

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Spire STL Pipeline LLC

)
)
)

Docket No. CP17-40-007

**REPLY COMMENTS OF SPIRE MISSOURI INC.
IN SUPPORT OF THE APPLICATION OF SPIRE STL PIPELINE LLC FOR A
TEMPORARY EMERGENCY CERTIFICATE, OR, IN THE ALTERNATIVE,
LIMITED-TERM CERTIFICATE**

I. INTRODUCTION

Pursuant to the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”) and the Commission’s “Notice of Application and Establishing Intervention Deadline,” issued August 6, 2021 in the above-referenced proceeding, Spire Missouri Inc.¹ (“Spire Missouri”) respectfully submits these reply comments in support of the “*Application of Spire STL Pipeline LLC For A Temporary Emergency Certificate, Or, In the Alternative, Limited-Term Certificate*” filed on July 26, 2021 (“Spire STL Emergency Application”). Spire Missouri specifically replies to the assertions and claims raised in: (a) the Motion To Reject In Part And Protest (“EDF Protest”) Of The Environmental Defense Fund (“EDF”) filed on August 5, 2021; (b) the Protest/Comments of Sierra Club, New Jersey Conservation Foundation, The Sustainable FERC Project, and Natural Resources Defense Council dated September 6, 2021 (“Sierra Club, et al. Comments”); and the Comments in opposition submitted by other parties in this matter. In addition, Spire Missouri highlights that numerous commenters, representative of a variety of stakeholders in the St. Louis area, and Eastern Missouri region, filed comments and letters in support of the STL Emergency Application, which

¹ On August 30, 2017, Laclede Gas Company changed its name to Spire Missouri Inc.; however, the utility and its interests in this proceeding are unchanged from the original intervention in this proceeding, which was filed on February 27, 2017.

corroborate the severe adverse impacts to Spire Missouri and its customers that were highlighted in its own Comments.

For the reasons set forth below, in the Spire STL Emergency Application,² and in Spire Missouri's Comments, Spire Missouri submits that the FERC should expeditiously approve the Spire STL Emergency Application.

II. REPLY COMMENTS IN SUPPORT OF THE STL EMERGENCY APPLICATION

Contrary to the comments filed by other parties, and in particular the comments submitted by EDF and Sierra Club, et al., the full set of facts underlying the Spire STL Emergency Application demonstrate that the Commission must act to expeditiously authorize Spire STL to continue the current operations of the STL Pipeline. The STL Pipeline provides critical firm natural gas service to Spire Missouri, which is essential to meeting Spire Missouri's winter season and design peak needs. As explained below, and in Spire Missouri's Initial Comments, the STL Pipeline is vitally important to the residential, commercial and industrial customers served by Spire Missouri in the St. Louis Area.

A. The Commission Should Provide Additional Certainty Beyond The December 13, 2021 End Date For Currently Effective Emergency Certificate Issued To Spire STL.

On September 14, 2021, FERC issued an "Order Issuing Temporary Certificate"³ at Docket No. CP17-40-009 "to ensure continuity of service for a limited period while the Commission considers appropriate next steps" in light of the United States Court of Appeals for the District of

² In the Spire STL Emergency Application, Spire STL Pipeline LLC ("Spire STL") attached the Affidavit of Scott Carter, President of Spire Missouri, *see* Spire STL Emergency Application, Exhibit Z-1 ("Carter Aff."), which Spire Missouri had provided at Spire STL's request. Mr. Carter detailed both the substantial benefits that the STL Pipeline provides to Spire Missouri and its customers, as well as the severe consequences that would result from a cessation of operations due to a loss of certificate authority based on Spire Missouri's current primary firm contract rights.

³ *Spire STL Pipeline LLC*, Docket No. CP17-40-009, 176 FERC ¶ 61,160 (Sept. 14, 2021) ("Emergency Certificate").

Columbia Circuit’s (“D.C. Circuit”) issuance of the opinion⁴ vacating and remanding the Commission’s orders authorizing Spire STL to construct and operate the STL Pipeline. Although Spire Missouri agrees with the Commission’s analysis that “once the D.C. Circuit’s mandate issues and until the Commission can complete its assessment of the validity of these claims and determine an appropriate course of action, an emergency exists under NGA section 7(c)(1)(B)” as the vacatur may result in a sudden anticipated loss of gas supply,⁵ Spire Missouri continues to submit that Spire STL should be issued an emergency or temporary certificate that permits natural gas to continue to flow over the STL Pipeline, beyond the December 13, 2021 expiration of the Emergency Certificate. As explained below, the need for additional certainty is particularly important as Spire Missouri continues to evaluate and, increasingly, execute contingency plans for the 2021-2022 Winter Heating Season.

B. The Scope Of Contingency Planning That Spire Missouri Is Undertaking Due To The Uncertainty Resulting From The D.C. Circuit’s Vacatur, Will Result In Additional Incremental Costs That May Be Borne By Spire Missouri’s Customers Without Replacing Spire STL Pipeline’s Supplies.

Spire Missouri further asserts that FERC should issue a decision granting the requested relief as soon as feasible, because Spire Missouri continues, as stated in the Carter Affidavit, to explore and in some cases take steps to acquire additional, alternative natural gas supplies to use in the event that Spire STL Pipeline were to cease operation this winter.⁶ Indeed, Spire Missouri has been investigating and pursuing the acquisition of these alternatives even in light of FERC’s *sua sponte* issuance of the Emergency Certificate to Spire STL, which terminates on December 13, 2021. However, as explained in its Responses to FERC Data Requests, the costs of pursuing

⁴ *Env’tl Def. Fund v. FERC*, 2 F.4th 953 (D.C. Cir. 2021), *reh’g. and recon. denied*, D.C. Cir. Nos. 20-1016, 20-1017 (D.C. Cir. Sept. 7, 2021).

⁵ Emergency Certificate ¶ 8.

⁶ *See* Carter Aff., ¶¶ 4, 18, 36-47.

and acquiring these alternatives have been, and will continue to be significant.⁷ As the November 1 start date to the winter heating season approaches, Spire Missouri further expects that these already significant costs will substantially increase. **Moreover, even if Spire Missouri were able to acquire the additional supply alternatives that are currently being contemplated, these alternatives would not be sufficient to avoid outages should temperatures reach levels similar to those that occurred in the 2020-2021 hearing season.**⁸

Importantly, and contrary to the comments of certain parties (such as Sierra Club, et al.), Spire Missouri is not simply waiting for the 2021-2022 winter heating season to occur without securing alternative supply options for its customers. Rather, Spire Missouri is in the process of contracting for and acquiring all available capacity on MRT’s Mainline, MoGas and Southern Star Central for the 2021-2022 winter heating season on the following pipelines in the following amounts:

<u>Pipeline</u>	<u>Incremental Capacity</u> <u>Acquired</u>
MRT (Mainline)	568 dth/day
MoGas	10,000 dth/day ⁹
Southern Star	N/A

Furthermore, Spire Missouri may shift its primary receipt on approximately 80,000 dth/day of MRT East Line capacity to Trunkline Gas Company, LLC (“Trunkline”) or Natural Gas Pipeline Company of America LLC (“NGPL”).¹⁰ However, there remain uncertainties about the pressure

⁷ See, e.g., Responses to FERC Data Request Nos. 13-17.

⁸ See Responses to FERC Data Requests Nos. 6, 7 and 17.

⁹ While Spire Missouri is able to secure an incremental 10,000 Dth/d on MoGas, Spire Missouri has recently become aware due to a posting on MoGas’ EBB that the MoGas/MRT receipt/delivery point will be unavailable this winter due to maintenance and operational issues. This leaves Spire Missouri short 7,800 Dth/d of capacity it was originally planning to be able to utilize this winter. Importantly, if Spire STL Pipeline were in-service, this 7,800 would be available to Spire Missouri.

¹⁰ See Response to FERC Data Requests Nos. 2-4.

reliability of these upstream deliveries and the supplies would be delivered to points south of Chain of Rocks.¹¹ Therefore, these potential alternatives would not assist Spire Missouri in satisfying the need for natural gas supplies to the central and western areas of its system.¹²

Spire Missouri also is also investigating the potential availability of deliveries from liquified natural gas (“LNG”) trucks, to be re-vaporized into its distribution system. Due to the unprecedented situation created by the D.C. Circuit for Spire Missouri, it is contemplating utilizing the LNG equipment for more than just peaking given the supply gap that will be created without STL Pipeline. This use creates a monumental effort for Spire Missouri to secure the supply, trucks, drivers, and operators needed to operate this facility, potentially on most days throughout the winter heating season, in an attempt to limit outages in the region. However, LNG supplies are uncertain and limited and Spire Missouri is still evaluating LNG supply availability for this upcoming winter season. Moreover, based upon its investigations, Spire Missouri anticipates that acquiring these supplies would provide very little benefit to filling the supply shortfall, and result in significant incremental costs during the 2021-2022 Winter Heating Season. Due to the current uncertainty, Spire Missouri has been forced to spend money to reserve LNG vaporization equipment for the potential use of it if STL Pipeline is forced to cease operation. However, the committed costs will continue to increase as December 13 approaches, and delays in Commission action may result in Spire Missouri making additional costly commitments to LNG supplies, trucks, drivers and operators that prove unnecessary, and which would be inadequate to compensate for the loss of supply from Spire STL Pipeline in any case. Finally, it should be noted

¹¹ See Response to FERC Data Requests Nos. 2-4.

