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1	BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI	1	Exhibit 13 Spire Missouri Schedule of 261
2		2	Rates and Charges
3	Constellation NewEnergy-Gas) Division, LLC,)	3	Exhibit 14 Clearwater notice of 283
4	Complainants,)	4	deposition
5	vs.) Case No.) GC-2021-0315	5	Exhibit 15 Clearwater complaint 322
6	Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	6	
7	Respondents.)	7	(The original exhibits were retained by the court
8	Symmetry Energy Solutions, LLC.)	8	reporter to be attached to the original and copies
9	Complainants,)	9	of the transcript.)
10	vs.) Case No.) GC-2021-0316	10	
11	Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	11	
12	Respondents.)	12	
13	Clearwater Enterprises, LLC.)	13	
14	Complainants,)	14	
15	vs.) Case No.) GC-2021-0353	15	
16	Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	16	
17	Respondents.)	17	
18	VIDEO-RECORDED DEPOSITION OF GEORGE E. GODAT	18	
19	(Corporate Representative of Spire Missouri, Inc. and its operating unit Spire Missouri West)	19	
20	TAKEN ON BEHALF OF THE COMPLAINANTS	20	
21	DECEMBER 13, 2021	21	
22	(Starting time of the deposition: 8:08 a.m.)	22	
23		23	
24		24	
25		25	

Page 2		Page 4	
1	I N D E X	1	VIDEO-RECORDED DEPOSITION OF GEORGE E. GODAT
2	QUESTIONS BY: PAGE	2	as the Corporate Representative of Spire Missouri,
3	MR. BAUER 13	3	Inc. and its operating unit Spire Missouri West,
4	MR. HOWELL 146	4	produced, sworn and examined on December 13, 2021,
5	MS. BELL 284	5	between the hours of eight o'clock in the forenoon
6	MR. BAUER 337	6	and eight o'clock in the evening of that day, at the
7		7	offices of Dowd Bennett LLP, 7733 Forsyth Blvd.,
8	E X H I B I T S	8	19th Floor, St. Louis, Missouri 63105, before
9	EXHIBIT PAGE	9	William L. DeVries, a Certified Court Reporter (MO),
10	Exhibit 1 Notice of deposition 16	10	Registered Diplomate Reporter, and Certified
11	Exhibit 2A Binder 1 of materials 93	11	Realtime Reporter, in certain causes now pending
12	Exhibit 2B Binder 2 of materials 93	12	before the Public Service Commission of the State of
13	Exhibit 3 2-17-21 Spire correspondence 112	13	Missouri, between Constellation NewEnergy-Gas
14	Exhibit 4 PowerPoint presentation 129	14	Division, LLC; Symmetry Energy Solutions, LLC;
15	Exhibit 5 Murray & Trettel document 130	15	and Clearwater Enterprises, LLC, Complainants, vs.
16	Exhibit 6 9-9-21 e-mail chain 131	16	Spire Missouri, Inc. and its operating unit Spire
17	Exhibit 7 2-29-21 e-mail chain 135	17	Missouri West, Respondents; taken on behalf of the
18	Exhibit 8 MOW Transportation Comms 136	18	Complainants.
19	2-17-21	19	
20	Exhibit 9 2-10-21 Payne e-mail 138	20	
21	Exhibit 10 2-17-21 e-mail chain 139	21	
22	Exhibit 11 2-24-21 Spire letter to 140	22	
23	Symmetry	23	
24	Exhibit 12 Constellation notice of 226	24	
25	deposition	25	

<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And do you feel qualified to 2 testify on behalf of Spire -- Spire Missouri, Inc. 3 and Spire Missouri West on each of these topics? 4 MR. GORE: I'm just going to object to 5 the use of the term qualified as vague. You can 6 answer. 7 A. Yeah. I'm going to -- yeah, I'm 8 testifying on the fact that I've reviewed these 9 documents and I'm familiar with the information 10 that's been presented. I'm not necessarily the 11 person that produced them, so to the extent I can 12 talk about them, I don't necessarily have all the 13 information that went into putting those together. 14 Q. (By Mr. Bauer) Is there any particular 15 area that you -- that you would prefer not to 16 testify about today? 17 A. No, I'm fine talking about each one. 18 Q. So since you're testifying as the 19 representative, I'm going to try to use the word 20 Spire rather than you -- 21 A. Okay. 22 Q. -- because you're testifying on behalf 23 of Spire. When we take your deposition personally, 24 we may ask you what did you do, what do you know, 25 but now I'm going to be asking on behalf of Spire.</p>	<p style="text-align: right;">Page 19</p> <p>1 document here. Like our earnings releases, Scott 2 Dudley is the one that prepares those. So I talked 3 to Scott Dudley. And I also spoke with Patty 4 Reardon. 5 Q. (By Mr. Bauer) Who is Patty Reardon? 6 A. She's the business rep for Kansas City 7 for Spire. 8 Q. Right. And you met with you say inside 9 and outside counsel? 10 A. That's correct. 11 Q. For approximately how much time did you 12 spend with them? 13 MR. GORE: I'm going to -- I'm going to 14 object, vague because I don't think you're making it 15 clear as to whether or not what he was doing in 16 preparation to give testimony today, specifically on 17 the topics, as opposed to privileged meetings with 18 counsel. 19 MR. BAUER: Okay. Well, I think his 20 meeting with you to get ready for the topics, to get 21 ready for this deposition would be privileged too. 22 I'm not trying to -- 23 MR. GORE: Right. 24 MR. BAUER: I'm not trying to bust your 25 privilege.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Okay. 2 Q. You understand that? 3 A. Yes. 4 Q. We'll all just do the best we can with 5 that. 6 A. Okay. 7 Q. It's a little awkward. So can you tell 8 us generally what you did to prepare to be the Spire 9 representative today? 10 A. Okay. I reviewed these documents. I 11 read through the notice of deposition. I spoke 12 with -- with some of the parties that had provided 13 the documents to make sure that they were still -- 14 still confident that the information that they had 15 provided was accurate. 16 Q. Okay. So let's get a little more 17 detail on that. Who did you meet with? 18 MR. GORE: And I'm going to object, 19 vague. You can answer. 20 A. Yeah, I spoke with inside, outside 21 counsel. The ones that I specifically talked to 22 were Scott Weitzel. Justin Powers works for me, so 23 I have ongoing conversations with Justin. I talked 24 to Scott Dudley, who prepares our documents for 25 press releases and for our -- there was another</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. GORE: There's preparations -- 2 there's people he met with and prepared that he's 3 prepared to talk about those conversations because 4 they were in preparation to give testimony on the 5 topics, whereas when he met with us we were, you 6 know -- 7 MR. BAUER: Preparing for the 8 deposition. 9 MR. GORE: Exactly. 10 Q. (By Mr. Bauer) So all I'd like to know 11 is the names of the people that you met with when 12 you prepared for the deposition and approximately 13 how long you met with them. I don't want to know 14 about the content or anything. 15 A. Yeah, I met, what, approximately six 16 hours total I would guess. It was the four 17 attorneys in this room. Yeah, it was these four and 18 then Goldie -- how do you pronounce her last name? 19 MR. APLINGTON: Bockstruck. 20 A. Bockstruck. She was also in the 21 meeting with us. She works for Matt. 22 Q. (By Mr. Bauer) So if I get it right, 23 you spent about six hours with lawyers preparing for 24 the deposition, but you spent additional time 25 talking to these four different persons that you</p>

5 (Pages 17 to 20)

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1 **all of the documents that Symmetry has requested?**
 2 A. Yeah, I mean, it's my understanding
 3 based on this letter that Spire's produced all the
 4 documents that Symmetry has requested. Like I say,
 5 I haven't -- I haven't personally been responsible
 6 for collecting all the documents, so I would say
 7 it's Spire's position that the documents that
 8 Symmetry has requested have been collected and
 9 turned over.
 10 MR. GORE: And I'm -- and I'm going to
 11 object to the questioning as vague and calls for
 12 legal conclusion. You switched terms. You switched
 13 from responsive to requested, which are two
 14 different things legally, which this witness is not
 15 a lawyer.
 16 **Q. (By Mr. Bauer) Do you have an**
 17 **understanding of the difference between responsive**
 18 **and requested? I'm not sure your counsel and I are**
 19 **thinking about the same words.**
 20 A. Yeah. Could you explain what you're
 21 talking about in context of?
 22 **Q. Yeah, sure. I mean, my question is --**
 23 **I'll take a step back. Symmetry requested a bunch**
 24 **of documents from Spire in this case. My question**
 25 **to -- to you is after seeing this letter, it says**

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1 (quote as read):
 2 Spire has no additional responsive
 3 documents to produce at this time.
 4 And my question is have you guys
 5 produced all the documents that we requested or do
 6 you know? And that's all I'm trying to find out
 7 here.
 8 MR. GORE: I'm going to object, vague,
 9 calls for legal conclusion. If you want me to say
 10 more, I will. Go ahead. You can answer.
 11 A. Yeah, to the best of my knowledge based
 12 on everything I reviewed here, Spire's position is
 13 that they've turned over all the documents that --
 14 that Symmetry has requested and have been responsive
 15 to the questions that Symmetry has asked.
 16 **Q. (By Mr. Bauer) And your basis for that**
 17 **testimony is -- is Mr. Aplington's letter. Anything**
 18 **else?**
 19 MR. GORE: I'm going to object, calls
 20 for legal conclusion. You can answer.
 21 A. Yeah, I would say -- I mean, based on
 22 the letter and then just based on the data request
 23 process is something that's -- that's something that
 24 our -- Spire as a utility has to do a lot. So I
 25 think the company in general is familiar with that

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1 process and goes above and beyond to try to be
 2 responsive to data requests as they come in.
 3 **Q. (By Mr. Bauer) Who is the person who's**
 4 **in charge of the data response -- the data responses**
 5 **at Spire?**
 6 MR. GORE: I'm going to object, vague.
 7 Are you talking about this case?
 8 MR. BAUER: Yes.
 9 A. It just depends on the topic. You
 10 know, the folks that I mentioned that I had spoken
 11 to I think provided information to the various
 12 topics that were included in the questioning from --
 13 from Symmetry.
 14 **Q. (By Mr. Bauer) Are you aware of any**
 15 **documents that were requested by Symmetry but have**
 16 **been withheld by Spire?**
 17 A. I am not.
 18 **Q. Have you made any inquiry to -- to --**
 19 **within Spire to know whether there were documents**
 20 **that were requested by Symmetry that Spire is**
 21 **withholding?**
 22 A. I have not specifically asked that
 23 question.
 24 **Q. What did you do specifically to prepare**
 25 **yourself to testify about this topic number one?**

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1 A. I reviewed the information that's in
 2 the binder. I could run through -- it's all of the
 3 information that was used to calculate the OFO
 4 penalties. It was -- it was the invoices that
 5 showed what our cost to gas was. It was the
 6 imbalance calculations on the spreadsheets that
 7 showed the nominated volumes versus actual volumes.
 8 (Court reporter interruption.)
 9 A. I reviewed all the Gas Daily pricing,
 10 which is the -- the number that gets calculated in
 11 the OFO penalty calculation. So I mean, I could --
 12 I could go through every document here, but
 13 basically reviewed the information that had been
 14 turned over that was used to calculate the damage
 15 calculations.
 16 **Q. (By Mr. Bauer) Was there a time**
 17 **related to the winter storm event that Spire sent a**
 18 **request to its employees that they preserve any**
 19 **documents related to the winter storm?**
 20 A. Yes, I believe we had a retention
 21 request from -- from inside counsel.
 22 **Q. And when was that sent out?**
 23 MR. GORE: I'm going to object, beyond
 24 the scope of the notice. You can answer if you
 25 know.

