

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of November 2021, Complainant, Symmetry Energy Solutions, LLC caused to be served on all parties on the official service list for this matter via filing in the Commission’s EFIS system and/or email, Symmetry Energy Solutions, LLC’s Notice of Videotaped Deposition, a copy of which is attached.

Respectfully submitted,

HEALY LAW OFFICES, LLC

/s/ Peggy A. Whipple

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/s/ Steven M. Bauer

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*Attorneys for Complainant
Symmetry Energy Solutions, LLC*

DATE: November 23, 2021

TIME: 9:00 am CST

PLACE: Alaris Litigation Services
711 North 11th Street
St. Louis, MO 63101

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

COURT REPORTER: Arranged by Alaris Litigation Services
711 North 11th Street
St. Louis, MO 63101
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Dated: November 11, 2021

HEALY LAW OFFICES, LLC

By: /s/ Peggy A. Whipple
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*Attorneys for Complainant
Symmetry Energy Solutions, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of November 2021, a copy of the foregoing **Symmetry Energy Solutions, LLC's Notice of Videotaped Deposition** has been served on all parties on the official service list for this matter via filing in the Commission's EFIS system and/or email.

/s/ Peggy A. Whipple
Peggy A. Whipple

DEPOSITION TOPICS

I. DEFINITIONS

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

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

II. EXAMINATION TOPICS

1. Spire’s collection and production of documents in this matter, including the basis for stating that “Spire has no additional responsive documents to produce at this time” in Spire’s September 17, 2021 letter (Attachment A).

2. The full factual bases, including details and the supporting documentation, for each of the following statements in Spire’s September 17, 2021 letter (Attachment A):

- a. “(3) As a result, gas markets were forecast to become very short.”
- b. “(4) Spire reacted by initiating an OFO to all marketers for the projected start of the storm and short market.”
- c. “(5) The purpose of the OFO was to ensure adequate natural gas supply to Western Missouri for the duration of the event.”
- d. “(6) A severe winter storm in fact occurred, resulting in supply disruption and an extraordinarily tight natural gas market in the midcontinent for a particular week in February.”

- e. “(7) Symmetry apparently did not communicate these facts to its customers behind Spire’s city gate.”
- f. “(8) As a result, Symmetry customers largely did not conserve natural gas during this period.”
- g. “(9) Symmetry did not deliver as much natural gas to Spire’s city gate as its customers were using during that week.”
- h. “(10) On certain days of the event, Symmetry delivered no gas to Spire’s city gate.”
- i. “(11) Symmetry apparently held insufficient firm capacity, supply or storage positions to adequately serve its customers, and didn’t bother purchasing any in the daily spot market.”
- j. “(12) When called out by Spire, Symmetry’s representative told Spire the situation ‘could be worse.’”
- k. “(13) Spire was faced with the choice of either shutting off natural gas to all of Symmetry’s customers or buying additional gas to maintain their gas service.”
- l. “(14) Spire elected to do the right thing for the community by purchasing and delivering enough natural gas to cover for Symmetry’s failure.”
- m. “(16) Symmetry is charging its customers for gas Spire bought for them during the OFO period.”

3. Any analysis Spire engaged in concerning the issuance of the Operational Flow Order (“OFO”) Spire issued on February 10, 2021, including why it was necessary, when it

should be issued, and any internal discussions or communications with third parties about this topic.

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

5. Communications between employees of Spire Missouri Inc. and Spire Marketing Inc. concerning Winter Storm Uri or Symmetry during February or March 2021.

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

7. Spire's sales of gas to Atmos Energy Corporation in February 2021, including any discussions, communication, or analysis concerning this topic.

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

9. Spire's document retention policies.

10. The identities of the persons who provided the factual information supporting the responses to Symmetry's data requests served on March 26, 2021. Note that Symmetry does not seek privileged information but rather seeks to identify whoever has knowledge of those facts and is prepared to testify about their accuracy and completeness.