¹² As stated in response to the FERC DRs, Spire Missouri currently relies on 70,000 Dth/d of STL Pipeline capacity to feed into MRT to service points South of the Chain of Rocks interconnect. Spire Missouri feeds that 70,000 Dth/d of capacity into a backhaul contract on MRT for 80,000 Dth/d. For purposes of this discussion, Spire Missouri could change the primary receipt point on the 80,000 Dth/d of MRT capacity to be primary from Trunkline or NGPL instead of STL Pipeline

that there are significant safety and emissions concerns associated with the proposed LNG trucking operation due to the characteristics of LNG and the long driving distances contemplated during winter, when road conditions are often poor.

Spire Missouri also is exploring whether it could re-gain partial supplies of propane, at its Catalan (*i.e.*, the southern vaporization point on Spire Missouri's system) propane injection point.¹³ However, this option is limited by several factors, including (a) limited supplies of propane at Lange; (b) the lateral on the propane pipeline to Catalan is currently out of service and, in order to be placed back into service, a repair would need to be made, and it would need to be purged of nitrogen and tested for integrity via an inline inspection ("ILI"), which may ultimately discover additional integrity issues that would need to be resolved prior to place the line into service.¹⁴ Spire Missouri is already having to move forward with incurring costs in an attempt to resolve some of these limitations for the 2021-2022 Winter Heating Season, while possibly proving to be unnecessary and inadequate to compensate for the loss of Spire STL Pipeline Supply.

Additionally, and most importantly, Spire Missouri is moving forward with plans, and will soon need to start spending a considerable amount of money, to support the St. Louis community in the event of large-scale service outages. Given the magnitude of the potential outages, these efforts cannot be taken lightly. If large numbers of homes and businesses are without gas service this upcoming winter, it will significantly strain the St. Louis community, leaving residential customers and businesses without heat and hot water, and could ultimately impact critical needs customers, such as hospitals and nursing homes. Even now, Spire Missouri is beginning to collaborate with Emergency Management Directors which coordinate local, county, state and federal governmental response to emergencies. The strain on government and NGO community

¹³ See Responses to FERC Data Requests Nos. 13 and 14.

¹⁴ See Response to FERC Data Requests No. 14.

partners will continue to increase as long as uncertainty regarding the Spire STL Emergency Application continues.

In conclusion, if Spire Missouri is required to continue investigating and acquiring alternative sources of supply and prepare for mass outages in the St. Louis region due to uncertainty as to the Emergency Certificate's continuance after December 13, 2021, Spire Missouri anticipates that it will incur millions of dollars¹⁵ in incremental to offset what is potentially just a small portion of the overall outage impact caused by the loss of service from Spire STL Pipeline during the 2021-2022 Winter Heating System and to support St. Louis homes and businesses in the event of outages. Even accounting for these significant incremental costs, Spire Missouri further anticipates it would still have a shortfall of approximately 190,000 to 220,000 dth/day under design peak conditions, thus making it likely that significant outages would occur during very cold periods. The emergency contingency alternatives being pursued by Spire Missouri do not constitute an adequate solution to the substantial impact a cessation in service over the STL Pipeline could impose upon Spire Missouri and its customers. To be clear, even if Spire Missouri were able to implement all of these potential emergency alternatives, they would still fall far short of replacing the potential loss of Spire STL service. The Commission should issue an order granting the requested emergency certificate as soon as feasible, to forestall the need to pursue further costly and ultimately inadequate contingency efforts.

¹⁵ Spire Missouri may ultimately be forced to spend \$5 million or more in preparation for the upcoming winter heating season without STL Pipeline service. This preliminary estimate is comprised of approximately \$500,000 of incremental supply and equipment contracts already executed, and estimates of additional incremental spend on potential alternative supply options (including propane and LNG), as well as costs associated with direct customer support for anticipated outages, such as the procurement of electric space heaters. Spire Missouri will likely need to decide whether to incur these incremental costs in October, which would be unnecessary in the absence of uncertainty regarding Spire STL service and would not prevent the anticipated outages during extreme cold weather.

C. The EDF Protest Should Be Rejected.

Despite conceding that the Commission should take action “to ensure that residents and business in St. Louis continue to have reliable access to natural gas”¹⁶ during the 2021-2022 Winter Heating Season, EDF engages in misrepresentative and inaccurate attacks against the Spire STL Emergency Application, Spire STL and Spire Missouri. As noted in the Motion to Answer and Answer of Spire STL Pipeline LLC To Motion To Reject In Part And Protest Of The Environmental Defense Fund filed on August 20, 2021 (“Spire STL Answer”), “[n]o one wins if the Commission denies Spire STL a temporary certificate.”¹⁷ Indeed, Spire Missouri, and Spire Missouri’s residential and business customers in the greater St. Louis region will all be severely and adversely impacted if the Spire STL Emergency Application is denied. At best, Spire Missouri will be required to incur significant incremental costs to attempt to continue to provide natural gas supplies to the region. At worst, winter conditions could result in outages and foist upon the greater St. Louis region the very harms that were avoided last year due to STL Pipeline service. Therefore, and for the reasons noted below, the EDF Protest should be disregarded.

