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

In the Matter of Liberty Utilities (Midstates	)	
Natural Gas) Corp.'s Fuel Costs Related to the	)	Case No. GU-2021-0276
Extraordinary Weather Event of February 2021	)	

## **OBJECTION TO SYMMETRY'S APPLICATION TO INTERVENE**

COMES NOW Liberty Utilities (Midstates Natural Gas) Corp. ("Midstates"), and submits this Objection to Symmetry's Application to Intervene. In this regard, Midstates respectfully states as follows to the Missouri Public Service Commission (the "Commission"):

- 1. In this docket, Midstates seeks an Accounting Authority Order ("AAO") regarding costs incurred during the extreme weather event of February 2021 ("Storm Uri"). Through a separate tariff filing, Midstates seeks to revise its Purchased Gas Adjustment ("PGA")/Actual Cost Adjustment ("ACA") tariff provisions. An AAO and modification of the PGA/ACA tariff are necessary due to the unusually high fuel costs incurred by Midstates on behalf of its customers during Storm Uri. The goal of both proceedings is the deferral of certain costs that would otherwise be due in the near future, from Midstates' retail customers, under the PGA/ACA tariff.
- 2. As its stated reasons for intervention, Symmetry asserts: "As part of its AAO request, Liberty has proposed determining the cost of the natural gas used during Winter Storm Uri. This determination is also the subject of litigation in GC-2022-0062." Both of these statements by Symmetry are factually inaccurate and thus serve no basis for the granting of Symmetry's intervention request.
- 3. Regarding Symmetry's first assertion, Midstates seeks authority to record its costs from the extraordinary event in a regulatory asset there is no prudence determination or other ratemaking request being made at this time.

4. The inaccuracy of Symmetry's second assertion is even more significant. The case

referenced by Symmetry (GC-2022-0062) is a complaint case filed by Symmetry against a

different company than the company at issue in this docket - The Empire District Gas Company

("EDG"). Any determinations to be made in the EDG complaint case have nothing to do with

Midstates' cost of gas. Additionally, Symmetry's complaint case against EDG is not about a

determination of EDG's cost of gas. It is about whether EDG's tariff governs Symmetry's

Operational Flow Order ("OFO") violations and whether EDG is entitled to payment for

Symmetry's OFO violations as calculated based on the plain language of the EDG tariff.

5. It is puzzling why Symmetry seeks to intervene in this Midstates docket. Both EDG

and Midstates issued OFOs during Storm Uri, but Symmetry's responses were quite different.

Symmetry communicated with the Midstates representatives, complied with the Midstates OFO,

and did not incur any OFO penalties from Midstates. Some of Symmetry's marketing customers

on the Midstates system (Midstates' transportation customers) did incur OFO penalties related to

Storm Uri, but none of those OFO penalties imposed by Midstates were disputed, and all of those

penalties were paid without issue. Symmetry's actions with regard to Midstates and Storm Uri are

in stark contrast to Symmetry's actions with regard to EDG, which actions are now at issue in the

referenced complaint proceeding.

6. Commission Rule 20 CSR 4240-2.075(3) provides that the Commission may grant

intervention in certain circumstances, but there is no right to intervene, and Midstates submits that

Symmetry's intervention in this matter would not serve the public interest and should be denied.

WHEREFORE, Midstates submits this Objection to Symmetry's Application to Intervene

and seeks such relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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## **Certificate of Service**

I hereby certify that the above document was filed in EFIS on this 26<sup>th</sup> day of September, 2021, and also sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter