaced as bare and not cathodically protected,  
17 causing those pipes to corrode relatively quickly and  
18 requiring their replacement.

19 Well, the truth of the matter is Spire  
20 has no non-cathodically protected steel mains.  
21 In fact, they've had no non-cathodically protected  
22 steel mains for at least the past four years that we  
23 know of. So all those past ISRS cases, the things  
24 they were replacing were cathodically protected.  
25 That's why this issue is here. I wasn't aware of

1 that. That's a mistake on my part. I should have  
2 done more due diligence in discovering facts.

3 But once we discovered that they had no  
4 non-cathodically protected steel mains, that  
5 100 percent of their mains were cathodically  
6 protected, we said why on earth are you suddenly  
7 replacing these 800-or-so mod-- miles of cathodically  
8 protected steel mains?

9 So Spire's -- Spire's argument requires a  
10 couple different things. I'm going to go through the  
11 different reasons here. First of all, Spire wants you  
12 to believe that the steel wears out in about 20 to 40  
13 years. Let me give you a timeline to show you what  
14 I'm talking about here.

15 The mains that I'm concerned with were  
16 the ones installed in 1950s, '60s and '70s. Although  
17 the '70s is a bit of a trick. There will be an issue  
18 that will come up maybe during the case on that. I'm  
19 not entirely sure whether there were bare steel mains  
20 installed in 1970s. I've seen different things in  
21 Spire's paperwork.

22 But anyways, 1950s, 1960s, that's when  
23 these cathodically -- these bare steel mains are first  
24 installed. I guess I should actually pause for a  
25 second here. I didn't make this clear.

1           You have bare steel and coated steel.  
2 Right? And you have cathodically protected and  
3 non-cathodically protected. The mains at issue here  
4 are bare steel that were not originally cathodically  
5 protected and then later were. They're all  
6 cathodically protected now. So it's, again,  
7 cathodically protected steel mains. Like I said, they  
8 were installed in 1950s, 1960s, 1970s. They were  
9 cathodically protected in the 1990s. And now they're  
10 being removed.

11           Mr. Pendergast made a large deal of the  
12 fact that the cathodic protection installed in '90s  
13 wouldn't have stopped the corrosion that already  
14 occurred. So I'm left to understand then that Spire's  
15 position again is that in those 20 to 40 years that  
16 they weren't cathodically protected, that's when they  
17 were -- deteriorated, which causes concerns for me.

18           First of all, Spire East has an 80-year  
19 service life for steel mains. Why we think that steel  
20 mains are suddenly going to wear out in 20 to 40  
21 years, I just can't understand it. I mean I'm  
22 beginning to question why we use steel as a  
23 construction material at all at this point,  
24 considering how fast Spire would have you believe it  
25 wears out and deteriorates. I do not believe that

1 this is correct.

2           Second, very little of these mains are  
3 past the 80-year average service life adopted in Spire  
4 East. And you might be wondering why I'm talking  
5 about Spire East, because a lot of the main  
6 replacements are occurring in the west. So Spire West  
7 has a 50-year average service life. They're 80 in the  
8 east. And that always confused me.

9           I said how could you have a 30-year  
10 difference in average service life? And my expert  
11 witness, Mr. Robinett, actually explained it to me.  
12 It turns out that Spire West lost a large amount of  
13 data regarding the vintage of their pipes when the  
14 system was -- when the ownership of the system was  
15 transferred in 1994. To make up for that, they had to  
16 hire an engineering firm to come in and give estimates  
17 to what they thought the average service life was.

18           Spire East, on the other hand, has  
19 created its average service lives using actual data.  
20 I'm taking the position that if the Company -- if the  
21 Commission is going to use average service life as a  
22 determination of whether things are worn out and  
23 deteriorated, it should use the average service life  
24 based on the actual data and not Company estimates.  
25 Let me just say, I think it's the biggest joke of

1 bureaucracy to suggest that pipes can wear out and  
2 deteriorate 30 years faster because somebody lost  
3 paperwork.

4           Because if you want to say that they're  
5 worn out and deteriorated because they're not past 50  
6 even though -- or that they're past 50 but not past  
7 80, it's literally because at some point in 1994  
8 someone lost paperwork. That kind of seems like a  
9 ridiculous position to me.

10           So I am advocating that you use the Spire  
11 East average service life, which is, again, based on  
12 actual data. And if you look at Spire East, the mains  
13 being replaced, they're not past that average service  
14 life.

15           Another issue that we've had, Spire has  
16 no evidence for either the rate or extent of corrosion  
17 on its lines. Let me explain what I'm talking about  
18 here. We at the OPC, we wanted to think of how could  
19 we determine whether or not their pipes are worn out  
20 and deteriorated. What could we look at?

21           We said to ourselves well, if we find out  
22 the average rate their pipes corrode and we find out  
23 how long they've been in the ground and we find out  
24 how thick their pipes are, then we can make a  
25 determination of whether or not they're worn out and

1 deteriorated.

2           So we asked Spire how long -- how much  
3 corrosion do you see on your pipes? How thick are  
4 your pipe walls; the ones that were installed in the  
5 1950s, and '60s and '70s? And how long have they  
6 been -- well, I guess we already know how long they've  
7 been in the ground. But the answer basically is that  
8 they don't know. They don't know how fast things  
9 corrode, they don't how long it takes -- yeah.

10           Spire can't tell you how much of their  
11 pipe system is corroded versus non-corroded. They  
12 can't tell you where the corrosion is on their lines.  
13 Unless, of course, they're going to take the position  
14 that 100 percent of their lines are corroded, which  
15 might be the position they're actually trying to take.  
16 And that raises its own concerns.

17           You know, Spire has brought in some  
18 lovely samples of pipes. They haven't actually told  
19 us how old these pipes are or how similar these pipes  
20 are to the rest of its system. However, if Spire is  
21 going to take the position that all 800 miles of its  
22 steel main look like this, then I think we have a  
23 serious safety concern. I think that there needs to  
24 be -- I think there very well might be a complaint for  
25 safe and adequate service going forward on that.

1 Because if that's what Spire is claiming, I'm not sure  
2 how Kansas City is not just one giant bomb at this  
3 point.

4           It also really doesn't make sense when  
5 you consider the amount of leaks that are actually  
6 being shown on Spire's lines. And before I get into  
7 that, I just want to kind of bring up why I'm so  
8 focused on leaks. There's two reasons.

9           First of all, Mr. Pendergast told you how  
10 when the pipes were first cathodically protected, the  
11 Commission came back about ten years later and said  
12 hey, we think we need to actually start replacing  
13 them. Well, that's not the whole story.

14           What really happened is the Commission  
15 came back ten years later and it said we're seeing a  
16 lot of leaks on your line, we want you to pay  
17 attention to where those leaks are occurring and start  
18 replacing cathodically protected steel where leaks are  
19 occurring. Right? That's why they came up with 5-5-3  
20 program. I'll discuss that more in a second.

21           The other major issue is that I always  
22 try and compare this case to the only other ISRS case  
23 that I know in Missouri, which is again, Missouri  
24 American Water. And what Missouri American Water  
25 does, it comes in and it says hey, we replaced lines

1 because we found so many leaks in such a certain time  
2 on our lines. And you can go yeah. If you see so  
3 many leaks on your lines within a certain amount of  
4 time, there's probably a good chance it's corroded or  
5 worn out.

6           So let's look at how many leaks Spire has  
7 seen. Again, Spire has got some 847 miles -- miles of  
8 bare steel on its lines, according to its last report  
9 to PHMSA. And I'm only going to talk about the west  
10 here, by the way. This is -- the west is the only  
11 place you really see this. The east has 25 miles of  
12 cathodic protected steel. It's not my concern. The  
13 west also has 241 miles of cast iron.

14           Now, how many corrosion leaks do you  
15 think the west saw last year? The answer is 93.  
16 According to their own reports, they saw 93 leaks on  
17 their mains. If I assume that all 93 leaks are  
18 exclusively related to cathodically protected steel --  
19 bare steel, that's only one leak per nine miles. If I  
20 add in the cast iron, which I assume the cast iron is  
21 also leaking if there's leaks, it's one leak every 11  
22 miles.

23           So remember how I said Spire had to  
24 replace -- or Spire's -- was told to start potentially  
25 replacing cathodically protected steel if it saw

1 leaks? It's just not seeing the leaks.

2           What gets even more ridiculous is if you  
3 consider the actual number of hazardous corrosion  
4 leaks. Because they only saw 18 of those in the last  
5 year. And again, considering just bare steel, that's  
6 one hazardous leak every 47 miles. Or factoring in  
7 iron, one every 60 miles. Their system is just not in  
8 the condition that they would have you believe. And  
9 the actual leak records show that.

10           One last thing. Mr. Pendergast wanted to  
11 come up here and say we don't want to take off our  
12 trajectory. Well, the OPC isn't asking you to fix  
13 their the trajectory. The OPC is just saying you  
14 can't get ISRS recovery for those projects. If you  
15 think this is worthy, then keep doing it. Keep coming  
16 in for the rate cases, keep seeking approval for the  
17 prudence of these decisions. They're just not ISRS  
18 eligible because these pipes just aren't worn out and  
19 deteriorated, although that's not only reason.

20           There's a second whole issue here. And  
21 that's the fact there has to be a requirement that  
22 cast iron -- or that the replacements -- yeah, the  
23 replacements have to be required by state or federal  
24 mandate. There is no requirement to replace  
25 cathodically protected steel mains. Right?

1           You have two things to consider. The  
2 first -- and I regret I have not updated the CSR  
3 pinpoint since we've switched over, but 15(E), this is  
4 their steel main replacement program. It tells you  
5 either replace the steel pipes or cathodically protect  
6 them. Not both. You do one or the other. You could  
7 do both, but you're required to do one or the other.  
8 They picked one, so they're no longer required to do  
9 the other.

10           The other thing they have in their  
11 replacement program, they have a requirement to  
12 replace five years -- sorry, five miles a year per  
13 minimum. But again, only if they find five leaks  
14 within 500 feet within the past three years. Needless  
15 to say, Spire hasn't presented any evidence to show  
16 that it's meeting this requirement. Can't show where  
17 these leaks are occurring or how they're clustered  
18 together.

19           But beyond that, the OPC went and we  
20 said, well, let's just look at how many leaks in total  
21 they've reported for corrosion over the past three  
22 years. Right? That was 429. They had 429 leaks over  
23 the past three years related to corrosion.

24           Let's assume 100 percent of those were  
25 caused by bare steel. No cast iron leaks. Let's

1 assume 100 percent of those were fixed only in this  
2 case, not in the past three years. And let's assume  
3 100 percent of those are showing up in this ISRS  
4 application. Not in the blanket work orders where  
5 they tell us they're fixing leaks, but only in this  
6 ISRS application.

7           And we'll divide that by five and we'll  
8 assume, again, that every single one of those leaks  
9 can be individually isolated to a 500-foot instance.  
10 That's 86 triggers. They have over 300 projects. It  
11 doesn't work.

12           I want to move onto cast iron mains.  
13 I'll be honest, I almost didn't bring this one as an  
14 issue. The OPC's point has always been that we just  
15 want to see evidence the cast iron mains are actually  
16 worn out and deteriorated.

17           We also have something of a concern again  
18 with the fact that they're claiming that their entire  
19 system is worn out and deteriorated. There's --  
20 there's no differentiations. We think that that's  
21 probably going to raise a significant safety concern.

22           And we're also concerned with the idea  
23 that Spire appears to be focusing on cathodically --  
24 replacing the cathodically protected steel instead of  
25 the cast iron. We went and we looked and said how

1 much of the steel and cast iron is being replaced in  
2 the west? And it was upwards of 80 percent was steel  
3 being replaced. They, again, have 200 miles of cast  
4 iron. We think you would want to focus on that if  
5 safety was your actual concern.

6           As for plastic mains and services, I'm  
7 going to be very brief. Our legal argument remains  
8 the exact same from the last case. Spire placed new  
9 pipes in the ground to replace existing plastic ones.  
10 The new pipes cost money; therefore -- whoops -- Spire  
11 incurred a cost to replace existing plastic pipes.  
12 This is, again, a very straightforward deductive  
13 reasoning arguments.

14           And then as for recovery from the old  
15 ISRS cases, I'm going to be super brief. The  
16 Commission got this issue right in the last case. We  
17 just ask they apply the same legal analysis.

18           And with that, I'll take any questions.

19           JUDGE DIPPELL: Are there questions for  
20 Public Counsel? Mr. Chairman.

21           CHAIRMAN SILVEY: Yeah, just briefly.

22           QUESTIONS BY CHAIRMAN SILVEY:

23           Q. So you -- you're saying that there's no  
24 evidence that the cathodically protected steel is worn  
25 out or deteriorated. And then you laid out what you

1 would consider to be evidence. Is there -- is there  
2 anything else that you would think is acceptable  
3 evidence or just that path that you laid out?

4 A. Definitely the best path that I can see  
5 forward would be to show there's actually leaks  
6 occurring, because leaks are physical evidence that  
7 something has gone wrong with the pipe; specifically  
8 the corrosion-related leaks.

9 The other thing that we've always  
10 advocated for would have been testing; for example,  
11 coupon sampling. Whenever they go out and replace  
12 something, they could have taken down a small drill,  
13 drilled out a coupon and said hey, we've lost this  
14 much of our pipe wall integrity. That's -- you know,  
15 if we do that every so often on the pipe, we can say  
16 that there's a large section of the pipe that is  
17 actually worn out and deteriorated.

18 Q. And how much does that cost?

19 A. I would not know.

20 Q. So is it your position then that leaks  
21 have to occur in order for us to know that it's been  
22 worn out and deteriorated? That -- that there's no  
23 proactive solution?

24 A. I am -- it is my position that there must  
25 be evidence that it's worn out and deteriorated for it

1 to be ISRS eligible. I am advocating that you look at  
2 leaks as an example of what evidence could be used.  
3 There is potential other evidence; for example, the  
4 couponing I just suggested.

5 Q. Okay. Thank you.

6 COMMISSIONER KENNEY: No questions.

7 Thank you.

8 JUDGE DIPPELL: Commissioner Hall?

9 COMMISSIONER HALL: Yeah.

10 BY COMMISSIONER HALL:

11 Q. What is Public Counsel's position on the  
12 methodology in the concurring opinion regarding how to  
13 treat the costs related to plastic?

14 A. The Public Counsel maintains the legal  
15 argument it has always had. There must necessarily be  
16 a cost to replace plastic if they're putting new pipes  
17 in the ground to replace plastic. The fact that they  
18 could have done something differently that was more  
19 expensive does not negate the fact that they are  
20 incurring a cost.

21 There's a distinction here between  
22 prudence and ISRS eligibility. They had to act  
23 prudently. If the prudent decision is to do what  
24 they're doing now, then good for them. But it means  
25 incurring costs that aren't ISRS eligible.

1 Q. So it would be your position that if --  
2 if it's -- if it's cheaper to do a systemic  
3 replacement than it would be to go in and just do the  
4 targeted patchwork replacement for the -- what you  
5 view as ISRS eligible worn out and deteriorated bare  
6 steel, you think that there is still a cost for  
7 replacing the plastic?

8 A. If they're putting new pipes in the  
9 ground to replace existing plastic pipes and those  
10 cost -- those pipes cost money, then yes, there must  
11 be a cost.

12 Q. I'll just say I think that's ludicrous,  
13 but okay. Thank you.

14 JUDGE DIPPELL: Are there any other  
15 Commission questions? I just have one.

16 QUESTIONS BY JUDGE DIPPELL:

17 Q. You referred to -- or compared basically  
18 leaks from Missouri American Water to leaks from  
19 Spire. Do you think that a gas company should be more  
20 concerned about one leak than a water company is  
21 concerned about one leak?

22 A. I would hope that both companies are  
23 highly concerned about leaks on their lines for the  
24 benefit of consumers. I will say that yes, the leak  
25 of gas probably is going to pose a more immediate risk

1 potentially to human lives.

2           And we are okay with them fixing their  
3 leaks. I found -- we found 21 -- 22 work orders where  
4 they identified leaks. And we'd be okay with, you  
5 know, including -- well, we might have a different  
6 opinion as to at least those work orders that were  
7 actually showing to have leaks. My point is that the  
8 entire system cannot be in the state that they are  
9 maintaining it is if they're having so few leaks on  
10 the system.

11           Q.       Okay. All right. Thank you.

12           JUDGE DIPPELL: Okay. We've been going  
13 about an hour and a half and we finished opening  
14 statements. I think we'll be ready to begin with the  
15 first witnesses, but let's go ahead and take a break  
16 and return at 10:45. We'll go off the record.

17                   (A recess was taken.)

18           JUDGE DIPPELL: We're back on the record  
19 after our break. We're ready to begin with Company  
20 witnesses.

21           MR. PENDERGAST: Very good, Your Honor.  
22 And should we just go ahead -- we had talked about  
23 live rebuttal. Just do the direct examination and  
24 then just ask about do you have any live rebuttal and  
25 go directly into that?

1 JUDGE DIPPELL: Yes. I'm sorry. We  
2 didn't cover that in the very beginning. But the  
3 order is basically your direct examination, your live  
4 rebuttal, then we'll do cross-examination and  
5 questions and recross just like we usually do redirect  
6 at the end.

7 MR. PENDERGAST: Okay. Great. Thank  
8 you. At this time Spire would call up to the stand  
9 its witness, Craig Hoeflerlin.

10 MR. CLIZER: Wait. I believe Wes was  
11 first on the list.

12 JUDGE DIPPELL: Yeah.

13 MR. PENDERGAST: Pardon?

14 MR. CLIZER: I believe Wes was listed  
15 first on the order of witnesses. Are we changing it  
16 or am I wrong?

17 MS. BOCKSTRUCK: I thought we had it as  
18 Craig.

19 JUDGE DIPPELL: I had Mr. Selinger -- is  
20 it Selinger as first witness, but --

21 MR. PENDERGAST: Well, I mean we're  
22 nimble.

23 JUDGE DIPPELL: Is there an issue --

24 MR. PENDERGAST: We could -- we could  
25 bring Wes up too. We just thought it made more sense

1 to go ahead and go directly into the safety-related  
2 testimony by Craig. But if that poses a problem for  
3 folks, we'll certainly understand. Let us know.

4 JUDGE DIPPELL: I'm looking at counsel.

5 MR. BERLIN: No.

6 MR. CLIZER: I don't have a problem. I  
7 was just confused.

8 JUDGE DIPPELL: Okay.

9 MR. BERLIN: Yeah, we're okay.

10 MR. PENDERGAST: Our fault. Apologize  
11 for that.

12 JUDGE DIPPELL: All right. We will begin  
13 with Mr. Hoeflerlin then.

14 (Witness sworn.)

15 JUDGE DIPPELL: Thank you. Go ahead.

16 MR. PENDERGAST: Thank you, your Honor.

17 CRAIG HOEFERLIN, being first duly sworn, testified as  
18 follows:

19 DIRECT EXAMINATION BY MR. PENDERGAST:

20 Q. Mr. Hoeflerlin, would you please state  
21 your name and business address for the record?

22 A. Sure. Craig Hoeflerlin, 700 Market  
23 Street, St. Louis, Missouri 63101.

24 Q. And are you the same Craig Hoeflerlin  
25 who's previously caused to be filed in this proceeding

1 direct testimony and schedules that have previously  
2 been marked as Exhibit 5?

3 A. I am.

4 Q. Okay. And do you have any corrections to  
5 make to that testimony?

6 A. Just one. On page 15 of my testimony,  
7 line 21, I -- I answer yes, we randomly selected 10.  
8 It should have been 12 -- the number 12 -- ISRS  
9 projects to evaluate seven on Spire East. And that's  
10 what's shown on page 16, those 12 projects.

11 Q. Okay. Do you have any further  
12 corrections?

13 A. No, I do not.

14 Q. And with those corrections, if I were to  
15 ask you the same testimo-- or the same questions that  
16 appear in your testimony, would your answers be the  
17 same?

18 A. Yes.

19 Q. And are those answers true and correct to  
20 the best of your knowledge and belief?

21 A. They are.

22 Q. Okay. Do you have any rebuttal testimony  
23 that you would like to offer in response to  
24 Mr. Robinett's direct testimony on behalf of OPC?

25 A. Yes, I do. So on a -- on a general

1 level, I disagree with Mr. Robinett's assertion that  
2 the Company has not shown that its cast iron and bare  
3 steel facilities are worn out or deteriorated.

4 We've submitted substantial evidence in  
5 previous cases. The cases -- the case today actually  
6 brought in some I think very representative examples  
7 of the worn or deteriorated state of our cast iron and  
8 bare steel. The -- based on this evidence, the  
9 Commission has also determined that these facilities  
10 are worn or -- worn out or in a deteriorated  
11 condition.

12 And -- and, you know, quite frankly,  
13 these facilities have been in the ground for many,  
14 many decades. And, you know, at a minimum, they're in  
15 a deteriorated condition. You know, it's a simple  
16 matter of physics. Pipes will corrode, you know,  
17 roads will wear out, bridges, homes, people. As  
18 things -- you know, or as -- as they progress in age,  
19 you know, they are going to be deteriorated or worn.  
20 So that's -- that -- that overall is what I disagree  
21 with on his testimony.

22 Q. And just to be clear on the record, you  
23 mentioned the piece of infrastructure that's in front  
24 of the podium here and this that's sitting on top of  
25 the podium. Can you identify what kind of facilities

1 these were?

2 A. Yes. So the one in your hand and -- and  
3 the smaller pipe on the ground, that is bare steel  
4 from Missouri West, put in about 1952.

5 MR. CLIZER: I'll -- can we get a  
6 designation just so we don't have to refer to it by  
7 the hand, on the ground? Just to make things easier.

8 JUDGE DIPPELL: Sure. We can --

9 MR. CLIZER: Just one and two or  
10 something?

11 JUDGE DIPPELL: Are -- are we going to  
12 offer these as exhibits?

13 MR. PENDERGAST: Well, we were using them  
14 as demonstrable exhibits. We had a hard time getting  
15 them in EFIS. So I think we'll probably just make  
16 them demonstrable. But we could go ahead and  
17 designate the one I can actually lift as one and the  
18 larger one as two, if that helps.

19 JUDGE DIPPELL: That would help. Go  
20 ahead.

21 BY MR. PENDERGAST:

22 Q. Right. You were referring to Number 1  
23 that's in my hand?

24 A. Number 1 is bare steel main put in about  
25 1952 over in Missouri West. Subsequently, it was put

1 under cathodic protection some -- we have records back  
2 to 1992 on those cathodic protection records. May  
3 have been earlier, but, you know, just based on the  
4 condition, you can tell it was not under cathodic  
5 protection for a long time.

6           The second one, the -- Exhibit 2 there in  
7 the -- in the plastic bag is cast iron from Missouri  
8 East. I believe it's down around Sublette Avenue,  
9 south St. Louis. It was put in in 1912. And if --  
10 you know, I've examined it. If anyone else examined  
11 it, you can see it's cracked, deteriorated, flaking.  
12 It's -- it's -- it's worn, deteriorated. It's in bad  
13 shape.

14           Q.     And in your view, are these two examples  
15 atypical of what you find when you, you know, ac--  
16 actually remove facilities from the ground or are they  
17 typical?

18           A.     They're -- they're typical. When -- when  
19 we go out and we work these projects, that's what we  
20 find.

21           Q.     Okay. And I think you mentioned the  
22 Commission's determination and how with age, just  
23 about everything but maybe plastic and Twinkies  
24 deteriorates; is that correct?

25           A.     Yes. You know, age -- age is a factor,

1 but it's not the only factor we look at.

2 Q. So when the Company's making decisions  
3 about what facilities to replace, what factors other  
4 than age does it look at?

5 A. So we would look at leak rates. We would  
6 look at the severity of leaks. We would look at, you  
7 know, are these facilities in highly populated areas?  
8 Are they in areas that are in wall-to-wall pavement?  
9 You know, are there inside meters that we need to --  
10 to move to the outside? Are they in areas that E--  
11 excess flow valves weren't installed because it was  
12 before that rule?

13 So, you know, it just -- we just look at  
14 all the risks. We weigh those risks, we measure the  
15 risk and that's how we decide -- where to -- where to  
16 go after the replacement. I mean that's what the  
17 industry does.

18 Q. Thank you.

19 A. Uh-huh.

20 Q. At page 13 of his direct testimony,  
21 Mr. Robinett talks about the Company not tracking or  
22 having available information regarding the wall  
23 thickness of its various pipes or the rate of  
24 corrosion. In your opinion, would such information be  
25 helpful in determining whether specific facilities are

1 in a worn out or deteriorated condition?

2 A. No. We do not track that kind of  
3 information. It would not be helpful. You know, when  
4 you look at bare steel pipe, for instance, that  
5 even -- that has been put under cathodic protection,  
6 it's going to vary in areas, you know, just depending  
7 on what environment it's in.

8 There's issues that can affect that  
9 cathodic protection. You know, perhaps there was  
10 damage to the pipe at one time, so there -- there's a  
11 gouge in there that now can lead to accelerated  
12 corrosion. Or there could be some scratches that were  
13 put in when it was originally put in. Maybe there's a  
14 rock that it's sitting on that's -- that's affecting  
15 cathodic protection. Or it just may be the soil type  
16 or the environment it's in. That may affect it as  
17 well.

18 So pipe, just like all metal, does not  
19 corrode uniformly. It will corrode differently at a  
20 different rate in different areas, and that's what's  
21 hard to tell.

22 Q. So in your view, does that mean that a  
23 simple formula that looked at the wall thickness of  
24 various pipes and what the general corrosion rate is  
25 would not be or would be a accurate predictor of

1 whether or not you were going to have a problem with a  
2 particular piece of pipe?

3 A. It would not be a good predictor.

4 Q. Because of that variation?

5 A. Because of the variations that I -- that  
6 I referred to.

7 Q. Okay. And does that apply to bare steel  
8 that has been subsequently protected?

9 A. Yes, that's correct.

10 Q. Okay. At page 4 of his direct testimony,  
11 Mr. Robinett talks about the use of cathodic  
12 protection to slow down the rate of corrosion on bare  
13 steel facilities. Are you familiar with that?

14 A. Yes, I am familiar with his testimony.

15 Q. And does the application of such cathodic  
16 protection do anything to address corrosion that may  
17 have already occurred with the bare steel piping in  
18 the decades that it was in the ground prior to the  
19 application of that cathodic protection?

20 A. No. The cathodic protection will not,  
21 for lack of better terms, repair or regenerate the  
22 pipe. Once it's corroded, the metal loss is there and  
23 you cannot regenerate it.

24 Q. And can that corrosion occur over a 30-  
25 or 40-year period?

1 A. Yes.

2 Q. Okay. And the service lines that led to  
3 the explosions in Kansas City that precipitated the  
4 Commission's promulgation of its current safety rules,  
5 were those service lines put in at the same time that  
6 the bare steel mains were put in?

7 A. It is my understanding they were, yes.

8 Q. And -- and were those bare steel mains  
9 subject to the same outside forces, the same  
10 corrosion-inducing factors that the yard lines and  
11 service lines would have been?

12 A. Yes.

13 Q. Okay. And in terms of, you know, stuff  
14 that can corrode over 30 or 40 years, are you aware of  
15 the cast iron and bare steel replacement programs that  
16 Laclede had back in 1957?

17 A. I'm not aware of the specifics, but I do  
18 know just from talking to folks that worked there  
19 before I did -- or worked there at the time I came on  
20 and maybe looking at some, you know, previous records,  
21 things like that, there was some replacement in areas  
22 around schools and areas of high population.

23 Because, you know, if you go back and  
24 look at the, you know, '30s, '40s, '50s, there were  
25 explosions from breaks on cast iron main from

1 corrosion on cast iron main so we --

2 Q. So even back then --

3 A. -- we were addressing it --

4 Q. Okay.

5 A. -- yes, the Company was.

6 Q. And there were replacement programs even

7 at that time --

8 A. Yes.

9 Q. -- 60, 70 years ago?

10 A. Yes.

11 Q. Okay. And how long would those steel  
12 lines and cast iron lines have been in the ground at  
13 that point?

14 A. The cast iron, I mean we -- goes all the  
15 way back to the start of our company, the old Laclede  
16 Gas, 1857. So even at that time it could have been in  
17 the ground 80, 100 years, so.

18 Q. And the unprotected steel?

19 A. Unprotected steel we started putting in  
20 1920's.

21 Q. Okay.

22 A. Yeah.

23 Q. So by 1957, it would have been in the  
24 ground maybe for 30 or 40 years?

25 A. Yes.

1 Q. Okay. Mr. Robinett discusses the  
2 Company's use of the 5-5-3 protocol in replacing  
3 facilities. And first of all, I'd like to ask you is  
4 that 5-3-3 protocol, in your interpretation of that  
5 approved agreement, one that says you only replace a  
6 minimum of five miles if those conditions exist?

7 A. No. It's -- it's my interpretation, my  
8 engineering staff, the 5-5-3 rule -- if you go back to  
9 that case, GO-20-- 2002-50, we're required -- or MGE  
10 at the time, now MO West is required to replace a  
11 minimum of five miles of bare steel main that has been  
12 placed under cathodic protection.

13 But the 5-5-3 rule, which means five  
14 leaks within 500 feet over a three-year period, that  
15 would be a trigger. So if you have that, you  
16 definitely replace that. But as a minimum, you  
17 replace the -- the five miles of main that needs to be  
18 replaced.

19 Q. Thank you. And Mr. Robinett, I think  
20 counsel as well, talked a little bit about the number  
21 of leaks --

22 A. Uh-huh.

23 Q. -- that have occurred on MGE's system  
24 relating to cathodically protected bare steel. Do you  
25 recall that?

1 A. Yes.

2 Q. Okay. And I'd like to direct your  
3 attention to page 25 of your --

4 A. Uh-huh.

5 Q. -- testimony. And do you have a chart on  
6 that page that basically shows what the leak rate is  
7 and history of the leak rates have been for various  
8 kind of facilities?

9 A. That's correct. Between lines four and  
10 five.

11 Q. Okay.

12 A. Page 25.

13 Q. And the orange would be the leak rate  
14 applicable to cast iron facilities?

15 A. That's correct.

16 Q. And the blue would be this bare steel  
17 that was, decades after it was installed, cathodically  
18 protected; is that right?

19 A. That's correct.

20 Q. Okay. And if we look at that, would it  
21 be fair to say that today the leak rate for bare steel  
22 that's been cathodically protected is about ten times  
23 greater than for plastic?

24 A. For -- for plastic and coated steel that  
25 is under cathodic protection as well.

1 Q. Okay. So if it's coated, that's a  
2 different --

3 A. And cathodically protected, it -- it's in  
4 fine shape, as you can see there from the leak rates.

5 Q. And would this data indicate that just a  
6 year ago, it would have been some 20 times leakier or  
7 the leak incident would be 20 times greater than  
8 plastic?

9 A. Yes. That's what the data shows.

10 Q. Okay. And some discussion about  
11 hazardous leaks that were found associated with these  
12 facilities. Can you explain to the Commission what a  
13 hazardous leak is?

14 A. Yes. Under the Missouri Pipeline Safety  
15 Rules, leaks are -- are classified one, two, three and  
16 four. Hazardous leaks, by the name, are the most  
17 hazardous, class one. It means, you know, gas is in a  
18 building; say it's a home or -- or a business. Gas is  
19 blowing. So when you go up there and the leak is so  
20 bad, the gas is blowing. Or gas has gotten into a  
21 sanitary sewer, which then can get into a home or  
22 business.

23 So in my opinion, a hazardous leak, you  
24 know, you -- you respond immediately. You take care  
25 of that immediately. Because, you know, bad things

1 can happen, you know, in terms of explosion, injuries,  
2 fatalities. So any time a hazardous leak occurs, we  
3 roll a truck, we take care of it right away.

4 Q. So if somebody were to tell you hey, you  
5 only had 18 of those in a given period of time, would  
6 that give you a sense of comfort?

7 A. No. Give me a sense of urgency and, you  
8 know, something we need to take care of right away.

9 Q. Okay. And if we look at that chart  
10 again, the bottom line is coated steel and plastic; is  
11 that correct?

12 A. Yes.

13 Q. Okay. And that shows a very, very low  
14 level of leakage?

15 A. Yes.

16 Q. Okay.

17 A. Yes.

18 Q. What is your general sense of whether or  
19 not leaks should be used as a triggering mechanism for  
20 when you go ahead and replace these problematic  
21 facilities we've been talking about?

22 A. So leaks are one of the things you use,  
23 like I mentioned earlier. But -- but again, you need  
24 to look at the severity of those leaks and then you  
25 need to look at where those facilities are. You know,

1 high populated areas, wall-to-wall pavement, you know,  
2 inside meters, excess flow valves. Those are all  
3 risks that you need to address.

4 So obviously you want to take care of the  
5 leaky areas, but if one of those leaks develops in a  
6 highly populated area or where there's concrete from  
7 building across the street and then -- or over the  
8 street to the other building, you need to take care of  
9 those right away.

10 Q. Okay. And as you replace this bare steel  
11 that was cathodically protected at one point or you  
12 replace cast iron, do you move those facilities from  
13 the orange line to the blue line down to the yellow  
14 and blue line as far as what you can expect in terms  
15 of leaks?

16 A. Yeah. To the yellow and -- I would call  
17 it gray, but yeah, the bottom two. You'd essentially  
18 have very, very low leak ra-- rates, yes.

19 Q. Okay. And what's your opinion on whether  
20 having a goal that we want to have our entire system  
21 down in this bottom quadrant is something we should be  
22 shooting for?

23 A. It's something we shoot for as a Company,  
24 something the industry shoots for. I mean it's the  
25 right thing do.

1 Q. Okay. And in terms of leaks, do you,  
2 once again, see a distinction between a water leak and  
3 a gas leak?

4 A. So a water leak, obviously something you  
5 want to fix because, you know, it's going to cost  
6 whomever's system it is some money because it's  
7 leaking, could lead to maybe some erosion. But a  
8 water leak is nothing like a gas leak. I mean a gas  
9 leak, as we all know, can lead to catastrophic  
10 results. So gas leaks need to be taken care of.

11 Q. As far as you know, nobody has drowned  
12 because of any leak in a water pipe?

13 A. No. As far as I know, no.

14 Q. Okay. And in terms of the rules --

15 A. Uh-huh.

16 Q. -- including the Rule 15(E) that relates  
17 to bare steel facilities, what is your opinion on that  
18 rule as to whether it allows cathodic protection,  
19 replacement or a combination of both?

20 A. So they're not -- so -- so the rule says  
21 bare steel main and to cathodically protect it or  
22 replace it. Missouri West, or MGE, made the decision  
23 let's cathodically protect it. They did. But as you  
24 can see from the leak rates, you know, that's -- that  
25 isn't working. It's not doing what it -- what it

1 should be.

2           So they could have replaced it starting  
3 in 1990, but now we can definitely see that it's not  
4 working so now is the time to replace it. Again, it's  
5 not mutually exclusive. You can do either one, but  
6 you need to do the one that works. And replacing it  
7 is what's going to work.

8           Q.     And once again, would you agree that the  
9 goal of that rule is to go ahead and address these  
10 bare steel facilities and make sure that you have a  
11 permanent fix to them?

12           A.     That's correct. A permanent fix that is  
13 safe for customers, for -- for the environment, for  
14 everybody.

15           Q.     And what's your opinion given the fact  
16 some of these bare steel facilities at -- that were  
17 cathodically protected had been unprotected for  
18 decades as to whether cathodic protection was any kind  
19 of permanent fix?

20           A.     The fact that we're getting leaks  
21 indicates that it's not a permanent fix. And you can  
22 see from Exhibit 1 the -- how bad of shape that pipe  
23 is in because it wasn't cathodically protected. And  
24 over time, it got much worse.

25           Q.     And would you agree with Mr. Robinett

1 when he says that the application of cathodic  
2 protection significantly slows the rate of future  
3 corrosion, but doesn't stop it?

4 A. It -- it will -- it will slow it down.  
5 But again, you know, areas where -- where pipe may be  
6 scratched, previously damaged, rock impingement,  
7 you're in a particular environment -- you know, high  
8 resistive soil where the current can't travel to a  
9 main to protect it, that's where you're going to have  
10 the issues. And you just don't know where that is  
11 because you can't see every inch of pipe to see what  
12 condition it's in, so you need to replace it.

13 Q. And do you know that if you do replace it  
14 with plastic, that those conditions that you just  
15 talked about are no longer applicable?

16 A. That's correct. Because you do not need  
17 to cathodically protect plastic.

18 Q. Okay. And it's not going to be adversely  
19 affected by those factors?

20 A. No, it will not.

21 Q. Okay. And just generally speaking, you  
22 know, back to the 5-5-3, let's wait for the leaks to  
23 show up, do you think from a safety standpoint that  
24 relying on leaks to develop is the ideal way of  
25 protecting the public?

1           A.     No, it's not. I mean you can go back to  
2 Laclede Gas at the time,, Missouri East, we had our  
3 direct buried soft copper replacement program. We  
4 were trying to address the leaks there, just fix the  
5 pipes that were leaking, but it -- it wasn't working.

6                     And as we all know -- or many of us know,  
7 we had six incidents there in a relatively short  
8 period of time. And we had a -- one of them was a  
9 fatality, several injuries. We just made the decision  
10 we've got to get that copper out of the ground and we  
11 need to do the same thing here.

12           Q.     And, you know, we had discussion about  
13 the service lines that the Commission, or yard lines,  
14 ordered be taken out, the bare steel ones over  
15 principally at Missouri West --

16           A.     Uh-huh.

17           Q.     -- slash MGE. Talked about the direct  
18 buried copper service that had to be removed over at  
19 Spire East. And I'd like you to just kind of  
20 indicate, if you can, what the impact of those  
21 replacement programs have been as far as a  
22 reoccurrence of incidents.

23           A.     So with the soft copper direct -- direct  
24 buried soft copper mines, they're -- they've all been  
25 replaced with plastic. So we've had no incidents on

1 those. And we've had obviously no incidents on the  
2 bare steel service lines and yard lines that have been  
3 replaced as well. So obviously reduced the leak  
4 rates, as you can see from the chart. And we have not  
5 had any incidents on these facilities.

6 Q. So in your view, have these replacements  
7 been effective in making the system safer?

8 A. Yes. Very effective.

9 Q. And in your opinion, would the continued  
10 replacement of bare steel that's been cathodically  
11 protected have the same result?

12 A. Yes.

13 Q. Thank you.

14 MR. PENDERGAST: I think I'll -- that's  
15 all I have on rebuttal. At this point I would offer  
16 Mr. Hoeferlin's testimony for admission into the  
17 record and into evidence and I would tender him for  
18 cross-examination.

19 JUDGE DIPPELL: Would there be any  
20 objection to Exhibit Number 5 coming into the record?  
21 Seeing no objection, I will receive that into  
22 evidence.

23 (Spire Exhibit 5 was received into  
24 evidence.)

25 JUDGE DIPPELL: Is there

1 cross-examination from Staff?

2 MR. BERLIN: Just one question, Judge.

3 CROSS-EXAMINATION BY MR. BERLIN:

4 Q. Mr. Hoeflerlin, you pointed to the  
5 demonstrative Exhibit 1, which was a bare steel line.

6 A. Uh-huh.

7 Q. And I think you said it was installed in  
8 1952?

9 A. That's correct, yes.

10 Q. Was cathodic protection added to it at  
11 some point in time?

12 A. It was added at some point in time, but  
13 we're not sure when, but it was after. It was not  
14 originally placed under cathodic protection.

15 Q. Okay. Thank you. That's all.

16 A. Uh-huh.

17 JUDGE DIPPELL: Is there  
18 cross-examination from Public Counsel?

19 MR. CLIZER: Yes, Your Honor.

20 CROSS-EXAMINATION BY MR. CLIZER:

21 Q. Good morning, Mr. Hoeflerlin.

22 A. Good morning.

23 Q. All right. I'm going to start you off  
24 with a real easy one. It's Spire's position that  
25 100 percent of the cathodically protected bare steel

1 mains on its system are worn out and deteriorated.

2 Correct?

3 A. Yes.

4 Q. Yes. Okay. And what do you mean when  
5 you to -- use the term "worn out and deteriorated" or  
6 "worn out or in a deteriorated condition"? I'll use  
7 the full phrase.

8 A. So I -- to me, deteriorated means that,  
9 you know, it doesn't have the -- the value. It  
10 doesn't have as much metal as when it was first  
11 installed. Same as when a car is deteriorated, a  
12 home, anything else. It's -- it doesn't have the high  
13 value that it originally did in terms of pipeline  
14 safety.

15 Q. Does the pipe need to be impaired in some  
16 fashion for it to be deteriorated under your  
17 consideration?

18 A. I'm not sure what you mean by impaired.

19 Q. In some way incapable of performing its  
20 duty or its objective.

21 A. It's -- it's capable of performing its  
22 duty, but not as well as it originally was when it was  
23 put in. It's -- it's becoming more and more  
24 deteriorated so it's not performing as well. And as I  
25 stated, can lead to very catastrophic events at some

1 point.

2 Q. We've talked about corrosion. I assume  
3 that we can use corrosion sort of synonymously. Is  
4 that a good example of what you mean when it's worn  
5 out and deteriorated?

6 A. Yes.

7 Q. Is there any other kind of worn out and  
8 deteriorated we should be thinking about?

9 A. I would say corrosion is -- is the  
10 main --

11 Q. Okay.

12 A. -- the main factor.

13 Q. Okay. So help me out here. If I take a  
14 piece of new steel pipe --

15 A. Uh-huh.

16 Q. -- right?

17 A. Yes.

18 Q. And I say that corrosion has affected or  
19 reduced let's say 1/1000th of an inch of the surface  
20 of that pipe, is that pipe worn out and deteriorated  
21 at that point?

22 A. When you say 1/1000ths of an inch, is  
23 that at one point or the whole pipe? I mean is it a  
24 pinpoint? Where --

25 Q. Let's say that it's within a one square

1 inch on a five-foot piece of pipe.

2 A. Uh-huh. Okay. I would say it's --  
3 again, you -- you can't tell because that pipe will be  
4 in the ground and you're putting that cathodic  
5 protection, you're putting that impressed current, but  
6 you're not going to know if there's a rock, you're not  
7 going to know if perhaps there's a scratch that's  
8 going to speed up that corrosion.

9 Q. I'm just trying to get a handle on the  
10 term that we're using --

11 A. Uh-huh.

12 Q. -- so we can work forward. I'm giving  
13 you a hypothetical. I have a five-foot section of  
14 pipe --

15 A. Uh-huh.

16 Q. -- of which one square inch has been  
17 reduced by 1/1000th of an inch. Is any part of that  
18 pipe worn out and deteriorated and how much of that  
19 pipe is worn out and deteriorated?

20 A. So is that over a 1 year, 10 year,  
21 15 years? I mean if it's a short period of time, it's  
22 deteriorated because it's -- it's very active  
23 corrosion.

24 Q. The condition of the pipe depends on how  
25 long deterioration has occurred?

1 A. No. It's just -- again, these factors  
2 I've mentioned, that's what speeds up that corrosion.  
3 And those are the things you don't know.

4 Q. I still haven't gotten an answer to my  
5 first question. Five-foot section of pipe --

6 A. Uh-huh.

7 Q. -- one square inch, 1/1000ths of an inch  
8 surface lost. Is -- what part of that pipe or is any  
9 part of that pipe worn out or deteriorated?

10 A. It is deteriorated because you do have  
11 metal loss, yes. I would -- I would say that, yes.

12 Q. Okay. So if it loses 1/1000th of an inch  
13 over one year, for example, that deterioration --  
14 you're saying that's deteriorated?

15 A. Yes. And it will continue to use that  
16 metal loss over time, but you don't --

17 Q. But --

18 A. -- but you don't know what that time  
19 period is.

20 Q. You don't know what the time period is?

21 A. You don't know how quickly it's going to  
22 corrode if you -- any of those factors I just  
23 mentioned. It's -- it could corrode quickly or may  
24 take a longer period of time. We just don't know.

25 Q. So your interpretation of the word -- or

1 sorry, the phrase "worn out and deteriorated" is  
2 deterioration that can occur within a single year?

3 A. No. It's just deterioration that occurs  
4 over time.

5 Q. Help me out, because we just talked  
6 about this. We established that deterioration could  
7 occur within a single year. That's how you're using  
8 the phrase?

9 A. It -- it can occur over a single year,  
10 but it can occur over multiple years as well.

11 Q. I understand that.

12 A. Okay.

13 Q. I want to make sure that we're using --

14 A. Yeah.

15 Q. -- the same phrase --

16 A. All right.

17 Q. -- moving forward.

18 Okay. How much -- wait. So a single --  
19 a single one-thousandths of an inch is enough for  
20 deterioration to occur on your pipes?

21 A. Well, and -- and -- let's -- how did that  
22 deterioration get there? I mean was it a scratch when  
23 it was initially put in so that's where that corrosion  
24 is going to occur more quickly? Or was it damage that  
25 occurred previously? I mean help me out how that, you

1 know, metal loss started out and then it will lead to  
2 the corrosion.

3 Q. My as-- I'm talking about metal loss  
4 that's purely the result of corrosion.

5 A. Uh-huh. Okay.

6 Q. I believe that would be the oxidation of  
7 the metal.

8 A. That's correct.

9 Q. I think you asked me a question. I'm not  
10 sure what my question was.

11 A. All right. I'm just trying to understand  
12 what -- what -- how to answer it.

13 Q. I guess I really want to try and  
14 understand how much metal loss you're seeing on your  
15 pipes.

16 A. Well, Exhibit 1, you can see it right  
17 there.

18 Q. And that's consistent across 100 percent  
19 of your pipes?

20 A. No. It's not 100 percent, but a lot of  
21 the pipe that -- that we dig up that we're  
22 replacing -- because we've looked at those risks,  
23 we've looked at the leak rate, we've looked at the --  
24 you know, leak severity. Those are the ones we  
25 target. We dig it up, that's --

1 Q. So there are pipes you're replacing that  
2 don't have that level of replacement -- of corrosion?

3 A. There are pipes that may not have uniform  
4 corrosion, but you'll -- you'll find corrosion along  
5 the pipe as you go -- as you dig it up, yes.

6 Q. How much of the pipe is corroded?

7 A. It -- it just varies. I mean it could be  
8 corroded right where you're digging it up and then,  
9 you know, around the corner may not be as corroded and  
10 then further down it will be corroded again. I  
11 mean --

12 Q. Let me rephrase it then. If I assume,  
13 again, my five-foot section of pipe, how much of that  
14 pipe needs to be corroded for the entire section to be  
15 considered worn out and deteriorated?

16 A. I mean --

17 Q. For you?

18 A. -- a pinhole leak to me is a problem.  
19 You need to get that pipe out.

20 Q. I understand it's a problem. I'm asking  
21 how much of it needs to be corroded for the entire  
22 five-foot section?

23 A. Well, if you have a corrosion pinhole  
24 leak and you're in some rocky soil, chances are  
25 there's another rock that's creating a problem and

1 another rock. I mean, chances are that's a good  
2 indication you've got some problem pipe you need to  
3 get out right away.

4 Q. You're not answering my question.

5 A. All right. Well, help me out.

6 MR. PENDERGAST: I think --

7 THE WITNESS: Yeah.

8 MR. PENDERGAST: -- the witness is  
9 answering the question as best he can, given the way  
10 the question has been asked.

11 JUDGE DIPPELL: I think the witness is  
12 having a hard time answering without more information.

13 MR. CLIZER: Give me a minute. Let me  
14 rethink how to rephrase this then.

15 BY MR. CLIZER:

16 Q. Let me start off by just -- again, I'm  
17 just trying to understand when you say 100 percent of  
18 your pipe is worn out and deteriorated, what that  
19 means.

20 A. Uh-huh.

21 Q. Are there sections of your pipe that  
22 don't have those pinhole leaks?

23 A. Oh, there's sections that are not  
24 leaking, yes.

25 Q. Yes. Are there sections that don't have

1 corrosion?

2 A. That I'm not sure. But as we dig up  
3 pipe, you are going to find pipe that's looking, you  
4 know, with --

5 Q. You've said that 100 percent is worn out  
6 and deteriorated. If 100 percent is worn out and  
7 deteriorated, then you have to be saying 100 percent  
8 is corroded. Or if that's not the case, what are you  
9 saying?

10 A. I'm saying that corrosion is an issue.  
11 We need to address it. If you don't replace that  
12 pipe, leak rates are going to go up, you don't know  
13 exactly where the -- where it's going to happen, where  
14 these leaks are going to develop. You go after the  
15 riskiest pipe, you get it out and you keep moving.

16 Q. I understand that corrosion is an issue.  
17 I agree with that. I'm just confused if you're saying  
18 100 percent of your pipe is worn out and deteriorated,  
19 are you claiming 100 percent of it's corroded?

20 A. We look at the risk, we look at, you  
21 know, all the factors I mentioned and we know that  
22 problem is -- that pipe is a problem. That's what  
23 we're taking care of.

24 Q. Are you replacing segments of pipe that  
25 aren't corroded?

1 A. I can't say for sure if there may be some  
2 areas that do not have some corrosion on it, but the  
3 majority of the pipe we are replacing is corroded.

4 Q. The majority, but not all?

5 A. Unless we dug every single piece up, we  
6 wouldn't know for sure. And that's all I can say.

7 Q. Fair enough. Give me one more minute.

8 A. Okay.

9 Q. That's going to happen several times.  
10 Well, actually no. Let's go back to that then.

11 So your original statement that 100  
12 percent is worn out and deteriorated is not correct  
13 because there are sections that are not corroded?

14 A. There are sections that the corrosion may  
15 not be as bad, but it -- you -- we just know th--  
16 based on the leak rates, based on the risk, based on  
17 what the industry is doing, we know we got to get this  
18 pipe out because otherwise something bad is going to  
19 happen.

20 Q. Whether or not you need to get the pipe  
21 out isn't the question. The question is 100 percent  
22 of it corroded? Is 100 percent of it worn out and  
23 deteriorated?

24 A. I guess I would equate it to maybe --  
25 maybe the best way I can explain, you know, the

1 highway system. I mean I think we'd all agree the  
2 interstate highway system is worn and deteriorated.  
3 MoDOT, all the other highway departments, they're  
4 trying to address which sections to replace, repair.  
5 Can't do it all at once, but you know it needs to be  
6 done.

7 Q. You've already established -- or is the  
8 level of corrosion on your system uniform throughout  
9 the sections that are corroded?

10 A. No. No. It's -- and again, it's -- it  
11 varies on what those environmental factors are, what  
12 the physical factors are that I mentioned.

13 Q. But your position is any level of  
14 corrosion means it's worn out and deteriorated, even  
15 if that corrosion -- let me ask that first question.

16 A. I'm sorry. Go ahead.

17 Q. Your position is any level of corrosion  
18 whatsoever means pipes is worn out and deteriorated?

19 A. Yes. But you go after the hi-- the most  
20 riskiest pipe first. And that's what we're doing  
21 under our DIMP program.

22 Q. How long does it take for that corrosion  
23 to appear? Or how long could it take?

24 A. It depends on the environmental factors.

25 Q. Could it take days?

1           A.     If you put bare pipe in the ground  
2 without any cathodic protection, no, it won't take  
3 days. But it will start corroding pretty quickly.

4           Q.     What is pretty quickly?

5           A.     Several months, maybe a year you'll start  
6 to notice corrosion.

7           Q.     So the corrosion that you're claiming to  
8 see on the pipes that you have in your system, those  
9 all oc-- all that corrosion occurred before they were  
10 cathodically protected?

11          A.     It -- it occurred much more quickly  
12 before the cathodic protection was applied. And  
13 then --

14          Q.     What percentage of the corrosion occurred  
15 before cathodic protection was applied?

16          A.     Again, we don't know because it's -- it's  
17 the factors. It's just -- it will occur --

18          Q.     How can you know that it's all worn out  
19 and deteriorated, it's all corroded if you don't know  
20 how quickly things corrode?

21          A.     Because -- I mean AGA, all the industry  
22 committees I'm on, we talk about this. I mean that's  
23 why, as an industry, we're tackling this problem.  
24 It's a nation --

25          Q.     You talk about it, but you don't know how

1 quickly things corrode?

2 A. We know it corrodes, yes.

3 Q. No one's doubting it corrodes. This is a  
4 question of how quickly.

5 A. I can just look at that pipe right there  
6 and tell it's corroded.

7 Q. Okay. So --

8 A. Yeah.

9 Q. -- you're saying all of your pipe like  
10 that, every pipe installed in 1950 looks like that?

11 A. No. But a lot of it does. And you  
12 need -- you know, you use your DIMP program. That's  
13 how you address to make sure you take care of the  
14 right pipe first.

15 Q. And your position is that all that pipe  
16 got that way before it was cathodically protected?

17 A. It -- it corroded a lot quicker before  
18 the cathodic protection. But once the cathodic  
19 protection was applied, you still have these hot  
20 spots. And that's on PHMSA's website in my testimony,  
21 that those hot spots can still continue to corrode and  
22 that's what can lead to these hazardous leaks.

23 Q. If that pipe was installed in 1952 --

24 A. Uh-huh.

25 Q. -- let's say it was cathodically

1 protected in 1990.

2 A. Uh-huh.

3 Q. You're saying that level of corrosion  
4 occurred in 40 years roughly?

5 A. The majority of it did, yes. But --

6 Q. Why does Spire East have an 80-year  
7 average service life for pipes if that level of  
8 corrosion can occur in 40 years?

9 A. Well, help me out. So the 80-year, is  
10 that all steel pipe?

11 Q. Mains.

12 A. All steel mains?

13 Q. Yes.

14 A. All right. And cathodically protected  
15 and non-cathodically pr--

16 Q. I'm going to actually start --

17 A. All right.

18 Q. Why does Spire East have an 80-year  
19 average service life for iron mains -- cast iron  
20 mains?

21 A. Uh-huh.

22 Q. Is -- are -- is Spire East saying that  
23 cast iron mains last longer than steel?

24 A. No.

25 Q. Why then does Spire Missouri have an

1 80-year average service life for cast iron mains if  
2 that level of deterioration occurs in 40 years?

3 A. I'm not sure I'm qualified to answer  
4 that. I think that's more of an accounting pr--  
5 questions. So I'm not -- I can answer the engineering  
6 questions.

7 Q. How quickly do your pipes wear out and  
8 deteriorate then?

9 A. It depends on the environment it's put  
10 in. That's -- that's why PHMSA came up with the DIMP  
11 rule so that you know your system, you know the  
12 threats, you know what you need to replace.

13 Q. Explain how you can know 100 percent of  
14 your pipes are worn out and deteriorated if your  
15 answer to how quickly they deteriorate depends?

16 A. By using the DIMP -- you -- you know it's  
17 worn out, you know that you need to go after it so you  
18 use the DIMP program. That's how you address the  
19 riskiest pipes first. And as you move along -- if you  
20 look at the -- at the leak rate on page 25, we weren't  
21 addressing it; it was going up. And we started  
22 replacing it; at a much faster rate, it started going  
23 down. I mean we're trying to stay ahead of it because  
24 otherwise something seriously will go wrong.

25 Q. I understand that. But your position is

1 100 percent of your pipes are worn out and  
2 deteriorated?

3 A. 100 percent of the --

4 Q. Cathodically protected bare steel mains.

5 A. -- of the bare steel that has been placed  
6 under cathodic protection, yes, they need to be  
7 replaced.

8 Q. And I don't see how you can possibly  
9 prove that if you say you don't know how quickly  
10 things corrode.

11 A. Well, you --

12 Q. Please explain.

13 A. You would know as the leak rates -- as --  
14 when you get hazardous leaks, that's going to tell you  
15 that that's where the problem -- you know, that's the  
16 most corroded, that's what you're going to go after  
17 first. But it -- it will continue to corrode. That  
18 blue line will continue to go up and that's what you  
19 don't want.

20 Q. Yes.

21 A. So if you don't replace it, how are you  
22 going to prevent that blue line from going up?

23 Q. I feel like there's a breakdown here.  
24 Let me try and back up here.

25 A. All right.

1 Q. I'm not arguing that pipes corrode. I  
2 want to know how you know 100 percent of your pipes  
3 are already corroded.

4 MR. PENDERGAST: I'm going to object to  
5 that. I don't think the witness has ever claimed that  
6 100 percent of the pipes are corroded. I think he's  
7 testified that they're either worn out or  
8 deteriorated. Deteriorated, not meaning that  
9 100 percent has to be fully corroded.

10 So I -- I object to the form of the  
11 question and implying that the witness has said that  
12 100 percent are corroded. It's both worn out or  
13 deteriorated --

14 THE WITNESS: Deteriorated.

15 MR. PENDERGAST: -- condition.

16 BY MR. CLIZER:

17 Q. Earlier I asked you if there were other  
18 forms of worn out and deteriorated we needed to  
19 consider besides corrosion. And your answer was it  
20 was corrosion that we were considering. Are there  
21 other types of worn out and deteriorated that we need  
22 to consider?

23 A. Well, on cast iron, graphitization is --

24 Q. I'm just concerned with bare steel.

25 A. Just bare steel. Corrosion is -- is the

1 major issue, yes.

2 Q. So Spire's position is 100 percent of its  
3 cathodically protected bare steel mains are corroded?

4 A. There is some corrosion on there and  
5 we're addressing the most corrosive atmosphere first.

6 Q. But it's not 100 percent?

7 A. Unless we go out and dig up every single  
8 foot of pipe, we don't know for sure.

9 Q. So there are sections of your main system  
10 that are not corroded?

11 A. I -- I don't know unless I dig it all up.  
12 But I just know corrosion's out there, we've seen it.  
13 We've seen the leak rate, we've seen it on a  
14 national -- that's why --

15 Q. So you --

16 A. -- all companies are taking care of this.

17 Q. You don't know that all of the mains you  
18 have are corroded?

19 A. No. But I -- if you did not put it under  
20 cathodic protection for 40-plus years, it will  
21 corrode. So I would say if you don't -- if you didn't  
22 have it under cathodic protection to begin with, it  
23 will corrode. It will grow at different rates, but  
24 will corrode. So I would say there is some form of  
25 corrosion somewhere on those mains, yes.

1 Q. But not all of the mains?

2 A. I -- I can't say for sure on that. I  
3 just can't unless you actually dig it up. But I know  
4 corrosion will occur. It's a natural process, it will  
5 occur. All my engineer--

6 Q. No one is arguing that corrosion will  
7 occur.

8 A. Right.

9 Q. No one's arguing that.

10 A. Right.

11 Q. I want to know if all of the mains that  
12 Spire replaced in this ISRS application were corroded.  
13 How do you know that?

14 JUDGE DIPPELL: I think the witness has  
15 answered that question "I don't know" --

16 MR. CLIZER: Okay.

17 JUDGE DIPPELL: -- about --

18 MR. CLIZER: Fair enough, Your Honor. I  
19 apologize.

20 BY MR. CLIZER:

21 Q. All right. We talked about leak ratios.

22 A. Uh-huh.

23 Q. First of all, do you have a copy of John  
24 Robinett's testimony with you?

25 A. I do.

1 Q. Which schedule is it?

2 MR. CLIZER: John, you attached too much  
3 stuff.

4 BY MR. CLIZER:

5 Q. I believe what I want is -- do you have  
6 the schedules attached? I apologize.

7 A. I think I do. Which schedule are you  
8 looking for?

9 Q. D-16.

10 A. I don't think I have -- I have 15 and 17.

11 Q. Well, crap. Sorry about that.

12 A. That's all right.

13 Q. Okay. I'm going to hand you that.

14 A. All right.

15 Q. Okay.

16 JUDGE DIPPELL: Which schedule are you  
17 looking at?

18 MR. CLIZER: JAR-D-16. And then I  
19 apologize. I don't appear to have numbered these  
20 pages. I am looking at the Annual Report for Calendar  
21 Year 2018 Gas Distribution System for Spire West.

22 Before I go any further, we initially  
23 filed this as confidential I believe. Actually I  
24 believe that was a mistake on our part. We received  
25 the information from the Company and it was

1 non-confidential. Let's -- before we go any further  
2 into questioning on this, I need to know whether or  
3 not you want to proceed in-camera or mark it  
4 unconfidential?

5 JUDGE DIPPELL: Is the Company --

6 MR. PENDERGAST: I don't think we have a  
7 copy of 16 and I don't know if that's because the way  
8 it was filed or not. But before I can give you an  
9 intelligent response, Your Honor, I probably need to  
10 see it.

11 Can I converse briefly with  
12 Mr. Hoeferlin, who's our subject matter expert on the  
13 sensitivity of this information?

14 JUDGE DIPPELL: Go ahead. Let's take  
15 just a moment and go off the record.

16 (Off the record.)

17 JUDGE DIPPELL: It was determined during  
18 our break that all of Schedule JAR-D-16 can be made  
19 public.

20 BY MR. CLIZER:

21 Q. There's been a lot of effort for a very  
22 simple point, but the number of corrosion-related  
23 leaks reported by Spire to the DOT --

24 A. Uh-huh.

25 Q. -- in last year was what number?

1 A. 93.

2 Q. Okay. Please explain to me how a system  
3 of 800 miles -- or 847 miles of cathodically protected  
4 bare steel mains can only have 93 leaks if the system  
5 is uniform in the level of worn out and deteriorated.  
6 Or not uniform. If the level of -- if the system  
7 as -- is -- let me back up and restart that question  
8 because I made it terrible.

9 Please explain to me how a system that is  
10 as worn out and deteriorated as you make it out to be  
11 can only have 93 leaks if it has 847 miles of subject  
12 pipe.

13 A. So that was 93 miles for 2018, plus the  
14 18 hazardous.

15 Q. 93 miles or 93 leaks?

16 A. I'm sorry. 93 leaks, plus the  
17 18 hazardous, which again are the class ones.

18 Q. Are the 18 separate from --

19 A. No, they're included in the 93.

20 Q. Okay.

21 A. So by doing the pipeline replacement, you  
22 are eliminating those corrosion leaks. And you can  
23 see that's -- you know, to me, that's a high number.  
24 Any leak, you want to take care of. So when I see  
25 that 93, that's what I want to take care of. And if

1 you don't take care of those 93, the next year there's  
2 going to be more and more and then more.

3 Q. I understand. My question is you have  
4 847 miles of cathodically protected bare steel.  
5 That's on the previous page.

6 A. Right.

7 Q. If you have that much bare steel and it's  
8 in the condition that you claim, why are there only  
9 93 leaks?

10 A. Well, if you didn't start re-- again, you  
11 can see we weren't replacing; those leak rates are  
12 going up. Those leaks will continue to rise. We have  
13 93 now probably because we replaced that high-risk  
14 pipe the year before. We -- that's what DIMP does,  
15 that's what DIMP takes care of.

16 You know, I wouldn't be surprised, if you  
17 know, those leaks stable out or continue to go down  
18 because that's what our replacement program does.  
19 That's what the copper program did. That's what our  
20 cast iron -- I mean that's what it's designed to do,  
21 continue to reduce those leaks.

22 Q. I still don't think my question is being  
23 answered. Let me --

24 A. Okay.

25 Q. -- pause for a moment and think of a way

1 to rephrase it then.