EDF attempts to raise a number of factual questions regarding the Spire STL Emergency Application in its Protest.¹⁸ Importantly, since the filing of the EDF Protest, FERC issued Data Requests on August 6, 2021 (“FERC Data Requests”) to which Spire STL and Spire Missouri responded on September 7, 2021. These responses address numerous of the factual questions raised in the EDF Protest and corroborate the assertions made in the Spire STL Emergency Application that there was (and is) an urgent need for the Commission to grant the relief sought in the application.

¹⁶ EDF Protest at 1.

¹⁷ Spire STL Answer at 2.

¹⁸ See EDF Protest at 21-24

First, EDF's claim that Spire Missouri's "representations to this Commission contravene the positions asserted to their state regulator" is false and little more than meritless gamesmanship.¹⁹ Indeed, as explained in the Spire STL Answer:²⁰

Attempting to minimize the STL Pipeline's importance, EDF claims that Spire Missouri informed the MoPSC that the STL Pipeline was not operational this summer. Spire Missouri did state in a data response, mistakenly, that the STL Pipeline was not operating. However, Spire Missouri corrected the record with a supplemental filing stating that the STL Pipeline is operating and the previous statement was made in error. Spire Missouri submitted the correct statement on July 22, 2021, before the Emergency Application was filed, and two full weeks before EDF filed its Protest. This is not some game of "gotcha." Natural gas service to 650,000 homes and businesses—and potentially lives—are at stake.

EDF makes similarly baseless claims regarding Spire Missouri's ability to return a propane-peaking facility into service.²¹ Spire Missouri explained this issue in its Responses to FERC Data Requests.²² Therein, Spire explained that at Lange (*i.e.*, the northern vaporization point of its propane peaking facility) the "propane heaters/vaporizers have been modified, physically moved, and re-purposed as natural gas heaters for withdrawal gas."²³ Furthermore, it explained that "[t]hese facilities cannot be converted back to vaporizers prior to this winter season."²⁴ At Catalan (*i.e.*, the southern vaporization point of its propane peaking facility), Spire Missouri explained that "the source of propane on the propane pipeline has been physically disconnected from the propane vaporization equipment."²⁵ Moreover, "the section of the pipeline to Catalan, the Transfer Line constructed in the 1930s, was in the process of being abandoned" and, if not abandoned, would require additional testing and inspection before being placed back

¹⁹ EDF Protest at 22.

²⁰ Spire STL Answer at 3-4 (footnotes omitted).

²¹ EDF Protest at 22.

²² See Response to FERC Data Requests No. 14.

²³ See Response to FERC Data Requests No. 14.

²⁴ See Response to FERC Data Requests No. 14.

²⁵ See Response to FERC Data Requests No. 14.

into service, which could in turn identify additional repairs required prior to being placed back into service.²⁶ As such, although Spire Missouri is exploring if there is a way this line can be placed into service before the winter, it is uncertain if this is possible.

In addition, EDF’s claim that the “Commission must ensure it has enough information upon which to make a reasoned decision”²⁷ ignores (a) the numerous comments of other stakeholders in the greater St. Louis region regarding the potential impacts that would result if a temporary certificate is not issued, and (b) the additional information provided by Spire Missouri regarding the extent of its contingency planning efforts. The information before this Commission demonstrates that there is an immediate need for a temporary certificate to prevent an emergency situation this winter. This need is highlighted by the fact that any alternatives to transportation of natural gas supplies over the STL Pipeline (a) will require Spire Missouri to incur significant incremental costs, (b) will cause these costs to be incurred despite the substantial uncertainty about the efficacy or feasibility of these alternatives and (c) will ultimately still result in a shortfall of supply to Spire Missouri’s customers.

Contrary to EDF’s assertion that “the question is whether Spire STL’s customer Spire Missouri is genuinely utterly unprepared to supply gas to its customers this winter in the face of a court decision invalidating the Spire STL pipeline,”²⁸ Spire Missouri has been evaluating multiple alternatives to continue to supply gas to its customers this winter, as explained in Section II.B., above. What EDF fails to recognize, however, is “the [greater St. Louis] market has adapted to the existence of the STL Pipeline”—indeed, it has greatly benefitted from it—“and the Commission must deal with current operational realities in addressing this [emergency]

²⁶ See Response to FERC Data Requests No. 14.

²⁷ EDF Protest at 22.