7 (Pages 25 to 28)

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1 A. Yeah, I don't know it off the top of my
2 head.
3 **Q. (By Mr. Bauer) Do you know, was it**
4 **sent before or after Spire brought a lawsuit against**
5 **Symmetry?**
6 MR. GORE: I'm going to object,
7 foundation. I will instruct the witness not to
8 speculate if you don't know.
9 A. Yeah, I don't have that date off the
10 top of my head.
11 **Q. (By Mr. Bauer) Who sent it?**
12 A. Yeah, I don't recall that off the top
13 of my head either.
14 **Q. Do you know who it was sent to?**
15 A. I do not. I would have to find out who
16 sent it and see who the list was on that
17 distribution.
18 **Q. So there's one of those occasions where**
19 **I'm going to ask you personally because it relates**
20 **to that exact issue, but did you receive a -- a**
21 **document preservation order in this -- related to**
22 **the winter storm?**
23 A. I do recall receiving that.
24 **Q. And what form was that in?**
25 A. I believe it was an e-mail.

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1 **Q. What do you recall of the scope or --**
2 **of -- or what the document retention request asked**
3 **you to preserve?**
4 MR. GORE: I'm going to object that
5 this is beyond the scope, but you can answer.
6 A. Yeah. From what I recall when I read
7 it, I knew it was clearly anything that I had, any
8 information that I had that was related to the
9 Winter Storm Uri that I needed to keep it.
10 **Q. (By Mr. Bauer) Did you ever -- did you**
11 **ever receive any amendment or follow-up to that**
12 **preservation request?**
13 MR. GORE: I'll object again beyond the
14 scope of the notice, but you can answer.
15 A. Yeah, I don't recall receiving an
16 update.
17 (Court reporter interruption.)
18 **Q. (By Mr. Bauer) What did Spire do to**
19 **collect documents related to this case?**
20 A. I would have to -- I wasn't the one
21 specifically collecting them, so that would -- that
22 would have to be asked by our regulatory team that
23 runs that process.
24 **Q. So if I wanted to ask questions about**
25 **Spire's collection of documents in this matter, who**

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1 **would I ask?**
2 A. I would say Scott Weitzel and then our
3 inside and outside counsel.
4 MR. GORE: And Steve, I'll just say the
5 witness is prepared to talk about the document
6 collection process in general.
7 **Q. (By Mr. Bauer) Well, I want to get**
8 **whatever information you have. So I guess your**
9 **counsel would like me to ask you tell me about the**
10 **document collection process at Spire in general.**
11 A. Yeah, in general whenever we get a data
12 request --
13 MR. GORE: Well, can I -- can you tell
14 him your general understanding of the process in
15 this case?
16 A. Yeah, my general understanding of the
17 process is those requests flow through legal and
18 regulatory and as they look at that they -- they
19 understand who at Spire would be the party that
20 would have the information responsive to that topic,
21 and that's who they collect the information from.
22 **Q. (By Mr. Bauer) So the -- the folks**
23 **that you mentioned earlier in legal and regulatory**
24 **made the decisions of -- from whom to collect**
25 **documents in this case?**

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1 A. That's my understanding of the process.
2 **Q. Do you have -- do you know specifically**
3 **who made the decisions in this case?**
4 A. I do not know specifically.
5 **Q. Now, after the documents are collected**
6 **they are reviewed and then either produced or not**
7 **produced to the party that requested them in this**
8 **case. Did you have any involvement with deciding**
9 **what was going to be disclosed to Symmetry from the**
10 **documents that were collected within Spire?**
11 A. I do not recall having any
12 conversations deciding what information was going to
13 go.
14 **Q. So let me ask you as Spire's**
15 **representative, can you tell me any details about**
16 **how that procedure worked in this case? Who did**
17 **what?**
18 A. Well, based on reviewing the documents,
19 pretty much anything from -- from the gas supply
20 damage calculation process was collected through gas
21 supply. The presentations that were provided to the
22 Missouri Public Service Commission were provided by
23 Scott Weitzel. The individual customer contacts
24 that took place were by Patty Reardon. Records
25 retention questions go to Bob McKee. So I would say

<p style="text-align: right;">Page 33</p> <p>1 in general that's where it's my understanding that 2 questions got directed to. 3 Q. So do you have as Spire's 4 representative today any information about any of 5 the specific data requests and Spire's responses? 6 A. I don't understand your question. 7 Q. What I'm trying to understand -- tell 8 you exactly what I'm doing. Is wondering whether 9 it's just going to be a waste of everybody's time if 10 I ask you about a certain data request and say Spire 11 only produced one document or didn't produce any 12 documents. Can you tell us about that? I don't 13 want to go through that whole exercise if you don't 14 know. 15 A. Yeah, like I say -- 16 Q. So -- 17 A. I was not the one that specifically 18 pulled all the documents. So I'm prepared to talk 19 about the information that was turned over, but I'm 20 not in a situation to know if there was any -- yeah, 21 if -- yeah. Like I say, I'm here to talk about the 22 documents that are here. I couldn't tell you if -- 23 if there's another document out there that -- since 24 I wasn't specifically in the position of preparing 25 the documents.</p>	<p style="text-align: right;">Page 35</p> <p>1 pretty basic questions. And if he's not the person 2 to answer those questions, we'll have to find the 3 person that is. 4 Q. (By Mr. Bauer) If you look at 5 attachment A to Exhibit 1, there's a footnote to the 6 paragraph that we have been discussing. Take a look 7 at that. It says (quote as read): 8 Spire remains mindful of its 9 obligations to supplement discovery 10 responses as appropriate, and will do 11 so. 12 Do you see that, sir? 13 A. Yes, sir. 14 Q. Does Spire have any supplemental 15 document productions in process? 16 A. I'm not aware of any at this time. 17 Q. And does Spire -- is Spire -- does 18 Spire have any supplemental document productions 19 planned? 20 A. Not that I'm aware of. 21 Q. Okay. Let's continue looking at 22 Exhibit 1, examination topic number 2A, which states 23 (quote as read): 24 The full factual bases, including 25 details and the supporting</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. So let's say I ask you what are the 2 documents that are within -- that were within Spire 3 that are correspondence communications relating to 4 whether or not to issue an OFO, and I showed you 5 whatever documents that were produced in this case 6 related to that. Would you be in a position to tell 7 me whether there are others that were withheld or 8 whether that's all there were or whether there are 9 no documents? 10 MR. GORE: I'm going to object to the 11 hypothetical, compound, beyond the scope. 12 A. Yeah. Like I say, it is my assumption 13 when they asked the questions, that the documents in 14 our possession have been produced. 15 MR. GORE: And just to state for the 16 record, the witness is prepared to testify on each 17 topic in the manner that we agreed in our responses 18 and objections to produce the witness. And on this 19 topic the witness is prepared to testify as we set 20 out in our objections. 21 MR. BAUER: Okay. Well, and the first 22 topic of the deposition is Spire's collection and 23 production of documents and Spire's representation 24 that they have no additional responsive documents to 25 produce at this time. So those are just kind of</p>	<p style="text-align: right;">Page 36</p> <p>1 documentation, for the following 2 statement. 3, as a result, gas markets 3 were very -- were forecast to become 4 very short. 5 What -- which gas markets is this 6 statement referring to? 7 A. The -- it was -- it was basically the 8 production side of supply that serves the Kansas 9 City market. 10 Q. And any other gas market or just that 11 one? 12 A. There were -- there were other gas 13 markets that were short that impact the 14 midcontinent. So it was -- it was -- basically the 15 supply in general that was going to be available to 16 serve Kansas City was very constrained. A lot of 17 production was disappeared from the market. And 18 that was very much a concern for Spire going into 19 the cold period. 20 (Court reporter interruption.) 21 Q. (By Mr. Bauer) Any other gas market 22 other than what you just described? 23 A. I think it's a pretty vague question. 24 I mean, when you look at the -- when you look at how 25 integrated supply is across the country, it's hard</p>

9 (Pages 33 to 36)

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1 are run?
 2 A. They are.
 3 **Q. Who runs those?**
 4 A. Our gas supply group and our gas
 5 control group.
 6 **Q. Who are the main people in this gas**
 7 **supply and the gas control groups who know how to**
 8 **run those regression analyses?**
 9 A. Justin Powers and Sean Simpson.
 10 **Q. And were those the gentlemen who ran**
 11 **those regressions in February 2021?**
 12 A. The models that are generated are used
 13 by the gas control team to -- to generate the
 14 forecast.
 15 **Q. And those are the two that were**
 16 **involved in that period of time?**
 17 A. I'm saying -- I'm saying the winter
 18 preparedness get -- because the models that are put
 19 together are done well ahead of winter so that we
 20 understand what our firm requirements are going to
 21 be. So after you go through that process then those
 22 models get embedded into gas control's forecast.
 23 **Q. When gas markets were being forecast to**
 24 **become very short in February 2021, did Spire do**
 25 **anything else in reaction to those forecasts other**

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1 **than initiating an OFO?**
 2 A. We did.
 3 **Q. And what did you do? What did Spire**
 4 **do?**
 5 A. I mean, there was a lot of actions that
 6 were taken. I know field operations was looking at
 7 their staffing to see if they needed to add extra
 8 technicians, you know, for increased calls. On the
 9 gas supply side I know Justin and his team were --
 10 were trying to figure out where the more vulnerable
 11 suppliers were going to be and actually made some
 12 contract changes to -- to be able to source some
 13 supply that had a less likelihood of being
 14 interrupted. I think just a lot of communication
 15 with the upstream pipelines on, you know, what they
 16 were seeing from a supply perspective and our
 17 producers. So it was a pretty hectic time.
 18 **Q. What are the contract changes that you**
 19 **just referred to?**
 20 A. We had some supply that was coming in
 21 off of Enable Gas Transmission that had some
 22 concerns whether it was going to be delivered or
 23 not. Excuse me, I'm losing my voice a little bit.
 24 Actually made a -- requested a contract change to
 25 source gas off of Rockies Express Pipeline.

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1 **Q. Any other contract changes other than**
 2 **that one?**
 3 A. That's the only one that I can recall.
 4 **Q. And then you also mentioned a lot of**
 5 **communications with upstream suppliers. Who had --**
 6 **who is in charge of having those communications?**
 7 A. Mainly Justin Powers.
 8 **Q. And does he -- do you know -- I don't**
 9 **want to ask you a you know. But does Spire know how**
 10 **Mr. Powers communicates with those folks? Is it**
 11 **verbally or by e-mail or by text or --**
 12 A. You know, I don't know exactly. Yeah.
 13 I would have to ask Mr. Powers.
 14 **Q. All right. So I want to make sure that**
 15 **I have given you the opportunity to give a full**
 16 **answer to what actions Spire took to prepare for the**
 17 **winter storm other than issuing the OFO. You've**
 18 **been testifying about that for a few minutes, but I**
 19 **just want to make sure, is there anything else that**
 20 **you haven't mentioned to me?**
 21 MR. GORE: I'm going to -- I'm going to
 22 object, vague as to time period. How far back do
 23 you want him to go?
 24 MR. BAUER: The question is not limited
 25 by time period.

