

Page 73

1 **Q. (By Mr. Bauer) All right. So --**
 2 A. Is that --
 3 **Q. So to prepare to testify as the**
 4 **representative of Spire on topic number six, you**
 5 **looked at the documents that were behind tab 12 of**
 6 **the binders that have been prepared by Spire's**
 7 **attorneys; is that accurate?**
 8 A. That's correct.
 9 **Q. And did you do anything else?**
 10 A. Yeah, there really wasn't any other
 11 information to -- that I needed to understand that
 12 topic.
 13 **Q. So now I think we might have taken a**
 14 **slight detour when I was asking about the questions**
 15 **about the release of the capacity by Spire to the**
 16 **market during the winter storm. I think you told me**
 17 **you didn't know -- you didn't know the details of**
 18 **when it happened and I think you said you don't know**
 19 **to whom the capacity was released. Is that true?**
 20 A. Yeah, I don't recall those off the top
 21 of my head.
 22 **Q. Okay. Do you know why it was released?**
 23 A. It's a common practice. Utilities
 24 typically hold the majority of the firm in the
 25 market, and marketers take release capacity from --

Page 74

1 from the utility to serve other markets. It's
 2 always on a recallable basis, so we always have the
 3 ability to recall that capacity if we need it.
 4 **Q. But for this particular event you don't**
 5 **know why?**
 6 MR. GORE: I'm going to object, vague.
 7 Are we -- are we on topic six?
 8 MR. BAUER: Yes.
 9 MR. GORE: Okay. I'm going to object,
 10 beyond the scope of topic six, and I'm going to
 11 object, vague as to the term release capacity. I'm
 12 not sure you and the witness are in agreement on
 13 that term.
 14 MR. BAUER: Okay. I was just trying to
 15 use his word.
 16 **Q. (By Mr. Bauer) What do you mean by**
 17 **release capacity?**
 18 A. Transportation capacity that we hold on
 19 the pipelines can be -- if -- during times if we're
 20 not going to necessarily need all of it, we can put
 21 that in the market and other parties can use that
 22 capacity on a temporary basis. Like I say, it's
 23 always recallable, so in the event the utility needs
 24 it, they can recall that capacity.
 25 **Q. So that's just capacity on the**

Page 75

1 pipeline?
 2 A. It is.
 3 **Q. Okay.**
 4 A. Not supply.
 5 **Q. Okay. So that's -- so that is not**
 6 **related to the availability and use of storage gas.**
 7 **That's a totally different topic?**
 8 A. That's correct.
 9 **Q. So for releasing capacity, on that**
 10 **topic, who made the decisions to release capacity to**
 11 **third parties during the February storm?**
 12 MR. GORE: I'm going to object, beyond
 13 the scope of the notice and beyond the scope of
 14 topic six, which is where I understand we are.
 15 **Q. (By Mr. Bauer) Do you know?**
 16 A. Justin Powers and his team.
 17 **Q. All right. So now let's look at --**
 18 **let's look at topic six and talk about drawing from**
 19 **storage or selling gas to third parties. Did -- did**
 20 **Spire draw from storage and sell gas to any third**
 21 **parties during February 2021?**
 22 MR. GORE: I object, compound, vague.
 23 A. We -- we had a storage transaction
 24 where we sold some inventory to another party.
 25 **Q. (By Mr. Bauer) And when did that**

Page 76

1 happen?
 2 A. On February 15th if I recall.
 3 **Q. And who was involved in that decision?**
 4 A. Justin Powers and I.
 5 **Q. Anyone else?**
 6 A. I had a conversation with my boss Scott
 7 Carter to make sure he was aware of it.
 8 **Q. And how much natural gas was involved**
 9 **in this?**
 10 A. 500,000 dekatherms.
 11 MR. GORE: And Mr. Godat, I would just
 12 instruct you if you recall these terms specifically,
 13 that's fine, but if you feel the need reference to
 14 refresh your recollection, do so.
 15 THE WITNESS: Okay.
 16 MR. GORE: I'm impressed that you
 17 remember them.
 18 **Q. (By Mr. Bauer) And so that was 500**
 19 **dekatherms?**
 20 A. 500,000 dekatherms.
 21 **Q. 500,000 dekatherms, sorry, on**
 22 **February 15th. To whom was that sold?**
 23 A. Atmos.
 24 **Q. Do you know the price?**
 25 A. \$200 per dekatherm.

Page 109	Page 111
<p>1 MR. HOWELL: Objection, vague. 2 MR. GORE: Yeah, and I'm going to 3 object. Maybe you misstated it. You said Symmetry. 4 MR. BAUER: I probably did, huh? Okay. 5 You know what, it's not worth it. I'm not going 6 to -- I'm going to move on. 7 Q. (By Mr. Bauer) Let's look at topic 2M. 8 It says (quote as read): 9 Symmetry is charging its customers for 10 gas Spire bought for them during the 11 OFO period. 12 What's Spire's basis for saying that? 13 A. I know we had a customer invoice where 14 a customer was being charged the Gas Daily pricing. 15 I don't recall off the top of my head if that was -- 16 if that was a Symmetry invoice. Mr. Aplington must 17 have been aware of that document. I just don't 18 recall it off the top of my head here. 19 Q. And is that the -- is that the full 20 factual basis for that statement? 21 A. Like I say, it was Mr. Aplington's 22 statement, so I don't know if there was more to his 23 statement because he may have been aware of 24 something that I wasn't. 25 Q. Okay. Take out Exhibit 1 again. Let's</p>	<p>1 a summary of the purchases with Spire Marketing. I 2 can't remember where that tab is. There was a 3 handful of transactions where we were buying -- 4 where Spire Missouri bought supply from Spire 5 Marketing, but I think that's one where it must have 6 been a verbal conversation so we produced the -- a 7 copy of the transaction, but there wasn't any 8 documentation back and forth of where they bought 9 that supply. 10 MR. GORE: Steve, I'll just tell you if 11 the questioner thinks it's helpful when Mr. Godat is 12 saying I know there is a document in here, but I 13 can't find it, if you want me to expedite things, we 14 typically know which document he's talking about. 15 So if you want me to give it to him, I will. If 16 not, if you want him to look, that's fine. 17 MR. BAUER: No, I'd prefer that you 18 give it to him. 19 MR. GORE: Okay. So the document we 20 believe he's referring to right now is at tab 20. 21 A. Yeah, so there would have been some 22 communication to effectuate these transactions, but 23 like I say, it's not something that there is a 24 record of, I think. When I looked at this document, 25 the document that was turned over showed the</p>
<p>Page 110</p> <p>1 go to topic number five, (quote as read): 2 Communications between employees of 3 Spire Missouri, Inc. and Spire 4 Marketing, Inc. concerning Winter Storm 5 Uri or Symmetry during February or 6 March 2021. 7 My first question is did Spire produce 8 any communications in this case that are between 9 Spire Missouri and Spire Marketing that you're aware 10 of at least. 11 A. I think there were -- I'm trying to 12 remember. Do you remember which tab this is 13 referring to? 14 MR. GORE: I don't believe there's a 15 tab. There's not a tab of documents you reviewed in 16 preparation for this topic. 17 A. Yeah, I don't recall -- I don't recall 18 seeing any, and I don't recall -- yeah, Spire -- 19 Spire Marketing is such a small player in the Kansas 20 City market that there's no reason I would have had 21 reason to have communication with them, and if no 22 documents have been produced then I'm confident that 23 there wasn't communication going on there. 24 There were -- when I went through the 25 schedule -- that's the only place I saw it. There's</p>	<p>Page 112</p> <p>1 transaction and it actually showed the Southern Star 2 index price I think just to give -- just so that 3 everybody could kind of see what the transaction 4 price was versus what market price was that day. 5 That was my understanding. 6 Q. (By Mr. Bauer) And do you know who was 7 involved in that transaction? 8 A. It would have been Justin Powers' team. 9 Q. And anybody on the Spire Marketing 10 side? 11 A. There would have been -- there would 12 have been a trader I assume on the Spire Marketing 13 side. I'm not sure who that party was. 14 Q. Do you know -- I won't ask you if you 15 know. Strike that. 16 Why was that transaction made? 17 A. I mean, if you look through, there were 18 a lot of incremental transactions through the polar 19 vortex period buying supply, and this is just a 20 handful of those transactions that took place. 21 MR. BAUER: Let's mark this as 22 Exhibit 3. I'm not done with 1 yet, but we'll 23 switch it up a little bit here. 24 (WHEREIN, Exhibit 3, 2-17-21 Spire 25 correspondence, was marked for identification by the</p>

Page 125	Page 127
<p>1 A. From what I remember, I would have 2 to -- yeah, I'd have to confirm with Justin. Yeah, 3 I would have to confirm that with Justin. 4 Q. Okay. Let's go to topic eight, please, 5 on Exhibit 1 (quote as read): 6 The process by which Spire engages in 7 month-end balancing with Symmetry 8 regarding monthly invoicing, including 9 but not limited to the process as 10 applied since November 2020. 11 You're prepared to testify about this 12 topic? 13 A. I am. 14 Q. Can you explain to me how the month-end 15 balancing with Symmetry works? 16 MR. GORE: If I could just state for 17 the record the documents that Mr. Godat reviewed in 18 preparation for testimony on this topic are at tabs 19 one and 14 of the binder. 20 Q. (By Mr. Bauer) Feel free to refer to 21 those, sir. 22 A. We -- yeah, we talked earlier about the 23 process that Spire goes through calculating the 24 daily amounts where it's looking at nominated 25 quantities and usage. The process is exactly the</p>	<p>1 Q. Does she do them now too? 2 A. You know, I would have to confirm. I 3 don't -- I'm not close enough to daily -- to the 4 daily task to know if she's still doing it. 5 Q. Okay. Let's look at topic number nine, 6 Spire's document retention policies. Does Spire 7 have one? 8 A. We do, and they're referenced in the 9 binder, and I -- 10 MR. GORE: For the record, on topic 11 nine, the documents that Mr. Godat reviewed in 12 preparation to give testimony on topic nine are 13 located at tab -- 14 MS. MCLAUGHLIN: 15. 15 MR. BAUER: 15? 16 A. 15. Yeah, there's multiple documents. 17 I did review those documents, and I spoke with Bob 18 McKee to confirm that the documents that are 19 provided were the documents -- were the policies 20 that were in place during Winter Storm Uri. 21 Q. (By Mr. Bauer) And were those policies 22 followed during Winter Storm Uri and since? 23 A. My understanding is that they were. 24 Actually, Bob said he didn't have any reason to 25 believe that they weren't followed as well.</p>
<p>1 same for the month-end. It's just looking -- 2 looking at the nominations for the full month period 3 and the usage for the full month period and 4 calculates the difference between those two. 5 Q. And is your -- 6 A. There's a cash-out mechanism under that 7 process. So to the extent the farther the person is 8 out of balance, then the calculation gets punitive 9 the farther you're out of balance. And if the 10 marketer has brought in more gas than they burn, 11 then Spire owes the marketer money. If the marketer 12 has brought in less volume than they burn, then the 13 marketer owes Spire. 14 Q. And is this something that's done at 15 the end of every month? 16 A. It is. It's sometime after the month 17 has closed. 18 Q. But does it square up among -- between 19 the marketer and Spire each month? 20 A. It does. 21 Q. Who is in charge of this process? 22 A. The gas -- Justin Powers and his team. 23 Q. Anyone in particular in Powers' team? 24 A. Theresa Payne I believe was doing the 25 calculations at that time.</p>	<p>1 Q. Okay. Let's look at -- at topic ten. 2 I'll read it. (Quote as read): 3 The identities of the persons who 4 provided the factual information 5 supporting the responses to Symmetry's 6 data requests served on March 26, 2021. 7 And I just say that -- note that we 8 want to ask about who the people are. Are you 9 prepared to testify on this topic today, sir? 10 A. Like I mentioned before, inside and 11 outside counsel works with a number of Spire 12 employees. The ones that I was aware of are the 13 ones that I mentioned, Justin Powers, Scott Weitzel, 14 Patty Reardon. Like I say, Bob McKee on -- Bob 15 McKee would have been asked on the records policy. 16 Q. Okay. How about Theresa Payne? 17 A. Theresa Payne as well. 18 Q. Is there somebody named Greg Hayes? 19 A. Greg Hayes is scheduler for Justin 20 Powers. 21 Q. Okay. And anyone else that was 22 consulted for the responses to the data requests? 23 A. Ashley Dixon is also on Justin's team, 24 so -- 25 MR. BAUER: Mark this as Exhibit 4.</p>

