

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

Ozarks Medical Center d/b/a Ozarks Healthcare,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2022-0158
)	
Summit Natural Gas of Missouri, Inc.,)	
)	
Respondent.)	
)	

Reply Brief of the Office of the Public Counsel

The Office of the Public Counsel (“Public Counsel”) agrees with Ozarks Medical Center d/b/a Ozarks Healthcare (“OMC”) that the increased price of natural gas due to Winter Storm Uri was extraordinary; and Public Counsel further asserts that the \$632 per dekatherm for natural gas charged during Uri was unreasonably high.¹ However, forcing OMC’s bill onto other homes and businesses that had absolutely nothing to do with OMC’s usage or bill is not a reasonable solution to OMC’s problem.

OMC, OMC’s gas marketer, and Summit Natural Gas of Missouri, Inc. (“Summit”) all had a hand in OMC’s bill; other customers did not. OMC voluntarily entered into a contract to become a transportation customer, where it voluntarily submitted itself to the terms of Summit’s transportation tariff and how to treat imbalances. OMC had the ability to nominate, monitor, and control its gas usage. Likewise, OMC’s gas marketer, Ozarks Natural Gas, played a significant role in OMC’s

¹ Exhibit 201, Rebuttal Testimony of Walter McCarter, p. 8.

under-nomination of sufficient gas supplies to meet the hospital's needs in February 2021.² Summit also played a part in OMC's bill because Summit made natural gas purchasing decisions related to OMC's shortfall and decisions related to gas curtailment, both factors in OMC's bill.

The only persons or entities with a stake in the outcome of this case that had no role in OMC's gas bill are Summit's other customers – individuals, businesses, and non-profit entities that OMC surprisingly believes should bear full responsibility for OMC's February 2021 gas bill. As explained in Public Counsel's initial brief, there is no basis in law or reason for the Commission to order the relief sought by OMC.

Public Counsel's initial brief argued the two contested issues presented to the Commission for determination did not ask whether Summit violated any tariff, rule, statute or order, as required for complaints filed under Section 386.390 RSMo. OMC's Complaint and Initial Brief allege Summit's bill to OMC was not accurate, which if proven, is a claim the Commission could remedy pursuant to its 386.390 authority. OMC's twenty-two page brief, however, argues extensively for an outcome that forces

² Transcript (Tr.), p. 74; *see also* Tr. 105 testimony from Mr. Reeves on the gas marketer's actions that contributed to OMC's large bill, "By the time that we were notified [by the gas marketer] that there was going to be an issue, it was too late for us to do anything about it"; *see also* Tr. 168, testimony of Mr. Marcum:

Q. And in February of 2021, do you remember how many [transportation customers] ended up with a negative imbalance?

A. The negative imbalance I believe was 18 of 35.

Q. Okay. Did those that were in a negative imbalance situation, did any of those have anything in common? And I guess, particularly, was there any common marketer to a large number of those?

A. There were a couple of marketers that were common to those customers. Yes.

OMC's bill onto other customers, and devotes only one short paragraph to the claim that justified a 386.390 complaint – that is, a claim that OMC's bill was not accurate.³

OMC's initial brief challenges the amount of OMC's imbalance, and challenges the amount Summit spent to serve OMC.⁴ OMC does not explain whether the manner in which Summit calculated the imbalance violated any provision of Summit's tariff, or otherwise violated any rule, statute or Commission order. Furthermore, in the same paragraph where OMC alleges the bill was not an accurate reflection of the costs incurred to serve OMC, the paragraph does not end with a request for a reduced bill. Instead, it simply references this alleged "discrepancy" to further its request for a deferral to force those disputed costs onto other customers. If the bill was miscalculated, OMC should identify the specific tariff requirement in question and explain how Summit did not follow its tariff; and even then, the relief should be a lawful recalculation of the bill, not an unlawful subsidy.

Respectfully submitted,

/s/ Marc Poston

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³ OMC's Initial Post-Hearing Brief, p. 8.

⁴ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 27th day of June, 2022.

/s/ Marc Poston