2                   The pipe that was being referred to as  
3 1 before --

4           A.     Uh-huh.

5           Q.     -- the cathodically protected, how much  
6 of a risk is that pipe to leak?

7           A.     If it was sitting next to a rock and you  
8 were not getting that impressed current, there would  
9 be a pretty good risk because you've already lost a  
10 lot of metal and you're going to continue to lose that  
11 metal.

12           Q.     If there's a pretty good chance for that  
13 pipe to leak --

14           A.     Uh-huh.

15           Q.     -- and you have 800 miles of it, you  
16 would expect more than 93 leaks, wouldn't you?

17           A.     Chances are the re-- because we replaced  
18 that pipe, that was in a high-risk area. So there was  
19 probably a leak in that area, it was a highly  
20 populated area, wall-to-wall pa-- there was a reason  
21 we replaced it. Obviously the lack of cathodic  
22 protection is what was -- a good part of what was  
23 driving that.

24           Q.     You explained why you chose to replace or  
25 fix that leak. I'm asking --

1           A.       No, not necessarily fix. That's from a  
2 replacement area. So we replaced that pipe. And it  
3 was in a high -- you know, a highly risky area based  
4 on our DIMP plan. That's why we're addressing it.

5           Q.       Still the question I asked, if that pipe  
6 has a high probability to leak and you have 800 miles  
7 of pipe in a similar condition to that, why do you  
8 only have 93 leaks?

9           MR. PENDERGAST: Your Honor, I think  
10 that's been asked and answered. I think Mr. Hoeflerlin  
11 has said well, I think 93 leaks is too much. And I  
12 think Mr. Clizer is trying to get him to say something  
13 along the lines of well, 93 doesn't sound that many to  
14 me and -- and Mr. Hoeflerlin just disagrees with that.

15           THE WITNESS: Yeah.

16           MR. CLIZER: That is --

17           JUDGE DIPPELL: I'm -- I don't think that  
18 the witness did answer the specific question. I -- he  
19 may not be able to answer that question, but the  
20 question was basically wouldn't you expect there to be  
21 more leaks on that length miles of pipe. Is that --  
22 did I say that correctly?

23           MR. CLIZER: I mean that's not how I  
24 posed it, but it is the central idea I'm trying to get  
25 to.

1 JUDGE DIPPELL: Or I believe he actually  
2 said to explain why there weren't more leaks.

3 THE WITNESS: To me -- well, there  
4 weren't more leaks because we're replacing the pipe  
5 that is the risky-- if we didn't -- if we just stopped  
6 replacing it, that number will continue to grow and  
7 grow and grow and so will the hazardous leaks.

8 JUDGE DIPPELL: I think you have told us  
9 that several times, Mr. Hoeferlin.

10 THE WITNESS: Okay. Okay.

11 JUDGE DIPPELL: Again, the question was  
12 on the pipe that hasn't been replaced --

13 THE WITNESS: Uh-huh.

14 JUDGE DIPPELL: -- can you explain why  
15 there weren't more leaks?

16 THE WITNESS: No, I guess I can't. No.

17 BY MR. CLIZER:

18 Q. Is one possible explanation because of  
19 the 800 miles, very little of it is actually in that  
20 condition? It is only the pipe that is in that  
21 condition that is leaking or has the potential to  
22 leak? Could that be a possible explanation?

23 A. You're asking me? No, I -- again, we  
24 know corrosion is out there. We know that it's going  
25 to continue to be a problem.

1 Q. Is it safe to transport natural gas in a  
2 pipe like that? Sorry. And for the record, "like  
3 that," I am referring to pipe 1.

4 JUDGE DIPPELL: Thank you.

5 THE WITNESS: It -- it is -- we have a  
6 safe system so it's relatively safe to transport that.  
7 But again, that's what DIMP does, it addresses that  
8 risk. So by replacing it, you're going to make it a  
9 much safer system.

10 BY MR. CLIZER:

11 Q. But you have 800 miles of pipe in that  
12 condition you haven't replaced?

13 A. We have 800 miles of pipe that is bare  
14 steel and which cathodic protection has been added  
15 la-- at a later date, which industry, which science  
16 has proven is a issue that needs to be addressed.

17 Q. Is the 800 miles of cathodically  
18 protected bare steel mains you have in your system  
19 currently safe?

20 A. Well, obviously we have 93 leaks so there  
21 are problems that we're addressing and that's what  
22 we're going after.

23 Q. Are you providing safe and adequate  
24 service given that you have 800 miles of pipe --

25 A. Yes.

1 Q. -- that you claim is worn out and  
2 deteriorated?

3 A. We're providing safe and adequate  
4 service, we're following the Pipeline Safety Rules,  
5 we're addressing everything that needs to be addressed  
6 in those rules. We're following DIMP, we're  
7 addressing risk, we're doing what we feel is the  
8 safest way to take care of our system, so yes.

9 Q. I guess I'll move on to the testimony for  
10 now. On page 5 of your testimony you describe in  
11 question and answer your attachment of several  
12 photographs illustrating the types of pipe?

13 A. Yes.

14 Q. You would agree with me that none of  
15 those photographs are actually of bare steel pipe?

16 A. Those are all cast iron, yes.

17 Q. Okay. On page 6 you state on lines 18 to  
18 19 that cast iron and bare steel rank as high risk in  
19 the plan -- and by plan I'm referring to DIMP --

20 A. Yes.

21 Q. -- Distributed -- Distribution Integrity  
22 Management Program -- due to the high likelihood of  
23 leaks and breaks associated with these type of pipe  
24 materials.

25 A. Yes. That's what I say.

1 MR. CLIZER: Okay. Really quick, Your  
2 Honor, I am -- well, I have something that I would  
3 like to mark as an exhibit.

4 JUDGE DIPPELL: Okay.

5 MR. CLIZER: It is three -- I'm trying to  
6 figure out the best way to explain it. I'm going to  
7 introduce a copy of the Distribu-- Spire's  
8 Distribution Integrity Management Program and two of  
9 its associated schedules. They are quite voluminous  
10 each. My question is, would you like them as three  
11 separate exhibits or try to do as one large exhibit?

12 JUDGE DIPPELL: It can be one large  
13 exhibit. That's fine. As long as when you're  
14 questioning, you're clear about whether you're talking  
15 about the schedule or the body. Your next exhibit  
16 number is 202.

17 MR. CLIZER: Yes, thank you. I'll have  
18 this marked as Exhibit 202.

19 MR. PENDERGAST: Your Honor, this is  
20 material we believe is pretty sensitive and that we  
21 would like to go ahead and have treated on a  
22 confidential basis.

23 JUDGE DIPPELL: All right. Okay. We can  
24 mark it then as 202 confidential. And just so I'm  
25 clear, it's the -- this is the Gas Distribution

1 Integrity Management Program. So it does refer to  
2 areas where the pipes are and the kinds and so forth;  
3 is that correct? Is that --

4 MR. PENDERGAST: I believe so, yes.

5 MR. CLIZER: I have no problem with  
6 treating it as confidential.

7 JUDGE DIPPELL: Okay. Then we can -- I  
8 assume you're going to question about the specifics  
9 or --

10 MR. CLIZER: I'm going to go through this  
11 a little bit piecemeal, yes. Because like I said, I'm  
12 more focused on the actual appendices that are part of  
13 this report. Oh, you're asking whether or not we  
14 should go in-camera?

15 JUDGE DIPPELL: I am.

16 MR. CLIZER: I'm sorry. I missed -- I  
17 personally don't think we would need to, but for the  
18 sake of safety, we can proceed in-camera.

19 COMMISSIONER KENNEY: Well, Judge, I --  
20 as keeping with our tradition, we don't just go into  
21 camera just in case.

22 JUDGE DIPPELL: Yeah. And I would like  
23 to have as much on the public record just so that when  
24 the Commission is doing its deliberations --

25 MR. CLIZER: Well, let me then cut a

1 little bit to the chase. I will be, just for this  
2 first one, making sure that it is Appendice C in which  
3 they rate -- sorry, Appendix C in which they rank  
4 their risks. And I'll be going into the ranking of  
5 risks in Appendix C. And I will leave it to Spire to  
6 tell me whether or not that information would be  
7 confidential.

8 MR. PENDERGAST: Fair enough. And if we  
9 hear a question that we think is problematic, we'll  
10 let you know.

11 JUDGE DIPPELL: Okay. I would ask the  
12 witness to maybe hesitate just slightly --

13 THE WITNESS: Uh-huh.

14 JUDGE DIPPELL: -- before you answer a  
15 question to allow your counsel an opportunity to point  
16 out if the answer might be something that would need  
17 to be protected.

18 (OPC Exhibit 202-C marked for  
19 identification.)

20 BY MR. CLIZER:

21 Q. I hope that you've taken this time to  
22 review this. This is a copy of your Gas Distribution  
23 Integrity Management Program. Correct?

24 A. Yes.

25 Q. And on page 26 of the version -- the

1 document I've handed you so far, the risk  
2 assessment -- current risk assessment, likelihood,  
3 consequence --

4 THE COURT REPORTER: I'm sorry?

5 MR. CLIZER: My apologies.

6 BY MR. CLIZER:

7 Q. Number 7.3 risk assessment states that  
8 the current risk assessment, likelihood, consequence  
9 and resultant risk ranking is documented in Appendix  
10 C; is that correct?

11 A. Yes.

12 Q. All right. I'm going to go ahead and  
13 hand you a copy of Appendix C. So this would be  
14 Appendix C of the DIMP again.

15 A. Uh-huh.

16 Q. The evaluation and ranking of risk?

17 A. Yes.

18 Q. And beginning on page -- oh, dear. This  
19 doesn't have page numbers. Table C-2 near the back is  
20 the actual risk ranking.

21 A. Yes.

22 Q. Okay. Let's just go through the first  
23 ten of those really quick. Number one, that would be  
24 excavation damage for Missouri Gas Energy City.  
25 Right?

1 A. Yes.

2 Q. And number two is excavation damage for  
3 Laclede County?

4 A. Yeah. It's for St. Louis County, yes.

5 Q. Three is corrosion, copper pigtails and  
6 mains?

7 A. Uh-huh.

8 Q. Four is excavation damage again for Monet  
9 (phonetic); five, outside force, six, excavation  
10 damage; seven, excavation damage; eight, excavation  
11 damage; nine, excavation -- equipment failure; ten,  
12 excavation damage. Would you agree with me on that?

13 A. Yes.

14 Q. Let's scroll down until we find another  
15 corrosion. I see the next corrosion listed as 16.

16 A. Yes.

17 Q. That would be bare steel services.

18 A. Yes.

19 Q. And I see another one at 22 again for  
20 bare steel services. Then 27 for cast iron mains for  
21 Laclede City; is that correct?

22 A. Yes.

23 Q. The next time I think I see corrosions  
24 would be Number 123 at copper pigtails at riser.

25 A. Yes.

1 Q. Are you seeing any corrosion between  
2 then?

3 A. Yes. No, I do not. That's the next one.

4 Q. And then again at 154 for coated steel  
5 main?

6 A. Yes.

7 Q. And 155 and 156 and 157, again coated  
8 steel mains, coated steel services and coated steel  
9 services respectively?

10 A. Yes.

11 Q. And again at 163, corrosion for coated  
12 steel mains?

13 A. Yes.

14 Q. And 168 is corrosion for copper services?

15 A. Yes.

16 Q. And 173 is corrosion for coated steel  
17 mains, this again MGE City?

18 A. Yes.

19 Q. And 176 is corrosion for copper pigtails  
20 and mains?

21 A. Yes.

22 Q. 177, corrosion for coated steel services?

23 A. Yes.

24 Q. 180 is corrosion for copper pigtails at  
25 riser for this time Laclede City?

1 A. Yes.

2 Q. And 186, corrosion for coated steel  
3 mains, again MGE Southwest?

4 A. Yes.

5 Q. And 188 is corrosion for bare steel  
6 services?

7 A. Yes.

8 Q. And then 189, corrosion protected bare  
9 steel mains, MGE City?

10 A. Yes.

11 Q. That's the first time protected steel  
12 mains have shown up in your DIMP?

13 A. As shown up as a sub-threat, yes.

14 Q. At risk rank 189?

15 A. Yes.

16 Q. For again, Missouri Gas Energy City?

17 A. Yes.

18 Q. And it shows up again for Missouri Gas  
19 Energy Southwest at 195 and for Missouri Gas Energy  
20 County at 197?

21 A. Yes.

22 Q. And I see cast iron mains for MGE County  
23 showing up at 207?

24 A. Yes.

25 Q. So your position is that cast iron and

1 bare steel ranks, well, high on the DIMP?

2 A. So the sub-threat, you also have to take  
3 into account all the other factors that I mentioned  
4 and we'll get that leak rate. I mean these are just  
5 the -- you know, the threats that -- how they're  
6 listed. But the ones that you know can -- you know,  
7 talking to your subject matter resources, your SMRs --

8 Q. Let me phrase it this way. Do you  
9 consider rank 189 out of 220 to be high?

10 A. As a sub-threat, it -- it's -- it's a  
11 threat you need to address, yes. But you need to put  
12 it into the formula and see how the -- the -- the  
13 total risk assessment comes out, and that's what we  
14 did.

15 Q. On page 7 -- oh, let's keep on with that  
16 actually. Never mind.

17 On page 8 and the question and answer  
18 beginning on 4 -- line 14 --

19 JUDGE DIPPELL: Are you back in his  
20 testimony?

21 MR. CLIZER: Yes. Sorry. In his  
22 testimony. I'll be going back to the DIMP  
23 momentarily.

24 BY MR. CLIZER:

25 Q. You discuss the Commission's requirement

1 to create the DIMP --

2 A. Yes.

3 Q. -- at 22 CSR 4240 -- I'm not going to  
4 read the whole thing -- it's sub 17. And that  
5 requirement to identify and implement measures to  
6 address such risks and determine and implement  
7 measures designed to reduce the risks from failure of  
8 its gas distribution pipeline. That is -- that is  
9 your basis for the requirements to replace protected  
10 bare steel?

11 A. Can you restate the question?

12 Q. I apologize. Why have you cited to this  
13 in your testimony?

14 A. Which line are you referring to?

15 Q. The 20 through 22.

16 A. So the DIMP plan asks you to risk -- or  
17 rank your risk. You do. And then you put programs in  
18 place to -- to address those; like damage prevention,  
19 replacement programs, leak surveys, things like that.  
20 So we're addressing all the risks that are in the DIMP  
21 plan.

22 Q. Is it fair to say that you are citing to  
23 this portion of the DIMP in order to provide a  
24 requirement for the replacement of cathodically  
25 protected bare steel mains?

1           A.     No.  I'm -- I'm saying in here that it's  
2 a risk we've identified in our DIMP plan, looked at  
3 all the other factors and we feel, as a Company,  
4 replacing that bare steel main is the right thing do.

5           Q.     All right.  Regardless --

6                    JUDGE DIPPELL:  Mr. Clizer, are you going  
7 to have several more questions on this or --

8                    MR. CLIZER:  Related to the DIMP?

9                    JUDGE DIPPELL:  Yeah, on this subject.  
10 I'm trying to figure out a lunch break.  The  
11 Commission has agenda at 1:00 and I was wanting to  
12 give them an opportunity to take lunch before --

13                   MR. CLIZER:  I understand.  I can wrap up  
14 the questions with the DIMP and then offer it as an  
15 exhibit fairly shortly, I believe.

16                   JUDGE DIPPELL:  Okay.

17 BY MR. CLIZER:

18           Q.     All right.  What I've just handed you is  
19 Appendix D to the DIMP.

20           A.     Uh-huh.

21           Q.     Which is the identification  
22 implementation of measures to address risks.  Would  
23 you agree with that?

24           A.     Yes.

25           Q.     And on page 4, D-2 it identifies the

1 replacement programs in your DIMP?

2 A. Yes.

3 Q. And they are incorporated into the DIMP  
4 plan by reference in Table D-21?

5 A. Yes.

6 Q. And those program elements are the cast  
7 iron replacement, unprotected steel main replacement,  
8 unprotected steel service line and yard line  
9 replacement, and cast iron angle of repose?

10 A. Yes. But this was revised 12/30/16, so I  
11 need to check and see if there's a further revision.

12 Q. Fair enough.

13 MR. CLIZER: All right. At this point I  
14 would offer Exhibit 20--

15 JUDGE DIPPELL: 2.

16 MR. CLIZER: -- 2, thank you.

17 JUDGE DIPPELL: Would there be any  
18 objection to Exhibit 202? Seeing none, I will receive  
19 that into evidence. And that is currently marked as  
20 confidential.

21 (OPC Exhibit 202-C was received into  
22 evidence.)

23 JUDGE DIPPELL: If -- I would like to ask  
24 counsel to take a look at the appendices and see if  
25 any of that can be marked public.

1 MR. PENDERGAST: We will, Your Honor.

2 JUDGE DIPPELL: Okay. Thank you.

3 MR. CLIZER: If -- as I understand it, if  
4 the appendices can be marked public, I would make  
5 those 203 and 204 respectively and then allow them to  
6 separately be entered. Is that what you're -- no.  
7 Never mind. I should stop talking.

8 JUDGE DIPPELL: No. We can mark the  
9 appendices public --

10 MR. CLIZER: Oh, okay.

11 JUDGE DIPPELL: -- even if the exhibit is  
12 confidential.

13 Okay. Did you have --

14 MR. CLIZER: I have further cross, but  
15 that would be a good place to stop.

16 JUDGE DIPPELL: Okay. With that then, we  
17 will go ahead and take a break for lunch. And we're  
18 going to take a little bit of a long lunch so the  
19 Commissioners can have their agenda. We will return  
20 at 1:30. We can go off the record.

21 (A recess was taken.)

22 JUDGE DIPPELL: Let's go ahead and go  
23 back on the record. Okay. We're back on the record  
24 after our lunch break and I believe we're going to  
25 resume Mr. Hoferlin's testimony.

1 Mr. Clizer, you may continue your  
2 cross-examination.

3 MR. CLIZER: Thank you, Your Honor.

4 BY MR. CLIZER:

5 Q. Actually I have to apologize. I am going  
6 to go back to the DIMP. I realized that there was a  
7 few other questions. Do you have your copies? I  
8 can --

9 A. Yeah. I've got mine, but --

10 Q. Okay.

11 A. -- are you -- so what's the date on that  
12 one?

13 Q. This was the one that was supplied to the  
14 OPC in response to a data request in the last rate  
15 case. It was last revised 2016. I believe there has  
16 been an update.

17 A. Yeah, there has. Quite a bit.

18 MR. PENDERGAST: Your Honor, we're fine,  
19 of course, with Mr. Clizer continuing his  
20 cross-examination based on this old DIMP, but on  
21 redirect examination, we are going to go ahead and  
22 provide a copy of our most recent DIMP, which has  
23 significant changes in ranking, including the ranking  
24 of cathodically protected bare steel. So as long as  
25 that's understood.

1 We've got one copy of it and we're going  
2 to have more copies made, but just want to let  
3 everybody know that we're going to provide the more  
4 updated DIMP plan.

5 JUDGE DIPPELL: Okay.

6 MR. CLIZER: Proceed?

7 JUDGE DIPPELL: Go ahead. Go ahead.

8 THE WITNESS: So I don't --  
9 unfortunately, I don't have the old version. So if I  
10 can borrow yours. Okay. So --

11 BY MR. CLIZER:

12 Q. Was Spire replacing any cathodic --  
13 sorry. Was Spire replacing any cathodically protected  
14 coated steel mains in this case?

15 A. Similar to the plastic, if there was a  
16 piece of cathodically protected steel that made more  
17 sense to -- to go around, eliminate it, we may have  
18 been. But there may -- I would have to check, because  
19 most cathodically protected steel is in large numbers  
20 of streets. You don't have isolated like you would  
21 plastic. Otherwise you ended up with isolated  
22 protected steel, which can be a problem for cathodic  
23 protection. So we may have. I'd have to look to see.

24 Q. Is that cathodically protected coated  
25 steel worn out and deteriorated?

1 A. No.

2 Q. No. Okay. So I'm really just going to  
3 refer to the main DIMP here, not the appendices.

4 A. Okay.

5 Q. And I'm going to be -- I'd like to direct  
6 your attention to pages 16 and 17. And before I  
7 proceed further, I'd like to know if there's anything  
8 on these two pages that Spire would consider  
9 confidential?

10 A. Yes. Our DIMP plan is confidential.

11 Q. With these two pages.

12 MR. PENDERGAST: Okay. Which pages  
13 again, Counsel?

14 MR. CLIZER: 16 and 17.

15 MR. PENDERGAST: Excuse me. If I could  
16 approach the witness for just a second.

17 We don't need this to be maintained  
18 confidentially.

19 JUDGE DIPPELL: Okay.

20 BY MR. CLIZER:

21 Q. All right. I just need some  
22 clarification. So on page 17 there's a summary of  
23 system material designed by year?

24 A. Yeah.

25 Q. And it talks about direct bury of bare

1 unprotected steel for new mains. And it says it was  
2 first deployed in 1900s, estimate, and ceased in 1970?

3 A. Yes.

4 Q. And yet if I go to Table 5-2 on page 16,  
5 bare steel with cathodic protection years of install  
6 of remaining 1900 to 1992. I guess I'm confused. How  
7 is there bare steel with cathodic protection installed  
8 after 1970 if the direct bury of unprotected steel for  
9 new mains ceased in 1970? I think there's an answer  
10 for this. I just want to know what it is.

11 A. I'm -- I'm not sure, to be honest with  
12 you.

13 Q. That's -- okay. Fair enough.

14 A. I'm not sure.

15 Q. Also, Table 5 -- well, no. Can you  
16 review this document for me for a second?

17 A. Sure.

18 Q. And also, I just want to make sure that  
19 this is not going to be confidential?

20 A. No.

21 Q. All right. Okay. This is one of the  
22 work order authorization sheets provided to us for the  
23 replacements made in Spire West. Would you agree with  
24 that?

25 A. Yes.

1 Q. All right. If you can turn to page 6 of  
2 7, this page shows several vintages of retired steel  
3 mains. For example, the very first one shows 200  
4 feet -- I believe that's retired quantity -- retired  
5 in 19-- or vintaged from 1979?

6 A. Yes.

7 Q. Would you expect that to be coated or not  
8 coated?

9 A. I would -- I would expect that to be  
10 coated.

11 Q. And there's a couple other ones later on  
12 there from 2011. Those would be coated. Right?

13 A. The nine feet?

14 Q. Yes.

15 A. Yes.

16 Q. Another one at 43, but --

17 A. Where's the one at -- oh, I see. Yes, I  
18 would expect that to be coated.

19 Q. Is there anything on this sheet that  
20 explains or designates those as being coated, other  
21 than the dates, from which one might glean that  
22 knowledge?

23 A. It would be the date.

24 Q. Sorry I'm jum-- unfortunately jumping  
25 around here. But going back to page 17 of the DIMP.

1 A. Uh-huh.

2 Q. It states that direct bury of coated  
3 cathodically protected steel for new mains was began  
4 in 1948?

5 A. Yes.

6 Q. How would it be possible for someone  
7 reviewing this authorization sheet to determine which  
8 of the steel being replaced was coated and which was  
9 not past 1948?

10 A. Reviewing this sheet, the best way would  
11 be with our records, with our GIS system to see what  
12 the exact material; coated, uncoated.

13 Q. All right. Thank you.

14 MR. CLIZER: Your Honor, I'll go ahead  
15 and offer Worth Or-- Work Order Authorization Sheet  
16 800039 as Exhibit 204.

17 JUDGE DIPPELL: I'm sorry. We're at 203.

18 MR. CLIZER: If I miscounted, whichever  
19 one I'm up to.

20 JUDGE DIPPELL: Would there be any  
21 objection to this work order coming into the record?

22 MR. PENDERGAST: No, Your Honor.

23 JUDGE DIPPELL: All right. Seeing none,  
24 then I will admit Exhibit 203.

25 (OPC Exhibit 203 was received into

1 evidence.)

2 (OPC Exhibit 203 was marked for  
3 identification.)

4 MR. CLIZER: I have some other work  
5 orders, but I'm not entirely sure it would be  
6 necessary to introduce them so I'll move on.

7 BY MR. CLIZER:

8 Q. Referring to the -- the pipes,  
9 demonstratives 1 and 2, what -- are you familiar with  
10 what projects those pipes came from?

11 A. Yes, I am.

12 Q. What projects would those be?

13 A. So the Exhibit -- I -- I think it was  
14 Exhibit 2 came from I believe Sublette. I don't  
15 remember the project number, but it was Sublette  
16 Avenue. I can verify that.

17 The first -- project -- or Exhibit 1 came  
18 from MO West and I -- at the moment, I don't recall  
19 exactly which project that was, but it is MO West.

20 Q. Fair enough. Does the Company take  
21 coupons whenever it repairs a leak?

22 A. The Company takes coupons on cast iron  
23 whenever there is a fracture, yes.

24 Q. But not on steel?

25 A. No.

1 Q. I assume you have a copy of your  
2 testimony handy?

3 A. Yes.

4 Q. On page -- I'm going to direct you to  
5 page 3 of your testimony.

6 A. All right.

7 Q. Beginning on lines -- are you there?

8 A. Yes.

9 Q. Sorry. Beginning on line 19 and through  
10 22, you describe how the Commission found steel that  
11 is not cathodically protected corrodes relatively  
12 quickly and needs to be replaced.

13 Do you have an understanding of what the  
14 term "relatively quickly" means?

15 A. Bare steel, put it in the ground without  
16 cathodic protection, it will start corroding right  
17 away. So as soon as you put it in the ground, it's  
18 going to start corroding. So to me, that's relatively  
19 quickly.

20 Q. So relatively quickly in that sense means  
21 that corrosion begins initially?

22 A. Without cathodic protection yes, it  
23 will -- it will start as soon as you put it in the  
24 ground and --

25 Q. Do you have any idea for the rate of

1 corrosion?

2 A. No, I do not.

3 Q. No. Well, on page 9 of your testimony  
4 there's a quote from a 2011 Commission-issued pipeline  
5 safety report.

6 A. Yes.

7 Q. On lines 23 and 24 the report describes  
8 how older steel pipe lines have been involved in two  
9 recent incidents in Missouri.

10 A. Yes.

11 Q. Do you know which incidents they're  
12 referring to?

13 A. The one was in east -- MO East. It was  
14 Council Grove in Pine Lawn, Missouri. The one -- the  
15 other one was in MO West. I don't recall exactly  
16 where it was, but it was in MO west.

17 Q. Did those incidents involve mains or  
18 services?

19 A. The one in Missouri East involved mains.

20 Q. A steel main?

21 A. Yes.

22 Q. Do you recall testifying before the  
23 Commission in GO-2019-0309 and GO-2019-0310? Those  
24 would be the 20 -- actually they're probably  
25 GO-2018-039 probably.

1 A. Was that August of '18?

2 Q. It would be the large triple hearing.

3 A. I'm trying to remember which hearing that  
4 was. I was here about a year ago and testified on  
5 ISRS.

6 Q. Right.

7 A. Okay, yes.

8 Q. I mean do you recall stating that plastic  
9 mains are -- that polyethylene -- let me be  
10 specific -- lasts indefinitely?

11 A. Yes.

12 Q. Do you stand by that still?

13 A. As far as we know, yes, it will. Yeah.

14 Q. I think I'm very near the end. Hopefully  
15 the last question.

16 Will Spire continue its replacement  
17 programs regardless of whether or not it receives ISRS  
18 recovery in these cases?

19 A. Spire will do the right thing, whatever  
20 is required for safety. So we will continue to look  
21 at our risk, we'll address that risk and we'll do  
22 what's -- what's -- what's the appropriate thing to  
23 do. So we will continue to replace main that needs to  
24 be replaced due to safety reasons.

25 Q. All right. I think I have no further

1 questions.

2 MR. CLIZER: Thank you, Your Honor.

3 JUDGE DIPPELL: All right. Are there  
4 Commission questions? Mr. Chairman?

5 CHAIRMAN SILVEY: Thank you. I do have a  
6 couple.

7 QUESTIONS BY CHAIRMAN SILVEY:

8 Q. In the discussion about whether or not  
9 the pipes are deteriorated --

10 A. Uh-huh.

11 Q. -- it seems like most of the discussion  
12 centers around the words in the statute of "worn out"  
13 and it seems like "and deteriorated." Almost like  
14 it's a two-part thing. But when I read the statute,  
15 it says worn out or are in a deteriorated condition.

16 A. Yes.

17 Q. So is it possible that pipes could be in  
18 a deteriorated condition but not be worn out?

19 A. They -- they -- my understanding of  
20 deteriorated is, you know, it's -- the condition is  
21 not as good as when you place it in service. So  
22 through the corrosion, I would say yes, it is  
23 deteriorated. I would also say, especially when it's  
24 leaking, that it's worn out and it needs to be  
25 replaced.

1 Q. Sure.

2 A. Yeah. Okay.

3 Q. And worn out, I think --

4 A. Yeah.

5 Q. I think everybody --

6 A. Yeah.

7 Q. -- pretty well has a handle on. But --

8 but as I read the statute, it doesn't have to be worn  
9 out.

10 A. Right.

11 Q. It can be worn out --

12 A. Or.

13 Q. -- or it can be deteriorated?

14 A. Yes.

15 Q. And in your experience with metal --

16 A. Uh-huh.

17 Q. -- just in general --

18 A. Sure.

19 Q. -- metal, whether it's the steel pipe or  
20 the cathodically protected pipe, I mean in your  
21 experience, would you say that even the pipes that  
22 have been replaced in this process are deteriorated  
23 from the day they were put in the ground on some  
24 level? Because there was this discussion about was it  
25 one millimeter or is it 100 --

1           A.     So -- so the p-- the bare steel main that  
2 is under protection now that we're replacing, we're  
3 replacing with plastic. So it's not corroding.  
4 Industry does not seem to feel at this point, you  
5 know, plastic's going to wear out or be deteriorating  
6 any time soon. Now, maybe years from now it may be,  
7 but right now the plastic isn't. So I -- I'm trying  
8 to answer your question. So -- so we're not putting  
9 steel back in. We're putting plastic in back in.

10           Q.     I understand. I follow you now on that.

11           A.     Okay.

12           Q.     So deterioration is a pr-- metal  
13 deterioration is a --

14           A.     Uh-huh.

15           Q.     -- process that is going to happen no  
16 matter what?

17           A.     Yes. That's correct.

18           Q.     When does it start?

19           A.     So if you take bare steel, put it in the  
20 ground, it's going to start corroding, start  
21 deteriorating immediately. We still put some bare  
22 steel in for high-pressure application like  
23 transmission lines, creek crossings, things like that.

24                     But now the process is -- is to coat it  
25 and to put it under cathodic protection. So the only

1 time it will corrode now is, you know, maybe -- maybe  
2 when they put it in, it's -- it's on a rock and it's  
3 rubbing and then you wear that coating off and then  
4 you can't get the cathodic protection there.

5 But coated protected steel, as long as  
6 you maintain the corrosion -- or the cathodic  
7 protection system, it -- it will -- it will last a  
8 long time.

9 Q. Okay. So then in the discussion of leaks  
10 and how many miles of pipe the Company has and how  
11 many leaks per mile --

12 A. Uh-huh.

13 Q. -- leaks are obviously a sign that the  
14 pipe is worn out.

15 A. Yes.

16 Q. But it is possible that some of that pipe  
17 that is not leaking is in a deteriorated state?

18 A. That's correct. That's correct. And one  
19 thing I want -- so on the leaks, on the DOT report --  
20 at lunch I was thinking about that. So the 93 leaks  
21 we reported, that's what we repaired. That's what we  
22 went out and fixed, either through replacement or, you  
23 know, it was -- it was a hazardous leak, we just went  
24 out and we took care of that leak right away.