<p>Page 137</p> <p>1 sir? 2 A. This looks like one of the customer 3 communications that took place. 4 Q. Is this something you've seen before? 5 A. I have seen this. I'm trying to -- 6 yeah. 7 Q. Can you tell us in any more detail what 8 it is? 9 A. It is one of the documents that I 10 reviewed. 11 MR. GORE: This document is at tab 18 12 of the binder that Mr. Godat reviewed in preparation 13 for his testimony today. 14 A. Yeah, I'm trying to remember from when 15 I had looked through it before, the context of what 16 I was understanding was sent out because this goes 17 out from a different group, but it was -- yeah, as I 18 recall, this was when we were having our issues in 19 Southwest Missouri and I know there was a lot of 20 customer communication that was going on around that 21 trying to make sure the public was aware of the 22 situation that we were in. So yeah, that's what I 23 remember, that this was in conjunction with that 24 communication. 25 Q. (By Mr. Bauer) And who was involved in</p>	<p>Page 139</p> <p>1 A. I was. 2 Q. Yeah. Who is Greg Hayes? 3 A. I mentioned that before. He's a 4 scheduler in Justin Powers' team. 5 Q. And Theresa Payne, she's on 6 communications? 7 A. No, she's on the gas supply side. 8 Q. Okay. My main question here is why is 9 this communication among those three people, if you 10 know? 11 A. This is -- from what I understand, this 12 is actually the notification that went out to the 13 marketers. They're just bcc'd. So it not only went 14 out to them, it went out to the marketer group as 15 well. 16 Q. Okay. 17 A. Greg is responsible for scheduling for 18 MO west on the upstream side, and Theresa handled -- 19 was handling the end user nominations at the time. 20 Q. Were Ms. Payne and Mr. Hayes involved 21 in the decision to issue an OFO? 22 A. They were not. 23 Q. Were they consulted? 24 A. They were not. 25 (WHEREIN, Exhibit 10, 2-17-21 e-mail)</p>
<p>Page 138</p> <p>1 that effort? 2 MR. APLINGTON: Sorry, just real quick. 3 I just want to make sure -- I didn't see you flip it 4 over. You're aware that it's a two-sided document? 5 A. Oh, okay. Yeah, I was going to say, I 6 assume that this was Patty Reardon. I had 7 referenced Patty Reardon as the one that actually 8 has the customer communications for Southwest MO. 9 Q. (By Mr. Bauer) Anyone else to Spire's 10 knowledge involved in preparing this document? 11 A. Yeah, I would have to -- yeah, I'd have 12 to ask Patty who all was involved in putting that 13 communication together. 14 MR. BAUER: Okay. Let's mark this as 15 Exhibit 9, please. 16 (WHEREIN, Exhibit 9, 2-10-21 Payne 17 e-mail, was marked for identification by the Court 18 Reporter.) 19 Q. (By Mr. Bauer) Okay. Can you tell us 20 what Exhibit 9 is? 21 A. This was the OFO notice that went out 22 to the marketers letting them know that we were 23 going to an OFO effective February 12th at nine a.m. 24 Q. And did -- you of course were involved 25 in that decision, right?</p>	<p>Page 140</p> <p>1 chain, was marked for identification by the Court 2 Reporter.) 3 Q. (By Mr. Bauer) Okay. So Exhibit 10 is 4 an e-mail dated February 17th, 2021 that includes 5 several people, including you; is that right? 6 A. That's correct. 7 Q. Can you tell us who the other people 8 are who are -- received this e-mail? The name at 9 the top is an associate that works for us. I guess 10 that's because it was printed out, Nate Saper. 11 A. So Greg, Justin, and Ashley are all in 12 the gas supply team. Castor is in-house counsel 13 that handled this -- pursued this legal matter for 14 us. 15 Q. Okay. All right. I'm only asking you 16 about this because it was a document produced -- I 17 don't think this is within the scope of my 30(b)(6), 18 but it may be in the scope of other people so 19 I'll -- I'll leave it here. Someone else can ask 20 questions about it, okay? 21 A. Okay. 22 MR. BAUER: Mark this as Number 11 23 please. 24 (WHEREIN, Exhibit 11, 2-24-21 Spire 25 letter to Symmetry, was marked for identification by</p>