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1 MR. GORE: Okay.
 2 A. Yeah, I mean, I'm one of, what, 3500
 3 employees. So it would be hard for me to -- for me
 4 to be able to do a good job of saying that --
 5 everything that Spire did preparing for the storm.
 6 **Q. (By Mr. Bauer) Okay. So --**
 7 **A. If that -- I'm just saying there's a**
 8 **lot of activity and there's a lot of employees, so I**
 9 **mentioned some of the highlights of the things that**
 10 **I knew were going on, but I can't imagine that there**
 11 **probably wasn't a lot of other things taking place**
 12 **that I don't necessarily know about them.**
 13 **Q. So now let me limit the question by**
 14 **time and say from the time that gas markets were**
 15 **forecast to become very short in February until the**
 16 **time of issuing the OFO, what did Spire do to**
 17 **prepare for the disruption in the gas markets?**
 18 **A. Like I mentioned, the things that I can**
 19 **recall that I knew took place were what I just**
 20 **mentioned, but like I say, I don't think I'm in a**
 21 **position to represent everything that Spire was**
 22 **doing during that three- or four-day period.**
 23 MR. BAUER: Can we just take a
 24 five-minute break?
 25 MR. GORE: Sure.

<p>Page 61</p> <p>1 on individual parts of the system. 2 Q. (By Mr. Bauer) Okay. Let's go back to 3 Exhibit 1, and now I'm going to jump ahead a little 4 bit and look at topic number three, which is at the 5 bottom of page five. 6 MR. GORE: And the documents in the 7 binder will be tab nine. 8 THE WITNESS: Tab nine? 9 MR. GORE: Yes, documents you reviewed 10 in preparation for this topic. 11 THE WITNESS: Oh, over here. Somehow I 12 ended up with the squeaky chair. 13 Q. (By Mr. Bauer) Okay. So topic three 14 says (quote as read): 15 Any analysis Spire engaged in 16 concerning the issuance of the 17 operational flow order Spire issued on 18 February 10, 2021, including why it was 19 necessary, when it should be issued, 20 and any internal discussions or 21 communications with third parties about 22 this topic. 23 I think in our discussions we've -- 24 we've gone pretty far into this topic already, but I 25 see you turning to a binder. I'm interested in --</p>	<p>Page 63</p> <p>1 necessarily responsible for bringing in. 2 Q. (By Mr. Bauer) So if you don't know 3 you don't know. I'm going to ask a follow-up 4 question, and I don't want to sound like I'm 5 confronting you, right, but was there any analysis 6 done that would say if marketers could supply, say, 7 half of that ten percent, then that would not be 8 a -- then that would have any effect on Spire's 9 system integrity? 10 MR. GORE: I'm going to -- I'm going to 11 object, foundation, compound, improper hypothetical. 12 You can answer. 13 Q. (By Mr. Bauer) Kind of a little 14 unclear too, but if you -- 15 A. Yeah, I mean, with Southern Star being 16 in an OFO our -- our receipts and deliveries at our 17 gates had to match. So if we were -- we were using 18 all of our firm requirements and marketers -- 19 customers were burning their supply and not bringing 20 the supply in to match it, then those OFO penalties 21 come back on us. 22 So like I say, I know -- I can say I 23 know generally about how much of the supply is 24 provided by a third party. I don't have the 25 regression numbers, you know, based on the</p>
<p>Page 62</p> <p>1 in what you're going to refer to. And -- and let me 2 just start with the question is was there any 3 analysis done about how much supply Spire needed for 4 marketers to maintain its system integrity? 5 A. Yeah, I wasn't specifically running the 6 model. Yeah, I couldn't speak for Justin or for gas 7 control as to whether or not they -- they knew what 8 the expected burn was going to be for the marketers. 9 Q. So you made -- you said the buck 10 stopped with you on whether to issue an OFO. You 11 made that decision without knowing about any 12 analysis of how much supply Spire needed for 13 marketers to maintain system integrity; is that 14 true? 15 MR. GORE: I'm going to object to the 16 extent it misstates prior testimony. You can 17 answer. 18 A. Yeah, I didn't need to know what the 19 individual level was. I know about ten percent of 20 the volume overall on our system is supplied by 21 marketers, you know, which is a huge chunk of gas. 22 I mean, it's pretty simple math to know that when 23 you get in a curtailment situation that you need 24 that physical supply coming into the system if it's 25 something that our gas supply is not -- not</p>	<p>Page 64</p> <p>1 temperatures on every day leading up to that period 2 exactly how much was expected from marketer, but we 3 knew that any shortfall they had was going to come 4 back on us. So we needed them to match. 5 Q. So if I'm understanding your testimony, 6 you're saying that the analysis for the OFO depended 7 on the Southern Star OFO as opposed to an analysis 8 that Spire conducted of risks to its system 9 integrity; is that accurate? 10 MR. GORE: I'm going to object, 11 compound, foundation, misstates prior testimony. 12 You can answer. 13 A. Yeah, I would say that's not an 14 accurate statement that you made. I said it was a 15 combination of Spire worried about the integrity of 16 its system, knowing that supply was disappearing, 17 and us having the ability to meet our firm 18 requirements without having to cover the marketers. 19 So it was a combination of that that was reinforced 20 by Southern Star going into the OFO. 21 Q. (By Mr. Bauer) You were turning to tab 22 nine. Is that -- is that what we should look at in 23 your binder? 24 A. Yeah, we were just -- we had provided 25 weather forecasts. This is --</p>

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1 MR. GORE: Can I just state for the
 2 record and for the people attending, he is -- tab
 3 nine of the binder we provided reflects the
 4 documents that he reviewed in preparation to provide
 5 testimony on Constellation topic nine, which we
 6 correlate to Symmetry topic three.
 7 THE WITNESS: Thank you.
 8 **Q. (By Mr. Bauer) Okay. And -- and these**
 9 **are the documents that you looked at to prepare to**
 10 **testify about the operational flow order that we've**
 11 **been talking about, right?**
 12 A. Yeah, these are documents that we
 13 thought -- or that Spire provided that they thought
 14 were -- was responsive to the question of why we
 15 went into an OFO.
 16 **Q. And are these all of the documents**
 17 **within Spire that relate to the question of whether**
 18 **or not you should go into an OFO in February 2021?**
 19 MR. GORE: I'm going to object, vague.
 20 You can answer.
 21 A. Yeah, it's my understanding based on
 22 the process that these are the documents that Spire
 23 had available that were responsive to that question.
 24 **Q. (By Mr. Bauer) You don't know whether**
 25 **there are other documents within Spire that are**

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1 **responsive to that question that just aren't here at**
 2 **tab nine, true?**
 3 MR. GORE: I'm going to object, asked
 4 and answered. You can answer again.
 5 A. Yeah, no, it would be -- yeah, it's my
 6 understanding that these are the documents that they
 7 thought were responsive.
 8 **Q. (By Mr. Bauer) Can you describe to me**
 9 **what analysis, if any, occurred within Spire**
 10 **concerning the -- how long to keep the OFO?**
 11 A. Yeah, I mean, like I mentioned -- and I
 12 think there's -- there's probably a narrative in
 13 here. Like I mentioned, though, even as late as the
 14 18th, you know, which was the day before we lifted
 15 the -- sent the notice lifting the OFO, about
 16 25 percent of the production was still off line.
 17 And marketers were still shorting our
 18 system by about 35,000 dekatherms a day, which is,
 19 you know, probably 30 to 40 percent of what their
 20 nomination should have been. So there was a lot of
 21 analysis required at that point to know that we
 22 should still be in the OFO. Situation hadn't
 23 changed.
 24 **Q. Going into the cold period of**
 25 **February 2021, did Spire believe it had sufficient**

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1 **storage capacity to handle the demands of the**
 2 **period?**
 3 MR. GORE: I'm going to object, vague
 4 as to time period.
 5 A. Yeah, there's actually an explanation
 6 in here that was responsive to that.
 7 **Q. (By Mr. Bauer) Where is that?**
 8 A. We did Spire -- and I can find that --
 9 do you remember which question that is?
 10 MR. GORE: No, you've got it.
 11 Reference it as you need to, but --
 12 A. Let me find it real quick. It's
 13 actually -- it's tab nine, 9C.
 14 **Q. (By Mr. Bauer) 9C.**
 15 A. You can see there we went into service
 16 with over 50 percent of our storage position full.
 17 I think that was unique to the -- to most other
 18 shippers on the system. That was available on
 19 February 1st. This explains what I was talking
 20 about how we saw the extreme weather come in
 21 Oklahoma and Texas. There's the 35,000 a day where
 22 we sourced from Enable Gas Transmission over to
 23 Rockies Express.
 24 Yeah, so I mean, the answer to your
 25 question is we thought we were adequate. The big

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1 limitation for us during that period was never our
 2 overall inventory. It was the amount that we could
 3 take on a daily basis.
 4 **Q. Can you explain --**
 5 A. Out of storage.
 6 **Q. Can you explain that further to me,**
 7 **please?**
 8 A. Yeah, Southern Star's storage doesn't
 9 ratchet down based on inventory. So having nine BCF
 10 going into the month, there was no time during the
 11 polar vortex that -- that we were limited by the
 12 inventory that we had. The limitation was always
 13 the daily restriction on how much we could
 14 physically pull out of storage.
 15 **Q. And so during the winter period did**
 16 **Spire always pull out the maximum that it could out**
 17 **of this conservative storage position that you all**
 18 **took?**
 19 A. Not necessarily on every day.
 20 **Q. But did you do it on any days?**
 21 A. You know, I would have to see. There
 22 was probably days that we came close.
 23 **Q. And who made the decision on each day**
 24 **on whether to take gas out of storage at Spire?**
 25 A. It was Justin Powers and his team was

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1 **Q. How was that price arrived at?**
 2 A. Justin did the transaction, so it would
 3 have been a negotiated price between Justin and
 4 Atmos.
 5 **Q. Okay. As the representative of Spire**
 6 **today, do you know anything about the back and forth**
 7 **of that negotiation?**
 8 A. Like I say, Justin was handling it. I
 9 don't recall what the big offer price that went --
 10 it would have went back and forth.
 11 **Q. And was -- the 500,000 dekatherms, was**
 12 **that the amount that Spire offered for sale**
 13 **originally?**
 14 A. It was the amount that Atmos requested.
 15 **Q. Did Spire propose any different**
 16 **quantity of natural gas?**
 17 A. You know, I don't -- I don't recall a
 18 different volume being discussed. Justin may have
 19 had other conversations. I don't -- I don't recall
 20 another volume.
 21 **Q. And was it determined that Spire did**
 22 **not need this gas in order to protect its system**
 23 **integrity?**
 24 A. It was.
 25 **Q. And how was that determined?**

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1 A. It gets back to the overall inventory
 2 question that we had talked about where our
 3 limitation during that time was our daily withdrawal
 4 restriction out of storage, not -- we always had
 5 ample inventory to meet our daily requirement. So
 6 really, yeah -- it was really just trying to help
 7 Atmos out because the party that was managing theirs
 8 had mismanaged it and they were out of storage.
 9 **Q. And this transaction happened on**
 10 **February 15th. Was the reason for that date -- it's**
 11 **not going to be a very well asked question. Was the**
 12 **reason for that -- the transaction happened on that**
 13 **date, was that when Atmos asked for the gas or was**
 14 **that when Spire said it had it available or some**
 15 **other reason?**
 16 A. That was when the -- that was when the
 17 two parties agreed on the transaction.
 18 **Q. So when was the first time that Spire**
 19 **had 500,000 dekatherms available for sale?**
 20 A. Yeah, that's not something we talked
 21 about ahead of this opportunity. So I don't have
 22 the answer to that question.
 23 **Q. When Atmos -- when Atmos and Spire**
 24 **began discussing this transaction, which party**
 25 **suggested that \$500,000 -- 500,000 dekatherm amount?**

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1 A. I'm not sure. I'd have to ask Justin.
 2 **Q. You say this transaction was approved**
 3 **by your supervisor?**
 4 A. I just let him know I was doing it. I
 5 don't have to have his approval to do it.
 6 **Q. Did you need approval from anyone else**
 7 **at the company to sell this amount of gas during the**
 8 **winter storm?**
 9 A. I do not.
 10 **Q. Did you consult with anyone other than**
 11 **Mr. Powers before deciding to sell this gas?**
 12 A. I don't recall consulting with anyone,
 13 like I say, other than I know I ran it past my boss.
 14 **Q. And how does it work when you sell that**
 15 **amount of gas, where -- where is the gas? Where**
 16 **does it come from?**
 17 A. It's just in our storage inventory.
 18 It's just sitting in our inventory balance.
 19 **Q. And in any particular location --**
 20 A. No.
 21 **Q. -- in the inventory?**
 22 A. It's just a paper transfer from our
 23 storage contract to Atmos's storage contract.
 24 **Q. Is there any daily limit to the amount**
 25 **that could be taken out of this storage as you were**

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1 **talking about with the Southern Star?**
 2 MR. GORE: I'm going to object, vague
 3 as to whether you're asking him about the gas that
 4 was sold or the gas that exists in Spire's storage.
 5 MR. BAUER: I think I'm asking about
 6 the gas that was sold that existed in Spire's
 7 storage, right?
 8 A. Yeah, I think you're misunderstanding
 9 the transaction. There wasn't -- there wasn't a
 10 physical withdrawal of gas. It was a paper transfer
 11 from our inventory to Atmos's inventory. So there
 12 was no -- there's nothing physically took place
 13 other than going from our account to Atmos's
 14 account.
 15 **Q. (By Mr. Bauer) And despite having an**
 16 **OFO up, Spire concluded that it had this much gas on**
 17 **paper that it could transfer to someone else?**
 18 A. Yes.
 19 **Q. Explain that to me, please.**
 20 A. Yeah, we felt like based on -- based on
 21 the inventory that we had going into the winter
 22 period and where our storage inventory was on the
 23 15th that we were not going to be able to use that
 24 supply during the month of February. Atmos had a
 25 need for it. We didn't think it was going to impact

<p>Page 85</p> <p>1 Q. (By Mr. Bauer) And so is this based on 2 a report that Spire receives every day? 3 A. The -- the usage -- the nomination and 4 usage is something that Spire has every day. 5 Q. That's something that Spire generates 6 every day I should have said, right? 7 A. You know, I don't actually -- I'm not 8 responsible for those reports. I would have to see 9 if that's something that's generated every day. 10 Q. And when it's generated, is it 11 circulated to any group of people? 12 A. I don't have an answer to that 13 question. I don't physically generate that report 14 so I couldn't answer. 15 Q. If somebody doesn't really know how 16 your system works, how -- what's the mechanism for 17 Spire knowing what the usage is of various customers 18 on a given day? 19 A. There's -- from what I understand, 20 there's meter read data that's collected by a 21 third-party system, and we get a download of that 22 data. 23 Q. So -- 24 A. And then they -- and then that's 25 compared -- gas supply knows what the nominations</p>	<p>Page 87</p> <p>1 Q. Okay. 2 A. I don't -- I don't have the exact time 3 of what those nomination cycles are. 4 Q. And what are the cycles for -- for 5 Spire being able to tell what the marketers' 6 customers used? Is that four times a day as well? 7 A. We get that information on a daily 8 basis from what I understand. 9 Q. And do you get it at the end of the 10 day, beginning of the day? 11 A. I couldn't tell you the timing of when 12 that comes in. 13 Q. And that involves an accumulation of 14 meter readings of just all specific meter readings 15 for marketers' customers? 16 A. From reviewing the data, that's my 17 understanding, that there's a meter read for each 18 customer for each marketer. 19 Q. And is there a system by which Spire 20 gives that information back to the marketers on a 21 daily basis? 22 A. Well, the marketers -- from what I 23 understand, the marketers have access to the same 24 information that Spire does. 25 Q. And how do you know that?</p>
<p>Page 86</p> <p>1 are, so they can compare the usage to the 2 nomination. 3 Q. So the nomination is something that -- 4 that a marketer like Symmetry gives to Spire on a 5 daily basis; is that right? 6 A. Symmetry actually nominates on the 7 Southern Star system, and then we get -- Spire gets 8 a report from Southern Star that shows what those 9 nominations are by each marketer. 10 (Court reporter interruption.) 11 Q. (By Mr. Bauer) And is that -- by what 12 period of time? 13 A. That would be -- 14 MR. GORE: I'm going to object, vague. 15 Q. (By Mr. Bauer) Are they daily 16 nominations, weekly, monthly? 17 A. That would be a daily nomination. 18 Q. Okay. And how long after -- let me ask 19 you, does a nomination come in -- poorly phrased. 20 When are the daily nominations made by 21 the marketers? 22 A. There are actually four -- if I recall, 23 four nomination cycles for every day. So the 24 marketer has opportunity to change them at any point 25 in those four cycles every day.</p>	<p>Page 88</p> <p>1 A. When I -- yeah, when I first come in to 2 gas supply, just understanding what the system was 3 for nominations, understood that it went through -- 4 went through the third party -- I think it's 5 Honeywell that collects that information, and then 6 provides that information to the -- to the 7 marketers. 8 Q. So on -- on a daily basis there is 9 information within the Spire system that allows it 10 to identify which customers are conserving natural 11 gas and which ones aren't? 12 A. Yeah, I couldn't -- I couldn't answer 13 whether we -- whether Spire has the information 14 to -- to make that determination or not on an 15 individual customer basis. 16 Q. But you believe that Spire has the 17 information to do it on a marketer-by-marketer 18 basis; is that accurate? 19 MR. GORE: I'm going to object, 20 foundation, vague. You can answer. 21 A. Yeah, I -- yeah. My understanding is 22 that at high level there -- they -- they would know 23 whether usage is going down or staying consistent 24 for each marketer. 25 Q. (By Mr. Bauer) But you're not -- you</p>

22 (Pages 85 to 88)

<p style="text-align: right;">Page 89</p> <p>1 don't know whether they would be able to have any</p> <p>2 more detail than that amount on a daily basis?</p> <p>3 A. Yeah, I would have to find that out.</p> <p>4 Q. So looking at this sentence that we've</p> <p>5 been talking about from topic 2F (quote as read):</p> <p>6 As a result, Symmetry's customers</p> <p>7 largely did not conserve natural gas</p> <p>8 during this period.</p> <p>9 Just so the record's clear, I'm going</p> <p>10 to ask you some narrower questions, right? What</p> <p>11 does Spire mean by conserve in that statement?</p> <p>12 MR. GORE: I'm going to object,</p> <p>13 improper corporate rep testimony. He's testifying</p> <p>14 as to the factual basis. You can answer.</p> <p>15 A. Yeah, like I mentioned, I'm not the one</p> <p>16 that put -- that did the document, but in general</p> <p>17 conserve means use less than you otherwise would.</p> <p>18 Q. (By Mr. Bauer) And was there an</p> <p>19 expectation during the winter storm by Spire that</p> <p>20 customers were supposed to conserve some particular</p> <p>21 percentage of their normal usage?</p> <p>22 A. In the context of this sentence, it was</p> <p>23 the fact that Symmetry's customers still had a very</p> <p>24 high usage and the nomination was zero. I think the</p> <p>25 expectation would be is if Symmetry's nomination</p>	<p style="text-align: right;">Page 91</p> <p>1 the winter storm by that definition?</p> <p>2 MR. GORE: I'm going to object, vague</p> <p>3 as to the term customers. You can answer.</p> <p>4 A. Yeah, I have not requested or seen an</p> <p>5 analysis at this point as to whether or not our</p> <p>6 customers conserved.</p> <p>7 (Court reporter interruption.)</p> <p>8 Q. (By Mr. Bauer) Did any -- do you have</p> <p>9 any information about any customers on the system</p> <p>10 conserving during that time?</p> <p>11 A. The only one that we spoke about was</p> <p>12 Ford Motor Company. They -- Ford was concerned</p> <p>13 about being able to meet the expectations of the OFO</p> <p>14 and I think they were concerned about the overall</p> <p>15 system from what I heard, and they actually</p> <p>16 shuttered their plant and left that volume on the</p> <p>17 system for others to use.</p> <p>18 Q. Are you aware of any other customers</p> <p>19 shuttering their plants to leave more capacities on</p> <p>20 the system?</p> <p>21 A. I am not, but those -- those aren't</p> <p>22 conversations that I would have had.</p> <p>23 MR. BAUER: So we have covered a lot</p> <p>24 of -- by jumping ahead we've covered a lot of these</p> <p>25 other topics. Let's take another short break and I</p>
<p style="text-align: right;">Page 90</p> <p>1 went to zero, then the customers' usage would go to</p> <p>2 zero, and they didn't seem to be correlated at all.</p> <p>3 Q. Including human needs customers, you'd</p> <p>4 expect a hospital to go to zero?</p> <p>5 A. Not necessarily a hospital.</p> <p>6 Q. Certainly not a hospital, right?</p> <p>7 A. (Witness indicates head motion.)</p> <p>8 Q. So what customers should go to zero if</p> <p>9 a marketer is unable to nominate gas for a day?</p> <p>10 MR. GORE: I'm going to object,</p> <p>11 foundation, improper hypothetical, beyond the scope</p> <p>12 of the topic. You can answer.</p> <p>13 A. Yeah, like I say, largely -- largely</p> <p>14 appears as though the usage -- usage stayed fairly</p> <p>15 flat. What, Symmetry's got 400 customers, and I'm</p> <p>16 sure they're not all human needs. So I think given</p> <p>17 the fact that nominations went to zero, there would</p> <p>18 be some expectation that usage would go down as</p> <p>19 well.</p> <p>20 Q. (By Mr. Bauer) So by -- so by saying</p> <p>21 conserve, we're considering that some decrease in</p> <p>22 usage for this testimony I take it?</p> <p>23 A. Yeah. Like I say, I can't speak for</p> <p>24 Matt and what the context of that comment was.</p> <p>25 Q. Did Spire's customers conserve during</p>	<p style="text-align: right;">Page 92</p> <p>1 will try to eliminate some of the questions that I</p> <p>2 prepared so we don't go any longer than we need to.</p> <p>3 THE WITNESS: I appreciate that.</p> <p>4 VIDEOGRAPHER: Off the record,</p> <p>5 10:22 a.m.</p> <p>6 (WHEREIN, a recess was taken.)</p> <p>7 VIDEOGRAPHER: On the record, 10:40</p> <p>8 a.m.</p> <p>9 MR. GORE: This is Gabe Gore for Spire.</p> <p>10 I would just -- I've talked with counsel and we</p> <p>11 would like at this time to mark the two volume</p> <p>12 binders that the witness brought with him today as</p> <p>13 Exhibit 2.</p> <p>14 MR. BAUER: And that's fine.</p> <p>15 (Court reporter interruption.)</p> <p>16 MR. HOWELL: And Gabe, this is Richard</p> <p>17 Howell for Constellation. My understanding is that</p> <p>18 you already have all of these materials available</p> <p>19 electronically and so we can just electronically</p> <p>20 also mark that zip file and its contents as</p> <p>21 Exhibit 2.</p> <p>22 MR. GORE: Yeah, they're the same</p> <p>23 things. They're just copies. I think of those as</p> <p>24 exhibit copies.</p> <p>25 MR. HOWELL: Understood. Thank you.</p>

23 (Pages 89 to 92)

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<p>1 MR. GORE: Yeah. If we relied on them</p> <p>2 doing our damage calculations we obviously believed</p> <p>3 they were authentic.</p> <p>4 MR. BAUER: All right. So I'm not</p> <p>5 going to ask you all the foundational questions</p> <p>6 about every document that -- that you referenced</p> <p>7 here with the thought that we will work something</p> <p>8 out over the lunch period.</p> <p>9 Q. (By Mr. Bauer) Look at topic 2K,</p> <p>10 please. It says (quote as read):</p> <p>11 Spire was faced with the choice of</p> <p>12 either shutting off natural gas to all</p> <p>13 of Symmetry's customers or buying</p> <p>14 additional gas to maintain their gas</p> <p>15 service.</p> <p>16 Do you see that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What's the factual basis for that</p> <p>19 statement?</p> <p>20 A. I mean, I still keep referring back to</p> <p>21 the fact that this is Matt's document, but I think</p> <p>22 we've been -- we've been clear that -- that we</p> <p>23 didn't physically turn off service to any customers.</p> <p>24 You know, there's -- there's processes to try to --</p> <p>25 try to get marketers to perform, that is the OFO</p>	<p>1 Q. Were there any other options related to</p> <p>2 topic 2K other than shutting off all of Symmetry's</p> <p>3 customers or buying additional gas for Spire?</p> <p>4 MR. GORE: I'm going to object,</p> <p>5 foundation, vague.</p> <p>6 A. Like I say, we were never in a position</p> <p>7 where we weren't able to cover the shortfall. So we</p> <p>8 were never faced with having to turn anybody off.</p> <p>9 Q. (By Mr. Bauer) There also were days in</p> <p>10 which Spire didn't have to buy additional gas to</p> <p>11 maintain gas service to Symmetry's customers. Is</p> <p>12 that true or false?</p> <p>13 MR. GORE: I'm going to object,</p> <p>14 foundation.</p> <p>15 A. I'd say that's false.</p> <p>16 Q. (By Mr. Bauer) So Spire had to buy</p> <p>17 additional gas -- well, let me ask you, to what days</p> <p>18 does this refer to? Is it just certain days during</p> <p>19 the winter storm or during the OFO or during the</p> <p>20 whole period?</p> <p>21 MR. GORE: I'm going to object, calls</p> <p>22 for improper corporate representative testimony.</p> <p>23 He's testifying as to the factual basis for the</p> <p>24 statement as he understands it.</p> <p>25 A. Yeah, and it's -- you know, it's a</p>
<p>1 process, we went through that process.</p> <p>2 To the extent that Spire could find</p> <p>3 supply to make up for the marketer shortfall, we did</p> <p>4 that. So I think we never got to the point where we</p> <p>5 had to shut customers off because we were able to</p> <p>6 physically make up for the shortfall.</p> <p>7 Q. And did Spire always make up for the</p> <p>8 shortfall by buying additional gas to maintain their</p> <p>9 gas service?</p> <p>10 MR. GORE: I'm going to object,</p> <p>11 compound, vague. You can answer.</p> <p>12 A. Yeah, Spire's position that we did --</p> <p>13 if anything, we probably had to buy more than we</p> <p>14 otherwise would have because we didn't know if the</p> <p>15 volume that was being nominated would show up in the</p> <p>16 nomination process.</p> <p>17 Q. (By Mr. Bauer) And do you have -- does</p> <p>18 Spire have any estimate of how much additional gas</p> <p>19 it bought that -- that was more than what you</p> <p>20 needed?</p> <p>21 MR. GORE: I'm going to object, vague.</p> <p>22 Vague as to time period.</p> <p>23 Q. (By Mr. Bauer) During February 2021.</p> <p>24 A. Yeah, the only numbers that I've seen</p> <p>25 quantified are the shortfalls with the marketers.</p>	<p>1 hindsight review. So with looking at it with</p> <p>2 perfect knowledge. So yeah. I don't have the</p> <p>3 perfect knowledge to know what that number was</p> <p>4 looking in hindsight.</p> <p>5 Q. (By Mr. Bauer) For what days during</p> <p>6 February does Spire believe that this sentence in</p> <p>7 topic 2K was factually accurate?</p> <p>8 A. Yeah, based on the document review, I</p> <p>9 think that's something that Justin Powers would have</p> <p>10 to consult on.</p> <p>11 Q. Okay. Sitting here today, you don't</p> <p>12 know?</p> <p>13 A. Like I say, that's a hindsight review.</p> <p>14 I don't know if there's even a way to mathematically</p> <p>15 determine that. That's not an answer that I have</p> <p>16 today.</p> <p>17 Q. Okay. Let's go to the next topic then,</p> <p>18 2L, on Exhibit 1. (Quote as read):</p> <p>19 Spire elected to do the right thing for</p> <p>20 the community by purchasing and</p> <p>21 delivering enough natural gas to cover</p> <p>22 for Symmetry's failure.</p> <p>23 First question to you is what is --</p> <p>24 what is meant by enough gas? Define enough.</p> <p>25 A. Like I say, this is Mr. Aplington's</p>

26 (Pages 101 to 104)

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<p>1 document. We -- we never had to physically turn</p> <p>2 anyone off, so I think that's a pretty simple</p> <p>3 statement that there was enough supply to meet all</p> <p>4 the customers' load irrespective of the fact that</p> <p>5 the marketers weren't bringing in their volumes.</p> <p>6 Q. Are you able to quantify that in any</p> <p>7 way other than by -- by that statement?</p> <p>8 MR. GORE: I'm going to object. That's</p> <p>9 beyond the scope of the topic.</p> <p>10 A. I mean, to me that question is vague</p> <p>11 enough that I wouldn't even know remotely how to go</p> <p>12 about answering it.</p> <p>13 Q. (By Mr. Bauer) So I'll tell you is I'm</p> <p>14 trying to understand what delivering enough gas to</p> <p>15 cover for Symmetry's failure means. Let me ask you</p> <p>16 admittedly a hypothetical question. And that is</p> <p>17 let's say there was a day in which Symmetry was</p> <p>18 unable to deliver any gas to the system. How much</p> <p>19 gas does -- did Spire have to buy in order to cover</p> <p>20 for Symmetry's failure?</p> <p>21 MR. GORE: I'm going to object to</p> <p>22 foundation, improper hypothetical. Mr. Godat is not</p> <p>23 being produced as an expert witness, and are we</p> <p>24 still on topic 2L?</p> <p>25 MR. BAUER: We're still on that</p>	<p>1 the scope of the topic.</p> <p>2 A. Yeah, I mean, I can point to you here</p> <p>3 on tab 1D, page three. I mean, yeah, easy -- I</p> <p>4 mean, there's days there where we were having to buy</p> <p>5 55,000 dekatherms a day to cover for the shortfall.</p> <p>6 Like I say, it's -- you're asking me to make -- to</p> <p>7 do a mathematical computation on a hindsight review</p> <p>8 of information that was not available to the gas</p> <p>9 supply team at the time.</p> <p>10 Q. (By Mr. Bauer) So on a day in which</p> <p>11 Symmetry didn't deliver as much gas as it had</p> <p>12 nominated, did Spire have to buy that entire</p> <p>13 shortfall or are there any other sources for Spire</p> <p>14 to, as it says here, cover for Symmetry's failure?</p> <p>15 MR. GORE: I'm going to object,</p> <p>16 improper hypothetical, foundation, beyond the scope</p> <p>17 of the notice. You can answer.</p> <p>18 A. We were -- we were buying to cover the</p> <p>19 shortfall.</p> <p>20 Q. (By Mr. Bauer) And do you have to</p> <p>21 buy --</p> <p>22 A. According to Mr. Powers, he was buying</p> <p>23 to cover the shortfall.</p> <p>24 Q. Did he have to buy the entire shortfall</p> <p>25 or were there other sources?</p>
<p>1 sentence.</p> <p>2 MR. GORE: Okay. And I'll also object</p> <p>3 asked and answered.</p> <p>4 A. Could you repeat the question?</p> <p>5 Q. (By Mr. Bauer) I'm trying to</p> <p>6 understand what enough is, and my question is let's</p> <p>7 say there was a day that Symmetry delivered no gas,</p> <p>8 they were unable to produce any -- give any gas to</p> <p>9 the Spire system. Is it Spire's position that Spire</p> <p>10 had to purchase all of the gas that had been</p> <p>11 nominated by Symmetry in order to deliver enough gas</p> <p>12 to cover for the failure?</p> <p>13 MR. GORE: Objection, foundation.</p> <p>14 Objection to form, improper hypothetical, beyond the</p> <p>15 scope of the topic. You can answer.</p> <p>16 A. Yeah, the simple answer is that</p> <p>17 Symmetry didn't even nominate any gas. So it's not</p> <p>18 like we were covering nominations that got cut.</p> <p>19 Symmetry didn't even make any nominations.</p> <p>20 Q. (By Mr. Bauer) Okay. So then -- so</p> <p>21 then what is -- I'm still trying to understand what</p> <p>22 is enough then? How much does Spire have to buy if</p> <p>23 Symmetry didn't make a nomination?</p> <p>24 MR. GORE: I'm going to object,</p> <p>25 improper hypothetical, asked and answered, beyond</p>	<p>1 MR. GORE: I'm going to object,</p> <p>2 foundation, vague.</p> <p>3 A. His position was that he had to buy to</p> <p>4 cover the entire shortfall during his conversation.</p> <p>5 Q. (By Mr. Bauer) And you say his</p> <p>6 position, what -- what --</p> <p>7 A. Talking with Justin, he felt like the</p> <p>8 incremental purchases he made were to cover the</p> <p>9 marketers' shortfall.</p> <p>10 Q. And you have no reason to question</p> <p>11 that?</p> <p>12 MR. GORE: Object, improper corporate</p> <p>13 representative testimony. It's beyond the scope of</p> <p>14 the topic.</p> <p>15 MR. BAUER: You know, that's true. I</p> <p>16 shouldn't ask him what he said. I withdraw the</p> <p>17 question.</p> <p>18 Q. (By Mr. Bauer) Did -- during</p> <p>19 February 2021 did any other gas marketers fail to</p> <p>20 deliver enough natural gas?</p> <p>21 A. There were other marketers that also</p> <p>22 had OFO penalties.</p> <p>23 Q. And did Symmetry have to purchase</p> <p>24 natural gas to cover for those marketers' failures</p> <p>25 to deliver natural gas?</p>

27 (Pages 105 to 108)

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>

28 (Pages 109 to 112)

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<p>1 12:30. We probably don't want to go much past 2 12:30. 3 MR. BAUER: I'm sorry, I thought it was 4 12:17, which is why I asked. Forget that. Okay. 5 Let's -- 6 MR. GORE: Anywhere between 12 and 7 12:30 for lunch work for us. Does that work for 8 you, George? 9 THE WITNESS: Yes, sir. 10 MR. GORE: All right. 11 Q. (By Mr. Bauer) Okay. Let's go back to 12 Exhibit 1 and topic number six. Okay. (Quote as 13 read): 14 The availability and use of storage gas 15 by Spire in February 2021 including any 16 decisions to draw from storage or to 17 sell gas to third parties. 18 I just want to make sure that in our 19 last discussions that I asked you the broad question 20 is, you know, did Spire sell any gas to third 21 parties in February 2021? 22 A. We talked through the Atmos transaction 23 where we sold gas to -- storage gas to Atmos. 24 Q. Anything else? Any other sales? 25 A. I don't recall any other sale</p>	<p>1 Most storage services allow you just to 2 pull from zero up to your MDQ on any given day. 3 Southern Star actually has a tariff provision where 4 only -- only two-thirds of your total gas being 5 delivered to your gate can be sourced from storage. 6 The other one-third has to be flowing supply. So as 7 we look at -- as gas supply looks at their risk 8 going into a period, you know, not only -- not only 9 are you worrying about that the flowing supply is 10 not going to show up, you also have to worry that 11 for every molecule that doesn't show up on the 12 flowing side you're losing two-thirds of your 13 capability on the storage side. 14 So I think, you know, that's something 15 that I didn't mention before. That even ties back 16 to the overall storage inventory where our -- our 17 concern during that period wasn't the overall 18 inventory. It was -- it was the flowing molecules 19 that we're going to have available to match up with 20 that one-third, two-third requirement to a city 21 gate. 22 Q. Okay. So when during the winter storm 23 period did that become a factor in Spire's 24 decisions? 25 A. I mean, it's just -- it's something</p>
<p>Page 118</p> <p>1 transactions. I'm trying to remember if -- on the 2 GSC -- yeah, I have to remember. There may have 3 been -- I'm trying to recall. There may have been a 4 day or two on the weekend where we had a day where 5 we would have a little extra gas. I'd have to look 6 back, whether it was a party that -- to try to 7 minimize the daily purchase where we may have sold a 8 little bit back. 9 Q. And how is that analysis? 10 A. It was minimal. Huh? 11 Q. How was that analysis made at Spire? 12 A. That's something Justin Powers and his 13 team would have been doing. 14 Q. Okay. And anything else or is that it? 15 A. I think the other thing -- you know, I 16 was thinking about it after we got out of here, 17 talking about this topic number six, talking about 18 the availability and use of storage gas. You know, 19 really I was thinking I probably should have 20 explained the -- the limitation -- the limitation 21 that we have on the Southern Star storage is the 22 tariff provision that ties your storage withdrawal 23 capability to the amount of flowing molecules that 24 you have, it's -- you know, it's a very unique 25 storage service.</p>	<p>Page 120</p> <p>1 that the gas supply team is well aware of and knows 2 of through the planning process. It's something 3 they would have known through the whole winter. 4 Q. And did that factor into decisions by 5 Spire to purchase gas during that period of time? 6 MR. GORE: I'm going to object, beyond 7 the scope of the notice unless you can point out to 8 me, but I don't think -- we're definitely not on the 9 topic we were on. So objection. 10 MR. BAUER: Yeah, I guess we're kind of 11 back to 2L, which is Spire purchasing and delivering 12 enough natural gas to cover. 13 MR. GORE: Objection, beyond the scope 14 of the notice. 15 MR. BAUER: Can you read the question 16 back? I've now forgotten it. 17 COURT REPORTER: Question: And did 18 that factor into decisions by Spire to purchase gas 19 during that period of time? 20 MR. GORE: Objection, beyond the scope 21 of the notice, vague. 22 A. Yeah, I mean, all the moving parts from 23 a gas supply perspective, I mean, Justin would have 24 to be the one that actually talked about the daily 25 decisions that he made, and that's where I keep</p>

30 (Pages 117 to 120)

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1 getting back to the hindsight review of, you know,
 2 if you look back with perfect knowledge of
 3 everything happened, you could probably draw some
 4 conclusions one way or another, but you know, as
 5 monitoring the portfolio those are all factors that
 6 go into play.
 7 **Q. (By Mr. Bauer) So if I want to ask**
 8 **questions about the thinking that went into gas**
 9 **purchases on each day, Justin is the person I should**
 10 **ask?**
 11 **A. That's correct.**
 12 **Q. Were you -- well, was -- I don't want**
 13 **to ask were you. Was anyone else at Spire involved**
 14 **in making those daily gas purchase decisions that**
 15 **Justin Powers was doing?**
 16 **A. It would have been Justin in**
 17 **conjunction with his team.**
 18 **Q. And does he need to -- to fill out any**
 19 **approval paperwork or anything at Spire before he**
 20 **makes purchases?**
 21 **A. He does not. That's -- that's a fluid**
 22 **enough process that there's no -- I mean, that's not**
 23 **even a feasible -- that's not even a workable**
 24 **process.**
 25 **Q. There's no like limit to how much he**

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1 **can buy on a day?**
 2 **A. There's not.**
 3 **Q. So you all put a lot of faith in him?**
 4 **A. Yeah.**
 5 **MR. GORE: Objection, beyond the scope**
 6 **of the 30(b)(6) -- or corporate representative**
 7 **notice.**
 8 **Q. (By Mr. Bauer) He gets -- he makes**
 9 **those decisions?**
 10 **A. Yeah, that's part of his job**
 11 **responsibilities.**
 12 **Q. Okay. Topic seven on Exhibit 1,**
 13 **please. (Quote as read):**
 14 **Spire's sales of gas to Atmos Energy**
 15 **Corporation in February 2021, including**
 16 **any discussions, communication, or**
 17 **analysis concerning this topic.**
 18 **I think we've kind of wandered into**
 19 **this topic earlier today, but -- so let me just ask**
 20 **a couple narrower questions.**
 21 **MR. GORE: Before you do that, I'll**
 22 **just state for the record that the documents that**
 23 **Mr. Godat reviewed in preparation for this topic are**
 24 **at tab 13 of the binder.**
 25 **MR. BAUER: Let's pull it out just to**

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1 see.
 2 **Q. (By Mr. Bauer) There's one document;**
 3 **is that right?**
 4 **A. The confirmation.**
 5 **Q. Okay. Are there any other documents**
 6 **related to this transaction within the Spire system?**
 7 **A. You know, there's not. Like I say, it**
 8 **was something that Justin was handling working with**
 9 **the Atmos trader. Yeah.**
 10 **Q. Who was Spire's contact at Atmos, do**
 11 **you know?**
 12 **A. I do not know that off the top of my**
 13 **head.**
 14 **Q. I see this is approved by you, by**
 15 **signature. Did you know about this as it was**
 16 **happening?**
 17 **A. I did.**
 18 **Q. And was this one of the decisions that**
 19 **Justin was able to make or did he need your -- I**
 20 **should say Justin Powers, I'm sorry -- that**
 21 **Mr. Powers made on his own or did he require your**
 22 **approval?**
 23 **A. He consulted with me on this**
 24 **transaction.**
 25 **Q. Could he have done it on his own or are**

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1 **you necessary?**
 2 **A. There's nothing that restricts him from**
 3 **doing it on his own.**
 4 **Q. I think --**
 5 **A. I ultimately made the decision, but**
 6 **there's nothing that restricts him from that.**
 7 **Q. My memory is not perfect, but I feel**
 8 **like I asked you all the questions, the who, what,**
 9 **whys, wheres about all of this and you knew some**
 10 **things and referred me to Mr. Powers on some others,**
 11 **including -- forgive me if I've asked this already,**
 12 **but how was the price arrived at?**
 13 **A. That's where I said it was just a**
 14 **negotiation between Justin and Atmos.**
 15 **Q. And did Spire have any goals or**
 16 **guidelines or, you know, objectives in the**
 17 **negotiation?**
 18 **A. Just to come up with something that was**
 19 **reasonable for both parties. Like I say, Atmos is a**
 20 **sister utility and we were -- everybody was in that**
 21 **together and we were trying to -- we were trying to**
 22 **help them and at the same time they were trying to**
 23 **be fair to us.**
 24 **Q. And how was the amount of gas arrived**
 25 **at?**

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<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>Page 126</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>Page 128</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>

32 (Pages 125 to 128)

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1 **Strike that. That sounded like I was being**
 2 **facetious. I didn't mean to sound facetious at all.**
 3 **Who in Spire discussed sending this**
 4 **e-mail out?**
 5 A. Justin Powers and I recognized the --
 6 the vulnerability we were going to have in that
 7 area. So I made the decision to send it out to get
 8 everybody on notice.
 9 **Q. And -- and everybody seems like a lot**
 10 **of folks. Can you tell us by group at least who all**
 11 **these people are?**
 12 A. We have an incident support team that
 13 that's there to handle any type of extreme
 14 condition. So I just went to that list.
 15 **Q. Okay. Yeah, so tell me like who are**
 16 **the people on the incident support team and what are**
 17 **their roles?**
 18 A. There's -- the goal is to have somebody
 19 from all parts of the organization involved,
 20 regulatory, legal, our customer experience, field
 21 operations, engineering.
 22 **Q. And are they tasked with dealing with**
 23 **any particular kinds of incidents?**
 24 A. I don't understand your question.
 25 **Q. What's -- I'll ask it differently. Why**

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1 **is there an incident support team?**
 2 A. It's to handle any type of emergency
 3 incident that's out of the ordinary that's going to
 4 require communication amongst the teams.
 5 **Q. And the extreme cold weather**
 6 **preparedness of February was a time that you wanted**
 7 **to communicate to the incident support team,**
 8 **correct?**
 9 A. Right. It's because we had that
 10 particular issue going on in Southwest Missouri.
 11 **Q. Did any of the folks on this -- on this**
 12 **e-mail respond back to you? Are there further**
 13 **communications related to this in the Spire system?**
 14 A. I don't recall specifically to me other
 15 than Mike Schormann is the one that heads up that
 16 incident response team, and he was the one that
 17 actually set up the -- from that point forward we
 18 handled it by call. He basically set up a line
 19 that -- there were -- there were people that stayed
 20 kind of in communication throughout the day and
 21 through the night as we were watching the conditions
 22 continue to deteriorate down in Southwest Missouri.
 23 **Q. What -- what area of expertise does**
 24 **Mr. Schormann have?**
 25 A. Let me see what his title is.