25 But there's other leaks out there that

1 are not reported because they haven't been repaired,  
2 but they could be on that. And that's why that leak  
3 rate is shown on page 25. Those leaks are out there.  
4 They're class three, so they're not hazardous at the  
5 moment. We have five years to -- to repair or take  
6 care of.

7           So those leaks are out there and then  
8 that's part of what's helping us determine what bare  
9 steel main that we should replace because we know  
10 we're going to eliminate those mains. So rather than  
11 go out and spend a lot of time and money, dig a hole,  
12 shore it, fix it, we know in six months we're going to  
13 replace that main so then we'll take care of the leak  
14 and it will show up next year on the DOT report.

15           Q.     Okay. Thank you.

16           A.     Uh-huh.

17           JUDGE DIPPELL: Commissioner Kenney?

18           COMMISSIONER KENNEY: Thank you.

19           QUESTIONS BY COMMISSIONER KENNEY:

20           Q.     Good afternoon.

21           A.     Good afternoon.

22           Q.     I'm fortunate to be on the gas committee  
23 of the NARUC, National Association of Regulatory  
24 Utility Commission.

25           A.     Yes, sir.

1 Q. And I'm also on the Pipeline Safety  
2 subcommittee.

3 A. Uh-huh.

4 Q. So this -- I know very little, but I know  
5 a little bit about this. Can you explain to me the --  
6 the federal guidelines and what they put out on  
7 pipeline safety and -- as far as replacement systems?

8 A. So -- so we have the pipeline safety  
9 rules that then the state adopts. They have put  
10 out -- and I can refer to it in my testimony, but  
11 they've put out a white paper saying you need to -- to  
12 replace cast iron and to replace bare steel as well.  
13 They also put out an advisory, kind of a warning, to  
14 go ahead and replace it as well.

15 And then there's a lot of information on  
16 PHMSA's website that we look at that gives information  
17 on -- on the hazards of cast iron, the hazards of bare  
18 steel. Again, referred to it in my testimony because  
19 it was important enough that they talk about on bare  
20 un-- bare and protected steel, that it will protect  
21 most of it, but there's areas that won't protect and  
22 that's what you need to worry about. So -- so they  
23 offer a lot of guidelines out there to -- to replace  
24 that.

25 Q. And when you put in a new plastic line --

1 A. Yes.

2 Q. -- how is that installed?

3 A. So it can be installed many ways. But  
4 when we do the replacement, we're directionally  
5 boring. So in other words, we're tunneling it in so  
6 we're not disruptive to -- to yards and street, things  
7 like that.

8 So -- so if we're going to replace an  
9 entire main, you know, we'll -- we'll identify all the  
10 other services, we'll of course call 811, so we'll  
11 identify all the other mains and services and then  
12 we'll just drill a line underground and then we'll  
13 pull that plastic back. It's the industry standard to  
14 replace that pipe.

15 Q. You don't -- and -- and what happens to  
16 the -- the existing pipe that is deemed either  
17 corroded or no longer safe?

18 A. We'll leave that in place. The gas, of  
19 course, is removed or taken out so there's no gas on  
20 it anymore, but we'll leave it in place. There will  
21 be some that we take out where we make connections and  
22 things like that.

23 Q. Right. So you'll dig a -- you might have  
24 a connection --

25 A. Yeah.

1 Q. -- and is it -- when you -- when that  
2 pipe -- those joints are put together, they're --

3 A. Fused.

4 Q. -- they're fused?

5 A. Uh-huh. Melted, yeah.

6 Q. And you can even -- you can even tell who  
7 fused those and at any -- at any point and what  
8 machine was used, can't you now?

9 A. Through our field notes, yes.

10 Q. It's identified. Right?

11 A. Yes. Yes.

12 Q. Yeah. And so it was mentioned earlier  
13 that -- let's say you have 100-foot joint of pipe  
14 that's being replaced.

15 A. Yes.

16 Q. And you -- you -- you -- there's no  
17 way -- I mean it would be -- it would not be  
18 cost-effective to try to identify any -- because you'd  
19 have to literally dig up and scrape the entire pipe --  
20 dig -- tear out roads and everything --

21 A. Sure.

22 Q. -- just to find out how much of it was  
23 actually deteriorated. Right?

24 A. That's correct. That's correct.

25 Whereas, we -- we know through our DIMP that there's

1 been leaks and things like that in the area. We know  
2 it's bad pipe so we go ahead and --

3 Q. So if you had 100-foot section and every  
4 20 foot you had a corroded spot, I mean there still  
5 would be 95 feet of good pipe, but it would be  
6 inoperable because you have to replace the whole pipe?

7 A. Sure. It -- you know, it's kind of  
8 like -- you know, I brought in the highway. You know,  
9 if -- if a bridge needs to be replaced, you wouldn't  
10 just replace one part of the bridge. You replace the  
11 whole bridge, the ramps, everything because it makes  
12 more sense to, you know, take care of the problem plus  
13 what's going to become a problem.

14 Q. So would you say it's cost -- more  
15 cost-effective to do it this way?

16 A. It's more cost-effective, customer  
17 service, efficient, yes. But definitely --

18 Q. Safety?

19 A. Safety, yes.

20 Q. All those factors?

21 A. Yes, sir.

22 Q. Okay. So when you say worn out or  
23 deteriorated, you make that determination, it's --  
24 you -- you -- the Company takes whatever means there  
25 are to install it properly and whatever distance is

1 deemed necessary at that point?

2 A. That's correct, yes.

3 Q. Okay. Thank you.

4 A. Thank you.

5 JUDGE DIPPELL: Commissioner Hall, did  
6 you have questions?

7 COMMISSIONER HALL: No questions. Thank  
8 you.

9 THE WITNESS: Thank you.

10 JUDGE DIPPELL: All right. Are there  
11 further cross-examination questions based on the  
12 Commissioner questions from Staff?

13 MR. BERLIN: No, Judge. Thank you.

14 JUDGE DIPPELL: From Public Counsel?

15 MR. CLIZER: I think maybe just a few.

16 FURTHER CROSS-EXAMINATION BY MR. CLIZER:

17 Q. Chairman Silvey was just asking you when  
18 deterioration starts and you said it starts  
19 immediately.

20 A. On bare pipes if you put it in the  
21 grounds, yes.

22 Q. So your position is that pipe becomes  
23 deteriorated day one?

24 A. It starts to deteriorate day one, yes.

25 Q. All right. I just wanted to make sure of

1 that.

2 A. Okay.

3 MR. CLIZER: Oh, no further questions.

4 JUDGE DIPPELL: Is there redirect?

5 MR. PENDERGAST: Yes, Your Honor. Just a  
6 little bit.

7 REDIRECT EXAMINATION BY MR. PENDERGAST:

8 Q. Mr. Hoferlin, you were asked a number of  
9 questions by Public Counsel attorney, Mr. Clizer,  
10 about the Company's DIMP plan and where bare steel  
11 that has been cathodically protected was listed on a  
12 long list of risks. Do you -- do you recall that?

13 A. Yes, I do.

14 Q. Okay. And the plan that you were being  
15 asked about was one that was performed and submitted  
16 in 2016; is that correct?

17 A. That's correct. And I didn't notice that  
18 until the end as I was looking through it and I  
19 pointed that out, yes.

20 Q. Okay. And does the Company revise its  
21 DIMP plan every year on an annual basis?

22 A. Yes.

23 Q. Okay. And is it now up to 2018?

24 A. Actually it -- the current version is May  
25 of 2019.

1 Q. It was submitted in May of 2019?

2 A. Yes. Yes.

3 Q. Okay. And have you had an opportunity to  
4 look at that plan?

5 A. I -- I have, yes.

6 Q. And you have a copy of it with you?

7 A. I do.

8 MR. PENDERGAST: And we will be happy to  
9 go ahead and make that copy available should people  
10 want to look at it. There were just a few questions I  
11 wanted to ask Mr. Hoferlin about it though.

12 BY MR. PENDERGAST:

13 Q. If you recall when you were asked  
14 questions about the 2016, the bare steel that had been  
15 cathodically protected was ranked at what, 183?

16 A. I think so, yes.

17 Q. Okay. 189. Excuse me. Does that sound  
18 right?

19 A. Yes.

20 Q. Okay. And if we -- and that's out of  
21 220?

22 A. Yes.

23 Q. Okay. Just staying on this old one right  
24 now, if we look at a lot of the risks that are ranked  
25 above it, are those risks involving natural forces,

1 excavation, damage by third parties and that type of  
2 thing?

3 A. They are. And we break them down; for  
4 instance, excavation damage. We break them down by  
5 area, you know, St. Louis County, St. Louis City,  
6 rural, Missouri East, same with MO West, rural,  
7 suburban, southwest Missouri, so rural areas.

8 So really those are some of our highest  
9 risk and that's a national issue of the damage  
10 prevention that we need to address. And we're  
11 addressing that with our damage prevention program.  
12 If you look at our damage rates, you can see we're  
13 doing a very good job of driving those down.

14 Q. So just in order to put 189 in  
15 perspective and what it really means, if I look at the  
16 ranking of risk, for example, the first 11 are  
17 really -- 9 of them are really just excavation damage  
18 and they're subparted into various geographic areas?

19 A. That's correct.

20 Q. But it's really, from your perspective,  
21 just one risk?

22 A. Yes.

23 Q. Okay. And a lot of these other ones that  
24 come before bare steel that's been cathodically  
25 protected have to do with things that aren't within

1 the direct control of the Company; is that right?

2 A. That's correct.

3 Q. Among them are outside forces and they  
4 talk about snow, wind. And I'm not sure how wind  
5 really becomes an issue, but these are things weather  
6 related that the Company doesn't have much control  
7 over --

8 A. That's correct.

9 Q. -- is that correct?

10 A. Yes. Yeah.

11 Q. Okay.

12 A. Yeah. I mean it's things we -- you know,  
13 like snow. You know, if we've had a heavy snowfall,  
14 you know, we may check some of our meters and make  
15 sure there's not snow on top or -- but that's  
16 something we would just do one time and be finished  
17 with. And again, that's a heavy snowfall, but --

18 Q. Right. And that would fall under this  
19 category of natural forces. And --

20 A. Yes.

21 Q. -- there's, I don't know, 20, 30, 40 of  
22 the risks that come before --

23 A. Right.

24 Q. -- cathodic protection that are these  
25 outside external force things?

1 A. That's correct.

2 Q. Okay. And when it comes to things that  
3 are -- are within the control of the Company, you have  
4 things like your replacement program for bare steel  
5 that has been cathodically protected; is that right?

6 A. That's correct.

7 Q. Okay. And just on this old plan, 2016,  
8 where did that rank in comparison to cast iron on the  
9 MGE system?

10 A. Just -- I want to make sure I get it  
11 right.

12 Q. If you go back and look at 189.

13 A. Yeah.

14 Q. Okay. Where is cast iron on that?

15 A. So cast iron mains for Laclede County,  
16 which is St. Louis County, is -- is 193. Let me  
17 find -- it's 181 for St. Louis County cast iron  
18 fractured mains. MO West -- so cast iron fracture  
19 mains in MGE City is 172.

20 Q. And that's fine. We'll go with the one  
21 that's in the city, but --

22 A. Okay.

23 Q. -- would you agree with me that at least  
24 on a ranking of risk, those are kind of in the same  
25 ball park?

1 A. Yes.

2 Q. So to the extent anybody's concerned  
3 about why are you focusing on this protected -- or  
4 this bare steel that was subsequently protected, you  
5 know, it's not like cast iron was at number 1 and  
6 cathodically protected was at Number 189?

7 A. That's correct.

8 Q. They're pretty close?

9 A. They are.

10 Q. Okay. So that deals with the 2016 plan.  
11 And once again, you said there's a 2019?

12 A. Yes.

13 Q. Okay. Where is bare steel that's  
14 cathodically protected ranked on that more recent  
15 plan?

16 MR. CLIZER: Before he answers, I just --  
17 is Spire intending to submit the 2019 plan into  
18 evidence?

19 MR. PENDERGAST: Yeah. We'd be happy to  
20 make a copy available. We didn't realize we were  
21 going to be getting into this, so -- it's a rather  
22 lengthy document so we don't have a requisite number  
23 of copies right now, but we can certainly provide it.  
24 Or if you prefer, we won't provide it and we'll just  
25 ask some clarifying questions. Do you have a

1 preference, John?

2 MR. CLIZER: I would prefer that it be  
3 provided, at least Appendix C.

4 MR. PENDERGAST: Okay. Yeah. Sure.  
5 Absolutely. We'll be happy to do that.

6 JUDGE DIPPELL: Okay. We can mark that  
7 as Exhibit 10 and you can provide us with copies --

8 MR. PENDERGAST: 10. Great. Super.

9 JUDGE DIPPELL: -- when you get those.  
10 And that was the distributed -- how do you say it --  
11 Distribution Integrity Management Program from May of  
12 2019?

13 MR. PENDERGAST: Yes.

14 THE WITNESS: So -- so main corrosion on  
15 bare steel that is now under cathodic protection MO  
16 East Suburban is 16. Let me find MO West here. So  
17 Item 52, main corrosion protected bare steel, MO West  
18 Suburban.

19 BY MR. PENDERGAST:

20 Q. Okay. And that's out of how many listed  
21 risks?

22 A. 233.

23 Q. 233. So between 2016 and 2019 it went  
24 from 189 down to 50-- what did you say, 53?

25 A. 52.

1 Q. 52. Okay. And it went from kind of the  
2 lower quadrant in the risk ranking to the upper  
3 quadrant in risk ranking?

4 A. That's correct.

5 Q. Okay. And by way of explanation, I think  
6 you previously testified that in 2017 there was a  
7 spike up in leaks on bare steel that had been  
8 cathodically protected?

9 A. That's correct.

10 Q. Okay. Is that one of the reasons that it  
11 might have been elevated up into the upper tier?

12 A. Yes.

13 Q. Okay. So from your perspective, what's  
14 your assessment of whether that's a fairly high-ranked  
15 risk on our DIMP plan?

16 A. It's -- it's a high risk, 52. Because  
17 again, if you look at some of the other things, you  
18 know, there -- you know, damage prevention is -- is up  
19 there, some of the natural forces, things like that  
20 which are things we can't control, but, you know,  
21 they're pretty quick to -- to fix like a survey after  
22 it snows.

23 But 52, main corrosion protected bare  
24 steel main, Missouri Suburban, you know, Lee's Summit,  
25 Independence, big areas, that's why we're taking care

1 of that.

2 Q. Okay. Thank you. And if I follow up on  
3 Chairman Silvey's questions about worn out or  
4 deteriorated and based on your experience with pipe  
5 that's been in the ground for 50, 60, 70 years and  
6 what you know about physics and how pipe reacts over  
7 time, is that pipe, in your opinion, going to be  
8 deteriorated to one degree or another?

9 A. The bare steel that's been --

10 Q. Yeah.

11 A. -- catho-- yes, it will.

12 Q. Okay. And do you have any doubts about  
13 that?

14 A. No. No.

15 Q. Is that almost --

16 A. It's based on my experience and just all  
17 these industry groups that I work with in talking to  
18 the other engineers that work at other companies.  
19 Same issue.

20 Q. So regardless of whether it's worn out to  
21 the point that it's leaking like a sieve, in your  
22 view, it would certainly be deteriorated?

23 A. Yes.

24 Q. And do you know what we do to monitor the  
25 bare steel that's been cathodically protected as far

1 as leak surveys or anything of that nature?

2 A. We -- we do leak surveys as required by  
3 the -- by the gas safety rules. We also monitor the  
4 cathodic protection that is on those bare steel mains.  
5 We do test reads to make sure that the current, you  
6 know, is -- is strong enough to protect it. We do  
7 that annually and then the unit that provides that  
8 current is called a rectifier. We inspect those every  
9 two months to make sure they're pro-- functioning  
10 properly. So that's to ensure that, you know, that  
11 that is all in place.

12 Q. And -- and leaving aside the deteriorated  
13 condition and moving over to the worn out --

14 A. Uh-huh.

15 Q. -- part of it, you know, you had answered  
16 some questions about whether, you know -- if just a  
17 portion of the line was say, only deteriorated a  
18 little bit, does that mean that you don't need to  
19 replace that line or the rest of the main because this  
20 one portion is, you know, not too bad?

21 A. No. You -- you're going to need to.  
22 Because again -- for two reasons. One, you're not  
23 sure if there's a corrosion hot spot there because you  
24 won't know until it's too late; and then two, as -- as  
25 Commissioner Kenney said, it just makes more sense to

1 do it, you know, in a more economical fashion as  
2 you're -- you're going to eventually replace that  
3 because it's deteriorated so just do it as part of the  
4 project.

5 Q. So just because you determine that this  
6 one small piece isn't really too deteriorated or too  
7 worn out, that doesn't give you any kind of  
8 100 percent guarantee that part of the rest of the  
9 main is, in fact, worn out and potentially going to be  
10 leaking?

11 A. No. No. Not unless you dug it up and  
12 checked every foot of it.

13 Q. Not unless you dug it up and checked  
14 every aspect of it. Let me ask you this. Does its  
15 replacement with plastic offer that guarantee?

16 A. The plastic offers a guarantee that --  
17 that you have a sound piece of pipe in the ground.

18 Q. Okay. And would that discussion also be  
19 applicable to cast iron and whether you're taking  
20 coupons and so forth and so on?

21 A. Yes, it would.

22 Q. Okay. From the standpoint -- that would  
23 indicate what that specific small section was, but in  
24 your opinion, does that say what the rest of it is?

25 A. No. Because it could be worse around the

1 corner. You just -- you just don't know.

2 Q. Because of its natural variation that  
3 you've talked about?

4 A. Yes.

5 Q. And once again, would it be true with  
6 that that if you do go ahead and replace it with  
7 plastic, you can be assured that that problem has been  
8 taken care of?

9 A. That's correct. You are installing a  
10 modern pipeline system.

11 Q. Okay. Thank you very much.

12 A. Thank you.

13 JUDGE DIPPELL: I don't think we actually  
14 admitted Exhibit Number 10. So would there be any  
15 objection to Exhibit Number 10 coming into the record?  
16 Seeing none, I will admit it.

17 (Spire Exhibit 10 was received into  
18 evidence.)

19 MR. PENDERGAST: And we will provide  
20 copies of that.

21 JUDGE DIPPELL: Thank you. Okay. That I  
22 believe concludes your testimony and you may step  
23 down.

24 THE WITNESS: Thank you.

25 JUDGE DIPPELL: Spire can go ahead and

1 call its next witness.

2 MR. PENDERGAST: Spire would call Robert  
3 Leonberger to the stand.

4 (Witness sworn.)

5 JUDGE DIPPELL: You can go ahead.

6 MR. PENDERGAST: Thank you, Your Honor.

7 ROBERT LEONBERGER, being first duly sworn, testified  
8 as follows:

9 DIRECT EXAMINATION BY MR. PENDERGAST:

10 Q. Mr. Leonberger, would you please state  
11 your name and business address for the record?

12 A. Robert R. Leonberger. The business  
13 address for the consulting firm I currently work for  
14 is NatGas Consulting is One Westinghouse Plaza, Suite  
15 36 at Boston, Massachusetts; however, I work from my  
16 residence at 1920 Sylvan Hills Road here in Jefferson  
17 City.

18 Q. Okay. And are you the same Robert  
19 Leonberger who caused to be filed in this proceeding  
20 direct testimony that has been previously marked as  
21 Exhibit 6?

22 A. Yes.

23 Q. Okay. And do you have any corrections to  
24 make to that direct testimony?

25 A. Yes. I have three corrections. On

1 page 12 -- I'm sorry, on page 6, line 3 it says 198--  
2 1989, slash, 1990. That should be 1988 slash 1989.

3 Same correction on page 10, line 20. My  
4 testimony says 1989, slash, 1990. That should be  
5 1988/1989.

6 And then on page 11, line 19 I had -- the  
7 rule number I put as the old -- the old PSC rule  
8 number. The correction should be -- the old rule  
9 number I have is 4 CSR 240-40.030(15)(E). That should  
10 be 22 CSR 4240-40.030(15)(E).

11 Q. Okay. Thank you. Do you have any --

12 JUDGE DIPPELL: Let me interrupt. I  
13 believe you said 22 CSR and it's actually 20.

14 THE WITNESS: Okay.

15 JUDGE DIPPELL: The new title.

16 MR. PENDERGAST: Did we get the 20 wrong?  
17 It's 20?

18 JUDGE DIPPELL: I -- I thought he said it  
19 wrong, but --

20 MR. PENDERGAST: Oh, okay.

21 THE WITNESS: Thank you.

22 JUDGE DIPPELL: Go ahead. Sorry.

23 MR. PENDERGAST: Yeah. No. I appreciate  
24 pointing that out.

25 BY MR. PENDERGAST:

1 Q. Do you have any other corrections to make  
2 to your --

3 A. That's all the corrections.

4 Q. Okay. With those corrections, if I were  
5 to ask -- ask you the same questions today that appear  
6 in your direct testimony, would your answers be the  
7 same?

8 A. Yes.

9 Q. And are those answers true and correct to  
10 the best of your knowledge and belief?

11 A. Yes.

12 MR. PENDERGAST: At this time I would  
13 like to see if Mr. Leonberger has rebuttal to  
14 Mr. Robinett.

15 JUDGE DIPPELL: Go ahead.

16 BY MR. PENDERGAST:

17 Q. Do you have rebuttal to Mr. Robinett?

18 A. On what particular issue?

19 Q. Well, let me ask you just a couple of  
20 questions. You have seen Mr. Robinett's testimony as  
21 it comes to -- when it concerns the thickness of your  
22 pipe walls and the rate of corrosion. Do you recall  
23 seeing that?

24 A. Yes.

25 Q. Do you think knowing information

1 regarding that would be helpful in assessing the risks  
2 and condition of pipeline facilities?

3 A. While we worked with the Commission, we  
4 never had an average -- while I worked at the  
5 Commission, we never had average rate of corrosion  
6 because there's never really an average rate of  
7 corrosion.

8 Corrosion occurs at different rates  
9 depending on the soil it's in, the type of material,  
10 the type -- the level of cathodic protection, so  
11 there's never really an average. There could be an  
12 average rate, but then there would be areas that were  
13 a lot higher than average and maybe lower than  
14 average.

15 And as far as cast iron, I don't --  
16 there -- the cast iron coupons would be taken at a  
17 place where there's a fracture already or leak. And I  
18 don't see a point in taking a -- a coupon from an area  
19 where there's already been a fracture or leak because  
20 we already know there's a failure there.

21 So knowing the -- knowing the thickness  
22 at either the cast iron area, which would be -- we  
23 already know we have a failure at that point -- or at  
24 a specific area of the -- of the -- of the steel main  
25 wouldn't tell you what may be happening down the road

1 or even five feet away.

2 Q. So once again, is that something that you  
3 could say is just the natural variation that occurs  
4 based on where a segment of pipeline is in relation to  
5 its environment?

6 A. Yes.

7 Q. Okay.

8 A. As far as the -- as far as the steel  
9 goes, it can be the environment and the level of the  
10 cathodic protection. As far as the cast iron goes,  
11 it's -- cast iron is a cast material. And so the --  
12 there may be variations in the actual make-up of  
13 the -- of the pipe itself to -- maybe more susceptible  
14 to corrosion in cast iron from one -- from one section  
15 to the other.

16 Q. Okay. And Mr. Robinett also talked about  
17 cathodic protection and the various means that you can  
18 apply that. Do you recall that from his testimony?

19 A. Yes.

20 Q. And do you recall that he said it  
21 significantly slows corrosion, but doesn't stop it  
22 altogether?

23 A. Yes. I --

24 Q. Okay. And would you agree that even  
25 though it may slow corrosion, any corrosion that had

1 taken place before it was installed would not be  
2 fixed?

3 A. Corrosion that was -- that occurred prior  
4 to the application of cathodic protection wouldn't be  
5 fixed. And there -- the application of cathodic  
6 protection would mitigate corrosion and -- to a  
7 certain extent, but as discussed by Witness Hoeferlin,  
8 there's areas of hot spots, there's area where there's  
9 high-resistant soils, there's areas of possible  
10 deteriorated coating that may corrode it at a lot  
11 faster rate.

12 Q. Okay. And would you agree that to the  
13 extent that you have hot spots at different areas that  
14 can't be ascertained by just taking a sample, that  
15 replacement with plastic resolves those concerns?

16 A. I'm sorry? I --

17 Q. That replacing the facility with plastic  
18 resolves those concerns?

19 A. Yes.

20 Q. Okay. And with the plastic do you really  
21 have to worry about those variations occurring?

22 A. No.

23 Q. Okay. And Mr. Robinett also talks about  
24 the 5-5-3 leak protocol. And as somebody that had,  
25 you know, been a leader in this particular area for

1 years, I'd just like to ask you what your opinion is  
2 about relying on the development of leaks to determine  
3 whether you're going to replace these kind of  
4 facilities?

5 A. Well, first you mentioned the 5-5-3  
6 criteria. That was criteria that was set up by the  
7 Commission 2002, I believe. And at that point it was  
8 a start to try to start getting the -- the -- what was  
9 considered protective bare steel out of the ground as  
10 a way that let's hit the worst first, find those areas  
11 of leaks and get some of that out at a min-- at a  
12 minimum amount.

13 Q. Okay. And did you view -- and you were  
14 around and helped write those rules. Right?

15 A. Yes.

16 Q. Okay. And did you view cathodic  
17 protection as being a permanent fix for those  
18 unprotected steel mains that had been in the ground  
19 for 30, 40, 50 years?

20 A. No. Originally when we wrote -- when we  
21 were writing the -- drafting the rules, we had  
22 concerns about the unprotected steel mains and the  
23 unprotected steel service lines since they were in the  
24 same environment together. Obviously the unprotected  
25 steel service lines had been corroding and caused the

1 problems and -- the large problems we had in '88 and  
2 '89.

3           So we -- we're -- we -- we were first  
4 talking about having replacement of the bare steel.  
5 However, as the final rule came out, it said cathodic  
6 protection or the -- the replacement. But we -- I  
7 considered the cathodic protection a way to slow,  
8 mitigate some -- the corrosion while these other  
9 bigger issues of cast iron replacement and unprotected  
10 steel replacement were undertaken.

11           Q.     And when you say unprotected steel, are  
12 you talking about the service and yard lines?

13           A.     Well, unprotected steel service and yard  
14 lines there was -- I think that originally we started  
15 out with like 100,000. I think we're -- now there's  
16 been over 200-, 300,000 of those replaced since 1989.  
17 So obviously that was a large -- that was one of the  
18 largest issues we had.

19           Q.     Okay. And from your perspective, do  
20 you -- what's your opinion on whether 15(E), the  
21 Commission's safety rules, require that these  
22 facilities be addressed? And by "these facilities" I  
23 mean what were bare steel lines back in 1989.

24           A.     The rule says that the -- the lines could  
25 be -- cathodic-- cathodic protection applied or

1 replaced. At -- so there are lines now -- we were  
2 looking -- we're talking about now that had cathodic  
3 protection applied. I don't believe that those two  
4 or -- cathodic protection -- applying cathodic  
5 protection precludes replacement.

6           So we now are at a point today where  
7 we're still having leaks. And I -- from what I heard  
8 earlier, there's 18 or 19 hazardous class one leaks  
9 that could have been explosions that are still  
10 occurring on these where we've got protected or --  
11 protected bare steel lines.

12           So in my opinion, the application of  
13 cathodic protection did not do the job it was supposed  
14 do, which was eliminate the leaks and eliminate the --  
15 the -- the deterioration. So if -- in that case, if  
16 the application of option one, which is cathodic  
17 protection didn't work, then I believe the application  
18 of option two, replacement, should be done because the  
19 leaks -- the -- the cathodic protection didn't work --  
20 didn't eliminate the leaks and the deterioration. So  
21 at this point we're left with replacing those lines.

22           Q.     Okay. And from your perspective, the  
23 fact that you may have initially, as a stopgap measure  
24 or otherwise, applied cathodic protection didn't rule  
25 out or preclude replacement at a later date?

1           A.       As -- as I said, the cathodic protection  
2 was applied as -- as one of the options that that  
3 could be used to -- the -- the -- the goal was to  
4 eliminate the leaks and eliminate the deterioration.  
5 As we're still seeing 30 years later, we're still  
6 seeing leaks and deterioration of those lines. So  
7 the -- the cathodic protection didn't do the job it  
8 was supposed to do, so replacement is the other option  
9 to get -- to stop those leaks and stop the  
10 deterioration.

11           Q.       Okay. Thank you. I have no further  
12 questions.

13                   JUDGE DIPPELL: Did you want to offer --

14                   MR. PENDERGAST: And I would like to  
15 offer his testimony, Exhibit 6, into evidence.

16                   JUDGE DIPPELL: Would there be any  
17 objection to Exhibit 6? Seeing none, I will admit  
18 Exhibit 6.

19                   (Spire Exhibit 6 was received into  
20 evidence.)

21                   JUDGE DIPPELL: Is there  
22 cross-examination by Staff?

23                   MR. BERLIN: No questions, Judge. Thank  
24 you.

25                   JUDGE DIPPELL: Public Counsel?

1 MR. CLIZER: Yes, Your Honor.

2 CROSS-EXAMINATION BY MR. CLIZER:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. I want to make sure I pronounce your name  
6 correctly. It's Leonberger?

7 A. Leonberger.

8 Q. Leonberger. All right. Correct me if I  
9 mess that up.

10 Do you have a copy of your testimony in  
11 front of you?

12 A. Yes.

13 Q. On page 12 you were asked -- actually let  
14 me just direct you to page 12, slow things down. You  
15 were asked if the bare steel that had been  
16 cathodically protected was worn out and deteriorated  
17 and you said yes. So I just want to make sure. Is it  
18 your position that 100 percent of Spire's cathodically  
19 protected bare steel is worn out and deteriorated?

20 A. First of all, the terms -- I have a  
21 hard -- personally, I have a hard time with the term  
22 "worn out." Because you give me -- that term applies  
23 holes in it. But I'll -- we'll -- I'll talk to the  
24 word "deteriorated." I believe that when the -- as  
25 soon as the pipe is put in the ground, if it's not

1 cathodically protected and it's bare, it will start to  
2 corrode. And at that point, over time it becomes  
3 deteriorated.

4 Q. Actually my --

5 A. I think it would be very unusual if there  
6 wasn't a piece of pipe that wasn't corroded in some  
7 way.

8 Q. My next question was going to be if you  
9 could tell me how you understood the term "worn out  
10 and deteriorated" to mean. How do you know -- how do  
11 you use those terms?

12 A. I would say deteriorated means that  
13 the -- over time that the -- in the case of  
14 unprotected steel or in the case of bare steel, it's  
15 the corrosion occurring and the quality of that pipe  
16 is no longer what it was when it was new. As far as  
17 worn out, I mean I ha-- I just -- I don't like to use  
18 that term as a safety person because worn out at that  
19 point means there's a hole in it. We should have  
20 replaced it before there was a hole in it.

21 Q. All right. Well, let's stick with  
22 deteriorated then. That's easy enough. And you've  
23 already stated, just to reiterate, that your position  
24 is that the pipe is deteriorated day one?

25 A. I said it starts to corrode day one. And

1 over time it becomes deteriorated.

2 Q. At what point is it deteriorated?

3 A. I -- it would depend on the -- the --  
4 if -- the certain factors. If it's general corrosion,  
5 if there's corrosion at the -- at a -- at a point  
6 where rock impingement, if there's -- if there's  
7 corrosion underneath an ineffective coating. There --  
8 there -- there would be areas where it would be --  
9 could be corroded more or less.