Page 157	Page 159
<p>1 that is Spire Missouri, used ICE as well as</p> <p>2 phone-to-phone – phone-based physical purchases of</p> <p>3 natural gas, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Do – do Spire's traders use ICE</p> <p>6 Chat to facilitate the purchases of natural gas for</p> <p>7 its system?</p> <p>8 A. I know they have the ICE Chat feature.</p> <p>9 I'm not sure how often they use the ICE Chat versus</p> <p>10 using phone to phone.</p> <p>11 Q. Prior to taking on your current role,</p> <p>12 were you a natural gas trader?</p> <p>13 A. I was prior to 2018 when I came to the</p> <p>14 gas supply group.</p> <p>15 Q. How were the purchases documented?</p> <p>16 Whether they're – whether they're purchased, you</p> <p>17 know, through the ICE system or by phone, how were</p> <p>18 they documented?</p> <p>19 A. They're just kept on a daily trade</p> <p>20 sheet that documents the counterparty and the price.</p> <p>21 Q. Okay. And then are those trade --</p> <p>22 trade sheets reconciled at the end of the month to</p> <p>23 invoice whichever party is obligated to pay?</p> <p>24 A. Yeah, there is -- there is an internal</p> <p>25 I guess documentation process that verifies that the</p>	<p>1 Q. (By Mr. Howell) Are the purchases and</p> <p>2 sales between Spire and Spire Marketing conducted</p> <p>3 via ICE, via phone, or some other method for</p> <p>4 February 2021?</p> <p>5 A. I don't know which method those were</p> <p>6 performed under.</p> <p>7 Q. Who would know?</p> <p>8 A. Justin Powers and his team.</p> <p>9 Q. Are the transactions between Spire and</p> <p>10 Spire Marketing documented in the same way as for</p> <p>11 other counterparties?</p> <p>12 MR. GORE: Objection, foundation,</p> <p>13 vague. You can answer if you understand.</p> <p>14 A. Yeah, it's my understanding that</p> <p>15 they're captured in the same trade sheet and tied</p> <p>16 out in the same gas management system.</p> <p>17 Q. (By Mr. Howell) You mentioned Justin a</p> <p>18 number of times. Does he have a limit on -- on his</p> <p>19 transaction authority or is there a certain</p> <p>20 threshold above which his transactions require your</p> <p>21 supervision or approval?</p> <p>22 A. He does not.</p> <p>23 Q. So presumably he could go out and</p> <p>24 buy -- if it necessitated it a billion dollars worth</p> <p>25 of gas and he would have authority to do that</p>
Page 158	Page 160
<p>1 information that's being invoiced from our third</p> <p>2 parties and that we're invoicing is correct.</p> <p>3 Q. And what is that system or process?</p> <p>4 A. I don't understand your question. I'm</p> <p>5 sorry.</p> <p>6 Q. Yes, sir. Mr. Godat, you indicated</p> <p>7 that there's an internal system or an internal</p> <p>8 process that is used to verify that information.</p> <p>9 Does that have a name or is that -- does that have</p> <p>10 a -- could you describe that in greater detail?</p> <p>11 A. It's just the reconciliation process,</p> <p>12 making sure the documents tie out. I don't know</p> <p>13 that there's an official name for that process.</p> <p>14 Q. And who is in charge of the</p> <p>15 reconciliation process?</p> <p>16 A. Justin Powers and his team.</p> <p>17 MR. GORE: If I can just interject for</p> <p>18 one second, is there a way we can get the frame</p> <p>19 tighter where we're not picking up the people?</p> <p>20 We're getting people out in the hallway. And I'm</p> <p>21 sure that if you played it you could probably frame</p> <p>22 that out, but I would rather not have it in there.</p> <p>23 Thank you.</p> <p>24 MR. HOWELL: Okay to proceed, Mr. Gore?</p> <p>25 MR. GORE: Yeah.</p>	<p>1 without approval from anyone else within Spire?</p> <p>2 MR. GORE: Objection, beyond the scope</p> <p>3 of the notice, improper foundation, improper</p> <p>4 hypothetical. Mr. Godat is not testifying as an</p> <p>5 expert witness. You can -- you can answer.</p> <p>6 A. There's -- we do not have a formal</p> <p>7 limit on his ability to manage supply on a daily</p> <p>8 basis, but having said that, if they reached that</p> <p>9 level that's not to say there wouldn't be some</p> <p>10 conversation about it.</p> <p>11 Q. (By Mr. Howell) You indicated earlier</p> <p>12 in questioning by Mr. Bauer that you were aware of</p> <p>13 and participated in conversations with Justin Powers</p> <p>14 related to a sale of natural gas that Spire owned</p> <p>15 that was in storage to Atmos, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Were there any other natural gas</p> <p>18 purchases and sales during the February 10th through</p> <p>19 20th period in which you were personally involved?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Were there any other natural gas</p> <p>22 purchases and sales that you participated in</p> <p>23 approving?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Does Mr. Power -- Powers have the</p>

40 (Pages 157 to 160)