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1 **Q. What is his title other than head of**
 2 **the incident response team?**
 3 A. Crisis management lead. He's the one
 4 that's basically tasked with calling the troops
 5 together.
 6 MR. BAUER: Okay. We'll mark this as
 7 the next exhibit.
 8 (WHEREIN, Exhibit 7, 2-29-21 e-mail
 9 chain, was marked for identification by the Court
 10 Reporter.)
 11 **Q. (By Mr. Bauer) We put Exhibit 7 in**
 12 **front of you, sir. Do you recognize this?**
 13 A. Yes, sir.
 14 **Q. Tell us what it is.**
 15 A. It was the notice that Justin and his
 16 team sent out terminating the OFO.
 17 **Q. What were the discussions within Spire**
 18 **regarding sending this notice out? I'll ask it a**
 19 **different way. Why was this notice sent at this**
 20 **time with this subject?**
 21 A. Yeah, it was kind of twofold. One
 22 would have been we were seeing -- seeing forecasts
 23 for the temperature to warm up and Justin was having
 24 conversations with our producers, getting the
 25 indication that the supply was starting to come back

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1 on. And this was going into a weekend, and you
 2 know, gas trades for multiple days over the weekend.
 3 So you know, I know he was -- he was
 4 trying to get it lifted as soon as possible. And
 5 then kind of the last piece of that was Southern
 6 Star lifted their OFO also on the 20th. So we
 7 thought the prudent thing to do was to lift it in
 8 conjunction with Southern Star.
 9 **Q. Did -- did Spire considering lifting**
 10 **the OFO before Southern Star lifted theirs?**
 11 A. I can't speak for Justin, but I don't
 12 recall having any conversations because even as late
 13 as the 18th, you know, roughly 25 percent of the
 14 supply was still force majeure'd and the marketers
 15 were still shorting the system by a huge amount at
 16 that point. So like I say, if Justin had
 17 conversations, I'm not aware of those, but I don't
 18 recall any conversations prior to the day that we
 19 actually lifted it.
 20 MR. BAUER: Let's mark this one.
 21 (WHEREIN, Exhibit 8, MOW Transportation
 22 Comms 2-17-21, was marked for identification by the
 23 Court Reporter.)
 24 **Q. (By Mr. Bauer) Okay. We put Exhibit 8**
 25 **in front of the witness, and you recognize this,**

<p>Page 149</p> <p>1 A. I would -- I would have to actually 2 look back at the actual notice. 3 Q. Okay. And do you have that with you? 4 A. Not that I recall. 5 Q. Okay. Did you look at the notice in 6 preparation for testifying for any of the 7 depositions today? 8 A. I don't recall looking at that. 9 Q. Okay. All right. Does Spire use -- I 10 want to ask you a little bit about document 11 collection process and let me just start with this: 12 What -- what types of -- are you issued a device by 13 Spire, like a computer? 14 A. I am. 15 Q. Okay. And what kind -- is it an Apple 16 computer or is it a Windows-based computer? 17 A. It's a Windows-Based computer. 18 Q. Okay. And do you guys use -- does 19 Spire use Microsoft Office 365? 20 A. I believe that's -- that's the -- 21 that's the system that we use. 22 Q. Okay. And do you use Microsoft Teams 23 for internal meetings and chat? 24 A. Yeah, we have several systems that we 25 use, and Teams is one of those.</p>	<p>Page 151</p> <p>1 Q. Okay. Have you ever attempted to 2 record any phone or video conversations either 3 related to the winter storm or related to this 4 proceeding? 5 A. I have not. 6 Q. Are you aware of whether any other 7 individual at Spire has attempted to record any 8 phone or video meeting related to the winter storm 9 or related to this regulatory proceeding? 10 A. I'm not aware of any phone or video 11 conversations that have been recorded. 12 Q. I'm sorry, you trailed off a little bit 13 at the end. You said you're not aware of any phone 14 or video recordings that were recorded? 15 A. That's correct. 16 Q. Understand. Other than Teams and Skype 17 for internal meetings, are there other internal chat 18 or instant communication services that you use? 19 A. I'm not aware of any others that I use. 20 Q. Okay. Are you aware of any that -- any 21 other chat or instant messaging systems that Spire 22 makes available to its -- its employees and 23 officers? 24 A. I am not. 25 Q. Okay. Do you -- does Spire use any</p>
<p>Page 150</p> <p>1 Q. Okay. Do you use Microsoft Teams for 2 internal videoconferences or telephonic conferences? 3 A. Yes, like I said, I use Teams in 4 addition to others. 5 Q. Okay. Do you use Microsoft Teams for 6 chats? 7 A. I will use team -- the chat feature at 8 times when I'm in the Teams meeting. 9 Q. Okay. You mentioned a few times now 10 that you use other software as well. What other 11 software do you use? 12 A. I know Skype is one that gets used from 13 time to time. I think Zoom for some external 14 meetings. Typically they're Skype or -- or Teams 15 for internal meetings. 16 Q. Okay. Do you know whether Spire 17 records any of the Teams or Skype meetings that are 18 internal in the company? 19 MR. GORE: I'm going to -- I'm going to 20 object, overbroad, beyond the scope of this 21 deposition notice. If you want to limit it to any 22 of the calls at issue. 23 Q. (By Mr. Howell) You can answer. 24 A. Yeah, I'm not aware if Spire records 25 those conversations.</p>	<p>Page 152</p> <p>1 sort of shared server for storing information 2 related to the winter storm or for this regulatory 3 proceeding? 4 A. I'm not familiar with the structure for 5 how information that's been gathered is stored. 6 Q. Well, fair enough. Who -- who would be 7 the best person to speak to or who would be the 8 person most knowledgeable with regard to how that 9 information is -- is stored or preserved? 10 A. We work with both inside and outside 11 counsel, so since I don't specifically know who's -- 12 who's in charge of that, I would have to follow up 13 to find out. 14 Q. All right. Setting aside what may or 15 may not have been collected for litigation, I just 16 want to have a better understanding of how things 17 are -- operate on a day-to-day basis. You know, 18 with respect to, you know, documents that might be 19 generated in the ordinary course of business related 20 to gas purchases, are those, you know, types of 21 transactions, are they saved or recorded on any 22 particular part of a -- of the Spire system, are 23 they just saved on someone's individual hard drive, 24 are they put onto a shared file site or how else are 25 they maintained within Spire?</p>

<p style="text-align: center;">Page 153</p> <p>1 A. So could you repeat the information 2 that you're -- that you're addressing when you're 3 asking how it's stored? 4 Q. Yes, sir. So what I'm trying to 5 understand is I'm trying to get a better picture of 6 Spire's systems with regard to data, okay? Just 7 that's the umbrella of what I'm looking at. 8 A. Okay. 9 Q. And what I am trying to figure out is 10 you told me about videoconferencing and chat stuff, 11 and what I -- what I am trying to find out now is 12 with regard to, you know, documents that might be 13 created in the ordinary course of business, like gas 14 purchase and sale documents or transaction 15 confirmations or nominations. Is all of that data, 16 is it stored on a server somewhere? Is it stored on 17 a shared file site? Where does that normally get 18 saved to? 19 A. You know what, I have not personally 20 looked at that structure since -- since taking my 21 current role. There is a gas supply folder that I'm 22 aware of on our -- on our system that I would assume 23 houses most of those documents. 24 Q. And is there also like an e-mail server 25 or multiple servers perhaps that maintain the Spire</p>	<p style="text-align: center;">Page 155</p> <p>1 Q. Do you -- do you call it anything or is 2 that a report that you receive on a daily basis or 3 is it something just available to you? 4 A. Yeah, it gets sent out, gas portfolio 5 maybe. Like I say, I don't recall the name off the 6 top of my head. 7 Q. And you said it gets sent out? 8 (Court reporter interruption.) 9 MR. GORE: I just instructed the 10 witness that when you can't recall, please don't 11 speculate. 12 THE WITNESS: Okay. 13 Q. (By Mr. Howell) To whom is it sent 14 from and to who is it sent to? 15 A. The scheduler for Spire Missouri sends 16 it -- I'd have to look at the distribution list. 17 It's for the Spire Missouri employees. 18 Q. And who is the scheduler? 19 A. Greg Hayes is the scheduler for Spire 20 Missouri West. 21 Q. Do -- does Spire use the ICE platform 22 to purchase and sell gas, natural gas? 23 A. Spire does have an account with ICE, 24 correct. 25 Q. Okay. And during February 2021 did</p>
<p style="text-align: center;">Page 154</p> <p>1 e-mail system? 2 A. We do -- as far as I know, we're all 3 part of the same system. 4 Q. Okay. Are there databases that you 5 either use or oversee with respect to the gas 6 purchasing and gas control arms of Spire? 7 A. Yes. We have -- we have a database 8 that all of our purchase and sales are housed in, 9 and that -- my -- my group maintains those. 10 Q. Anything else -- 11 A. It's basically -- 12 (Court reporter interruption.) 13 A. Yeah, I say it's basically a deal 14 capture system that's used for reconciliations and 15 for transaction confirmations. We do -- we do also 16 have a portfolio that's maintained on a daily basis 17 that's used to just manage our overall supply. 18 Q. (By Mr. Howell) Could you explain? 19 A. It's just a computation of what our 20 expected send-outs are and what the supplies are 21 coming into the gate and what the storage activity 22 would be. 23 Q. And what's that called? 24 A. You know, I don't know the exact name 25 for it off the top of my head.</p>	<p style="text-align: center;">Page 156</p> <p>1 Spire purchase gas using the ICE platform? 2 A. Yeah, it was a combination of ICE and 3 then physical transactions, you know, phone-to-phone 4 transactions. 5 MR. GORE: And if I can just interject 6 for the record, I think this is clear, but when 7 we're using the term Spire, we're referring to Spire 8 Missouri, Inc. I assume, and that if you're going to 9 refer to a different Spire entity you would specify 10 that. 11 MR. HOWELL: Okay. I think that's a 12 great point, Mr. Gore. 13 Q. (By Mr. Howell) Whenever I use the 14 term Spire, Mr. Godat, I am intending to refer to 15 Spire Missouri. You are -- you are an officer of 16 Spire Missouri, correct? 17 A. I am. 18 Q. All right. Just assume that for the 19 rest of my deposition of you that when I refer to 20 Spire I'm referring to Spire Missouri, and -- unless 21 I add an additional name, such as Spire Marketing or 22 Spire, Inc. Is that fair? 23 A. Yes, sir. 24 Q. All right. During the month of 25 February 2021, I believe you were saying that Spire,</p>

39 (Pages 153 to 156)