10 Q. So are we talking about, for example,  
11 loss of -- penetration of corrosion? Is that -- is  
12 that what we're talking about in terms of --

13 A. We're -- we're talking about lessening  
14 the -- the pipe wall is -- is getting thinner.

15 Q. Okay. So there's a point at which the  
16 pipe wall gets thin enough to be considered  
17 deteriorated?

18 A. I would say it's starting to be  
19 deteriorated -- like I said, it's corroding and  
20 deteriorating right away. At what point it becomes  
21 the def-- definition of deteriorated, I -- I don't  
22 know what that time period would be.

23 Q. But you do know that 100 percent of  
24 Spire's pipes have reached that point?

25 A. No. What I said was the -- it -- from

1 science, you put -- you put a piece of bare steel in  
2 the ground, it's going to start to corrode and start  
3 to deteriorate. It would be very unusual, in my  
4 opinion, that a piece of pipe would not be corroded.

5 Q. Let me just ask the question again then.  
6 Is 100 percent of Spire's cathodically protected bare  
7 steel pipes deteriorated?

8 A. I don't know. I haven't seen  
9 100 percent of their pipe.

10 Q. So would it be impossible to tell, in  
11 your opinion, whether 100 percent of the steel that  
12 was replaced in this ISRS was deteriorated?

13 A. There would be no way to know because it  
14 was not all dug up.

15 Q. I would agree with that. Is it safe to  
16 transport gas using deteriorated pipes?

17 A. It depends on the level of deterioration.  
18 I would say that the -- that the level of pipe that --  
19 you're trying to make the system as safe as you can so  
20 you have a system of replacement that would try to get  
21 rid of the worst -- the pipe that you think may be  
22 hazardous as you go along. So at a point -- what  
23 point of deterioration you get a hole in it, you'd  
24 want to I think replace it before it became worn out.

25 Q. As your understanding of Spire's

1 application, are they differentiating between the  
2 pipes they have left in the ground and those they have  
3 replaced in terms of the level of deterioration?

4 A. I don't understand.

5 Q. That -- I can understand actually. That  
6 was a pretty confusing questioning.

7 Is Spire claiming that the pipes it  
8 replaced in this ISRS application are more or less  
9 deteriorated than the ones they left in the ground?

10 A. I still -- I may be dense. I don't still  
11 understand your question.

12 Q. All right. Fair enough. There was  
13 testimony earlier that Spire has some let's say just  
14 800 miles of cathodically protected bare steel in its  
15 system. Now, they obviously didn't replace all 800 in  
16 this ISRS application. So what's the difference  
17 between the stuff that was replaced and the stuff they  
18 left in the ground, other than the obvious answer that  
19 the stuff was replaced was replaced? In terms of  
20 deterioration.

21 A. There is a -- a -- they look at leaks,  
22 they look at age, they look at other things to try to  
23 prioritize which areas of the bare steel may be in  
24 better condition or worse condition. So they try to  
25 get the worst case -- worst first out of the ground.

1 Q. But the stuff that's still in the ground  
2 would still be deteriorated? Or could still be  
3 deteriorated? Let me start that way.

4 A. Be deteriorated to a certain extent, yes.

5 Q. And is it safe for Spire to be  
6 transporting pipe -- transporting gas on those pipes?

7 A. If you -- well, if there -- something  
8 explode tomorrow, the answer would be no. But we  
9 don't know if it's going to have a leak and explode  
10 tomorrow. But I think it's safe now and I think  
11 they're doing a very good job of the -- of the level  
12 of replacements they're making to make the system as  
13 safe as can be.

14 Q. How is Spire tracking the level of  
15 deterioration on its pipes?

16 A. As they -- I don't know if they're -- I  
17 wouldn't say the -- the level of deterioration is  
18 being tracked. I would say they're -- they're  
19 assessing the hazard of the remaining pipe to look at  
20 the areas that they need to go and make replacements.

21 Q. Based on what?

22 A. It could be leakage, there could be  
23 observation of the pipe that's been dug up for other  
24 reasons.

25 Q. So Spire is essentially focusing on the

1 pipes that are leaking?

2 A. I said that's one of the factors.

3 Q. One of the --

4 A. One of the factors. It could be like  
5 when they go out to make a service line tap or other  
6 re-- other -- exposing the main, they look at the  
7 condition of the main to see what the condition of the  
8 main is, that location. And that's entered in as part  
9 of the assessment of the pipeline.

10 Q. Give me one minute. Sorry. One more  
11 minute.

12 Just some simple stuff. How many of the  
13 work papers -- the work order authorizations did you  
14 review in preparation your testimony?

15 A. For this case? I -- I did not -- I saw  
16 some of them, but I didn't review them, no.

17 Q. Did you review any actual work projects,  
18 see the pipes yourself?

19 A. In the --

20 Q. For this ISRS application.

21 A. No.

22 Q. No.

23 A. In -- previously I was involved in  
24 witnessing a lot of construction projects.

25 Q. When was the last time you can recall

1 seeing Spire's pipes?

2 A. 2016. Until I saw some of the pipe that  
3 was brought in for this case.

4 Q. Do you remember from a case -- from your  
5 time at the PSC Case GC-2011-0101 captioned Superior  
6 Bowen Asphalt Company, LLC versus Missouri Gas Energy,  
7 which is now Spire West?

8 A. I don't recall the case off the top of my  
9 head, no.

10 Q. So you probably don't recall sponsoring  
11 through an -- an affidavit in the Staff's report in  
12 that case?

13 A. Not that particular case, no. If you  
14 give me a copy of it, I could look at it. I don't  
15 recall it.

16 Q. I'm going to hand you this. Regrettably,  
17 I don't have copies for everyone else. I will provide  
18 them. Give you a second to review that.

19 A. Do you want me -- is there a certain area  
20 to go to or -- it's a nine-page --

21 Q. Turn to A-5 and issue two. Can you take  
22 a few minutes just to read through that issue and your  
23 response?

24 MR. PENDERGAST: Could I approach the  
25 witness for just a second --

1 JUDGE DIPPELL: Yes, go ahead.

2 MR. PENDERGAST: -- and just look over  
3 his shoulder?

4 THE WITNESS: Talking about this portion  
5 (indicating). I read it over quickly, but.

6 BY MR. CLIZER:

7 Q. Would you agree with me -- sorry. Let me  
8 move closer to the mic.

9 Would you agree with me that you say here  
10 that the replacement in question was not ISRS eligible  
11 because the project did not have corrosion or fracture  
12 history and the replacements did not exhibit  
13 conditions that would make them candidates for  
14 required replacements?

15 A. I said that pursuant to the -- the -- the  
16 SLRP at that time.

17 Q. So you're basing eligibility of the  
18 replacements on certain conditions exhibited.  
19 Correct?

20 A. I'm basing it on the fact that the SLRP  
21 was requiring eliminating five miles and that  
22 particular piece did not fall within that five miles  
23 that would be identified.

24 Q. Would you also agree here that you say  
25 the project is not ISRS eligible because mains were

1 replaced due to the increase of distribution system  
2 volume, slash, pressure requirements and, therefore,  
3 would not be appropriate for the replacement costs to  
4 be included in an ISRS?

5 A. Where are you reading from now?

6 Q. That's on A-6.

7 A. Which part? I mean which --

8 Q. Sorry. You'll have to hand it back to me  
9 again. I apologize. I wasn't prepared as I would  
10 have liked to have been.

11 That paragraph. So I'll ask again.  
12 Well, I'll give you a minute to read it.

13 A. What -- what I said here was that the  
14 replacement was strictly due -- it wasn't due to the  
15 five miles that was required to be replaced under the  
16 service line -- the -- the safety replacement program  
17 and the replacement was strictly due to a need by  
18 Superior Bowen to have increased pressure.

19 At that point it would not be -- it would  
20 be more appropriate for Superior Bowen to pay for that  
21 cost than it would be to -- because they're the ones  
22 that needed the additional pressure. So the -- at  
23 that point they would be the ones to pay for the --  
24 for the rep-- for the installation because it was  
25 their need for additional pressure that caused the

1 replacement.

2 Q. Is it your understanding that Spire's  
3 undergoing a large system-wide pressure change, Spire  
4 East, wherein Spire's replacing --

5 THE COURT REPORTER: I'm sorry?

6 MR. CLIZER: I apologize.

7 BY MR. CLIZER:

8 Q. Is it your understanding that Spire's  
9 undergoing a large system-wide pressure change wherein  
10 Spire's replacing the distribution system to  
11 accommodate a higher pressure?

12 A. Specifically, I haven't been involved  
13 with that for three years. But in general, as you  
14 replace the older systems, some of the older systems  
15 were lower pressure and they had a lot of regulators  
16 on them and they were susceptible to water  
17 infiltration.

18 So as you replace the older systems, some  
19 of those older systems are going to be taken out of  
20 service and -- and replaced with basically what's  
21 called intermediate pressure. And you -- that -- that  
22 is done so you don't replace size for size. So if you  
23 had low pressure, you have a very large diameter main.  
24 And you replace it with a higher pressure, you put in  
25 a smaller diameter main.

1 Q. Thank you.

2 MR. CLIZER: I guess I'll go ahead and  
3 move to offer the exhibit. I don't have the requisite  
4 copies immediately. I'm hoping they're going to be  
5 produced very shortly.

6 JUDGE DIPPELL: Can you tell me the case  
7 number on that again?

8 THE WITNESS: Do you want this one --  
9 this case number?

10 MR. CLIZER: Yes. I --

11 THE WITNESS: It's -- the one he was  
12 referring to was Case Number GC-2011-0101.

13 JUDGE DIPPELL: And this is an affidavit  
14 or testimony?

15 THE WITNESS: It's a PSC Staff Report.

16 JUDGE DIPPELL: Okay. I'll mark that as  
17 Exhibit Number 204. Does counsel for the other  
18 parties -- do you want to see that more closely before  
19 you voice -- or do you know that you have no  
20 objection?

21 MR. PENDERGAST: I don't think we'll have  
22 an objection. I read it over Bob's shoulder.

23 JUDGE DIPPELL: Staff, are you -- do you  
24 have any objection to --

25 MR. BERLIN: I'm familiar with the case.

1 I have no objection.

2 JUDGE DIPPELL: All right. Then I will  
3 admit Exhibit 204.

4 (OPC Exhibit 204 was received into  
5 evidence.)

6 MR. CLIZER: Thank you, Your Honor.  
7 Again, I apologize for not having the copies. I have  
8 no further questions. Thank you.

9 JUDGE DIPPELL: Is there -- are there any  
10 Commission questions?

11 QUESTIONS BY JUDGE DIPPELL:

12 Q. Seeing no Commission questions, I just  
13 have one for you, Mr. Leonberger. You mentioned the  
14 SLRP. Can you just tell us what that is?

15 A. Sys-- safety --

16 Q. Is it service --

17 A. -- replacement --

18 Q. -- line or safety?

19 A. Safety replacement --

20 MR. HOEFERLIN: Safety Line Replacement  
21 Program.

22 THE WITNESS: Yeah. Thank you.

23 BY JUDGE DIPPELL:

24 Q. Safety Line Replacement Program --

25 A. Right.

1 Q. -- is that what SLRP is?

2 A. Right.

3 Q. And can --

4 A. I'm sorry.

5 Q. you describe what a Safety Line  
6 Replacement Program is?

7 A. It was the program to replace certain  
8 facilities at that time. The one they were talking  
9 about was replacing five miles of cast iron main. So  
10 that was part of that program was a program of  
11 replacing mains and service lines.

12 JUDGE DIPPELL: Okay. Would there be any  
13 additional cross-examination based on my questions?  
14 Seeing none, is there redirect?

15 MR. PENDERGAST: Just very briefly, Your  
16 Honor.

17 REDIRECT EXAMINATION BY MR. PENDERGAST:

18 Q. Yeah. With regard to the GC-2011-010  
19 Staff Report that you were asked some questions about  
20 by Mr. Clizer, can you tell me was this a change in  
21 facilities that was being done to accommodate a  
22 specific customer?

23 A. It was -- it was a report that -- that  
24 said that the specific customer wanted a -- needed a  
25 certain pressure -- certain inlet pressure for his

1 facilities. Therefore, I wasn't really addressing  
2 replacement programs per se. I was just saying that  
3 because that customer needed a higher pressure inlet  
4 pressure at his facility to -- to be able to  
5 accommodate that customer, a -- a different -- a pipe  
6 had -- a different pipe had to be laid to that  
7 customer; therefore, I believe that customer should be  
8 responsible for that cost.

9 Q. Okay. And Mr. Clizer went on to ask you  
10 about your knowledge of the effort by Spire East to go  
11 from a low pressure to an intermediate pressure  
12 system; is that correct?

13 A. Yes.

14 Q. Okay. Is that being done to provide the  
15 required level of pressure to a specific customer?

16 A. No. It's being done -- it -- to bring  
17 the system up to date and not have low pressure  
18 pipe -- lower pressures -- pipelines in the system and  
19 bring the -- bring up the -- well, for a lot of  
20 reasons, but bring -- have -- allow for smaller  
21 piping, bring the system to -- system pressures  
22 throughout the system up, reduce the number of  
23 regulator stations. A number of reasons.

24 Q. Okay. And so given that, what's your  
25 opinion as to the relevance of whatever you

1 recommended in this MGE case?

2 A. There's -- there's really no relevance  
3 I -- that I see. As I recall, the -- the -- that  
4 particular report was to say I believe that that  
5 customer needed to pay for that replacement and that's  
6 basically what I was saying.

7 Q. Okay. Thank you. And you were also  
8 asked some questions about the deteriorated condition  
9 of the cast iron and unprotected or subsequently  
10 protected facilities. Do you recall those?

11 A. Yes.

12 Q. Okay. And I -- I think, and correct me  
13 if I'm wrong, you answered that absent uncovering all  
14 the facilities, you couldn't absolutely swear that  
15 every inch had been corroded or deteriorated?

16 A. I believe what I said was that it is --  
17 to -- you put steel in the ground, it's going to start  
18 corroding and it's going to be -- start deteriorating.  
19 And it would be highly unusual if any piece of it was  
20 not corroded.

21 Q. Okay.

22 A. And so if -- unless -- if somebody asked  
23 me was it 100 percent corroded, unless I physically  
24 went and looked at every piece, I couldn't tell you.

25 Q. Okay. And so if you're looking at just

1 the bare steel that was cathodically protected, that  
2 had been in the ground for -- corroding away for at  
3 least 30 years and maybe longer?

4 A. It was installed in the ground for 30 to  
5 50 years before cathodic protection was applied. And  
6 it's been in the ground for 30 more -- approximately  
7 30 more years since cathodic protection was applied.  
8 And as I go -- talk in my testimony, that cathodic  
9 protection was applied, but I don't think corrosion  
10 was totally stopped.

11 Q. Okay. And -- and under those  
12 circumstances, what would be your opinion as to  
13 whether those facilities are going to be deteriorated  
14 at this point in time?

15 A. I feel they're deteriorated. I mean  
16 unless -- there's evidence up there they are. And I  
17 think that it's -- it's logical to assume that if --  
18 if something is in the ground for 30 to 50 years and  
19 not protected, it's going to be deteriorated.

20 Q. Thank you. I have no further questions.

21 JUDGE DIPPELL: All right. I believe  
22 that concludes your testimony, Mr. Leonberger. You  
23 may step down.

24 THE WITNESS: Thank you.

25 JUDGE DIPPELL: Let's go ahead and go

1 with Spire's next witness.

2 MS. BOCKSTRUCK: Spire Missouri would  
3 call Timothy W. Krick to the stand.

4 (Witness sworn.)

5 JUDGE DIPPELL: You can go ahead.

6 TIMOTHY KRICK, being first duly sworn, testified as  
7 follows:

8 DIRECT EXAMINATION BY MS. BOCKSTRUCK:

9 Q. Mr. Krick, by whom are you employed and  
10 in what capacity?

11 A. I'm employed with Spire as controller.

12 Q. Did you cause direct testimony to be  
13 filed in Case Number GO-2019-0356 and GO-2019-0357  
14 consisting of 12 pages and one schedule that has been  
15 previously marked as Exhibit Number 7?

16 A. Yes, I did.

17 Q. Do you have any corrections to your  
18 testimony?

19 A. I do not.

20 Q. If I were to ask you the questions filed  
21 in your testimony today, would your answers be the  
22 same?

23 A. Yes, they would.

24 Q. Have you reviewed the testimony submitted  
25 by the Office of Public Counsel on overheads in these

1 cases?

2 A. Yes, I have.

3 Q. And have you also reviewed the Staff's  
4 reports pertaining to the issue of overheads in these  
5 cases?

6 A. Yes.

7 Q. Do you have any rebuttal testimony?

8 A. No, I agree with Staff. Just a couple  
9 things to note on OPC. They've generally identified a  
10 certain portion of costs that are considered overheads  
11 that are not eligible for capitalization or  
12 construction projects. In their opening statement  
13 they listed five costs, director fees, A and G  
14 salaries, injuries and damages, general office  
15 supplies, and miscellaneous A and G.

16 When I read the USAO [sic], there is a  
17 section, Section 3, that does list these costs. It  
18 specifically lists injuries and damages, but it also  
19 lists general administrative costs, which many of  
20 these other categories fall within. That was also  
21 included in Mr. Schallenberg's testimony in his  
22 Appendix RES-D-3, pages 11 to 13.

23 Q. So it's your testimony that those  
24 categories, A and G salaries, and injuries and  
25 damages, are allowed under the USOA?

1           A.     Yes.  They are -- I think the terminology  
2 is they are components of construction costs, correct.

3           Q.     And so Mr. Schallenberg's testimony  
4 generally just claims that Spire Missouri's overheads  
5 are inconsistent with the USOA requirements.  And so  
6 is it your testimony that you disagree with these  
7 assertions?

8           A.     I disagree with him.  I think that there  
9 is -- some of these things are subject to some  
10 interpretation.  I feel that we followed a  
11 long-standing practice.  We've been very consistent.

12                   Staff -- we worked with Staff, we've  
13 generally followed the same process for -- I've been  
14 here for five years, we haven't fundamentally changed  
15 anything.  And my time talking with colleagues that  
16 have been long time colleagues in the Company, that  
17 we've been following very consistent process for  
18 decades.

19                   I think OPC's -- have attached a -- have  
20 clarified that they believe that the allocation  
21 methods we used are arbitrary.  I disagree with that.  
22 We do have a shared service company and shared service  
23 costs that may use what they consider general  
24 allocators, but these are far from arbitrary.

25                   The general allocator that they have

1 referenced throughout testimony is the three factor,  
2 which happens to be one of the most widely used  
3 allocation factors in the utility industry. I looked  
4 back since 1960. That's also approved by our  
5 Commission CAM to use that factor.

6 Now, let me clarify that we do not use  
7 that factor to allocate overheads directly to ISRS.  
8 Rather, we use that factor to allocate a fair portion  
9 of those types of overhead costs to Spire Missouri,  
10 which, in turn, takes a portion of those, it splits  
11 them between O and M and capital and then drives those  
12 costs down to capital using causal factors such as  
13 direct labor and direct charges.

14 Q. As you heard in Mr. Clizer's opening  
15 statement and talking about the arbitrary nature of  
16 some of these general allocations, would you agree  
17 that -- or do you agree with his assertion that there  
18 are costs included in the ISRS overheads that have no  
19 relation to the construction projects?

20 A. No. I think an argument can be made that  
21 some are -- have a very direct relation and these  
22 costs exist in part because of these construction  
23 activities. If they didn't, we wouldn't need as m--  
24 as -- as high level of over cost [sic].

25 There are some there that are more fixed

1 in nature, but they certainly do, in an indirect  
2 manner, support ISRS projects. And again, as was  
3 stated throughout my testimony and I believe I read in  
4 Staff's testimony, that if OPC has certain overheads  
5 that they believe they would rather see us recover in  
6 O and M versus capitalized and to construction  
7 projects, that's something we're more than happy to  
8 have an open forum and discussion in the next rate  
9 case.

10 We did attempt to have that type of  
11 discussion in a CAM workshop in this past year that  
12 came out of the rate case and they -- they weren't  
13 engaged.

14 Q. And speaking of the CAM, Cost Allocation  
15 Manual, so Mr. Schallenberg, he claims in his  
16 testimony that Spire's CAM is only applicable to  
17 affiliate transactions. Can you explain how Spire's  
18 CAM is applicable to the ISRS filing?

19 A. Well, as I touched on in -- in my initial  
20 comments to my live rebuttal, the Company has grown  
21 significantly over time. So there are -- there are  
22 what I call shared service costs. Let me take HR or  
23 supply chain, for example, that does procurement,  
24 accounts payable. We pool those costs in our shared  
25 services. And that -- and those costs then follow

1 allocation methods approved by the CAM to allocate to  
2 various affiliates.

3 But then there's a portion of those costs  
4 that Spire Missouri fairly gets. Absolutely costs for  
5 procurement, HR, IT, these are the types of costs that  
6 Spire Missouri reaches a fair allocation from shared  
7 services through some of these so-called general  
8 allocators, although most of them are not general.

9 Then we look at a -- a ratio of our  
10 direct labor to total labor and those costs follow  
11 an -- follow an allocation of capital based on those  
12 methods. Very similar to other costs that we have,  
13 which is far from arbitrary.

14 Q. Thank you. The OPC also claims that  
15 Spire Missouri has not disclosed to the Security  
16 Exchange Commission portion -- that portion of its  
17 distribution system are in a worn out or deteriorated  
18 condition. Do you agree with this assertion?

19 A. I don't a-- I agree that we haven't used  
20 those specific terms, but we do have a number of risk  
21 factors in our Form 10-K. I think there's one  
22 specifically on page 15 of our -- of our 10K which was  
23 filed in OPC's testimony as one of their numerous  
24 exhibits that does talk about the risk associated with  
25 our distribution system.

1           We have -- internally we have committees  
2 that look at risk, we look at disclosures. We have  
3 external auditors that review our disclosures that  
4 have many clients in the industry. So we feel that  
5 we've properly disclosed these risks, although we  
6 haven't specifically used those terms.

7           Q.     Okay. Thank you.

8           MS. BOCKSTRUCK: No other questions, so  
9 at this time I request that Spire Missouri Exhibit  
10 Number 7 be admitted into the record and tender the  
11 witness for cross-examination.

12           JUDGE DIPPELL: Would there be any  
13 objection to Exhibit Number 7? Seeing none, I will  
14 admit it.

15           (Spire Exhibit 7 was received into  
16 evidence.)

17           JUDGE DIPPELL: Is there any  
18 cross-examination by Staff?

19 CROSS-EXAMINATION BY MS. BRETZ:

20           Q.     Just a few -- few brief questions.

21           A.     Sure.

22           Q.     Good afternoon.

23           A.     Good afternoon.

24           Q.     Would you agree that overhead is a  
25 complex issue?

1 A. Absolutely.

2 Q. Why -- why makes -- why is it complex?

3 A. It's complex because it -- there are  
4 numerous costs, numerous transactions and it does  
5 require some level of subjectivity. It wouldn't be  
6 practical nor cost-effective to design a cost  
7 allocation process that attempts to directly assign  
8 each overhead cost down to each project.

9 Not only would that cost -- would it be  
10 cost prohibitive, in my 25 years of experience -- I  
11 have a lot of experience with cost allocations, 5 in  
12 this industry, 20 in others -- that when you try to do  
13 something like that, it tends to be less accurate. So  
14 there's a lot of moving parts.

15 I believe that consistency is important,  
16 because that way you can track variances that have  
17 happened in the different types of overheads. So  
18 again, there's a lot of inputs, there's a lot of  
19 moving parts. We do have systemic approach that goes  
20 through hundreds of steps.

21 But we do have a lot of controls on the  
22 back end to identify any variances that -- that may or  
23 may not have worked as we expected them to.

24 Q. Do you have an opinion whether overheads  
25 would be better addressed in a rate case or an ISRS

1 case like this?

2 A. Absolutely in a rate case.

3 Q. Why do you say that?

4 A. There are, again, several dozen  
5 categories, there could be thousands of transactions  
6 that Staff and OPC might want to look at the details  
7 of the overheads. I feel like in this case they've  
8 just generically picked some terms in the USOA and  
9 have tried to apply the word "general" to -- and  
10 associate that with arbitrary and just make the  
11 assumption that all overheads were done that way,  
12 which -- which isn't true.

13 I think the rate case gives all parties a  
14 time to properly go through and look at them. Again,  
15 we've been hi-- we historically have been consistent  
16 for decades. But at that time if some parties say  
17 hey, we'd rather have some of those costs recovered in  
18 O and M versus capital, the Company is more than  
19 willing to have those discussions.

20 Q. Thank you. That's all I have.

21 A. All right.

22 JUDGE DIPPELL: Are there questions from  
23 the Commission? Oh, I'm sorry.

24 THE WITNESS: OPC.

25 JUDGE DIPPELL: Is there

1 cross-examination from Public Counsel? I was looking  
2 right at it.

3 MR. CLIZER: Yes, Your Honor.

4 CROSS-EXAMINATION BY MR. CLIZER:

5 Q. So let me understand first the CAM. The  
6 CAM is how you use -- to allocate the shared services  
7 between Spire, Inc. holding Company and Spire  
8 Missouri; is that correct?

9 A. No. That's --

10 Q. No. Okay.

11 A. -- among all affiliates.

12 Q. Yes. Okay. But -- so the CAM just takes  
13 the costs from the holding company to -- I don't know  
14 if the proper term is the affiliates.

15 A. No. Most of those costs run through our  
16 shared service company, not the holding company.

17 Q. All right. I think I'm getting this. So  
18 once they've made it to Spire Missouri, does the CAM  
19 instruct how they're to be allocated at that point?

20 A. No. Not within Spire Missouri itself,  
21 no. There are some references to acceptable  
22 allocation processes, but the -- the CAM typically is  
23 around affiliate transactions.

24 Q. Okay. Let's talk about some of these  
25 overheads. I'm just going to start with directors

1 fees. How does the overheads related to director fees  
2 that Spire assigns to the ISRS have a definite  
3 relationship with the ISRS project to which it's  
4 assigned?

5 A. That's one where I'll be -- one that I  
6 believe maybe should be revisited in the next rate  
7 case. That -- it does have an indirect relationship,  
8 because without a Board of Directors and without that  
9 structure, we couldn't raise the level of capital that  
10 we do. You can't run a public company without that  
11 type of structure. So I believe there is an indirect  
12 relationship. Keep in mind that those costs, I looked  
13 up for 2018, were 250,000 dollars.

14 Q. That's fine.

15 A. Okay.

16 Q. How about A and G salaries?

17 A. A and G salaries encompasses a lot of the  
18 support departments that I -- that I brought up. So  
19 human resources, finance, information technology,  
20 supply chain, procurement, facilities. So these are  
21 all salaries that -- that are necessary to run a  
22 company and do directly support construction projects.

23 Q. For any particular construction project  
24 though what's the relationship between the cost  
25 assigned to that construction project and the

1 construction project?

2 A. Well, say for example, we have our  
3 procurement team purchases pipe for an ISRS project.

4 Q. And those costs are --

5 A. That's a -- that's a definite  
6 relationship.

7 Q. -- assigned directly?

8 A. They are not. It's not practical to  
9 assign costs directly. That's why we use allocation  
10 methods.

11 Q. So your procurement office procures pipe  
12 and then it assigns those costs to the project  
13 particularly based on how much pipe was used in that  
14 project?

15 A. No. We have an allocation method where  
16 we take all -- we take Missouri's fair share of the  
17 Company's procurement costs. Then those procurement  
18 costs, based on our transfer rates, are split up  
19 between O and M activities and capital activities.

20 We then take that pot of costs for  
21 capital activities and -- each month, and it is  
22 updated every year. We look at the total amount of  
23 charges of say pipe and other -- other non-- material  
24 and say MRO purchases. And each order will get a  
25 proportional allocation of procurement costs based on

1 the value of what's been charged to order for pipe or  
2 other types of purchases.

3 Q. So for each particular construction  
4 project, how does that work then? Sorry. Let me back  
5 up that up.

6 You established how much it gets into  
7 procurement. How does it get sent out to each -- how  
8 do you -- how do you know how much to send to each  
9 construction project?

10 A. So each construction project we have  
11 the -- so the primary components that are direct  
12 charge are labor, so the field employees that charge  
13 labor. We also have materials, which could be pipe or  
14 other types of non-consumable types of materials. And  
15 then there's also obviously certain types of purchases  
16 that support the construction, could be supplies,  
17 things like that. So the amount of procurement --

18 Q. Let's -- let's focus on that one.

19 A. Okay. Okay.

20 Q. Okay. So procurement salaries, A and G  
21 salaries for the procurement office --

22 A. Uh-huh.

23 Q. -- how is that assigned to construction  
24 projects?

25 A. Every month we have a system that looks

1 at the total direct cost assigned to -- non-labor  
2 direct costs assigned to all capital projects. And if  
3 they have a flag that they should get a procurement  
4 cost, which I think -- I think every capital project  
5 gets some cut of procurement costs, they will get --  
6 that pool of costs will be allocated in proportion to  
7 the total cost of materials or any other type of  
8 non-labor costs directly charged to that order.

9 Q. So you look at the particular order or do  
10 you give an assumed amount of procurement costs to  
11 each order?

12 A. Look at the total procurement costs that  
13 went to Missouri in a certain month. So if we  
14 spent -- let me just give an example. If we spent  
15 100,000 dollars on procurement costs for the month,  
16 that Missouri got its fair share, shared service  
17 allocation. If we had a million dollars spread ac--  
18 across orders, each of those orders then would get  
19 their proportion of that 100,000 on a weighted average  
20 basis.

21 Q. Weighted average how?

22 A. There's a -- in this industry there's  
23 a -- there's a -- there's a calculation that goes  
24 through -- a systematic calculation that looks at all  
25 those charges that go into every order down to the

1 detail order, takes those costs, adds them up and does  
2 a weighted average, pushes those costs down then at  
3 that level.

4 So if one order bought a -- and -- if one  
5 order charged a lot more pipe, they're going to get  
6 more procurement costs allocated to their order versus  
7 one that charged one small piece of pipe.

8 Q. Sounds a lot different than the general  
9 allocator you described in your data responses.

10 A. Yeah, it does. And I never implied that  
11 the general allocator is used to allocate costs to  
12 ISRS. Can I add this is -- this is consistent with  
13 the presentation we gave to OPC and the Staff? We  
14 laid out this entire process in June.

15 Q. Do you have a copy of the testimony of  
16 Robert Schallenberg in front of you?

17 A. Somewhere in here, yeah.

18 Q. Do you happen to have particularly  
19 Schedule RES-D-4?

20 A. Yes.

21 Q. On page 3 there was a question, For each  
22 ISRS overhead component listed in the book and tax  
23 matrices, please describe its precise relationship to  
24 ISRS constructions and the specific basis used to  
25 charge this cost to ISRS projects. And then in the

1 matrix on page 4 under A and G salaries, the notes  
2 allocate to capital through transfers to construction  
3 general rates.

4 A. Yes. So that is the fi-- that's the  
5 intermediate step where we look at total costs of one  
6 of those components and we say how much goes to O and  
7 M and how much goes to capital. But that is not the  
8 process that actually -- that pushes and attaches  
9 these costs down to capital orders. That's called the  
10 transfer rate.

11 Q. Do you believe it's possible that this  
12 issue could be addressed in an inves-- investigatory  
13 docket or investigation?

14 A. I'm not sure what you mean.

15 Q. Does it need to wait -- does it need to  
16 wait until the next rate case? Would it be possible  
17 to reach this issue in the interim?