Page 201

1 admitted and acknowledged.
 2 **Q. (By Mr. Howell) I believe Mr. Gore**
 3 **said at the beginning of the deposition that**
 4 **Mr. Bauer took that you had used this --**
 5 **Constellation's deposition notice Exhibit 12 to help**
 6 **kind of prepare yourself for the deposition; is that**
 7 **correct?**
 8 A. Yeah. We actually ordered the
 9 documents in the binder tied to the Constellation
 10 document.
 11 **Q. Great. All right. I want to ask you**
 12 **one -- I want to ask you a question about some of**
 13 **the people you have mentioned, just make sure that I**
 14 **understand who had what role and that kind of thing.**
 15 A. Okay.
 16 **Q. Then I want to talk with you about the**
 17 **OFO that was issued. Scott Carter is the president**
 18 **of Spire Missouri; is that correct?**
 19 A. That's correct.
 20 **Q. Okay. What role -- you know, from**
 21 **your -- from your perspective as a corporate**
 22 **representative and as a VP of natural gas supply**
 23 **for -- for the Spire Missouri entity as well as**
 24 **Spire, Inc., what role did Mr. Carter have with**
 25 **regard to the February 2021 winter storm?**

Page 202

1 MR. GORE: I'm going to object, vague.
 2 A. Yeah, are you talking about gas supply
 3 decisions or just his role overall through the whole
 4 process?
 5 **Q. (By Mr. Howell) So my notes indicate**
 6 **that you said that you had talked with Mr. Carter in**
 7 **preparation for issuing the OFO, and I just want to**
 8 **get some more information about what Mr. Carter's**
 9 **role was either in connection with the OFO or**
 10 **anything else during the winter storm period.**
 11 MR. GORE: I'm going to -- I'm going to
 12 object to foundation. It misstates prior testimony
 13 regarding the consultation with Mr. Carter regarding
 14 the implementation of the OFO. You can answer.
 15 **Q. (By Mr. Howell) So I'm just trying to**
 16 **avoid this dance of me saying what I think you told**
 17 **me and it being potentially, you know, getting --**
 18 **drawing an objection about misstating your prior**
 19 **testimony and asking you an open-ended question and**
 20 **getting an objection that it's vague.**
 21 So at the end of the day, I'm just
 22 trying to figure out from you, Mr. Godat, as Spire's
 23 corporate representative could you describe the
 24 role, if any, that Scott Carter had during the
 25 winter storm?

Page 203

1 A. I kept him -- on the OFO perspective,
 2 since that's who I report to, I kept him informed of
 3 what was going on and that we were -- we were in a
 4 position where we thought we had to issue an OFO.
 5 I -- I was the one that ultimately made
 6 the decision working with Justin Powers. So it
 7 wasn't that I went to Scott for permission. It
 8 was -- it was more of an information to keep him
 9 up-to-date.
 10 Scott Carter through -- throughout the
 11 process, he did a lot of radio interviews, just more
 12 from the media side kind of keeping customers and
 13 stuff up-to-date on things that were going on.
 14 So I mean, I had enough going on that I
 15 wouldn't be able to speak for -- you know, for all
 16 the activities that Scott undertook during that
 17 time, but you know, as far as the OFO I just kept
 18 him informed. I was the one that made the decision
 19 along with Justin.
 20 **Q. Yes, sir. And I certainly understand**
 21 **that. You are just one -- one human being, and I'm**
 22 **not asking you to kind of know what everyone else**
 23 **has done or may have done. We may have an**
 24 **opportunity to speak with Mr. Carter later on. I**
 25 **just am trying to have an understanding of what**

Page 204

1 **you're aware of based on your personal knowledge and**
 2 **based on anything you may have learned in preparing**
 3 **to give testimony as to corporate representative.**
 4 **Does that make sense?**
 5 A. Yeah. So I mean, I think the
 6 information I provided was accurate to that.
 7 **Q. Were there other members of either the**
 8 **Spire Missouri or Spire, Inc. management or**
 9 **executive team who you also met with or kept**
 10 **informed about the OFO decisions?**
 11 A. We definitely let the other parties
 12 know. The business development reps and regulatory,
 13 more just from an information perspective that we
 14 were -- we were seeing the issues, potential issues
 15 with gas supply and that we were going into the OFO.
 16 **Q. And you said that you kept the other**
 17 **parties informed. Could you describe for me who the**
 18 **other parties are that you're thinking of when you**
 19 **give that answer?**
 20 A. The only two that I recall would be
 21 Patty Reardon and Mr. Weitzel that's over
 22 regulatory.
 23 **Q. Okay. And so Mr. Weitzel has what**
 24 **role?**
 25 A. He's over our regulatory group for