²⁸ EDF Protest at 23.

application.”²⁹ EDF cannot on the one hand assert that the interests of Spire Missouri’s residential, business and industrial customers should be protected, but then fail to recognize the current operational realities that require the STL Pipeline to continue to provide service in order for these customers to be protected.

EDF continues and asserts that “[a]t minimum, the Commission should require the Spire Affiliates to provide answers to the questions listed in the Lander Affidavit at paragraphs 8a through 8m.”³⁰ The Commission now has the benefit of the information sought by these requests, via the Responses to FERC Data Requests that were supplied by Spire STL and Spire Missouri.

At this juncture, the Commission has the benefit of the information EDF claims is needed, as well as additional information and data that was not identified in the Lander Affidavit. As such, Spire Missouri submits there is ample evidence supporting its assertions regarding the substantial challenges associated with obtaining feasible, efficient and reliable alternatives to the STL Pipeline in the immediate term; the steps it is actively taking to attempt to continue to provide reliable service; and estimates regarding the work required to do so and associated timing.

D. Sierra Club, et al.’s Comments Are Misrepresentative And Conclusory, And Should Be Rejected.

In the Sierra Club, et al. Comments, the joint commenters make several baseless and conclusory assertions regarding the severe adverse impacts that would result from a cessation of service over the STL Pipeline. Initially, they claim that Spire’s and, by implication, Spire Missouri’s claims regarding the impacts to Missouri retail customers are “contravened by the record of the Spire Order.”³¹ In addition, they assert that there is a record that establishes “all parties agree that there is no increased demand nor inability to purchase supply from existing

²⁹ Spire STL Answer at 10

³⁰ EDF Protest at 24.

³¹ Sierra Club, et al. Comments at 3, n.3.

sources.”³² These claims fundamentally ignore the facts set forth in the Spire STL Emergency Application, Exhibit Z-1 (“Carter Aff.”), and are completely irrelevant to the questions at issue in this Emergency Certificate Proceeding. Moreover, Sierra Club, et al.’s claims regarding the responsibility of the Missouri Public Service Commission (“MoPSC”) to address the impacts on Missouri retail customers is belied by the MoPSC’s own Comments.³³ As explained in Spire Missouri’s Comments:

MoPSC, which participated in the Dkt. No. CP17-40-000, et al. proceedings, urges the Commission to issue the emergency certificate in order to ensure continued service to Missouri consumers and businesses (MoPSC Comments at p. 1):

[T]he MoPSC requests the Commission take expedited action by granting a temporary emergency certificate, or, in the alternative, a limited-term certificate to Spire STL Pipeline LLC (Spire STL) for the STL Pipeline. Such action will allow Spire Missouri Inc. (Spire Missouri) to continue providing safe and adequate natural gas service to its retail customers as required by Missouri law, as the Commission proceeds with the matter of Spire STL’s certificate on remand.³⁴

Sierra Club, et al. go on to claim that Spire has “offered little data or evidence” to support the STL Emergency Application and unavailingly attacks the Carter Affidavit. Spire STL and Spire Missouri responded to FERC Data Requests on September 7, 2021.³⁵ Spire’s responses provided critical information related to (a) Spire Missouri’s existing contracts,³⁶ (b) the substantial limitations that Spire Missouri would have faced, absent the STL Pipeline, in meeting its needs during Winter Storm Uri,³⁷ (c) the significant effort that it would take to restore service to accounts

³² Sierra Club, et al. Comments at 3, n.3.

³³ Sierra Club, et al. Comments at 3, n.3.

³⁴ Spire Missouri Comments at 10 (quoting the MoPSC Comments at 1).

³⁵ See Sierra Club, et al. Comments at 7-8.

³⁶ See Responses to FERC Data Requests Nos. 4, 5 and 7.

³⁷ See Response to FERC Data Request No. 6.

that might experience curtailment or outage,³⁸ (d) information regarding the feasibility of constructing the facilities necessary to serve the west and southwest portion of its distribution system without the STL Pipeline and MoGas interconnect,³⁹ (e) the changes Spire Missouri has made to its system,⁴⁰ (f) the feasibility of alternative facilities that could connect Spire Missouri to other sources of natural gas supply,⁴¹ and (g) the number of days Spire Missouri could meet gas demand under existing contract rights during winter weather conditions similar to the conditions experienced during the winter 2020-2021 heating season.⁴² These Responses to FERC Data Requests supply FERC with the information needed to validate the concerns of Spire Missouri and other commenters regarding the impacts to Spire Missouri's ability to meet natural gas demands of its customers in St. Louis and the eastern Missouri region. Moreover, as explained below, the comments and letters filed in support of the Spire STL Emergency Application demonstrate that granting the application is necessary to protect the public interest.

