

In the Matter of:

THE APPLICATION OF SPIRE MISSOURI INC. d/b/a SPIRE FOR PERMISSION, etc.

GA-2021-0259, VOL. I

July 15, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Discovery Conference

July 15, 2021

Jefferson City, Missouri

Volume 1

In the Matter of the Application)
of Spire Missouri Inc. d/b/a)
Spire for Permission and)
Approval and a Certificate of)
Convenience and Necessity to)
Construct, Install, Own, Operate,) File No. GA-2021-0259
Maintain, and Otherwise Control)
and Manage a Natural Gas)
Distribution System to Provide)
Gas Service in Buchanan County,)
Missouri as an Expansion of its)
Existing Certificated Areas)

CHARLES HATCHER, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

RACHEL NIEMEIER, Regulatory Counsel
Spire Missouri Inc.
700 Market Street, 6th Floor
St. Louis, Missouri 63101
314.342.0533
Rachel.Niemeier@spireenergy.com

MARC POSTON, Public Counsel
200 Madison Street, Suite 650
PO Box 2230
Jefferson City, Missouri 65102
marc.poston@opc.mo.gov

FOR: Office of the Public Counsel

RON IRVING, Associate Counsel
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.8702
ron.irving@psc.mo.gov

FOR: Staff of the Missouri Public Service Commission

P R O C E E D I N G S

1
2 JUDGE HATCHER: Let's go on the record. Today
3 is July 15, 2021. The Commission has set this time for
4 a prehearing conference in File No. GA-2021-0259. My
5 name is Charles Hatcher. I am the Regulatory Law Judge
6 assigned to this case. Let's have counsel for the
7 parties make their entry of appearance. Spire Missouri,
8 Ms. Niemeier, please?

9 MS. NIEMEIER: Good morning. Rachel Niemeier
10 on behalf of Spire. My office address is 700 Market
11 Street, St. Louis, Missouri 63101.

12 JUDGE HATCHER: Any other counsel for Spire
13 wish to make their introductions?

14 MS. NIEMEIER: Not on this call.

15 JUDGE HATCHER: Okay. We'll move on to Staff,
16 please?

17 MR. IRVING: Yes, good morning, Judge. My
18 name is Ron Irving, Staff Counsel, and I believe the
19 court reporter has my information.

20 JUDGE HATCHER: Thank you. And for Office of
21 the Public Counsel, Mr. Poston?

22 MR. POSTON: Yes. Thank you. Marc Poston
23 appearing on behalf of the Office of the Public Counsel.

24 JUDGE HATCHER: All right. The purpose of our
25 procedural conference is to potentially set up a

1 procedural schedule. It appears that there is a
2 disagreement between the parties. So we'll move forward
3 as the Commission proceeds with that.

4 I have a couple three things that I wanted to
5 get to first. Just to throw out there, the issues in
6 this case strike me as perhaps similar to the growing
7 Missouri issue in Spire's pending rate case 0108. And I
8 did not know if I should be expecting any parties to
9 request a postponement of this case until the Commission
10 would make its decision in the rate case, but I'll just
11 throw that out there if anyone was thinking that way.

12 Second is, what I'm going to be asking for,
13 because of that possible confluence of events, is the
14 order I'll come out with today will be directing you all
15 to come out with a status report or a proposed
16 procedural schedule.

17 And the third issue I wanted to bring up today
18 is issue lists. This case is just beginning and this is
19 a good point for the Commission to let it be known that
20 with its issues lists that are produced by the parties,
21 and I'm not talking about position statements, but that
22 the Commission has noted that those are getting to be
23 longer questions and perhaps a bit more argumentative,
24 and I just wanted to relay that if the Commission would
25 get perhaps frustrated in its reading or attempted

1 reading to decipher what the actual issue was that the
2 Commission has the power to reword those issues. So I
3 just wanted to let all the parties know that a succinct,
4 concise, and I understand there's probably some argument
5 negotiation over wording, I could point to the estate
6 tax vs. the death tax as an example, but trying to keep
7 those maybe a bit shorter might be better for everyone
8 to identify the issues.

9 That said, as part of the schedule that I'm
10 going to ask Staff to be responsible for, and I'm going
11 to ask Staff to as much as possible file a joint motion
12 if the parties can agree. What I'm looking for is, and
13 this is my standard ask in all of the procedural
14 requests, a joint stipulation of facts and that can be
15 as small or as large as the parties wish. I use that in
16 writing the final decision. And sometimes naming that
17 Spire is a public utility can be lost in all of our
18 focus on more substantive issues.

19 Second thing I'm looking for is the submission
20 of the lists, and this is the common directive of the
21 list of issues, the lists of position statements, the
22 lists of witnesses. The Commission would like that at
23 least one week in advance. And that's a calendar week.

24 MS. MYERS: A week in advance of the
25 evidentiary hearing?

1 JUDGE HATCHER: Yes.

2 THE COURT REPORTER: I'm sorry?

3 JUDGE HATCHER: Name?

4 MS. MYERS: Jamie Myers.

5 THE COURT REPORTER: What was your question?

6 MS. MYERS: It was a week in advance of what?

7 It appears it's the evidentiary hearing.

8 JUDGE HATCHER: On the phone if that was hard
9 to hear, Counsel Myers for Staff, inquired if my
10 directive on the submission of lists was to be one week
11 in advance of the evidentiary hearing and my answer is
12 yes.

13 Third thing the Commission is looking for is a
14 list of exhibits just to be submitted prior to the
15 hearing, and I believe we have typically not asked that
16 those be submitted in EFIS. I'm sorry. Is someone on
17 the phone wanting to talk?