Page 265	Page 267
<p>1 ahead.</p> <p>2 MR. GORE: Okay.</p> <p>3 Q. (By Mr. Howell) As of February 9th and</p> <p>4 the morning of February 10th, what reason did you</p> <p>5 have to believe that the marketing companies were</p> <p>6 not going to deliver the nominated volumes?</p> <p>7 MR. GORE: I'm going to object to the</p> <p>8 extent the question either misstates prior testimony</p> <p>9 or assumes testimony that has not occurred. You can</p> <p>10 answer.</p> <p>11 A. When -- when supply gets limited --</p> <p>12 I've been in the market for a long time and Justin's</p> <p>13 been in the market for a long time. It's -- the</p> <p>14 company that has -- that doesn't have restrictions</p> <p>15 typically ends up being the swing for everybody.</p> <p>16 So the fact that Enable was in an OFO,</p> <p>17 NGPL was in an OFO, Southern Star was in an OFO,</p> <p>18 Panhandle was in an OFO. If -- if Spire Missouri</p> <p>19 was not in an OFO why would there be any incentive</p> <p>20 for -- for marketers to continue to bring gas to us</p> <p>21 when they could take it to those other markets? So</p> <p>22 it's -- like I say, it's a combination of Southern</p> <p>23 Star being in an OFO.</p> <p>24 But I guess the other thing I haven't</p> <p>25 talked about yet was just -- Justin had voiced</p>	<p>1 Q. Did you have any reason to believe that</p> <p>2 there would be a problem with any specific marketer</p> <p>3 or all of the marketers in general that would --</p> <p>4 that you believe would justify issuing an OFO for</p> <p>5 the system?</p> <p>6 A. At the time we issued it, like I</p> <p>7 mentioned, it was -- we just needed all of the</p> <p>8 marketers to be in balance given the situation that</p> <p>9 we were in.</p> <p>10 Q. So did you issue the OFO as a</p> <p>11 preventative measure to keep the marketers in</p> <p>12 balance?</p> <p>13 A. I think I've said time and time again</p> <p>14 it wasn't about -- just about being in balance. It</p> <p>15 was -- we needed -- we needed to make sure that we</p> <p>16 were able to serve the customers that we're</p> <p>17 responsible for serving. So we needed to make sure</p> <p>18 supply was going to come to the system for -- for</p> <p>19 the customers that we weren't bringing -- weren't</p> <p>20 typically bringing gas in for.</p> <p>21 Q. And so did you issue the OFO to make</p> <p>22 sure that the marketers delivered the gas that they</p> <p>23 were responsible for delivering?</p> <p>24 MR. GORE: I'm going to object, asked</p> <p>25 and answered. You can answer it again.</p>
<p>Page 266</p> <p>1 concern to me even early winter about the fact that</p> <p>2 he felt that marketers weren't necessarily planning</p> <p>3 appropriately and weren't taking out -- weren't</p> <p>4 taking out capacity to serve their markets and</p> <p>5 didn't necessarily have -- have a handle on what the</p> <p>6 demands were going to be.</p> <p>7 So I mean, that was an underlying</p> <p>8 factor as well. So it's not -- I mean, at that</p> <p>9 point when we issued it, it wasn't something that</p> <p>10 targeting an individual marketer was going to -- was</p> <p>11 going to solve our issue.</p> <p>12 Q. (By Mr. Howell) Did you communicate</p> <p>13 with any of the marketers? Did you communicate with</p> <p>14 Constellation regarding those concerns that you just</p> <p>15 expressed?</p> <p>16 A. I'm not exactly sure which companies</p> <p>17 that Justin had the conversations with. He would</p> <p>18 have to answer that question.</p> <p>19 Q. Okay. Did you, Mr. Godat, have any</p> <p>20 communications with -- with any of the marketers --</p> <p>21 A. I did not --</p> <p>22 Q. -- to address those concerns that you</p> <p>23 just mentioned?</p> <p>24 A. I did not personally. I relied on</p> <p>25 Justin.</p>	<p>Page 268</p> <p>1 A. The -- I mean, a basic premise of an</p> <p>2 OFO is that you bring in enough supply to serve your</p> <p>3 customer needs. If you don't, you get a penalty.</p> <p>4 So I mean, I think -- I think that's the basic</p> <p>5 premise of an OFO is you need -- you need the</p> <p>6 marketers to bring in the gas that their customers</p> <p>7 are going to burn. I think that -- that was -- our</p> <p>8 fear was that that was what was not going to happen</p> <p>9 and that came to fruition pretty quick once we got</p> <p>10 into the vortex.</p> <p>11 Q. (By Mr. Howell) You mentioned I</p> <p>12 believe -- I'll move on.</p> <p>13 Mr. Godat, were you the person</p> <p>14 responsible for making the determination to leave</p> <p>15 the OFO in place on gas day 11? Or sorry. Sorry.</p> <p>16 Let me -- the OFO was implemented to begin on gas</p> <p>17 day 12, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Were you the person responsible for the</p> <p>20 decision to keep the OFO in place on gas day 13?</p> <p>21 A. Yeah, when you -- when you say I was</p> <p>22 responsible, that -- given the situation that we</p> <p>23 were under, that's not a conversation that took</p> <p>24 place.</p> <p>25 Q. I'm sorry. Could you explain what you</p>

67 (Pages 265 to 268)

Page 269

1 mean by that answer?

