

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 8<sup>th</sup> day of July, 2021.

Clearwater Enterprises, L.L.C.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. GC-2021-0353</u></b>
	)	
Spire Missouri, Inc. d/b/a Spire and its Operating	)	
Unit Spire Missouri West	)	
	)	
Respondent.	)	

**ORDER SETTING PROCEDURAL SCHEDULE**

Issue Date: July 8, 2021

Effective Date: July 8, 2021

On April 15, 2021,<sup>1</sup> Clearwater Enterprises, L.L.C. (Clearwater) filed a complaint against Spire Missouri, Inc. d/b/a Spire and its Spire Missouri West operating unit, alleging that Spire failed to comply with the requirements of its tariff in assessing Operational Flow Order penalties resulting from a cold weather event in February 2021. Spire filed its answer to that complaint on May 17, along with a motion to dismiss, which the Commission denied on June 16. Subsequently, the Commission directed the parties to file a proposed procedural schedule by July 2. Spire and Clearwater were able to agree upon a procedural schedule and filed a jointly proposed procedural schedule on July 2. The joint motion for adoption of procedural schedule filed by Spire and Clearwater

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<sup>1</sup> All dates are in 2021, unless otherwise indicated.

represents that the proposed procedural schedule is acceptable to the Commission's Staff and to the Office of the Public Counsel.

After reviewing the jointly proposed procedural schedule, the Commission concludes that the schedule proposed by the parties is reasonable and should be adopted.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

- Response time to data requests is 10 calendar days and 5 business days to object or notify of the need for additional time to respond** - **July 8, 2021**
- Direct Testimony by Clearwater** - **December 3, 2021**
- Rebuttal Testimony by Spire** - **January 19, 2022**  
(Response time to data requests changes to 5 calendar days and 2 business days to object or notify of the need for additional time to respond)
- Cross-Rebuttal Testimony by Staff and Public Counsel** - **February 1, 2022**
- Surrebuttal Testimony by Clearwater and Spire** - **February 22, 2022**
- List of Issues, Order of Witnesses, Order of Cross Examination & Order of Openings** - **February 24, 2022**
- Last Day to Answer Discovery** - **March 1, 2022**
- Statements of Position** - **March 2, 2022**
- Evidentiary Hearing** - **March 7-11, 2022, beginning each day at 8:30 a.m.**
- Initial Post-Hearing Briefs** - **March 28, 2022**

2. The parties shall comply with the following procedures:
  - (a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.
  - (b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
  - (c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.
  - (d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

- (e) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- (f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.
- (g) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service

Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and  
Kolkmeier CC., concur.

Woodruff, Chief Regulatory Law Judge


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 8<sup>th</sup> day of July, 2021.**



  
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**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**July 8, 2021**

**File/Case No. GC-2021-0353**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.