Finally, Sierra Club, et al. baldly accuses Spire Missouri of endangering its customers by interconnecting its system with the STL Pipeline.⁴³ This baseless accusation should be rejected. The Carter Aff., the comments filed by Spire Missouri, the comments filed by numerous other parties and Spire's Responses to FERC Data Requests instead demonstrate that Spire Missouri's decision to interconnect its system with the STL Pipeline in fact protected its customers during Winter Storm Uri in February 2021. Indeed, the disastrous impacts of this storm were avoided by Spire Missouri's interconnection with the STL Pipeline, and maintaining this interconnection and

³⁸ See Response to FERC Data Request No. 8.

³⁹ See Response to FERC Data Request No. 9.

⁴⁰ See Responses to FERC Data Request Nos. 13-15.

⁴¹ See Response to FERC Data Request No. 16.

⁴² See Response to FERC Data Request No. 17.

⁴³ Sierra Club, et al. Comments at 8-9.

the flow of natural gas over the STL Pipeline are crucial to avoiding similarly disastrous impacts during the upcoming 2021-2022 heating season.

E. The Comments Of Other Parties In Opposition To The Spire STL Emergency Application Should Be Rejected.

In addition to the comments filed by EDF and Sierra Club, et al., in opposition to the Spire STL Emergency Application, a number of landowners have also filed comments opposing the Spire STL Emergency Application.⁴⁴ Spire Missouri agrees with Spire STL's comments that landowners remain protected under the existing certificate and will remain protected under any temporary certificate,⁴⁵ and Spire STL's Answer to Landowners that addresses and corrects several misleading, incorrect and unsupported statements of fact and law in an August 5, 2021 protest filed by certain landowners.

F. The Comments Of Other Parties In Support Of The Spire STL Emergency Application Demonstrate That The Impacts Of A Cessation Of Operations Over The STL Pipeline Will Be Severe.

At the time Spire Missouri filed its Comments in support of the Spire STL Emergency Application, it noted that several other interested entities in the greater St. Louis region had also filed comments in support of the Spire STL Emergency Application.⁴⁶ Spire Missouri reiterates that since the filing of the Spire STL Emergency Application, numerous entities that represent a diverse array of stakeholders and interested parties in the greater St. Louis region have indicated

⁴⁴ See Comments of Schaefer Trust (dated July 20, 2021); Comments of Nate Laps, President of Operations, Central Land Consulting, LLC (dated Sept. 7, 2021); Comments of Kenneth Davis (dated Sept. 7, 2021); Comments of Jay Gettings (dated Sept. 7, 2021); Comments of Greg Stout (dated Sept. 7, 2021); Comments of Pat Parker (dated Sept. 7, 2021); Comments of Tim Brown (dated Sept. 7, 2021); Motion to Intervene and Comments of Forrest Jones, ST Turman Contracting, LLC, Scott Turman, Kenneth "Rusty" Willis, Dawn Averitt, William Barr, Melissa Barr, Carolyn Fischer, Demian K. Jackson, Louis Ravina, Victor Baum, Lora Baum, Horizons Village Property Owners Association, Inc., Kenneth E. Ohglund and the Kiskanen Center ("Spire Landowner Movants") (dated Sept. 7, 2021); Comments of Larry Meyer (dated Sept. 7, 2021); Comments of Ray Sinclair (dated Sept. 7, 2021); and Comments of Sheila Seagraves (dated Sept. 7, 2021).

⁴⁵ Spire STL Answer at 15-16; *see also* Motion for Leave to Answer and Answer of Spire STL Pipeline LLC (dated Aug. 26, 2021) ("Answer to Landowners").

⁴⁶ Spire Comments at 9-12.

their support for Spire’s requests for issuance of an emergency or limited-term certificate to ensure the continued supply of lower priced, reliable natural gas from a variety of sources over the STL Pipeline.

The persons and entities that support the Spire STL Emergency Application, and, *inter alia*, highlight the fact that the STL Pipeline provides residents and businesses in the St. Louis region with direct access to reliable, affordable, and abundant natural gas supplies from a variety of domestic sources, included:

- The state regulatory agency tasked with regulating Spire Missouri and other public utilities;⁴⁷
- Local, regional and statewide business and trade associations whose members rely upon and benefit from the natural gas supplied by the STL Pipeline;⁴⁸
- Local businesses and companies that rely upon natural gas sourced from the STL Pipeline in order to maintain their operations in the region;⁴⁹
- Members of local and state government, including state representatives and senators, the Mayor of the City of St. Louis, and the Governor and Lieutenant Governor of Missouri;⁵⁰

⁴⁷ “Response of the Public Service Commission of the State of Missouri to the Application of Spire STL Pipeline LLC for a Temporary Emergency Certificate, or, in the Alternative, Limited-Term Certificate,” filed July 29, 2021 (“MoPSC Comments”).