2 A. I mean, the situation that we were

3 going through was bad enough every day, and the

4 underperformance by -- by the marketers were so bad

5 that there wasn't even reason to have a conversation

6 about that until closer to the time we lifted it.

7 Q. Did you have any conversation or

8 conduct any analysis about lifting the OFO on gas

9 day 13?

10 A. We did not have any formal analysis

11 on -- and conversation around lifting it at that

12 point.

13 Q. Okay. Did you conduct any analysis or

14 have any conversations about lifting the OFO on gas

15 day 14?

16 A. I'm not aware of any analysis. I mean,

17 if Justin and his team had it and didn't raise it to

18 my level -- I can't speak for them, but like I say,

19 the situation was bad enough all the way through the

20 18th that it didn't even warrant a conversation.

21 Q. Are you aware of any analysis or did

22 you have any conversations about lifting the OFO on

23 gas day 15?

24 MR. GORE: I'm going to object, asked

25 and answered.

Page 270

1 A. Yeah, I mean, I'll give my same answer.

2 I never had a conversation with Justin, but not to

3 say that he didn't have that conversation with his

4 team.

5 Q. (By Mr. Howell) Justin has -- does not

6 have the authority to issue or to terminate an OFO,

7 correct?

8 A. He would have -- he would have brought

9 that to my attention before he changed --

10 Q. Does Justin Powers have the authority

11 to issue or terminate an OFO for the Spire Missouri

12 West system?

13 MR. GORE: I'm going to object to the

14 extent it calls for a legal conclusion. And

15 Mr. Howell, I will just remind you, I know we're

16 doing this remotely, but George doesn't speak super

17 fast and I think you're cutting him off a few times

18 here, which I just would ask you to be careful of.

19 A. There's not a particular restriction

20 that I'm aware of in the company that would prevent

21 Justin from making that decision. Having said that,

22 he and I consulted each other and I was the one

23 ultimately made that decision in this case.

24 Q. (By Mr. Howell) And you were also

25 ultimately the person who made the decision not only

Page 271

1 to issue it, but also the decision to terminate it,

2 correct?

3 A. That's correct.

4 Q. When was the first gas day that you

5 considered terminating the OFO?

6 A. Me personally, I don't recall having a

7 conversation about it until I guess the 19th when we

8 had terminated it effective the 20th. We found out

9 Southern Star was lifting theirs as well.

10 Q. And was Southern Star's decision to

11 lift their OFO the impetus for Spire Missouri to

12 consider lifting and then ultimately decide to lift

13 its OFO?

14 A. It was a factor that went into our

15 decision.

16 Q. What other factors went into your

17 decision?

18 A. Looking at the -- kind of the projected

19 forecast and, you know, based on conversation that

20 Justin was having with the suppliers on -- on the

21 return of the production that was frozen off.

22 MR. GORE: If I could just ask for

23 clarification. When you say projected forecast,

24 could you just say what you mean by that?

25 A. The temperature forecast warming up in

Page 272

1 combination with -- like I say, conversations that

2 he was having about the production situation getting

3 better. I think -- you know, he wanted to -- he

4 wanted to caveat it with the fact that if that

5 didn't happen he wanted to put people -- the

6 marketers on notice that he would turn around and

7 issue that again over the weekend. So he put that

8 notice in his -- in his e-mail when he lifted the

9 OFO.

10 Q. (By Mr. Howell) All right. I have

11 two -- two more kind of short things I want to go

12 over with you. First I want to ask you about

13 storage. You indicated earlier with mister -- in

14 response to Mr. Bauer's questioning that there was

15 approximately 8.9 BCF of gas that Spire had in

16 storage, correct?

17 A. That's correct, going into the month of

18 February.

19 Q. And that storage gas was subject to two

20 restrictions. It was subject to an MDQ, which is

21 the maximum daily quantity of gas that you could

22 draw out of storage each day, and second, it was

23 subject to a restriction that no more than

24 two-thirds of your gas on the Southern Star system

25 could be from storage; is that correct?