Attachment A



Spire Missouri Inc.
700 Market Street
St. Louis, Missouri 63101

September 17, 2021

VIA E-MAIL: steven.bauer@lw.com

Steven Bauer
Latha & Watkins, LLP
505 Montgomery Street, Suite 2000
San Francisco, California 94111

Re: *Symmetry v. Spire*, Missouri PSC Case No. GC-2021-0316

Mr. Bauer,

We received your letter on September 15 regarding the status of discovery in this matter.

Symmetry served 103 DRs with its Complaint in this case. Perhaps that isn't considered sharp practice in San Francisco, but it smacked a bit of big law imperiousness. Spire timely responded with a corresponding set of objections to the proportionality and reasonableness of the discovery as a whole. Approximately 110 days passed without any comment from Symmetry on these objections.

In the interim, another marketer submitted more appropriately tailored discovery requests to Spire, which were answered promptly. Symmetry then complained for the first time about Spire's original objections. At that point, we re-engaged and provided responses to essentially all of the requests. Your statement that Spire "only answered 25 of Symmetry's 37 interrogatories" is puzzling given that Symmetry served 103 data requests. Please clarify this point.

Your letter seems to imply that, because the damages Spire seeks are large, there must be a concomitant volume of documents to substantiate the claim. There are not, and Spire has no additional responsive documents to produce at this time.¹

This should not be surprising, as the facts of this matter are incredibly simple. To recap:

- (1) Symmetry is the gas marketer for transportation customers in the Kansas City area, many of which are important community institutions.
- (2) In February 2021, a severe winter storm (Uri) was forecast on an unusually southern track.
- (3) As a result, gas markets were forecast to become very short.
- (4) Spire reacted by initiating an OFO to all marketers for the projected start of the storm and short market.
- (5) The purpose of the OFO was to ensure adequate natural gas supply to Western Missouri for the duration of the event.

¹ Spire remains mindful of its obligations to supplement discovery responses as appropriate, and will do so.

- (6) A severe winter storm in fact occurred, resulting in supply disruption and an extraordinarily tight natural gas market in the midcontinent for a particular week in February.
- (7) Symmetry apparently did not communicate these facts to its customers behind Spire's city gate.
- (8) As a result, Symmetry customers largely did not conserve natural gas during this period.
- (9) Symmetry did not deliver as much natural gas to Spire's city gate as its customers were using during that week.
- (10) On certain days of the event, Symmetry delivered no gas to Spire's city gate.
- (11) Symmetry apparently held insufficient firm capacity, supply or storage positions to adequately serve its customers, and didn't bother purchasing any in the daily spot market.
- (12) When called out by Spire, Symmetry's representative told Spire the situation "could be worse."
- (13) Spire was faced with the choice of either shutting off natural gas to all of Symmetry's customers or buying additional gas to maintain their gas service.
- (14) Spire elected to do the right thing for the community by purchasing and delivering enough natural gas to cover for Symmetry's failure.
- (15) Spire's tariff sets forth the amount of money Symmetry is supposed to reimburse Spire for this assist.
- (16) Symmetry is charging its customers for gas Spire bought for them during the OFO period.
- (17) Symmetry hasn't paid Spire anything for this gas.

In response to your data requests, Spire has produced documents demonstrating (1) the amount of gas Symmetry's customers used during the OFO period, (2) the amount of gas Symmetry actually delivered to Spire's gate for those customers, from which the amount of the shortfall can be calculated, (3) invoices and transaction confirmations demonstrating how much gas Spire bought to cover this shortfall, and the price of that gas, and (4) the tariff that sets forth the applicable penalty.

This case presents a simple math problem. No amount of pipeline MAOP information is going to change the simple, fundamental facts of this case. Please let me know which of these facts, if any, Symmetry disputes.

Sincerely,



Matt Aplington
General Counsel
Spire Missouri Inc.