⁴⁸ See Comments of Greater St. Charles County Chamber of Commerce at 1-2 (dated July 27, 2021); Comments of Missouri Retailers Association (dated July 28, 2021); Comments of Greater St. Louis, Inc. (dated July 29, 2021); Comments of Missouri and Kansas Laborers District Council (LIUNA) (dated July 29, 2021); Comments of Missouri Grocers Association at 1 (dated July 29, 2021); Comments of the Missouri Chamber of Commerce and Industry (dated July 30, 2021); Comments of the Missouri Department of Economic Development (dated August 3, 2021); Joint Letter Comments of American Gas Association, et al. (dated August 19, 2021); Comments of the Missouri School Boards’ Association at 1 (dated Sept. 7, 2021) (noting that nearly all Missouri schools use natural gas heating and that a shutdown of the STL pipeline significantly increases the change for detrimental impacts to Missouri schools).

⁴⁹ See Comments of Jost Chemical Co. at 1 (dated July 27, 2021) (specialty chemical manufacturer indicating that it relies upon natural gas from Spire Marketing to operate its production facilities in St. Louis); Comments of Louisa Food Products, Inc. (dated July 28, 2021); Comments of Joseph Winters, St. Louis Region General Manager for International Paper (dated August 3, 2021); Comments of Mallinckrodt Pharmaceuticals at 1 (dated August 6, 2021) (manufacturer and producer of finished-dose medicines, excipients and active pharmaceutical ingredients stating that, “**Our reliance on natural gas is mission critical to our St. Louis operations and therefore is of national public health interest.**” (emphasis in original)); Comments of Phillips 66 Company at 1 (explaining that its refining operations rely upon natural gas that is, in part, supplied by Spire Missouri, which would need to be cancelled in the event that Spire Missouri was required to use its MRT capacity to supply the needs of Sire Missouri customers).

⁵⁰ Letter of the Governor of the State of Missouri Michael L. Parson (dated July 30, 2021); Letter of Missouri State Senator Robert F. Onder, Jr. (dated July 30, 2021); Letter of Missouri State Senator Bill White (dated July 28,

- Charitable organizations and non-profits that provide, and/or have partnered with Spire to provide, support for residents of Missouri that face financial instability;⁵¹
- And other individuals and organizations located in the greater St. Louis, Missouri region.⁵²

This wide array of interests consistently commented upon the critically important role of the STL Pipeline, and universally supported the Spire STL Emergency Application.

In addition, other entities responsible for maintaining critical infrastructure and public utility services to the greater St. Louis region also filed comments in support of the Spire STL Emergency Application, including MoGas Pipeline LLC (“MoGas”), the American Gas Association (“AGA”) on behalf of its members, Metropolitan St. Louis Sewer District (“MSD”), Ameren Corporation (“Ameren”), Symmetry Energy Solutions, LLC (“Symmetry”), Southern Star Central Gas Pipeline, Inc. (“Southern Star”), Rockies Express Pipeline LLC (“Rockies Express”), and Spire Marketing Inc. (“Spire Marketing”). Spire Missouri specifically highlighted the corroboration of important factual elements of the Carter Aff. by MoGas, which provided the perspective of an interstate natural gas pipeline that is operationally interconnected with the STL Pipeline.⁵³ And the MSD critically commented that the loss of service over the STL Pipeline could result in (a) the cessation of wastewater solids processing at local treatment plants, resulting in trucking of waste,⁵⁴ and (b) the potential shutdown of all seven MSD treatment plants which would

2021); Letter of Missouri State Senator Cindy O’Laughlin (dated August 2, 2021); Letter of Missouri State Representative Bill Kidd (dated July 28, 2021); Letter of Missouri State Representative Ed Lewis (dated August 2, 2021); Letter of Missouri State Representative Paul Brown (dated August 2, 2021); Letter of Missouri State Representative John Simmons (dated August 2, 2021); Letter of the Lieutenant Governor of the Statement of Missouri, Mike Kehoe (dated August 2, 2021); Letter of Missouri State Senator Doug Beck (dated August 2, 2021); Letter of Missouri State Representative Trish Gunby (dated August 3, 2021); Letter of Missouri State Senators Mike Cierpiot and Karla May (dated August 3, 2021); Comments of the Office of the County executive for Saint Louis County (dated August 3, 2021); Letter of Missouri State Representative Travis Fitzwater (dated August 3, 2021); Letter of Missouri State Representative Tracy McCreary (dated August 4, 2021); Letter of the Mayor of the City of St. Louis, Toshaura O. Jones (dated August 10, 2021).

⁵¹ See Comments of the United Way of Greater St. Louis (dated July 30, 2021).

⁵² See Letter of Steve Maritz, Chairmen and CEO of Maritz Holdings, Inc. (dated August 3, 2021).

