

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 1st day of September, 2021.

Constellation NewEnergy - Gas Division, LLC,)	
)	
Complainant,)	
)	
v.)	<u>File No. GC-2021-0315</u>
)	
Spire Missouri, Inc. d/b/a Spire)	
)	
Respondent.)	
Symmetry Energy Solutions, LLC,)	
)	
Complainant,)	
)	
v.)	<u>File No. GC-2021-0316</u>
)	
Spire Missouri, Inc. d/b/a Spire)	
)	
Respondent.)	
Clearwater Enterprises, L.L.C.,)	
)	
Complainant,)	
)	
v.)	<u>File No. GC-2021-0353</u>
)	
Spire Missouri, Inc. d/b/a Spire and its Operating)	
Unit Spire Missouri West)	
)	
Respondent.)	

**ORDER SETTING A JOINT PROCEDURAL SCHEDULE,
INCLUDING A JOINT HEARING**

Issue Date: September 1, 2021

Effective Date: September 1, 2021

Constellation NewEnergy Gas Division, LLC; Symmetry Energy Solutions, LLC; and Clearwater Enterprises, LLC filed a joint motion on August 27, 2021, asking the

Commission to consolidate their complaints against Spire Missouri Inc. d/b/a Spire, to make GC-2021-0316 the lead case, and to establish a joint procedural schedule for the three complaints.¹ The joint motion represents that Spire supports the joint motion and that the Commission's Staff, the Office of the Public Counsel, Midwest Energy Consumers Group, and the Missouri School Boards' Association do not oppose the joint motion. The joint motion asks the Commission to act on the request to consolidate the complaints by September 1, 2021. Prompt action on the motion to consolidate is appropriate as the current procedural schedule in GC-2021-0315 requires the filing of direct testimony by September 15, 2021.

The Commission ordered that any party wishing to respond to the joint motion to consolidate the complaints do so by August 31, 2021. No such response has been filed, so the Commission will take up the joint motion as unopposed.

Commission Rule 20 CSR 4240-2.110(3) provides:

[w]hen pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.

Each of these three complaints involve common questions of law and fact that make a joint hearing of the complaints appropriate. However, the complainants are themselves distinct corporate entities facing distinct financial penalties about which the Commission may need to issue distinct orders. That makes full consolidation of the complaints inappropriate. The Commission will establish a joint procedural schedule for the three complaints, including a joint hearing on the complaints. Each of the three complaints will remain open and will not be fully consolidated.

¹ The proposed joint procedural schedule adopts the exiting procedural schedule for GC-2021-0353, and applies it to all three complaints.

THE COMMISSION ORDERS THAT:

1. The following joint procedural schedule is established:

Direct Testimony by Complainants	-	December 3, 2021
Rebuttal Testimony by Spire (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)	-	January 19, 2022
Cross-Rebuttal Testimony by Staff, Public Counsel, and Intervenors	-	February 1, 2022
Surrebuttal Testimony by Complainants-		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
Reply Briefs	-	April 4, 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 joint 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 1st day of September, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 1, 2021

File/Case No. GC-2021-0315, GC-2021-0316 and GC-2021-0353

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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

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