18 A. I'm -- I'm not sure. I think we  
19 attempted to do that and it didn't get much traction.

20 Q. I'm going to hold my tongue. All right.  
21 I have no further questions.

22 JUDGE DIPPELL: Let me just clarify  
23 really quick. You pointed him to Mr. Schallenberg's  
24 Schedule RES-D-4; is that correct?

25 MR. CLIZER: That's what I said, yeah.

1 JUDGE DIPPELL: Okay. I have that that  
2 schedule was marked entirely as confidential. I had  
3 questions about that. Is that --

4 MR. PENDERGAST: Which one, Your Honor?

5 JUDGE DIPPELL: Mr. Schallenberg's  
6 testimony, Schedule D-4.

7 MR. CLIZER: I did not have it marked as  
8 confidential. It's my understanding it is not  
9 confidential, but --

10 JUDGE DIPPELL: Okay. Well, there was --  
11 on the 30th there was a public version filed in EFIS  
12 that said that the entire thing was confidential.

13 MR. CLIZER: Ah, that's right. I  
14 apologize. We included the section of the CAM in the  
15 entire schedule. Afterwards, we realized that that  
16 CAM section should be confidential. And to rectify  
17 the situation, we made the entire thing confidential  
18 because that was the easiest step, having already  
19 filed it and we didn't want to waste time. I  
20 apologize.

21 JUDGE DIPPELL: So there is a portion of  
22 that schedule that -- that --

23 MR. CLIZER: Yes.

24 JUDGE DIPPELL: -- should be  
25 confidential, but not the entire thing?

1 MR. CLIZER: Yes. And not the section I  
2 read from.

3 JUDGE DIPPELL: Okay. When we get to  
4 Mr. Schallenberg's testimony, I want to clarify that  
5 and I want to make public the portions of that  
6 testimony, which is a lot of it.

7 MR. PENDERGAST: Yeah. We'll take -- we  
8 can take a look at that too, Your Honor. And I'm not  
9 sure what portions were marked confidential, but we  
10 can look at it.

11 JUDGE DIPPELL: Okay. All right. Sorry  
12 to interrupt. I'm sorry. Were you finished,  
13 Mr. Clizer, or did you have more questions?

14 MR. CLIZER: I'd finished.

15 JUDGE DIPPELL: Okay. Now are there  
16 questions from the Commissioners? Mr. Chairman.

17 CHAIRMAN SILVEY: Yeah, thank you.

18 QUESTIONS BY CHAIRMAN SILVEY:

19 Q. So if these issues should be -- or would  
20 be more appropriately addressed in a rate case, would  
21 it be appropriate to just exclude all the indirect  
22 overhead costs from this ISRS calculation and then  
23 consider it in the next rate case?

24 A. No. I -- I do not believe that's  
25 appropriate. In the previous rate case, we followed

1 the formulas and methodologies Staff used for all of  
2 these overhead costs in terms of what portions that we  
3 expected to go to capital versus O and M. So doing  
4 something of that nature would be punitive to the  
5 Company because then we would -- we would ultimately  
6 be expensing items that are not in our rates today.

7 Q. Okay. So the legacy pension regulatory  
8 asset to be amortized over eight years from the last  
9 rate case is already included in rates?

10 A. Yes.

11 Q. And your testimony is that the annual  
12 amortization of that results in 7.4 million dollars of  
13 additional overhead costs allocated to capital?

14 A. Correct.

15 Q. So that means that the ISRS projects  
16 include a portion of that 7.4 million?

17 A. Correct.

18 Q. What number is that?

19 A. I'm unsure. It would -- it would be a  
20 ratio of our total capital. So we obviously have  
21 other constructed assets that are not ISRS that are  
22 being allocated a portion of those costs, but roughly  
23 it would be whatever -- I don't know. If I had to  
24 guess, I'm going to say 50 percent. That would be a  
25 guess.

1 Q. If the amortization of the legacy pension  
2 regulatory asset is included in Spire's base rates,  
3 why would it be appropriate to also include an  
4 overhead cost in the ISRS projects related to the same  
5 legacy pension regulatory asset?

6 A. Because only that portion -- and that's  
7 where the transfer rate comes in, so there is a total  
8 annual amortization. And in establishing our base  
9 rates, I think there was -- there's an assumption that  
10 we worked through with Staff of what is the transfer  
11 rate, the amount that gets transferred to capital that  
12 becomes part of that overhead pool. And that is the  
13 first number that you referenced. The remaining  
14 portion goes to O and M and that's in our base rates  
15 for O and M.

16 Q. Okay. Thank you.

17 JUDGE DIPPELL: Is there any other  
18 Commission questions? All right. Okay. I think --  
19 is there any other further cross-examination by Staff  
20 based on the Chairman's questions?

21 MS. BRETZ: Nothing, Judge.

22 JUDGE DIPPELL: Is there anything from  
23 Public Counsel?

24 MR. CLIZER: No, Your Honor.

25 JUDGE DIPPELL: Is there redirect?

1 MS. BOCKSTRUCK: Just a little, Judge.

2 REDIRECT EXAMINATION BY MS. BOCKSTRUCK:

3 Q. So going back to the question on the  
4 directors fees, would you agree that the executive --  
5 Spire's Executive Board does weigh in on the ISRS  
6 projects?

7 A. Yes. Absolutely. It's -- it's one of  
8 the biggest investments for Spire Missouri. So there  
9 is executive oversight and there's a great deal of  
10 work that goes into that oversight and communicating  
11 that to our investment community and also ensuring  
12 that we're doing it in a safe manner and in compliance  
13 with the statutes.

14 Q. I just wanted to follow up on Chairman  
15 Silvey's questions regarding the pension. Is -- is  
16 there any double dipping occurring here between what's  
17 being recovered through rates from the rate case and  
18 the ISRS?

19 A. No. Absolutely not. As I tried to  
20 explain, there's a -- there's a total cost and we  
21 recover a portion of that through base rates that we  
22 expense through O and M. And then there's a part that  
23 gets transferred to capital, and that's the part of  
24 the discussion that we -- that we had.

25 Q. Thank you. No other questions.

1 A. Okay.

2 JUDGE DIPPELL: All right then. I  
3 believe that concludes your testimony, Mr. Krick, and  
4 you may step down.

5 THE WITNESS: Thank you.

6 JUDGE DIPPELL. Okay. It is 3:16 and I  
7 think we will take a break. When we return, we have  
8 one more Spire witness. So let's take a break until  
9 3:30. Let's go off the record.

10 (A recess was taken.)

11 JUDGE DIPPELL: Okay. We're back on the  
12 record after a break and we are ready to go to Spire's  
13 next witness. Okay.

14 MS. BOCKSTRUCK: Spire Missouri calls  
15 Wesley E. Selinger to the stand.

16 (Witness sworn.)

17 JUDGE DIPPELL: Thank you. You can go  
18 ahead.

19 WESLEY E. SELINGER, being first duly sworn, testified  
20 as follows:

21 DIRECT EXAMINATION BY MS. BOCKSTRUCK:

22 Q. Mr. Selinger, by whom are you employed  
23 and in what capacity?

24 A. I am employed by Spire Missouri as the  
25 manager of rates and planning.

1 Q. Did you prepare the applications and  
2 updated schedules for Spire East and Spire West in  
3 these cases marked as Exhibit Numbers 1, 2, 3 and 4?

4 A. I did.

5 Q. And did you cause direct testimony to be  
6 filed in these cases consisting of 20 pages that have  
7 been previously marked as Exhibit Number 9?

8 A. Yes, I did.

9 Q. Do you have any corrections to your  
10 testimony?

11 A. I do not.

12 Q. If I were to ask you the questions filed  
13 in your testimony today, would your answers be the  
14 same?

15 A. Yes, they would.

16 Q. Have you reviewed the testimony submitted  
17 by the Office of the Public Counsel?

18 A. Yes, I have.

19 Q. And do you have any rebuttal?

20 A. I would just like to rebut one -- on  
21 page 5 of Mr. Robinett's testimony, he lists some work  
22 order numbers and is referring to the work order  
23 authorization sheets that we provided as work papers  
24 supporting these projects.

25 He kind of raises an issue about the

1 material that's retired with these. For instance, on  
2 line 7, he mentions Work Order 800041 and it says this  
3 project -- or work order claims to be an ISRS eligible  
4 project for cast iron main replacement; however, a  
5 review of the retired assets indicate that no cast  
6 iron being retired.

7 I would agree with that. If you take a  
8 work order authorization sheet, it starts off with  
9 project information such as the project number.  
10 They'll have a general description of the project  
11 that's being performed. The next section includes an  
12 estimate of what it will take to complete the project.

13 And then in certain cases when a project  
14 is complete and we have all the information that comes  
15 back from the engineering work flow program, which is  
16 known as Maximal, and enters that into our operational  
17 accounting program, which is known as PowerPlan, which  
18 actually creates these work order authorization  
19 sheets, there will be a section that's added called an  
20 as-built. The -- and then the final section is the --  
21 the what's retired, the retirements associated with  
22 the project.

23 So in this case if you looked at  
24 everything on that work order except for the one  
25 section where there was a miscoding that said cast

1 iron main replacement related to that project going  
2 from the engineering work for-- work flow program into  
3 the operational accounting program, it would indicate  
4 that that project was retiring bare steel pipe.

5 I think that that could have been solved  
6 ahead of time. I don't know if that necessarily  
7 needed to be filed as testimony. We've resolved a lot  
8 of issues on something like that over a phone call or  
9 an e-mail.

10 Lines 10 through 14 of that same page, 5  
11 of 19, there's a list of I believe 21 work orders in  
12 which it's stating that the same -- the same is true  
13 of these work orders or that there's no vintage year  
14 information provided for those.

15 We don't receive the vintage information  
16 until the as-built comes through. So this is not  
17 something new. As we've gone through these cases  
18 following the remand, we've actually worked with  
19 Staff. The percentage methodology that Staff employs  
20 recognizes how to handle a situation where there is  
21 not an as-built.

22 Again, I think that was something that  
23 could be -- even an informal data request, this could  
24 have been resolved before today.

25 I would also note that Project 802703 is

1 actually a relocation project that's mandated to be  
2 completed, of which we provide all the evidence  
3 supporting the requests to have those jobs performed.

4 And then finally on line 15, we have Work  
5 Order 800224, which again is similar to the -- the  
6 first instance on line 7 in which we have a coding  
7 error.

8 Q. So is it your conclusion that all these  
9 work orders are represent projects that are ISRS  
10 eligible?

11 A. Yes.

12 Q. Okay. Does that conclude your rebuttal  
13 testimony?

14 A. Yes.

15 MS. BOCKSTRUCK: At this time I request  
16 that Spire Missouri's Exhibits Number 1, 2, 3, 4 and 9  
17 be admitted into the record and I'll tender the  
18 witness for cross-examination.

19 JUDGE DIPPELL: Would there be any  
20 objection to Exhibit 1, which is the application and  
21 schedules for GO-2019-0356? Seeing none, I will admit  
22 that.

23 (Spire Exhibit 1 was received into  
24 evidence.)

25 JUDGE DIPPELL: Any objection to the

1 application and schedules for 357, which is Exhibit  
2 Number 2? I will admit that.

3 (Spire Exhibit 2 was received into  
4 evidence.)

5 JUDGE DIPPELL: Exhibit 3 is the updated  
6 appendices for case ending in 0356. Any objections?  
7 Seeing none, I will admit that.

8 (Spire Exhibit 3 was received into  
9 evidence.)

10 JUDGE DIPPELL: Exhibit 4 is the updated  
11 appendices for 0357. Any objection? I will admit  
12 that exhibit.

13 (Spire Exhibit 4 was received into  
14 evidence.)

15 JUDGE DIPPELL: And Exhibit Number 9 is  
16 the direct testimony of Mr. Selinger. Any objection  
17 to Exhibit 9? Seeing none, I will admit that.

18 (Spire Exhibit 9 was received into  
19 evidence.)

20 JUDGE DIPPELL: Is there any  
21 cross-examination by Staff?

22 MR. BERLIN: No questions, Judge.  
23 Thanks.

24 JUDGE DIPPELL: Public Counsel?

25 MR. CLIZER: I think only briefly,

1 hopefully.

2 CROSS-EXAMINATION BY MR. CLIZER:

3 Q. Let me make sure I pronounce it right.

4 Selinger. Right?

5 A. Selinger.

6 Q. Selinger.

7 A. It's okay.

8 Q. I apologize.

9 Are you aware of the average service life  
10 for mains in Missouri West and East of Spire?

11 A. By average service life do you mean the  
12 depreciation rate that's been approved?

13 Q. Yes.

14 A. Yes, I'm familiar with that.

15 Q. All right. What would be the approved  
16 depreciation average service line for mains in the  
17 west?

18 A. I believe it's 50 years.

19 Q. And for the east?

20 A. 80.

21 Q. I believe it's broken down by subtype,  
22 it's -- I believe it's steel, cast iron and plastic.

23 A. Okay. Well, on the plastic -- is it  
24 40 or 44?

25 Q. I think it's 70. Actually, you know

1 what? It's fine. The 80 for steel, that's all I  
2 need.

3 A. Okay. We can find out very quickly.

4 Q. We certainly can. Why are these  
5 different?

6 A. You know, in a rate case we provide a  
7 depreciation study. The parties all review that study  
8 and come to an agreement on what those depreciation  
9 rates should be; should they change with the study or  
10 should they stay where they're currently at.

11 Spire's current depreciation rates I  
12 believe were set prior to their last rate case. And  
13 we did perform a new revised depreciation study in our  
14 last rate case and the parties all agreed that those  
15 rates were appropriate to stay where they were at at  
16 that time.

17 Q. All right. So the rates are the result  
18 of depreciation studies?

19 A. Yes.

20 Q. All right.

21 A. The depreciation rates are, yes.

22 Q. Yes. I believe that's it. Thank you. I  
23 have no further questions.

24 JUDGE DIPPELL: Are there questions from  
25 the Commission?

1 COMMISSIONER KENNEY: No. I'm good.

2 Thank you.

3 COMMISSIONER HALL: No questions. Thank

4 you.

5 JUDGE DIPPELL: All right.

6 COMMISSIONER KENNEY: I do have a

7 question.

8 JUDGE DIPPELL: Oh, Commissioner Kenney.

9 QUESTIONS BY COMMISSIONER KENNEY:

10 Q. Can you speak to the overhead?

11 A. No. I mean --

12 Q. Did I miss my opportunity?

13 A. N--

14 Q. Just -- go ahead.

15 A. I really ca-- I can -- I mean for the  
16 most part, I just kind of sponsor the witness on that.

17 Q. All right. Thank you.

18 A. Yeah. I would say my testimony does  
19 take, at a high level, an issue with the term  
20 "arbitrary" being used for our allocation percentages  
21 I think. And as Mr. Krick testified earlier, these  
22 things go through a complex review during our rate  
23 case. They haven't changed for many, many years.

24 I know you know our former director,  
25 Glenn Buck. In our last rate case, I sat in very

1 close proximity to him and heard the conversations  
2 going back and forth as he worked with Staff and other  
3 parties on those. And I just think it's very  
4 inappropriate to call that ar-- I wouldn't call it  
5 arbitrary.

6 Q. Okay. Well, in general isn't overhead --  
7 I mean all overhead part of rates?

8 A. I mean it's indirect costs.

9 Q. It's indirect costs?

10 A. Yeah.

11 Q. Well, is it covered through rates?  
12 Rate -- is it covered through rates during a rate  
13 case?

14 A. A portion of it is.

15 Q. Just a portion. Okay.

16 A. So -- well, so there's a portion that is  
17 put into O and M expense and a portion that's  
18 transferred to capital. The O and M expense is  
19 recovered in base rates; whereas, the portions  
20 allocated to capital will actually be recovered over  
21 many years based on the underlying assets.

22 Q. So is it that part of -- of overhead that  
23 the -- the Company is applying towards the -- in  
24 the -- towards their workers in the ISRS case?

25 A. It would be the capitalized piece.

1 Q. Part of that so -- okay.

2 A. Yes.

3 Q. That answers my question. Thank you.

4 COMMISSIONER COLEMAN: No questions.

5 JUDGE DIPPELL: Okay. Is there any  
6 further cross-examination by Staff based upon the  
7 Chair-- or Commi-- Commissioner Kenney -- I'll get it  
8 out in a minute -- Commissioner Kenny's questions?

9 MR. BERLIN: No, Judge. Thank you.

10 JUDGE DIPPELL: Is there any further  
11 cross-examination from Public Counsel?

12 MR. CLIZER: No, Your Honor. Thank you.

13 JUDGE DIPPELL: Is there redirect?

14 MS. BOCKSTRUCK: No redirect, Your Honor.

15 JUDGE DIPPELL: All right. Well,  
16 Mr. Selinger, that was fairly painless. You may step  
17 down.

18 Does Spire have any other witnesses?

19 MS. BOCKSTRUCK: We do have Chuck Kuper;  
20 however, he's not here to testify today, but we'd  
21 still like to admit his testimony into the record.

22 JUDGE DIPPELL: Okay. That has been  
23 marked as Exhibit 8. And Mr. Kuper was going to  
24 testify on the income tax issue, which the parties  
25 have since filed a Settlement Agreement on. Would

1 there be any objection to going ahead and admitting  
2 Mr. Kuper's testimony?

3 MR. CLIZER: I would object just to  
4 relevance. I mean if the issue is settled, do we need  
5 the testimony?

6 JUDGE DIPPELL: The Commission hasn't  
7 approved the stipulation yet, but --

8 MR. PENDERGAST: Yeah, I -- I would need  
9 to go back and look at the stipulation, but if it's  
10 like most stipulations, it just says testimony filed  
11 on this issue shall be admitted into evidence. I just  
12 don't have the particular Stipulation Agreement  
13 language in front of me.

14 MR. CLIZER: I'll withdraw the objection.  
15 It's fine.

16 JUDGE DIPPELL: Okay. I was starting to  
17 say, I can give more time if we need to.

18 MR. CLIZER: That's fine. It's not  
19 really important.

20 JUDGE DIPPELL: Okay. Then I will go  
21 ahead and admit Exhibit 8.

22 (Spire Exhibit 8 was received into  
23 evidence.)

24 JUDGE DIPPELL: And that concludes  
25 Spire's testimony; is that correct?

1 MR. PENDERGAST: Yes.

2 JUDGE DIPPELL: All right. Next on the  
3 list is Staff.

4 MS. BRETZ: Staff calls Karen Lyons.  
5 (Witness sworn.)

6 JUDGE DIPPELL: You may go ahead with  
7 your direct and rebuttal.

8 KAREN LYONS, being first duly sworn, testified as  
9 follows:

10 DIRECT EXAMINATION BY MS. BRETZ:

11 Q. Ms. Lyons, would you please state your  
12 name for the record and spell your last name?

13 A. My name is Karen Lyons. My last name is  
14 spelled L-y-o-n-s.

15 Q. By whom are you employed and in what  
16 capacity?

17 A. I am employed as an auditor for the  
18 Missouri Public Service Commission.

19 Q. How long have you worked in that  
20 position?

21 A. Going on 13 years.

22 Q. Are you the same Karen Lyons who  
23 contributed to a Direct Report, which has been marked  
24 as Staff's Exhibits 100 and 101?

25 A. Yes.

1 Q. And what are your contributions to that  
2 report?

3 A. I guess contributed to the executive  
4 summary, the blanket work orders, and the income tax.

5 Q. Do you have any changes or corrections to  
6 your part of the report?

7 A. I do.

8 Q. What are those?

9 A. And this is just specific to the report  
10 for East, Case Number GO-2019-0356. This is on page  
11 4, line 22. The number there is -- currently is  
12 4,439,598. That should be 4,439,498. And that's the  
13 only change I have.

14 Q. So if you were to write the same report  
15 today, would you write the same thing?

16 A. Yes.

17 Q. Have you had the opportunity to review  
18 the direct testimony of OPC and Spire Missouri?

19 A. I have.

20 Q. Do you have any rebuttal to that?

21 A. I do not.

22 MS. BRETZ: I tender the witness for  
23 cross-examination.

24 JUDGE DIPPELL: All right. And I assume  
25 you're holding the report until the other witnesses --

1 offering it into evidence until the other witnesses  
2 testify; is that --

3 MS. BRETZ: Yes.

4 JUDGE DIPPELL: Would there be any  
5 cross-examination by Spire?

6 MS. BOCKSTRUCK: No, Your Honor.

7 JUDGE DIPPELL: Is there  
8 cross-examination by Public Counsel?

9 MR. CLIZER: No, Your Honor.

10 JUDGE DIPPELL: Okay. Are there  
11 Commission questions?

12 COMMISSIONER KENNEY: No, thank you.

13 COMMISSIONER COLEMAN: No, Your Honor.

14 QUESTIONS BY JUDGE DIPPELL:

15 Q. Okay. I have a question here. Let me  
16 just -- so can you tell me if the transfer rate for  
17 the pension and other overhead costs included in the  
18 indirect costs by Spire were included in the rate-base  
19 in the last rate case?

20 A. That particular issue is going to be  
21 addressed by Mr. Young, who was -

22 Q. Mr. Young?

23 A. Yes. And so he should be able to address  
24 that -- that question.

25 Q. So can you address any of the legacy

1 pension stuff or is that Mr. Young?

2 A. That's Mr. Young.

3 Q. Okay.

4 A. Well, and to be clear, I -- you know, I  
5 don't -- I'm not sure what level Mr. Young went into  
6 the legacy pension specifically from the rate case.  
7 You know, we're certainly -- can try to get any  
8 answers -- ques-- answers -- question -- answers to  
9 your questions at a later point if he can't answer  
10 those. I don't recall at this stage if he actually  
11 worked on pensions. I suspect not in the prior Spire  
12 case.

13 Q. Can you answer just generally how -- how  
14 amounts assigned to capital projects get recovered?

15 A. Well, yes. They do get recovered either  
16 through expense or through capital and the transfer  
17 rate that Mr. Krick had referred to. So in the rate  
18 case there are costs recovered through expense,  
19 through rates and the rest of it is spread over  
20 through the life of the asset.

21 And so in this case, you know, you have  
22 ISRS projects, capital projects that they'll be -- the  
23 transfer rate to capital they'll be recovered through  
24 the life of that project. But again, Mr. Young can --  
25 can elaborate on that.

1 Q. Okay. I think I'll save the rest of  
2 the -- for Mr. Young then.

3 A. Okay.

4 JUDGE DIPPELL: Would there be any  
5 cross-examination based on my questions from Spire?

6 MS. BOCKSTRUCK: No, Judge.

7 JUDGE DIPPELL: Anything from Public  
8 Counsel?

9 MR. CLIZER: No, thank you, Your Honor.

10 JUDGE DIPPELL: Any redirect by Staff?

11 MS. BRETZ: Nothing.

12 JUDGE DIPPELL: Okay. Then I guess that  
13 concludes your testimony, Ms. Lyons.

14 THE WITNESS: Thank you.

15 JUDGE DIPPELL: You may step down.

16 You can go ahead and call your next  
17 witness.

18 MS. BRETZ: Staff calls Matthew Young.

19 (Witness sworn.)

20 JUDGE DIPPELL: Thank you.

21 MATTHEW YOUNG, being first duly sworn, testified as  
22 follows:

23 DIRECT EXAMINATION BY MS. BRETZ:

24 Q. Would you please state your name and  
25 spell your last name for the record?

1 A. My name is Matthew Young. Last name is  
2 spelled Y-o-u-n-g.

3 Q. By whom are you employed and in what  
4 capacity?

5 A. I'm a regulatory auditor for the Staff of  
6 the Public Service Commission.

7 Q. Are you the same Matthew Young who  
8 contributed to a Direct Report, which has been marked  
9 as Staff Exhibits 10-- 100 and 101?

10 A. Yes.

11 Q. And what are your contributions to that  
12 report?

13 A. I sponsored the sections on overhead  
14 costs and the reconciliations.

15 Q. Do you have any changes or corrections to  
16 your parts of the report?

17 A. No, I don't.

18 Q. So if you were to write that report  
19 today, would you write substantially the same thing?

20 A. Yes.

21 Q. Have you had the opportunity to review  
22 the direct testimony of OPC and Spire Missouri?

23 A. Yes, I have.

24 Q. Do you have any rebuttal testimony to  
25 that?

1           A.     I have some brief rebuttal to  
2 Mr. Schallenberg's testimony.

3           Q.     Okay. Please state --

4           A.     Specifically that their testimony focuses  
5 and highlights a section of gas plant instruction  
6 four. And -- and by their standards, their overhead  
7 costs need to have a definite relation to  
8 construction. And I would just point out that phrase  
9 "definite relation to construction" is in a paragraph  
10 discussing the payroll charges and supervisory  
11 employees and may not be related to things like  
12 directors fees, injuries and damages.

13          Q.     Do you have anything else?

14          A.     Yes. The -- the ca-- cost categories  
15 identified by OPC I feel are generally includable  
16 in -- in construction projects, including ISRS  
17 projects. And those -- those type of costs are  
18 discussed and identified in gas plant instruction  
19 three, injuries and damages specifically. And  
20 paragraph 12 of that instruction allows for general  
21 administration, expenses and salaries.

22          Q.     Okay. Is there anything else?

23          A.     Yes. On page 7 of Mr. Schallenberg's  
24 testimony, he -- he discusses how ISRS statutes don't  
25 specify what overheads are to be or not to be

1 included, and I would agree with that. And I think  
2 that reinforces Staff's position that's a better -- a  
3 rate case would be a better venue for this audit.  
4 That's all.

5 MS. BRETZ: Okay. I tender the witness  
6 for cross-examination.

7 JUDGE DIPPELL: Is there  
8 cross-examination by Spire?

9 MS. BOCKSTRUCK: No, Your Honor.

10 JUDGE DIPPELL: Public Counsel?

11 MR. CLIZER: Very brief.

12 CROSS-EXAMINATION BY MR. CLIZER:

13 Q. On page 11 of the report, this the  
14 overhead section of which you described you are,  
15 sorry, sponsoring.

16 A. Okay.

17 Q. Lines 19 through 21, Staff takes the  
18 position that an audit of overhead costs during a rate  
19 case would provide the Commission more informed  
20 recommendations from the parties.

21 Is it also possible that such an audit  
22 could be done during an investigatory docket?

23 A. I suppose that's possible. You know,  
24 that kind of audit would have to look at the costs  
25 flowing to the shared services, to -- to the

1 non-regulated Spire affiliates down to the regulated  
2 utilities in other states. And we -- we could explore  
3 that in an investigatory docket, but I don't know if  
4 it would be permissible to -- to talk about that in an  
5 ISRS rate case.

6 Q. Have you participated in a gas rate case?

7 A. Yes, I worked on some --

8 Q. Would you consider that rather complex  
9 things?

10 A. I'm sorry?

11 Q. Would you consider a gas rate case to be  
12 rather complex?

13 A. Yes, it is.

14 Q. They usually have money on the issues?

15 A. There are plenty of issues, yes.

16 Q. Would the investigation of -- is --  
17 sorry. Would the investigation of an overhead issue  
18 potentially require a significant amount of resources,  
19 according to your testimony?

20 A. Yes. I think it would.

21 Q. So it would make more sense, in fact, to  
22 do it outside of a rate case where resources are  
23 already thin?

24 A. Not necessarily. I think it's how we --  
25 we already dedicate resources to look at corporate

1 allocation. So that could be just a little bit of  
2 expansion of that issue.

3 Q. All right. I have no further questions.  
4 Thank you.

5 JUDGE DIPPELL: Okay. Are there  
6 questions from the Commission?

7 COMMISSIONER KENNEY: No questions.  
8 Thank you, sir.

9 COMMISSIONER COLEMAN: No questions.

10 QUESTIONS BY JUDGE DIPPELL:

11 Q. Okay. Since I promise to do ask you  
12 some, I'll go ahead and ask one. Do you know if  
13 Spire's over-- overheads include pension costs based  
14 on what Spire pays out or based on the pension expense  
15 allowed in rates?

16 A. Yes. I do know. I worked the -- I  
17 worked on the pension issue in Spire's last rate case.  
18 And so pension, like other payroll-related costs,  
19 is -- is set in rates, it's recovered through rates in  
20 two different ways. And it's very difficult to  
21 explain how capitalization ratios affect rate-making,  
22 but I'll gu-- I'll do my best.

23 That -- well, the pension asset was  
24 brought up earlier today so in the last rate case we  
25 amortized the pension asset for 16 million dollars per

1 year. Recovery of that 16 million was split between  
2 expenses and future rate-base and that 55 percent,  
3 give or take, was sent to expenses. That 55 percent  
4 is recovered by Spire -- and be clear, I'm talking  
5 about Spire East only. That's recovered by Spire  
6 every year over and over because expenses are  
7 recovered dollar for dollar.

8           The other 45 percent was assumed to be --  
9 well, it was left out of expenses because it was  
10 assumed to be deferred into future rate-base. And so  
11 that's what we see today. Now that the future has  
12 come, that pension asset is being capitalized and  
13 recovered through -- through not only ISRS rate-base,  
14 but general rate-base as well.

15           Q.     So it wasn't capitalized and put into  
16 current rates. It was held for future rates?

17           A.     Expenses and rate-base are treated two  
18 separate ways.

19           Q.     Okay.

20           A.     Expenses are set and they're recovered  
21 year after year. Rate-base is a snapshot at time --  
22 in a point in time. It's a balance of plant  
23 in-service. Those -- those pipes over by the podium  
24 were in Spire's rate-base as of September 30th, 2017  
25 just because they were still in service. And so we

1 have all these layers, these vintages of rate-base,  
2 past and present.

3           During the rate case we said we're going  
4 amortize this pension asset over the next eight years.  
5 And during the next eight years, part of it will get  
6 added to the rate-base. And so -- and anything  
7 capitalized post the true-up date in the last case was  
8 not included in the last case.

9           Q.     Okay. I appreciate that. Thank you.

10           JUDGE DIPPELL: Is there any further  
11 cross-examination based on my questions from Spire?

12           MS. BOCKSTRUCK: No, Your Honor.

13           JUDGE DIPPELL: Public Counsel?

14           MR. CLIZER: Very briefly.

15 FURTHER CROSS-EXAMINATION BY MR. CLIZER:

16           Q.     The pension issue that was just  
17 discussed, is there a definite relationship between  
18 those pension costs and ISRS construction costs -- or  
19 ISRS construction projects, I should say?

20           A.     The -- other than the pension would be an  
21 amortization of a pension actual-- asset would be a  
22 current cost and so it's an overhead to be assigned.

23           Q.     There's no definite relationship between  
24 the pensions that were incurred and ISRS construction  
25 projects?

1           A.     Again, definite relationship is applied  
2 only to one small section of the USOA.

3           Q.     That's fine, but the answer is no?

4           A.     Right.

5           Q.     Okay. Thank you. No further questions.

6           JUDGE DIPPELL: Is there redirect by  
7 Staff?

8           MS. BRETZ: Just briefly.

9 REDIRECT EXAMINATION BY MS. BRETZ:

10          Q.     Mr. Young, were you here when Mr. Krick  
11 was on the stand and discussed the complexity of  
12 allocating the overheads?

13          A.     Yes.

14          Q.     Would you agree with him that the  
15 overhead issue would be better dealt with in a rate  
16 case rather than the ISRS case?

17          A.     I would agree.

18          Q.     And why is that?

19          A.     Because of the complexity I mentioned,  
20 we'd -- we would like to audit -- okay. Let me step  
21 back. In this ISRS case, we're reviewing a small  
22 portion of these overhead costs. The -- the overheads  
23 that make it into an ISRS project is what we're  
24 looking at right now.

25                 And to make a more informed decision,

1 we'd like to look at all the dollars and how they flow  
2 between all the business units and how they flow  
3 between capital and expense.