18 ANN: This is Ann. I just joined. I was
19 having some technical difficulties.

20 JUDGE HATCHER: I'm sorry about that.

21 MS. NIEMEIER: Hi, Ann. We are in the
22 procedural conference with the Judge and he is giving us
23 a list of things he wants us to file.

24 JUDGE HATCHER: And also please account for a
25 ten-day turnaround on the transcript. Just to

1 summarize, we are here to ask all the parties to come
2 together and discuss their procedural schedule, how much
3 time they want to spend doing that, and again the Judge
4 is aware that this issue may be similar to the growing
5 Missouri issue in Spire's pending rate case. That's
6 0108, GR-2021-0108. And just opening that up in case
7 the -- if anyone was thinking along the lines of
8 postponing this case pending the outcome of the rate
9 case. But knowing that that is going to be -- I think
10 the decision operation of law date is November 11 in the
11 rate case.

12 Second was I'm going to ask for a status
13 report or a proposed procedural schedule, and I'm going
14 to give at least 30 days to do that. And then lastly I
15 brought up the issue list. The Commissioners have
16 expressed an interest in more succinct, concise
17 statements of the issues.

18 And then we talked about assigning Staff the
19 responsibility of filing a joint procedural schedule, if
20 agreement is possible.

21 We are about done. Let me open it up to the
22 parties while I think of what I want to say next. Does
23 anyone have any issues they'd like to bring up today?

24 MR. IRVING: No.

25 JUDGE HATCHER: Spire first.

1 MS. NIEMEIER: I was just going to say it's
2 not really an issue. I was just hoping that the parties
3 could stay online and talk about this a little bit
4 further today after your portion of this is over so that
5 we can discuss what you requested but also the specific
6 facts of the case.

7 JUDGE HATCHER: Yes, ma'am. That is the plan.
8 Okay.

9 MR. POSTON: This is Marc Poston. I've got a
10 question on the issue list. So is it the concern that
11 the way each issue is being written is too long or is it
12 the concern of the issue list themselves are just too
13 long, too many issues?

14 JUDGE HATCHER: It was the first. I am not
15 touching with a 10-foot pole the number of issues. I am
16 only addressing the succinctness and conciseness of
17 issue description.

18 MR. POSTON: Okay. All right. That sounds
19 fine too.

20 JUDGE HATCHER: Okay. To share with you a
21 brief discussion a couple of the judges had was almost
22 it lends itself to thinking of a word limit. And the
23 thought was well, somebody thought of three. That might
24 seem like too few of words for some of the issues that
25 the Commission attends to and 100 words might seem too

1 many. But we I think all could see examples where sure,
2 I could describe something in three words. So I don't
3 really want to handcuff the parties. I just want to
4 provide helpful guidance. However you all take that and
5 come out with that I leave to you.

6 Okay. Turning now to actual deadline matters.
7 I need to set a deadline in my order for Staff to
8 present this joint proposed procedural schedule or
9 status report. I'm willing to be super flexible with
10 that. If I can get a date now, then awesome. If not, I
11 will accept an email as long as it's copied to everybody
12 of that date so then I can put that in the order saying
13 it's due by. So if everyone understands that, I'm going
14 to start at three days and we'll go from there. Does
15 anyone want or need more than 30 days to produce a
16 status report or a proposed procedural schedule?

17 MR. IRVING: I think Staff, I think we're fine
18 with that 30 days.

19 JUDGE HATCHER: Okay. We'll just set it at
20 30. I'll go upstairs. What is today? 15th. So August
21 15th is a Sunday. So 17th.

22 MR. IRVING: Okay.

23 JUDGE HATCHER: Make sure I give you a Monday
24 to work on that. So everyone --

25 MS. NIEMEIER: Thank you, Judge.

1 JUDGE HATCHER: -- on the phone, I am getting
2 ready to leave as is the court reporter. We're going to
3 leave the phone bridge on. I'm going to hang up on my
4 private phone and we're going to all cross our fingers
5 that that does not end the call for everyone else.

6 MR. IRVING: I apologize.

7 JUDGE HATCHER: No, no, you're fine.

8 MR. IRVING: So you indicated 30 days and you
9 said the 17th?

10 JUDGE HATCHER: Yes.

11 MR. IRVING: Of August?

12 JUDGE HATCHER: Yes.

13 MR. IRVING: I think it's the 16th.

14 JUDGE HATCHER: Yes.

15 MR. IRVING: You're right. I apologize. I
16 think the 17th is actually a Tuesday.

17 JUDGE HATCHER: Yes. I wanted to give you a
18 Monday so you didn't have to work over the weekend if
19 you don't get everything done Friday.

20 MR. IRVING: Yes, I absolutely agree. I just
21 want to make sure. I apologize.

22 JUDGE HATCHER: A month and a day.

23 MR. IRVING: Yes, thank you.

24 JUDGE HATCHER: I want to make sure that all
25 the parties understand I'm asking for a status report or

1 a joint proposed procedural schedule. So if the parties
2 jointly say that they are engaged in settlement
3 discussions or something else, then we can deal with
4 that. Okay. I need to stop talking before I say
5 something I shouldn't.

6 Are there any other issues that we want to talk
7 about before I end the conference, and I think we're in
8 the last 30 seconds of me being here, and again the
9 conference itself will continue informally with the
10 parties.

11 MS. NIEMEIER: Spire doesn't have anything
12 else, Your Honor.

13 JUDGE HATCHER: Okay. Thank you all. Stay on
14 the line. Don't hang up. Let's go off the record.
15 Adjourned.

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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