⁵³ Spire Comments at 11.

⁵⁴ Comments of MSD at 1.

result in a severe “chain reaction by putting [MSD’s] treatment plants and maintenance yards out of service, which in turn would be catastrophic for public health and the environment” of the region.⁵⁵

Furthermore, other commenters provided additional insight into the severe negative impacts that a cessation of service over the STL Pipeline would have upon other parts of the energy supply chain. The AGA corroborated Spire Missouri’s assertions that the STL Pipeline is necessary to ensure the delivery of natural gas to Spire Missouri’s customers safely, reliability, responsibly and at just and reasonable rates.⁵⁶ It also made clear that the downstream impacts of a cessation of operations over the STL Pipeline would be severe.⁵⁷ Ameren, which notes its entities provide electric and natural gas service to customers in Missouri and Illinois, commented that the cessation of service over the STL Pipeline could have negative impacts upon future infrastructure projects by increasing uncertainty surrounding such projects.⁵⁸

Another interstate natural gas pipeline, Southern Star, also commented that while it “provides natural gas transportation service to the [St. Louis] region, its ability to serve the St. Louis metropolitan area from its existing facilities is limited and it lacks the capacity to serve as a viable alternative to the STL Pipeline.”⁵⁹ Southern Star also detailed the limitations of its existing infrastructure and states that expansion of its capacity to serve the St. Louis area would be “difficult, time-consuming and costly.”⁶⁰

⁵⁵ Comments of MSD at 1.

⁵⁶ Comments of AGA at 6-7.

⁵⁷ See Comments of AGA at 8-10 (stating that post-operational cessation of service on a pipeline needed to supply energy to customers threatens a utility’s ability to meet consumers’ needs for natural gas supply), and 11 (“Uncertainty over the reliability puts energy consumers, such as families, at risk of ultimately not being able to access natural gas for necessities such as home heating and cooking.”)

⁵⁸ Comments of Ameren at 1-2 (dated August 6, 2021).

⁵⁹ Comments of Southern Star at 3 (dated Sept. 7, 2021).

⁶⁰ Comments of Southern Star at 3.

Rockies Express also provided comments that corroborated Spire Missouri's claims regarding the diversity of supplies that it is able to obtain via the STL Pipeline's interconnection with Rockies Express. Rockies Express specifically affirmed that "the bi-directional flow over Rockies Express provides the ratepayers of Eastern Missouri with a diversity of natural gas supply that was not previously available"⁶¹ and that the Spire interconnect provides numerous shippers with an additional market for their products.⁶²

Finally, Spire Missouri notes that two energy suppliers commented upon the critical role played by the STL Pipeline during Winter Storm Uri and that the STL Pipeline will play in the upcoming winter heating season. Symmetry explained that it was able to work around potential curtailment due to loss of supplies on MRT, because of the supplies being transported on the STL Pipeline.⁶³ Spire Marketing similarly commented that "[t]he STL Pipelines is critical infrastructure that is needed to deliver reliable, affordable natural gas to 650,000 households, hospitals, schools, and businesses throughout eastern Missouri."⁶⁴ In addition, Spire Marketing further noted that natural gas prices are anticipated to be considerably higher this winter than last year, and, as such, shutting down the STL Pipeline would exacerbate already increased prices and add the potential of a natural gas supply shortage to the St. Louis area.⁶⁵

In sum, the Comments filed by Spire Missouri, which were corroborated by the comments of numerous other entities and persons, provide compelling additional grounds for granting STL Pipeline's requested relief, by demonstrating the critical importance of the STL Pipeline in providing a reliable supply of natural gas to Missouri.

⁶¹ Comments of Rockies Express at 1 (dated Sept. 7, 2021).

⁶² Comments of Rockies Express at 1-2.

⁶³ Comments of Symmetry at 4-5 (dated August 27, 2021).

⁶⁴ Comments of Spire Marketing at 3 (dated Sept. 7, 2021).

⁶⁵ See Comments of Spire Marketing at 4.

III. CONCLUSION.

WHEREFORE, for the foregoing reasons, Spire Missouri requests that the Commission consider its comments in support of the issuance of the Temporary Emergency Certificate, reject the comments filed in opposition to the Spire STL Emergency Application and that the Commission expeditiously approve the Spire STL Emergency Application.

/s/

Christopher J. Barr
Garrett P. Lent
Post & Schell, P.C.
607 14th Street, N.W.
Washington, DC 20005
(202) 661-6950
cbarr@postschell.com
glent@postschell.com

Matthew Aplington
General Counsel
Spire Missouri Inc.
700 Market Street, 6th Floor
St. Louis, MO 63101
(314) 342-0536
matt.aplington@spireenergy.com

Dated: October 5, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC this 5th day of October, 2021.

_____/s/_____
Garrett P. Lent