4 Q. Okay. I have nothing else.

5 JUDGE DIPPELL: Okay. That concludes  
6 your testimony, Mr. Young. You may step down.

7 Staff can call its next witness.

8 MS. BRETZ: Our next witness is Antonija  
9 Nieto.

10 (Witness sworn.)

11 JUDGE DIPPELL: Thank you. You can go  
12 ahead.

13 ANTONIJA NIETO, being first duly sworn, testified as  
14 follows:

15 DIRECT EXAMINATION BY MS. BRETZ:

16 Q. Would you please state your name for the  
17 record and spell your last name?

18 A. Antonija Nieto. Last name spelled  
19 N-i-e-t-o.

20 Q. By whom are you employed and in what  
21 position?

22 A. I'm an auditor for the Missouri Public  
23 Service Commission.

24 Q. How long have you worked for the  
25 Commission?

1 A. Three years.

2 Q. Three years?

3 A. Three years, yes.

4 Q. Okay. Are the -- are you the same

5 Ms. Nieto that contributed to a Direct Report that's  
6 been marked as Staff Exhibits 100 and 101?

7 A. Yes, I am.

8 Q. And what are your contributions?

9 A. I have provided some direct testimony,  
10 Direct Report service sections. And I have focused on  
11 plastics and revenue requirement in general.

12 Q. Okay.

13 JUDGE DIPPELL: Can I get you to speak  
14 into the microphone just a little bit more? Thank  
15 you.

16 THE WITNESS: Yes.

17 BY MS. BRETZ:

18 Q. Could you state again what your  
19 contributions are?

20 A. I have focused mainly on -- on plastics,  
21 removal of plastics.

22 Q. Do you have any changes or corrections to  
23 your contribution?

24 A. I do not.

25 Q. If you were to rewrite your -- your part

1 of the Direct Report, would you be writing the same  
2 thing again?

3 A. Yes.

4 Q. Have you had the opportunity to review  
5 the direct testimony filed by OPC and Spire Missouri?

6 A. Yes.

7 Q. Do you have any rebuttal?

8 A. I do not.

9 Q. Okay.

10 MS. BRETZ: I tender the witness for  
11 cross-examination.

12 JUDGE DIPPELL: Is there  
13 cross-examination by Spire?

14 MS. BOCKSTRUCK: No, Judge.

15 JUDGE DIPPELL: Anything from Public  
16 Counsel?

17 MR. CLIZER: No, Your Honor. Thank you.

18 JUDGE DIPPELL: Is there -- are there any  
19 questions from the Commission?

20 COMMISSIONER KENNEY: No.

21 JUDGE DIPPELL: Is -- well, I guess  
22 there's no redirect then either, is there? Or is  
23 there redirect?

24 MS. BRETZ: No redirect.

25 JUDGE DIPPELL: Okay. Hold on just one

1 second. Okay. I think then that concludes your  
2 testimony and you may step down.

3 THE WITNESS: Thank you.

4 JUDGE DIPPELL: Staff like to call its  
5 next witness?

6 MR. BERLIN: Yes, judge. Staff calls  
7 Charles Poston.

8 (Witness sworn.)

9 JUDGE DIPPELL: Go ahead.

10 CHARLES POSTON, being first duly sworn, testified as  
11 follows:

12 DIRECT EXAMINATION BY MR. BERLIN:

13 Q. Good afternoon, Mr. Poston. Would you  
14 please state your name and spell your last name?

15 A. My name is Charles Poston, P-o-s-t-o-n.

16 Q. And did you cause to be prepared certain  
17 engineering testimony in the Direct Report of Staff  
18 for the Spire East and Spire West cases?

19 A. Yes.

20 Q. Do you have any changes to make to your  
21 testimony at this time?

22 A. I do not.

23 Q. And could you very briefly describe your  
24 portion of the Direct Report?

25 A. Certainly. In the Direct Report filed by

1 Staff, I provided an engineering review. In this  
2 case, that review was limited to my participation in a  
3 construction site visit in the Spire East territory  
4 and a review of Mr. Hoferlin's direct testimony.

5 Q. Okay. And so if you were to rewrite that  
6 testimony today, would you write substantially the  
7 same testimony?

8 A. Yes.

9 Q. Okay. And did you have the opportunity  
10 to review the direct testimony of the Office of Public  
11 Counsel and Spire Missouri?

12 A. Yes.

13 Q. And do you have any rebuttal testimony to  
14 offer at this time?

15 A. No.

16 MR. BERLIN: And with that, Judge, I  
17 would tender Mr. Poston for cross-examination.

18 JUDGE DIPPELL: Is there any  
19 cross-examination by Spire?

20 MR. PENDERGAST: Just very briefly.

21 CROSS-EXAMINATION BY MR. PENDERGAST:

22 Q. Good afternoon, Mr. Poston. I'd just  
23 like to refer you to page 5 of your tes-- of the Staff  
24 report. And there you state the compliance with state  
25 and federal safety requirements is mandatory and is

1 not by itself sufficient to qualify any specific  
2 expense as being ISRS eligible. And then you go on to  
3 refer to the worn out or in deteriorated condition  
4 requirement; is that correct?

5 A. It -- it is correct.

6 Q. Okay. And did you mean by separating  
7 those two to say that you need to establish both?

8 A. Yes.

9 Q. Okay. Thank you.

10 JUDGE DIPPELL: Is there  
11 cross-examination from Public Counsel?

12 MR. CLIZER: Yes, Your Honor.

13 CROSS-EXAMINATION BY MR. CLIZER:

14 Q. Good afternoon, Mr. Poston. Were you in  
15 the room earlier when we were -- when I was crossing  
16 Mr. Hoferlin?

17 A. Yes.

18 Q. Do you recall we discussed a work order  
19 authorization, specifically Number 800039 that's now  
20 been admitted as OPC's 203?

21 A. Yeah. I remember when that happened.

22 Q. Do you recall that Mr. Hoferlin  
23 confirmed that several of the retirements in that work  
24 order were -- would be of coated steel?

25 A. I believe so, yes.

1 Q. All right. Do you also recall the same  
2 discussion I had with Mr. Hoferlin regarding the DIMP  
3 plan by the Com-- submitted by Spire, which indicates  
4 they began installation of coated steel in 1948?

5 A. I remember that discussion, yes.

6 Q. And I asked Mr. Hoferlin how a person  
7 could determine, based off of these plans, whether or  
8 not what was being replaced was coated steel or not.  
9 Do you recall that question?

10 A. I do.

11 Q. I believe Mr. Hoferlin's answer was that  
12 someone could not determine it based off these  
13 authorizations. One would need to go to -- and he  
14 used an acronym. I'm probably going to mess it up.  
15 You'll probably correct me. GSI?

16 A. GIS.

17 Q. GIS. Thank you. You recall that  
18 conversation?

19 A. I do.

20 Q. As part of your engineering review, did  
21 you review GIS to ensure that Spire was not replacing  
22 cathodically protected coated steel mains as part of  
23 this ISRS application?

24 A. I did not.

25 Q. Thank you. That is all. I have no

1 further questions.

2 JUDGE DIPPELL: Are there Commission  
3 questions?

4 COMMISSIONER KENNEY: No questions.  
5 Thank you.

6 COMMISSIONER COLEMAN: No, thank you.

7 JUDGE DIPPELL: Okay. Is there any  
8 redirect?

9 MR. BERLIN: Yes, Judge. Briefly.

10 REDIRECT EXAMINATION BY MR. BERLIN:

11 Q. Mr. Poston, were -- were you in the room  
12 when Mr. Hoeflerlin was testifying in front of the  
13 Commission?

14 A. Yes.

15 Q. Is it fair to say that you find  
16 Mr. Hoeflerlin's testimony to be reasonable and  
17 correct? In other words, do you have any  
18 disagreements with any testimony that he provided  
19 today?

20 A. I have no specific disagreements, no.

21 MR. BERLIN: Okay. Judge, I have nothing  
22 else. Thank you.

23 JUDGE DIPPELL: Okay. That concludes  
24 your testimony, Mr. Poston. You may step down.

25 Staff, you may call your next witness.

1 MR. BERLIN: Staff calls Mr. David  
2 Sommerer.

3 (Witness sworn.)

4 JUDGE DIPPELL: You can go ahead with  
5 your direct.

6 DAVID SOMMERER, being first duly sworn, testified as  
7 follows:

8 DIRECT EXAMINATION BY MR. BERLIN:

9 Q. Mr. Sommerer, please state your name and  
10 spell your last name for the court reporter.

11 A. David Sommerer, S-o-m-m-e-r-e-r.

12 Q. And how are you employed?

13 A. I am the manager of the Procurement  
14 Analysis Department with the Missouri Public Service  
15 Commission.

16 Q. How long have you been in that position?

17 A. Approximately 27 years.

18 Q. And Mr. Sommerer, did you prepare certain  
19 testimony in Staff's Direct Report for Spire East and  
20 for Spire West that are marked as Exhibits 100 and  
21 101?

22 A. Yes.

23 Q. Could you briefly describe the testimony  
24 you prepared?

25 A. I sponsored the Staff's rate design

1 schedule which, in essence, takes the revenue  
2 requirement from the previous ISRS cases and the  
3 current revenue requirement and splits those revenues  
4 between the rate class-- classes for Spire East and  
5 Spire West.

6 Q. Do you have any corrections to make to  
7 your testimony at this time?

8 A. No.

9 Q. And if you were to prepare the -- or  
10 write the same testimony today, would it be  
11 substantially the same?

12 A. Yes.

13 Q. And that testimony is true and correct to  
14 your best information and belief?

15 A. Yes.

16 Q. Did you have an opportunity to review the  
17 direct testimony of Spire Missouri and the Office of  
18 the Public Counsel?

19 A. Yes.

20 Q. And do you have any rebuttal testimony at  
21 this time?

22 A. I do not.

23 Q. Okay.

24 MR. BERLIN: With that, Judge, I tender  
25 Mr. Sommerer for cross.

1 JUDGE DIPPELL: Is there any  
2 cross-examination by Spire?

3 MR. PENDERGAST: No, Your Honor.

4 JUDGE DIPPELL: Public Counsel?

5 MR. CLIZER: No, Your Honor.

6 JUDGE DIPPELL: Are there questions from  
7 the Commission?

8 COMMISSIONER KENNEY: No, thank you.

9 COMMISSIONER COLEMAN: No, Judge.

10 JUDGE DIPPELL: All right then. I guess  
11 your testimony is concluded and you can please step  
12 down, Mr. Sommerer.

13 THE WITNESS: Thank you.

14 MR. BERLIN: Judge, before we continue  
15 on, that completes Staff's witnesses. I would like to  
16 at this time move the Direct Report with Appendice 1  
17 for both Spire East, which is premarked as Exhibit  
18 100, and the Direct Report with Appendix 1 for Spire  
19 West, which is marked as Exhibit 101, and to move  
20 those into evidence.

21 JUDGE DIPPELL: Would there be any  
22 objection to Exhibits 100 and 101? Seeing none, I  
23 will admit those exhibits.

24 (Staff Exhibits 100 and 101 were received  
25 into evidence.)

1 MR. BERLIN: Thank you, Judge.

2 JUDGE DIPPELL: Thank you. Okay. It's  
3 almost 4:15 and I want to just reassess where we are.  
4 So we have everybody except for the two Public Counsel  
5 witnesses. Correct? Is there substantial  
6 cross-examination for Public Counsel's witnesses?

7 MR. PENDERGAST: I think that it's fair  
8 to say that it would take us past the five o'clock  
9 hour to complete our cross-examination. I see no  
10 reason why it wouldn't be finished, if we start again  
11 tomorrow, by noon.

12 JUDGE DIPPELL: Okay. Definitely not in  
13 the next 45 minutes and not say in the next hour and a  
14 half?

15 MR. PENDERGAST: You know, it's possible  
16 that it could be done in an hour and a half. It just  
17 kind of depends on the responses we get from the  
18 witnesses and that kind of thing.

19 JUDGE DIPPELL: Okay. It's really the  
20 Company that is most inconvenienced if we continue  
21 until tomorrow, so just -- I'm just -- I'm checking on  
22 Commission questions.

23 Okay. We can go ahead and begin  
24 Mr. Robinett then and -- and see how far we go. Would  
25 you like to go ahead and begin Public Counsel's

1 witnesses?

2 MR. CLIZER: Do I need to call him?

3 JUDGE DIPPELL: No, that's fine. He was  
4 on the witness list as the first witness so I just  
5 assumed that he would be.

6 (Witness sworn.)

7 JUDGE DIPPELL: You may proceed,  
8 Mr. Clizer.

9 JOHN A. ROBINETT, being first duly sworn, testified as  
10 follows:

11 DIRECT EXAMINATION BY MR. CLIZER:

12 Q. Would you please state your name and  
13 spell your last name for the court reporter?

14 A. John A. Robinett. And it's  
15 R-o-b-i-n-e-t-t.

16 Q. And by whom are you employed and in what  
17 capacity?

18 A. I'm employed by the Missouri Office of  
19 the Public Counsel as a utility engineering  
20 specialist.

21 Q. And did you prepare or cause to be  
22 prepared certain testimony for this case that's been  
23 premarked as OPC's Exhibit 200?

24 A. I did.

25 Q. Do you have any corrections?

1 A. I do not.

2 Q. If I were to ask you the same questions  
3 that were asked in that testimony, would your  
4 responses today be the same?

5 A. They would.

6 Q. Those responses are true and correct to  
7 the best of your knowledge and belief?

8 A. They are.

9 Q. Mr. Robinett, do you have any rebuttal?

10 A. I do not.

11 Q. Fair enough.

12 MR. CLIZER: In that case, I would move  
13 to admit OPC's Exhibit 200 into the record and tender  
14 the witness for cross-examination.

15 JUDGE DIPPELL: And I just wanted to  
16 clarify again. We earlier had Schedule 16 to Exhibit  
17 200. That was marked originally as confidential, but  
18 now we have determined can be made public. Correct?

19 THE WITNESS: I believe so, yes.

20 JUDGE DIPPELL: Okay.

21 THE WITNESS: And I believe similarly I  
22 think it was Exhibit 6 that contains the same  
23 information, probably just a little bit more with more  
24 years.

25 JUDGE DIPPELL: Is Schedule 6 --

1 THE WITNESS: I'm going blind because I  
2 don't have it in front of me.

3 JUDGE DIPPELL: But it was -- it was a  
4 schedule --

5 THE WITNESS: Yes.

6 JUDGE DIPPELL: -- to your testimony?  
7 Okay. Sorry. Give me just one second. I wanted  
8 to -- yes, it was -- Schedule 6 was marked and that  
9 was annual report for calendar year 2018.

10 And is the Company okay if that schedule  
11 also becomes public? It's an annual report for  
12 calendar year 2018.

13 MR. PENDERGAST: I believe we are fine  
14 with that, Your Honor.

15 JUDGE DIPPELL: Okay. Making sure that's  
16 all it was.

17 THE WITNESS: Your Honor, I believe it's  
18 probably also for '17 and '16 for both sides as well.

19 JUDGE DIPPELL: Okay. Yes. I see as I  
20 scroll down. But that solely consists of annual  
21 reports?

22 THE WITNESS: Yes.

23 JUDGE DIPPELL: Okay. If the Company  
24 finds out that there's something I missed in there,  
25 let me know.

1 MR. PENDERGAST: Okay.

2 JUDGE DIPPELL: Otherwise, we're going to  
3 make those public.

4 Would there be any objection to Exhibit  
5 Number 200? Seeing none then, I will admit Exhibit  
6 200.

7 (OPC Exhibit 200 was received into  
8 evidence.)

9 JUDGE DIPPELL: Is there any  
10 cross-examination by staff?

11 MR. BERLIN: Yes, Judge. A few  
12 questions.

13 CROSS-EXAMINATION BY MR. BERLIN:

14 Q. Good afternoon, Mr. Robinett.

15 A. Good afternoon.

16 Q. On page 6, lines 7 to 9 of your testimony  
17 you state, and I quote, Spire has failed to provide  
18 any tangible evidence that any of the pipes replaced  
19 under the work orders that rely on this section  
20 actually meet the definition of a worn out or in a  
21 deteriorated condition.

22 What is the definition of worn out or in  
23 a deteriorated condition?

24 A. Are you asking for a legal definition --

25 Q. No.

1 A. -- or a personal definition?

2 Q. I'm asking you for -- you refer to a  
3 definition of worn out or in a deteriorated condition.  
4 What is your definition? What is the definition of  
5 worn out or deteriorated condition?

6 A. I was using the statute that refers to  
7 worn out and deteriorated.

8 Q. Where is that -- where is worn out or  
9 deteriorated defined in the rules or statutes?

10 A. I am not aware if it is.

11 Q. Okay. On page 8 you reference a Staff  
12 recommendation from a different case, File Number  
13 GO-2019-0091 where Ms. McNelis stated that the av--  
14 the age of PVC pipe does not meet the criteria used in  
15 Staff's evaluation because the age of pipe is not  
16 necessarily a safety concern provided that the pipe is  
17 in good condition, closed quote.

18 On lines 13 through 16 of page 8 of your  
19 testimony you state that, and I quote, while this case  
20 dealt specifically with PVC pipes, the logic of  
21 Ms. McNelis's conclusion should hold true with  
22 absolutely any material, closed quote.

23 So my question for you is have you ever  
24 asked Ms. McNelis if she agrees with your conclusion  
25 that the logic would hold true with respect to any

1 material?

2 A. I have not.

3 Q. On page 4, lines 9 to 11 you state, and I  
4 quote, it is important to remember that the whole  
5 point of cathodic protection is to slow down the rate  
6 of degradation or corrosion that naturally occurs in  
7 metal pipes, thus, lengthening the useful life of the  
8 pipes, closed quote.

9 So in your experience -- well, first of  
10 all, let me ask. Can you tell me what is corrosion?

11 A. Specifically here we are more than likely  
12 dealing with an oxidation. Additionally, as with cast  
13 iron, corrosion has been defined as graphitization,  
14 which would be a leaching.

15 Q. So would you agree that when metallic  
16 pipe corrodes, there is a loss of metal from the pipe?

17 A. Yes.

18 Q. Is cathodic protection applied to cast  
19 iron pipe?

20 A. I don't know.

21 Q. Do you know if the Commission's rules  
22 require cathodic protection of cast iron pipe?

23 A. I do not know.

24 Q. So if the whole point of cathodic  
25 protection is, in your view, to slow down the rate of

1 corrosion that naturally occurs on metal pipes, would  
2 you agree that at some point in time those metal pipes  
3 will corrode?

4 A. Yes.

5 Q. Would the age of the pipe -- would that  
6 be a significant factor in the corrosion?

7 A. I think it is a factor. It may not be  
8 the only.

9 Q. Okay. So would you agree that if a  
10 metallic pipe is not cathodically protected, if a  
11 steel -- if a -- if a steel pipe is not cathodically  
12 protected, it will corrode?

13 A. I would probably go a step further and  
14 say even though it is cathodically protected, there is  
15 still corrosion.

16 Q. So you're saying that the cathodic  
17 protection doesn't totally eliminate the possibility  
18 of a progressive corrosion?

19 A. No, it would not.

20 Q. Okay. On page 16, lines 5 to 8 of your  
21 testimony, you state, and I quote, the OPC sent  
22 several data requests to the Commission's Gas Safety  
23 Department concerning their understanding of Spire's  
24 gas distribution system. The Gas Safety Department  
25 responded by informing us that they do not monitor the

1 condition of Spire's gas distribution system to see if  
2 it is worn out or deteriorated, closed quote.

3 Can you explain to me what is meant by  
4 the phrase "monitor the condition of Spire's gas  
5 distribution system"?

6 A. So that is basically my interpretation of  
7 the DRs that we received that basically indicate that  
8 the Commission rules on safety do not indicate worn  
9 out and deteriorated and that they do not -- so  
10 specifically it relates to 15 -- DR 15.

11 And it says that the engineering -- the  
12 Safety Engineering staff does not agree that all the  
13 non-cathodically protected steel services are in a  
14 worn out and deteriorated condition because the  
15 Missouri Public Service Gas Safety Rules do not  
16 include definitions of when natural gas piping is  
17 considered to be worn out or in a deteriorated  
18 condition.

19 Q. Are there any Commission rules or other  
20 requirements that you are aware of that require the  
21 Staff to monitor the condition of buried pipelines to  
22 determine if the condition is worn out or  
23 deteriorated?

24 A. I know the Commission Staff is to monitor  
25 and they look at the inspections of like placing them

1 in. I do not know if they make the determination of  
2 worn out/deteriorated.

3 MR. BERLIN: Judge, I have no further  
4 questions. Thank you.

5 JUDGE DIPPELL: Thank you. Are there  
6 cross-examination by Spire?

7 MR. PENDERGAST: Thank you, Your Honor.

8 CROSS-EXAMINATION BY MR. PENDERGAST:

9 Q. Good afternoon, Mr. Robinett.

10 A. Good afternoon, Mr. Pendergast. I'd just  
11 like to begin with a few upfront questions about your  
12 experience when it comes to ISRS kind of work. And  
13 have you previously worked on designing a program for  
14 replacing cast iron or buried steel facilities?

15 A. I have not.

16 Q. Okay. Have you supervised the  
17 implementation of a program for replacing these  
18 facilities?

19 A. I have not.

20 Q. Okay. Did you have an opportunity, as  
21 part of a tour, to observe certain facilities being  
22 removed in connection with the replacement of cast  
23 iron or unprotected steel facilities?

24 A. What's your definition of removed?

25 Q. Uncovered for the eyes to see.

1           A.       Yes. I was on a tour in this case, as  
2 well as previously I believe in 2016.

3           Q.       Okay. So two tours. And just tell us  
4 what you witnessed on those tours generally. You  
5 don't have to go into a great deal of detail.

6           A.       Generally in this case with the first  
7 project, we -- the first one we went to Spire had laid  
8 out a -- I believe it was a 12-inch cast iron main for  
9 both myself, Ms. Roth from our office went, as well as  
10 Staff.

11                    At that site we were informed though that  
12 it was not an ISRS eligible project due to it being  
13 the replacement of existing plastic main. At that  
14 facility it -- I also observed that it was -- a  
15 section of it was the plastic main being inserted into  
16 the old cast iron pipe.

17                    At the second tour we saw service line  
18 replacements. The work on the mains had previously  
19 been done is what we were described.

20           Q.       Okay. And did you visually inspect any  
21 pipe?

22           A.       I would have visually inspected the pipe  
23 that was there. Yes, I looked at it.

24           Q.       Okay. And do you have any comments about  
25 the condition of that pipe?

1 A. That 12-inch main that we were told was  
2 not part of an ISRS project did have corrosion on it.

3 Q. Okay. It had corrosion on it even though  
4 it wasn't part of an ISRS project?

5 A. Yes.

6 Q. Okay. Can you -- you have some  
7 discussion in your testimony about age and age alone  
8 not being a single factor that shows whether you need  
9 to replace facilities; is that correct?

10 A. Yes.

11 Q. Okay. And you're familiar from your work  
12 in the depreciation area about generally how  
13 depreciation accounting works with respect to utility  
14 facilities?

15 A. I would say yes.

16 Q. Okay. And would it be fair to say that  
17 for facilities that a utility has, they do apply some  
18 depreciation rate or calculate one that's then  
19 applicable to that facility or to facilities of that  
20 nature?

21 A. I would say yes, with the caveat that  
22 historical data may not always be present and that  
23 surrogates are occasionally used.

24 Q. Sure. Fair -- fair point. And when  
25 you're establishing these depreciation rates and

1 including depreciation expense, what is the purpose of  
2 that exercise?

3 A. To return the cost of the original  
4 investment back to the utility over the average  
5 expected service life of that facility, plus a factor  
6 of cost of removal or salvage depending on what drives  
7 over that same period.

8 Q. Okay. And are you returning that -- the  
9 cost of that facility over a period of time because  
10 from an economic or operational standpoint it's being  
11 used up?

12 A. Yes.

13 Q. And what does it mean that it's being  
14 used up?

15 A. Multiple things actually.

16 Q. Okay.

17 A. Based on the definition of depreciation  
18 and all the factors. It could be changes of art, it  
19 could be just general wear and tear or corrosion decay  
20 caused by the environment, governmental authorities  
21 with the certain rules or items that they would be --  
22 certain governmental directions to a utility.

23 Q. Okay. It can be driven by a number of  
24 different factors, but would you agree with me that it  
25 reflects that over time, for one reason or another,

1 this facility is going to either be used up or not,  
2 you know, remain fit to provide service?

3 A. There is a definitive life of an asset,  
4 yes. It will come to -- the utility will find that it  
5 is no longer needed or needs to be adjusted or  
6 changed.

7 Q. Okay. And is one of the reasons that  
8 that happens is because facilities tend to deteriorate  
9 over time?

10 A. Yes.

11 Q. Okay. And when you come up with an  
12 average service life -- and admittedly it's only an  
13 average -- is it basically the conclusion of a  
14 depreciation rate, that over whatever service life it  
15 has, that facility will deteriorate and be used up?

16 A. On average, yes. Some will be shorter,  
17 some may be longer.

18 Q. Okay. Some will be shorter and some will  
19 be longer, but all of them will, to one degree or  
20 another, over time deteriorate and be used up?

21 A. Over time they will no longer become  
22 useful to the utility, I would agree, yes.

23 Q. Okay. Would you agree that that's  
24 because they tend to deteriorate over time?

25 A. Specifically for this gas utility, I

1 would say yes.

2 Q. Okay. And if you have something with a  
3 50-year service life, the idea would be that, on  
4 average, they're going to be used up and deteriorate  
5 to the point of not even being useful anymore over  
6 50 years, on average?

7 A. On average, I would say yes.

8 Q. Okay. And you would agree that under the  
9 ISRS statute, facilities qualify if they are worn out  
10 or in a deteriorated condition; is that correct?

11 A. I believe that's what the statute says,  
12 yes.

13 Q. Okay. It's -- it's not and. It's or.

14 A. It's or, I believe.

15 Q. If I look at page 5 of your testimony,  
16 there I think you reference a number of work orders  
17 that you had concerns about.

18 A. Yes.

19 Q. Okay. And when you were going through  
20 these work orders and you noticed what you thought was  
21 either missing information or discrepancies, did you  
22 at any point say call Mr. Selinger here and say Wes,  
23 what's up with this? It says like cast iron at the  
24 top then it really references bare steel.

25 A. I did not.

1 Q. Okay. Why did you determine -- or did  
2 you even make a conscious determination that I  
3 shouldn't go ahead and seek a clarification from the  
4 Company on this?

5 A. Mr. Pendergast, I'm working on multiple  
6 cases. This isn't the only one in my office.

7 Q. Okay. So you're working on multiple  
8 cases. So instead of seeking a clarification, it was  
9 just easier and took less time to stick it in your  
10 testimony and say hey, this is a concern I've got  
11 based on what I saw?

12 A. I mean it is a concern that I have, yes.

13 Q. Okay. And all I'm saying is that it was  
14 more convenient for you to just mention it in your  
15 testimony rather than seek a clarification first from  
16 the Company to see should I be concerned about this?  
17 Is there an answer to this?

18 A. With depreciation records, it's critical  
19 that we have vintages. Now, I understand it may not  
20 have been final. I understand that. But these are  
21 all updates that I assumed were final when I received  
22 them. Because the vast majority of these are actuals  
23 from June and July --

24 Q. Okay.

25 A. -- these come from.

1 Q. And do you understand that now from the  
2 conversation that went on today?

3 A. I do.

4 Q. Okay. And could you have gained that  
5 understanding if you'd called Wes over here and asked  
6 him that question?

7 A. I believe so, yes.

8 Q. Okay. But you're very busy and you  
9 didn't do that?

10 A. I did not do that, no.

11 Q. Okay. And when you looked over the one  
12 work order that had cast iron at the top, then had all  
13 these references to steel, did you kind of conclude to  
14 yourself maybe the top part was just mislabeled?

15 A. I don't know that I concluded anything  
16 from it other than it didn't look right, that --

17 Q. Okay. And how many work orders did you  
18 review altogether?

19 A. I mainly focused on Spire West. I did  
20 not really look at Spire East at all.

21 Q. Okay. And how many work orders for Spire  
22 West did you look at?

23 A. For sure I know north of 40.

24 Q. North of 40. Okay. And none for Spire  
25 East?

1           A.     Not in that level of detail that I would  
2 have on the west, no.

3           Q.     Okay. Okay. Thank you. I think that's  
4 all I have.

5           JUDGE DIPPELL: Any questions from the  
6 Commission?

7           COMMISSIONER COLEMAN: No, thank you.

8           QUESTIONS BY JUDGE DIPPELL:

9           Q.     Mr. Robinett, I just have one. And this  
10 goes back to what Mr. Berlin was asking you in the  
11 beginning on page 6 of your testimony. He pointed you  
12 to -- what was it -- line 7 through 9 where you said  
13 Spire has failed to provide any tangible evidence that  
14 any of the pipes replaced under the work orders that  
15 rely on this section actually meet the definition of  
16 worn out or in a deteriorated condition.

17                     And his question was what is the  
18 definition of worn out or in a deteriorated condition.  
19 And I didn't actually hear an answer to that. What --  
20 not the legal definition, but to you what does that --  
21 that phrase mean?

22           A.     I think for the majority I would agree  
23 with Mr. Leonberger that worn out would definitely be  
24 where the presence of a leak is. I mean there's no  
25 doubt that there is a problem there and that that --

1 something needs to be done.

2 Deteriorated condition is where I  
3 struggle. Because anything could be to a --  
4 deteriorated, but it still may be well within a safety  
5 factor that is inherently built into the system. So  
6 were worn-outs a lot easier? I don't know that there  
7 is a good definition for deteriorated and when it  
8 switches to where it's the other.

9 Q. So what would have been the tangible  
10 evidence of worn out or in a deteriorated condition?

11 A. I attempted in this case to use average  
12 corrosion rates and used that based on the age of the  
13 pipes. And I understand that they all may not corrode  
14 in the same route and the same depth.

15 And so I was trying to attempt to  
16 determine whether or not certain pipe retired  
17 potentially still had a safety factor built in with  
18 the thickness of the pipe, whether there was still  
19 enough there based on a corrosion rate that it may  
20 still be safe.

21 Q. And was that the only kind of evidence  
22 that would have satisfied in your mind that they had  
23 shown that it was in a deteriorated condition or worn  
24 out?

25 A. Certainly not. I don't think I asked for

1 them in this -- and I know Mr. Hoeflerlin attached  
2 photographs of what previously had been pulled out.  
3 Not as part of this ISRS case, but photographs of the  
4 condition of the pipes similar to what is being asked  
5 here, but it wasn't the ones that were.

6 And I know for them to be safely retired,  
7 that they still have to go down and somehow seal them  
8 off. So that ability probably is there and it's not  
9 an exorbitant cost that we would be asking about.

10 JUDGE DIPPELL: Okay. Okay. I think  
11 that's the only questions I had. Is there any further  
12 cross-examination based on my questions from Staff?

13 MR. BERLIN: Yes, Judge.

14 FURTHER CROSS-EXAMINATION BY MR. BERLIN:

15 Q. Mr. Robinett, and -- based on a question  
16 that was a follow-up question that Judge Dippell had  
17 asked you regarding my question originally, you  
18 indicated, as I understand, there's worn out  
19 conditions that, in your view, you agreed that if  
20 there's a leak, it's worn out --

21 A. Yes.

22 Q. -- is that right?

23 A. Yes.

24 Q. Okay. Then I believe in an earlier  
25 answer to my question, you had agreed that corrosion

1 is an ongoing process?

2 A. It is, yes.

3 Q. In other words, it's getting -- as -- as  
4 corrosion takes place, it continues to get worse; is  
5 that right?

6 A. It is worse than what it was installed  
7 at, yes.

8 Q. So would you agree that the process of  
9 ongoing corrosion is also a deterioration in the -- in  
10 the pipe itself?

11 A. I would agree that that is a process of  
12 deterioration.

13 Q. All right.

14 MR. BERLIN: No further questions, Judge.  
15 Thank you.

16 JUDGE DIPPELL: Is there any further  
17 cross-examination from Spire?

18 MR. PENDERGAST: No, Your Honor.

19 JUDGE DIPPELL: Is there redirect?

20 MR. CLIZER: Yes, Your Honor.

21 REDIRECT EXAMINATION BY MR. CLIZER:

22 Q. I'm going to jump first to the Commission  
23 questions that you were asked. You were asked a  
24 couple different ways that we could -- sorry, that OPC  
25 would be willing to say that pipes were worn out and

1 deteriorated, what kind of evidence. Do you recall?

2 A. Yes.

3 Q. You mentioned a couple. Is it also  
4 possible that, for example, leak reports, something  
5 like that could have demonstrated worn out and det--  
6 worn out or in a deteriorated condition of pipes?

7 A. Yes. Specifically for projects that --  
8 it would have.

9 Q. You had described sort of the idea that  
10 Spire has to go down and cap the ends of its -- the  
11 pipes. Just give me a little bit more on that. What  
12 exactly are you referring to?

13 A. The process that they have to eliminate  
14 gas from the old system that they're retiring. That  
15 way it is safely retired in place.

16 Q. And what do they do?

17 A. I don't know in all instances, but in the  
18 site tour that we had, it was indicated that one form  
19 of sealing is a spray foam expansion process.

20 Q. And so they have to expose a portion of  
21 the pipe?

22 A. It's my understanding they would need to  
23 be down to the pipe in order to create it --

24 Q. Okay.

25 A. -- to make it safe.

1 Q. You were asked several questions  
2 regarding what -- what a deteriorated condition means.  
3 And when you answered those, you had kind of talked  
4 about pipe safety tolerances. I believe that's the  
5 phrase you used. Is that the phrase you used?

6 A. I probably used safety factor.

7 Q. Safety factor. Okay. Can you give me a  
8 little bit more background on what that is?

9 A. In most engineering projects, not as a  
10 licensed engineering, just from my studies, inherently  
11 you build in extra protection -- basically you build  
12 it bigger and better than you need it.

13 Q. So a pipe can be -- a pipe can undergo  
14 some deterioration potentially before hitting that  
15 safety factor?

16 A. Yes.

17 Q. All right. I'm going to move onto  
18 what -- some of the cross you received from the  
19 Company. You were asked a lot about the depreciable  
20 life of things. And the conversation sort of drifted  
21 to the idea that once a pipe has reached the end of  
22 its depreciable life, it's used up. Do you recall  
23 that kind of conversation?

24 A. We did have a conversation about  
25 depreciation and average service lives and depreciable

1 life, yes.

2 Q. Do you know what the depreciable life of  
3 plastic mains are for Spire East?

4 A. For Spire East -- I know it's attached as  
5 a schedule, but I believe mains is a 70-year life on  
6 plastic.

7 Q. So based on your conversation then, once  
8 that pipe has been in the ground 70 years, that  
9 plastic has deteriorated. Would you agree with that?

10 A. The thing with depreciation, it may or  
11 may not be. It's an average. So some would have  
12 reached its useful life shorter, some will reach it  
13 longer.

14 Q. But I mean by reaching its average life,  
15 are you saying that the pipe is corroded at that  
16 point, the plastic mains? Or could it have been  
17 retired for other reasons?

18 A. There are multitude reasons of why  
19 plastic could be retired.

20 Q. So just because the plastic hits the end  
21 of its 70-year life, that doesn't mean it's corroded?

22 A. It would not.

23 Q. It wouldn't corrode. Well, in that  
24 discussion of depreciation, there was some discussion  
25 on how depreciable lives are calculated. Do you

1 recall that?

2 A. Yes.

3 Q. Are you familiar with how the depreciable  
4 lives currently in use for Spire East and Spire West  
5 were calculated?

6 A. Generally, yes.

7 Q. Can you give me a brief description of  
8 how -- start with the west -- depreciable lives are  
9 ca-- were calculated for the west?

10 A. Depreciable lives were calculated on the  
11 west, and they date back several years because we have  
12 a loss of historical data that occurred when Southern  
13 Union bought MGE in 1994. So Black and Veatch, who at  
14 that point in time was the depreciation consultants  
15 for MGE, had to come in and estimate. And I believe  
16 they created data so that there is something there  
17 that you can potentially perform a study on.

18 But the most reliable historical data  
19 that we have is from '94 forward.

20 Q. Do you happen to recall whether or not  
21 you helped work on the case where this depreciable  
22 life was calculated, as you're describing?

23 A. I believe you're talking about the  
24 most -- I was on OPC for the most recent rate case.  
25 The 2014 case that this derives out of, I was a Staff

1 witness at the time.

2 Q. So you're familiar with the Black and  
3 Veatch report that was used to calculate Spire West's  
4 service lives?

5 A. I am.

6 Q. And does what I've just handed you, is  
7 that a correct copy of that Black and Veatch report?

8 A. I believe it is what was filed in  
9 GR-2014-0007.

10 Q. Can you point to me where in that  
11 report -- I know it's a long report -- where it  
12 describes the methodology employed by Black and  
13 Veatch?

14 A. The first part would be page 2 where it  
15 talks about numerous studies performed by Black and  
16 Veatch over the time frame dating back to '95 all the  
17 way through 2010. And then again at page 6 where it  
18 talks about the historical information, the  
19 procedures, is where they discuss not having  
20 sufficient retirement data available for meaningful  
21 survivor curves.

22 MR. CLIZER: I'm going to go ahead and  
23 ask that this be marked. I should have done that  
24 first obviously, and I apologize.

25 JUDGE DIPPELL: And your next exhibit

1 number is 205. Were you wanting both of these  
2 documents marked?

3 MR. CLIZER: Yes.

4 JUDGE DIPPELL: So I have a Report on  
5 Depreciation Accrual Rates by Black and Veatch. I  
6 will mark that as Exhibit 205. And one titled  
7 Depreciation Study Calculated Annual Depreciation  
8 Accruals Related to Gas Plant at September 30th, 2012,  
9 I will mark as Exhibit 206.

10 (OPC Exhibits 205 and 206 were marked for  
11 identification.)

12 BY MR. CLIZER:

13 Q. Now, when you were describing -- okay.  
14 When you were describing the method, you described how  
15 the east had actual data; is that correct?

16 A. I don't think I'd gotten to the east yet.

17 Q. Oh, maybe I was wrong. In comparison to  
18 the west, how did the east determine its -- or how was  
19 the depreciation average service lives for Spire East  
20 determined?

21 A. Spire East has significantly more  
22 historical data available to it as I don't believe it  
23 has changed hands. And so they maintain all of the  
24 records that they've had and have the historical life  
25 to look over.

1 Q. Are you familiar with the depreciation  
2 study that was developed for Spire East?

3 A. I am.

4 Q. And is what has now been marked as OPC  
5 Exhibit 206, is that the depreciation study, or rather  
6 segments of it?

7 A. This is primarily -- this is the report  
8 section. What isn't attached are all of the survivor  
9 curves and the remaining end-of-life analysis that  
10 would be behind it. Because that was roughly in total  
11 355 pages.

12 MR. CLIZER: All right. I'm going to --  
13 I'll move to admit OPC Exhibits 205 and 206.

14 MR. PENDERGAST: Your Honor, I think I'm  
15 going to have to object to that. I asked some general  
16 questions about depreciation theory, and what we have  
17 here are two reports that they are wanting to go ahead  
18 and admit into evidence.

19 We don't have the people who actually  
20 performed the analysis here. They're not available to  
21 be cross-examined. And while I think Mr. Robinett  
22 indicated that he was familiar with it, the fact of  
23 the matter is we don't have an opportunity, should  
24 there be something in there -- and I'm not saying  
25 there is -- that we have a problem with or disagree

1 with, to ask anybody about, you know, the various data  
2 factors and other considerations that went into these  
3 reports.

4           So I think just admitting them into  
5 evidence as if they've been authenticated and as if  
6 people have had an opportunity to cross-examine and  
7 determine what the various details of this report, are  
8 we just haven't had the opportunity to do that.

9           JUDGE DIPPELL: Mr. Clizer, do you have a  
10 response?

11           MR. CLIZER: May I ask a question  
12 actually of Mr. Robinett first?

13           JUDGE DIPPELL: Certainly. Go ahead.

14 BY MR. CLIZER:

15           Q. On the first page of the Exhibit 205,  
16 Report on Depreciation Accrual Ratings, at the bottom,  
17 who does it state this was prepared for?

18           A. Which one are we on? Are we on Black and  
19 Veatch or the one from Gannett?

20           Q. Black and Veatch. On the first page, the  
21 front page.

22           A. Oh, prepared for Missouri Gas Energy.

23           Q. And on the calculation of annual deprec--  
24 depreciation accruals, the Gannett Fleming at the top,  
25 who was this prepared for?

1           A.     It's titled Laclede Gas Company,  
2 St. Louis, Missouri.

3           Q.     You stated previously that you were a  
4 Staff member at the time that these reports were first  
5 introduced; is that correct?

6           A.     Provided to Staff, yes.

7           Q.     And who provided these reports to Staff?

8           A.     Laclede would have provided its  
9 depreciation study as part of GR-2013-0131. The MGE  
10 one is a little tricky because I know this is in and  
11 around when the merger occurred. So I can't  
12 specifically state whether it was MGE or Laclede that  
13 had done that.

14           MR. PENDERGAST: Well, Your Honor, that  
15 clarification just makes me want to object even more.  
16 First of all, just because they were prepared on  
17 behalf of a company does not mean that their relevance  
18 and applicability is something that you can inquire  
19 into based on this I'm going to give it to you at 4:59  
20 at the end of the evidentiary hearing or close to the  
21 end of the evidentiary hearings.

22           And secondly, just like the experience we  
23 had with our DIMP reports earlier today, in the rate  
24 case we had new depreciation studies that were  
25 submitted. They were three years later than what are

1 in these and so these have been overtaken by other  
2 depreciation studies and analyses that aren't being  
3 made available.

4           So I think going back and providing these  
5 is not only untimely, but once again, it doesn't  
6 provide us with an opportunity to really inquire and  
7 determine what the various bases and assumptions were  
8 as if we had a depreciation witness here who prepared  
9 it to go ahead and make whatever points we think need  
10 to be made.

11           MR. CLIZER: I really --

12           JUDGE DIPPELL: Mr. Clizer?

13           MR. CLIZER: I'm sorry. I'm really  
14 confused as to why Spire thinks it needs to make all  
15 this inquiry of information that it supplied to the  
16 Commission previously.

17           Second of all, I believe that  
18 Mr. Robinett has testified, but if not he can testify,  
19 I believe, that the current rates for average  
20 depreciable lives for Spire East and West have been  
21 maintained since they were first put into place in  
22 these cases based off these reports.

23           MR. PENDERGAST: And the reason we need  
24 to inquire is the same reason, for example, that we  
25 had to inquire about the DIMP reports. If we hadn't

1 brought forth the new DIMP reports that we'd done in  
2 2019, this Commission would have been under the  
3 misimpression that we ranked bare steel that had been  
4 cathodically protected way high up in the risk thing.  
5 When, in fact, if you look at the more recent  
6 information, you will find that it's elevated up to a  
7 much higher level in our risk analysis.

8           That's why it's important to go ahead and  
9 if you're going to submit information like this, that,  
10 number one, it be current; and number two, it be done  
11 in a way where you have an opportunity to meaningful  
12 review it and inquire about its relevance to this  
13 particular case.

14           MR. CLIZER: If I may one --

15           MR. BERLIN: Judge, if I could --

16           JUDGE DIPPELL: Mr. Berlin?

17           MR. BERLIN: -- enter -- enter Staff's  
18 objection. I want to join in the objection simply  
19 because these are not only outdated reports, as has  
20 been established, I think that by introducing these at  
21 the last minute, these outdated reports, it goes far  
22 afield on his re-- redirect from the general nature of  
23 Mr. Pendergast's original question.

24           Also, the Staff does not have a  
25 depreciation witness in this case. And I think that

1 Mr. Clizer is really relying on Mr. Robinett's past  
2 experience as a Staff witness on depreciation and he  
3 was around and working for Staff when these reports  
4 were done.

5 So I consider these not to be relevant,  
6 as well Staff hasn't had the opportunity to review  
7 them or even study the issue of depreciation, which  
8 has not been identified as an issue in this case.

9 JUDGE DIPPELL: Okay. Mr. Clizer,  
10 what -- what is the specific purpose of these two  
11 exhibits?

12 MR. CLIZER: It is my understanding, and  
13 Mr. Robinett can testify to this, that the current  
14 average depreciable -- depreciation lives -- the  
15 current average depreciable service life -- I think I  
16 got it that time -- from Missouri Spire East and  
17 Missouri Spire West were set in the last rate case  
18 which were carried forward from previous rate cases.  
19 These reports were used to generate those average  
20 service lives.

21 The point I wish to prove is simply that  
22 in Missouri Spire West, the average service life was  
23 based on estimates while Missouri Spire East it was  
24 based on actual data.

25 MR. PENDERGAST: Your Honor --

1 JUDGE DIPPELL: Yes.

2 MR. PENDERGAST: -- I know that's what  
3 the witness has said in his testimony. When we had an  
4 opportunity to rebut it, we didn't try and rebut that  
5 statement. It is not something that we are  
6 contesting. And I don't understand under those  
7 circumstances why we need all this additional material  
8 that contains things that go far afield from that  
9 statement to be included in the record and be included  
10 in evidence.

11 JUDGE DIPPELL: Okay. It's late and  
12 we've been at it for a long time, so I'm going to hold  
13 my ruling on those two exhibits for now. Do you have  
14 further redirect for Mr. Robinett?

15 MR. CLIZER: I think a little bit.

16 BY MR. CLIZER:

17 Q. Early on you received some cross  
18 questions from the Company regarding whether or not  
19 you have ever worked to design a replacement program.  
20 Are you attempting to provide testimony as to how  
21 Spire should operate its replacement program?

22 A. No.

23 Q. Moving onto the cross of Staff, there was  
24 some discussion regarding the fact that pipes corrode.  
25 Again, is OPC taking the position that pipes don't

1 corrode?

2 A. No.

3 Q. What is our position?

4 A. Our position is that in order to qualify,  
5 the items need to be in a worn out or deteriorated  
6 condition.

7 Q. And have we received evidence of that?  
8 Or rather have we received evidence that all of the  
9 pipes that Spire replaced and are seeking collection  
10 for in this ISRS application met that definition?

11 A. I believe they responded in a DR that  
12 all --

13 Q. I'm saying have we received evidence?

14 A. The evidence that we have in the record  
15 would be the alphanumeric codes attached to Spire's  
16 application.

17 Q. All right. No further redirect.

18 MR. CLIZER: Thank you, Your Honor.

19 JUDGE DIPPELL: Okay. At the risk of  
20 making this even longer, I realized I had one more  
21 question for Mr. Robinett that I failed to ask.

22 FURTHER QUESTIONS BY JUDGE DIPPELL:

23 Q. So Mr. Robinett, we're just talking about  
24 the difference in the depreciation lives or the  
25 service lives of pipes from the east and the west side

1 of the state. Could conditions on the west side of  
2 the state be different than conditions on the east  
3 side of the state?

4 A. I would say yes, they could be.

5 Q. Could -- could there be -- just  
6 hypothetically could there be conditions that are a  
7 cause of service lives being different on one side  
8 than on the other side?

9 A. I would say there could be a cause, but  
10 in the current scenario between these two, the more  
11 likely scenario is the loss of data that occurred  
12 during the '94 merger would be more overwhelming  
13 probably what has caused the difference.

14 Q. Okay.

15 JUDGE DIPPELL: Are there additional  
16 cross-examination questions based on that question  
17 from Staff?

18 MR. BERLIN: No, Judge.

19 JUDGE DIPPELL: From Spire?

20 MR. PENDERGAST: No, Your Honor.

21 JUDGE DIPPELL: Is there further  
22 redirect?

23 MR. CLIZER: No.

24 JUDGE DIPPELL: Then concludes your  
25 testimony, Mr. Robinett, and you may step down.

1           Okay. It is after five o'clock and seems  
2 like it's been a long day. So I hate to stop with  
3 just one witness, but I feel like we'll be here for a  
4 while if we do --

5           MS. BOCKSTRUCK: Spire doesn't have very  
6 many questions for Mr. Schallenberg. I think we could  
7 wrap it up today.

8           MR. BERLIN: I would -- I would agree,  
9 Judge. Staff has no questions that I'm aware of or  
10 possibly just a handful of questions.

11           JUDGE DIPPELL: Okay. Well, I might  
12 have -- I might have misjudged that then. Let's go  
13 off the record for just a second.

14           (Off the record.)

15           JUDGE DIPPELL: Okay. I consulted with  
16 our court reporter and we are going to take a  
17 10-minute break and then I guess we will come back and  
18 try to wrap this up. So let's go off the record.

19           (A recess was taken.)

20           JUDGE DIPPELL: Let's go back on the  
21 record. Mr. Schallenberg has already come to the  
22 stand so would you please raise your right hand.

23           (Witness sworn.)

24           JUDGE DIPPELL: Thank you. You can go  
25 ahead with your direct and rebuttal.

1 MR. CLIZER: Thank you.

2 ROBERT E. SCHALLENBERG, being first duly sworn,  
3 testified as follows:

4 DIRECT EXAMINATION BY MR. CLIZER:

5 Q. Can you please state your name and spell  
6 your last name for the court reporter?

7 A. It's Robert E. Schallenberg. It's  
8 S-c-h-a-l-l-e-n-b-e-r-g.

9 Q. And by whom are you employed and in what  
10 capacity?

11 A. I am employed by the Office of the Public  
12 Counsel and my current title is director of policy.

13 Q. And did you ca-- did prepare or cause to  
14 be prepared certain testimony that has been premarked  
15 as OPC Exhibits 201 for this case?

16 A. I did.

17 Q. Do you have any corrections?

18 A. No.

19 Q. If I were to ask you the same questions  
20 that were asked of you in that testimony, would your  
21 answers be the same?

22 A. Yes.

23 Q. Are those answers true and correct to the  
24 best of your knowledge and belief?

25 A. They are.

1 Q. Do you have any rebuttal testimony you'd  
2 like to give?

3 A. Yes.

4 Q. Who would you be rebutting or providing  
5 rebuttal for?

6 A. I would address Mr. Krick's direct  
7 testimony on page 7 regarding the OPC feedback and  
8 participation in this proceeding.

9 Q. And what issue do you have with the  
10 testimony?

11 A. I don't -- I don't believe it's -- it's  
12 accurate in the sense that I don't believe it talks  
13 about the role of what the Office of Public Counsel  
14 did and what happened at those -- those activities.  
15 So I think it's -- it's got -- it's got some of it,  
16 but it doesn't have all of it.

17 Q. And so what is not included? Or rather,  
18 what would you say is missing?

19 A. What I would say is you don't have the  
20 timeline of the events that took place and that he  
21 met -- it's mentioned that there was a June I think  
22 it's 6th, 2009 [sic] meeting that the Company had said  
23 they were going to put together to give us  
24 information.

25 It -- it does not I think fairly

1 represent that OPC took the role for that meeting to  
2 actually designate areas of questions or inquiries for  
3 that meeting. And that was communicated to the  
4 Company and I assume to Staff as well, but I'm -- that  
5 one I'm not sure of, on June 3rd so that was before  
6 the meeting.

7 Part of the problem with the meeting or  
8 the achievements in the meeting was that the June 6th,  
9 2019 meeting with the Company, and Staff was there,  
10 did not really get the answers and information to  
11 answer the questions that OPC had.

12 And as I recall in a meeting, one of the  
13 ways to resolve it or end it was that OPC committed  
14 that it would put in data requests to address the  
15 outstanding areas that we had given them prior to the  
16 meeting and we would do that after they had filed  
17 their direct case.

18 As I recall, this case was filed on  
19 July 15th of this year and we then formalized this --  
20 what we had in the June 3rd request, we formalized  
21 that and gave them data requests again on July 22nd of  
22 which they answered I think August 12th.

23 Q. Is there any other rebuttal?

24 A. Nothing -- no.

25 MR. CLIZER: All right then. In that

1 case, I would offer OPC's Exhibit 201 and tender the  
2 witness for cross.

3 JUDGE DIPPELL: And again, we had  
4 Schedule RES-D-4 attached to Mr. Schallenberg's  
5 testimony. And correct me if I'm wrong, but the only  
6 thing that really needed to be confidential in that  
7 was what's listed as number five, the Fiscal Year 2018  
8 Annual Report CAM. Is -- has Company had any  
9 opportunity to look at that?

10 MR. PENDERGAST: Yeah, and just by way of  
11 clarification, you're talking about the annual CAM  
12 report submission, not the CAM itself?

13 THE WITNESS: Actually I'm talking  
14 about -- this was included as a part of the response  
15 to the data requests and it was given to us. It  
16 references the CAM. And I think the testimony from  
17 the prior rate case was being provided in the data  
18 request response for ease of reference.

19 So I -- I don't know if -- if it matches  
20 all of what's on the CAM. It just has -- first page  
21 doesn't have anything about confidentiality, but  
22 the -- all the other pages that were given to us has  
23 confidential at the bottom of the page. I can -- I  
24 can show you that.

25 MS. BOCKSTRUCK: Was that Schedule 4 or

1 5?

2 JUDGE DIPPELL: Schedule 4 -- Schedule 4  
3 starts with an index basically. And number five in  
4 that index is what I believe is the only thing in that  
5 schedule that actually needs to be confidential unless  
6 someone can tell me otherwise.

7 THE WITNESS: Mike, do you want to see  
8 it?

9 MR. PENDERGAST: Yeah. I'll just go up  
10 there and take a look at what Bob's got.

11 JUDGE DIPPELL: We can go off the record  
12 while they're discussing.

13 (Off the record.)

14 JUDGE DIPPELL: We can go back on the  
15 record. Okay. So the Company's had a chance to  
16 review all those attachments that are in Schedule  
17 RES-D-4 and determined that, in fact, none of it needs  
18 to be confidential?

19 MR. PENDERGAST: Correct.

20 JUDGE DIPPELL: So we can make that  
21 schedule public. And I will have -- at the end, I  
22 will have Data Center change the confidentiality on  
23 some of these things so that things are in the public  
24 arena.

25 So okay. The -- then Exhibit Number 201

1 has been offered. Is there any objection?

2 MS. BOCKSTRUCK: None.

3 JUDGE DIPPELL: Seeing no objection, I  
4 will admit Exhibit 201.

5 (OPC Exhibit 201 was received into  
6 evidence.)

7 JUDGE DIPPELL: Is there  
8 cross-examination from Staff?

9 MS. BRETZ: Yes, Your Honor.

10 CROSS-EXAMINATION BY MS. BRETZ:

11 Q. Good afternoon, Mr. Schallenberg.

12 A. Good afternoon.

13 Q. Turning to the overheads, did OPC analyze  
14 the dollar amounts of these overheads?

15 A. I don't believe we had the information  
16 broken down by individual components. I don't recall  
17 that we had that information.

18 Q. You mean broken down by the types of  
19 overheads?

20 A. Right. If you go through the matrix  
21 where we asked about the different categories so we  
22 could get an understanding of the -- the type of costs  
23 we were talking about, I don't remember any  
24 information on the basis of dollar amounts.

25 Q. So you were only told generally what the

1 overheads were, the categories of the overheads?

2 A. Right. What we tried to do is get an  
3 understanding of what -- what was actually going on,  
4 what type of costs there were. If you wanted costs,  
5 you'd have to designate the period. And until we knew  
6 more about the nature of the costs, we didn't want to  
7 start an inquiry to go into the level of detail unless  
8 we had a question about the area. And -- and we never  
9 got that far.

10 Q. So I assume then that OPC has no proposed  
11 adjustment to take in account the overheads?

12 A. That would be true, but I would say  
13 that's probably more about my reading of the statute  
14 that doesn't allow rate-making and revenue requirement  
15 adjustments. So we did not pursue trying to quantify  
16 something with that language in the statute.

17 Q. And that's because your reading of the  
18 statute is, is that Spire Missouri has not satisfied  
19 the statute and, therefore, the entire application  
20 should be rejected?

21 A. It's -- it's not because of that.  
22 What -- what -- the position we have is that the  
23 statute has that -- about the Staff's review and it  
24 talks about what can be done in this proceeding and  
25 what can't be done. And it has a limitation that

1 no -- I think it's revenue requirement and rate-making  
2 or rate-making and revenue requirement adjustment can  
3 be made on components not addressed in the statute.  
4 Overheads isn't addressed in the statute.

5 Q. Okay. I see. Do you have an opinion  
6 whether these overhead costs would be better handled  
7 in a rate case or in an ISRS proceeding like this?

8 A. Yes.

9 Q. What's your opinion?

10 A. I -- I believe -- I believe something has  
11 to be done before the next rate case, which I think  
12 would be in that 2021 period. Because if you don't do  
13 that, then basically any -- any amount that is found  
14 to be not legitimate or proper ISRS eligible, the  
15 Company will get to receive that and there's no refund  
16 provision.

17 So the longer -- the longer you delay a  
18 decision or resolution of this problem, the Company  
19 gets to keep any monies that are inappropriately being  
20 there. In fact, I think you heard some questions. An  
21 investigation at least would move us faster into  
22 the -- a resolution than having to wait for 2000 -- I  
23 think it's '21 rate case.

24 Q. Okay. That's all I have. Thank you.

25 JUDGE DIPPELL: Is there

1 cross-examination by Spire?

2 MS. BOCKSTRUCK: Yes, Your Honor.

3 CROSS-EXAMINATION BY MS. BOCKSTRUCK:

4 Q. Good afternoon, Mr. Schallenberg.

5 A. Good afternoon.

6 Q. Are you familiar with Spire Missouri's  
7 Commission-approved Cost Allocation Manual?

8 A. Yes.

9 Q. Can you identify any cost allocation  
10 principles in Spire's CAM that are arbitrary?

11 A. Well, yes, I can.

12 Q. What are those?

13 A. When you use FDC as required by the rule  
14 and addressed in the CAM, the CAM has a requirement  
15 for cost determination based on fully distributed  
16 cost. In that definition and in doing the fully  
17 distributed cost methodology in the rule and in the  
18 CAM, you'd have to take all the costs for the  
19 enterprise and assign them to all the goods and  
20 services produced. And you go through a process by  
21 taking all of the entity's cost and you directly  
22 assign or indirectly assign those costs to the goods  
23 and services that were produced.

24 After that, there's a residual that --  
25 that remains of the cost and it tells them to use a

1 general allocator to get those down to pro-- a good  
2 and service produced basis. And that's -- that's an  
3 arbitrary process. It doesn't specify what it is  
4 or -- or we -- I have a -- Staff had a methodology  
5 that would do it, but other general allocators are  
6 used too.

7                   And they are -- they're not cost  
8 causative. They're not related to the costs that are  
9 there. They're assignments usually on revenues or  
10 customers. Let's see, Massachusetts is -- it's  
11 revenues, plant, sometimes it's net plant, sometimes  
12 it's gross plant. Those are the kind of things those  
13 general allocators pick up.

14           Q.     Okay. So it's your position that general  
15 allocators are arbitrary?

16           A.     Yes.

17           Q.     Okay. Under -- in Commission Rule that's  
18 4 CSR-240-40.0404, doesn't it say that the Commission  
19 is not bound by the USOA?

20           A.     Are you talking about the -- the USOA  
21 rule?

22           Q.     Yes.

23           A.     Yeah. It's not bound for rate-making  
24 purposes.

25           Q.     Okay.

1           A.       But I do believe the companies are bound  
2 to actually keep their books and records in that  
3 format.

4           Q.       Isn't it true that the Commission  
5 routinely addresses costs, expenses and revenues  
6 differently from what's reflected in the USOA?

7           A.       I'd have to say it's a foundation for all  
8 the cost studies. And -- because the description of  
9 accounts gives you an idea of the monies and those  
10 different activities.

11                   Now, when you start doing annualizations  
12 and normalizations and disallowances, the amounts in  
13 those accounts can be debated and changed, but I don't  
14 know that it -- it takes the Uniform System of  
15 Accounts and doesn't use it. I know it's used in a  
16 class cost-of-service study.

17           Q.       Okay. Thank you, Mr. Schallenberg.

18                   JUDGE DIPPELL: Are there any questions  
19 from the Commission?

20                   COMMISSIONER COLEMAN: No, thank you.

21                   JUDGE DIPPELL: I don't believe I have  
22 any either. Is there redirect?

23                   MR. CLIZER: No, Your Honor. Thank you.

24                   JUDGE DIPPELL: Very good. I believe  
25 that concludes your testimony then, Mr. Schallenberg,

1 and you may step down.

2 THE WITNESS: Thank you.

3 JUDGE DIPPELL: Okay. Are there any  
4 other witnesses?

5 MR. CLIZER: Not for me.

6 JUDGE DIPPELL: I see none. I am going  
7 to -- I'm going to admit Exhibits 205 and 206.

8 (OPC Exhibits 205 and 206 were received  
9 into evidence.)

10 JUDGE DIPPELL: And I believe I needed  
11 copies of 204. Did we get copies of 204?

12 MR. CLIZER: I thought I'd handed them  
13 out already.

14 JUDGE DIPPELL: So Exhibit Number 10 is  
15 the only one that we still need copies for and that is  
16 the updated DIMP. Can the Company get those to us  
17 tomorrow?

18 MR. PENDERGAST: We will. Would you like  
19 us to leave the original that he was referring to with  
20 the court reporter?

21 JUDGE DIPPELL: That would be excellent.

22 MR. PENDERGAST: And then provide  
23 additional copies to the parties and you?

24 JUDGE DIPPELL: That would be excellent.  
25 You can even do that by e-mail, if you have --

1 MR. PENDERGAST: That version.

2 JUDGE DIPPELL: -- that document by  
3 e-mail.

4 MR. PENDERGAST: Okay. Great. We'll do  
5 that and we'll get that sent out to you tomorrow.

6 JUDGE DIPPELL: Okay. I believe all of  
7 the other exhibits have been dealt with.

8 All right. I have expedited these  
9 transcripts to be available to the Commission by  
10 Friday. Given that we have an extra day, hopefully  
11 I'll get them early enough that I'll be able to get  
12 those into EFIS on Friday, but I can't make a  
13 guarantee that all of the exhibits will be in there  
14 until Monday. Just so you know.

15 Briefs are scheduled to be due on  
16 October 11th. I think that's the following Friday.  
17 And is there any other matters to discuss before we  
18 adjourn? All right. Seeing none, then thank you all  
19 very much. We can go off the record.

20 (Spire Exhibits 3 and 10 were marked for  
21 identification.)

22 (OPC Exhibit 204 was marked for  
23 identification.)

24 (WHEREUPON, the hearing was adjourned.)

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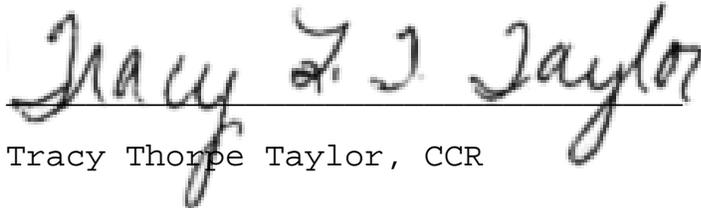
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

  
Tracy Thorpe Taylor, CCR

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