<p style="text-align: center;">Page 245</p> <p>1 our gate that we serve. Given the fact that we --</p> <p>2 we don't have any control over the purchases that</p> <p>3 are made by the marketers, so there -- yeah.</p> <p>4 Q. (By Mr. Howell) You have pointed to a</p> <p>5 weather forecast, correct, and that's one of the</p> <p>6 items in this binder, right?</p> <p>7 A. That's correct.</p> <p>8 Q. Beyond the weather forecast that you</p> <p>9 received did you personally look at -- did you</p> <p>10 personally review the weather forecast?</p> <p>11 A. I don't know if I personally reviewed</p> <p>12 that weather forecast prior to looking what was</p> <p>13 turned over. You know, definitely had conversations</p> <p>14 with -- with Justin Powers about what he was seeing</p> <p>15 kind of from a historical perspective of demand on</p> <p>16 the system.</p> <p>17 Q. And by that what do you mean, that when</p> <p>18 it gets colder people use more gas?</p> <p>19 A. Yeah, just the high -- the high level</p> <p>20 of demand that we were going to see on our system,</p> <p>21 you know, which -- which is troubling anytime. It's</p> <p>22 especially troubling in late February when not -- a</p> <p>23 lot of storage holders weren't -- you know, weren't</p> <p>24 near as conservative as what we are. And I think we</p> <p>25 found out that a lot of other storage holders went</p>	<p style="text-align: center;">Page 247</p> <p>1 a quantitative analysis to determine whether or not</p> <p>2 to issue an OFO, and if so, for which segments?</p> <p>3 MR. GORE: All right. I'm going to</p> <p>4 object to the question as an incomplete statement of</p> <p>5 the witness's testimony as already given. You</p> <p>6 listed two things, but the witness has listed much</p> <p>7 more than that. I'm going to object to the question</p> <p>8 as vague in terms of the use of the term</p> <p>9 quantitative. And I'm going to object, compound and</p> <p>10 foundation. You can answer.</p> <p>11 A. Yeah, I mean, like I mentioned, we had</p> <p>12 concern that production wasn't going to be</p> <p>13 available. We had concern that, you know, the</p> <p>14 temperature -- the temperature that was forecasted</p> <p>15 was going to have us close to peak demand, and the</p> <p>16 upstream pipelines were in OFOs. So there's not a</p> <p>17 lot more to it than that.</p> <p>18 Q. (By Mr. Howell) Okay. Respectfully,</p> <p>19 that's not an answer to the question that I asked.</p> <p>20 The question I asked concerned whether you looked at</p> <p>21 any Spire spreadsheet, analysis, data, anything that</p> <p>22 addressed this issue of demand -- projected demand</p> <p>23 increase.</p> <p>24 A. I --</p> <p>25 MR. GORE: Let me object. I'm going to</p>
<p style="text-align: center;">Page 246</p> <p>1 into the month with their storage almost depleted.</p> <p>2 We knew storage levels across the</p> <p>3 country were low. So if you have a peak situation</p> <p>4 in mid-February it's a completely different</p> <p>5 situation than if you have a peak -- peak demand</p> <p>6 situation in December when storage inventories are</p> <p>7 full.</p> <p>8 You know, and I think that come to</p> <p>9 fruition halfway through -- halfway through the</p> <p>10 polar vortex. You know, folks like Atmos and others</p> <p>11 had completely depleted their storage inventories.</p> <p>12 I don't know if they did, but the marketers that</p> <p>13 were managing it had depleted it.</p> <p>14 So like I say, there was a whole host</p> <p>15 of concerns that -- that went into it that weren't</p> <p>16 -- that weren't analysis driven. It was driven by</p> <p>17 information that Justin and his team had about the</p> <p>18 market at that time.</p> <p>19 Q. Okay. You've told me about -- as far</p> <p>20 as quantitative issues, you told me about weather</p> <p>21 forecasts, and there's one that you provided in the</p> <p>22 binder. You also mentioned historical data about</p> <p>23 demand increases. Did you personally look at any</p> <p>24 document, spreadsheet, analysis, anything either on</p> <p>25 Spire's system or elsewhere that you used as part of</p>	<p style="text-align: center;">Page 248</p> <p>1 object because you just asked a completely different</p> <p>2 question and framed it as a question that you</p> <p>3 previously asked. So I object to that misstatement.</p> <p>4 The current question I'm going to object to as</p> <p>5 compound and lacking foundation. You can answer.</p> <p>6 A. Yeah, I mean, that being, what, six,</p> <p>7 eight months ago, I can't recall exactly everything</p> <p>8 I looked at. I know Justin and I had a lot of</p> <p>9 conversations about what he was seeing in the</p> <p>10 forecast from a demand perspective.</p> <p>11 So I know we definitely spent ample</p> <p>12 time talking about what we saw, you know, as</p> <p>13 potential usage on the system. Now, whether I</p> <p>14 looked at the specific spreadsheet or he was giving</p> <p>15 me numbers, I don't recall that from, you know,</p> <p>16 months ago.</p> <p>17 Q. (By Mr. Howell) You also mentioned</p> <p>18 production drops. I want to ask you about that.</p> <p>19 What production data did you have -- did Spire have</p> <p>20 that identified or indicated or projected production</p> <p>21 drops?</p> <p>22 MR. GORE: I'm going to -- I'm going to</p> <p>23 object, asked and answered. You can answer again.</p> <p>24 A. Yeah, I mean, I notice -- I notice this</p> <p>25 one in Gas Daily. Like I say, a lot of it was</p>

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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.

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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**

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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

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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?**

Page 337	Page 339
<p>1 gas is not delivered?</p> <p>2 MR. GORE: I'm going to object, asked</p> <p>3 and answered, also calls for a legal conclusion.</p> <p>4 You can answer.</p> <p>5 A. To me, when I read this, it's not</p> <p>6 addressing the issue of if the marketer's not</p> <p>7 delivering. It's basically saying to the extent the</p> <p>8 marketer is delivering, we have the requirement to</p> <p>9 deliver that gas to the end user. To me it's not</p> <p>10 addressing an issue of when the marketer is not</p> <p>11 providing supply.</p> <p>12 MS. BELL: Okay. No further questions.</p> <p>13 FURTHER EXAMINATION</p> <p>14 QUESTIONS BY MR. BAUER:</p> <p>15 Q. Hello again.</p> <p>16 A. Hey there.</p> <p>17 Q. From whom did Spire collect documents</p> <p>18 when Spire was responding to the Symmetry data</p> <p>19 requests? I missed that question.</p> <p>20 A. That -- that was a process that inside</p> <p>21 and outside counsel worked the -- the ones that --</p> <p>22 the documents that I reviewed, and the individuals</p> <p>23 that I spoke to about the collection of those</p> <p>24 documents were the ones that I referred, which was</p> <p>25 Patty Reardon, Bob McKee, Scott Weitzel. Was there</p>	<p>1 anything else. I'm asking if there's anything else</p> <p>2 before I make my decision about whether I have any</p> <p>3 more questions.</p> <p>4 MR. BAUER: Oh, okay. All right.</p> <p>5 Yeah. Well, there is one thing then. While I</p> <p>6 appreciate you've been sitting in the chair for ten</p> <p>7 hours, there are a number of topics in which</p> <p>8 Mr. Godat said I need to talk to somebody else, I</p> <p>9 don't know the answer.</p> <p>10 And so I just -- for example,</p> <p>11 topics 2A, 2B, 2F, 2K, 3, 6, 7, 8, and all those</p> <p>12 times he said that he'd have to talk to Mr. Powers</p> <p>13 to get the answer, and we just had another one with</p> <p>14 respect to topic one regarding the documents. So</p> <p>15 I'm not agreeing to close the deposition. I'm --</p> <p>16 MR. GORE: Okay.</p> <p>17 MR. BAUER: I don't want to have a</p> <p>18 fight with you, but I'm just not agreeing at this</p> <p>19 point.</p> <p>20 MR. GORE: No, that's fine. As to</p> <p>21 those -- since we're on that deal, as to that topic,</p> <p>22 I -- well, as to topic one, we stated what our</p> <p>23 objections were in writing and explained what we</p> <p>24 would produce a witness to cover.</p> <p>25 I will just say that to me in general</p>
<p>Page 338</p> <p>1 any others? Justin Powers.</p> <p>2 Q. Did Spire collect documents from anyone</p> <p>3 else other than those persons?</p> <p>4 A. Those are the individuals that I had</p> <p>5 the conversations with about the individual</p> <p>6 documents that I collected. I couldn't say that</p> <p>7 that is the full extent of anybody that was asked a</p> <p>8 question about the collection of the documents.</p> <p>9 Q. And whom would I have to ask to get the</p> <p>10 answer to my question?</p> <p>11 A. I would say our inside, outside</p> <p>12 counsel.</p> <p>13 MR. BAUER: Okay. And I'll save my</p> <p>14 comment till everyone's done. Okay. Thank you.</p> <p>15 THE WITNESS: Uh-huh.</p> <p>16 MR. GORE: Are we -- you guys are done?</p> <p>17 No more -- nothing else from complainants?</p> <p>18 MS. BELL: I don't know about</p> <p>19 Mr. Howell. Nothing else for me.</p> <p>20 MR. GORE: He should be done. It's</p> <p>21 seven o'clock.</p> <p>22 MR. BAUER: No, not closing the</p> <p>23 deposition. I thought you were going to ask</p> <p>24 questions.</p> <p>25 MR. GORE: No, I'm asking if you have</p>	<p>Page 340</p> <p>1 topic one was wholly improper in that those are</p> <p>2 things that are typically worked out between counsel</p> <p>3 in terms of narrowing what the documents are to be</p> <p>4 discovered and what additional collection needs to</p> <p>5 take place and then it's sorted out in a motion to</p> <p>6 compel. So I think it's improper to try to inject</p> <p>7 that into a 30(b)(6) deposition. So that's on topic</p> <p>8 one.</p> <p>9 On topic two, I do believe that the</p> <p>10 witness testified on each topic as to the factual</p> <p>11 basis for the statements that were made. I think</p> <p>12 the ones where he was saying you would have to ask</p> <p>13 other people I think is when you were getting far</p> <p>14 afield and getting into the inferences that were</p> <p>15 being drawn by the author of the letter that you</p> <p>16 were questioning the witness about.</p> <p>17 But I would stand by the fact that in</p> <p>18 terms of the factual basis for each of the</p> <p>19 assertions that you questioned about, he gave</p> <p>20 testimony on that that represented the corporation's</p> <p>21 knowledge of the factual basis for those statements</p> <p>22 as the corporate rep understood them.</p> <p>23 He was not going to try to step inside</p> <p>24 of Mr. Aplington and testify as to everything</p> <p>25 Mr. Aplington meant when he drafted the letter, and</p>

85 (Pages 337 to 340)

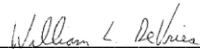
Page 341

1 I don't think that would be proper 30(b)(6)
 2 corporate representative testimony. I don't think
 3 we're required to do that.
 4 MR. BAUER: Okay. Well, my comment
 5 stands.
 6 MR. GORE: And with that being said, we
 7 don't have any questions. So I understand
 8 Mr. Bauer's point about not saying that this
 9 30(b)(6) -- or this corporate representative
 10 deposition is closed, but we don't have any
 11 questions to ask today. So I guess we're done for
 12 now.
 13 VIDEOGRAPHER: Off the record,
 14 7:04 p.m.
 15 (WHEREIN, the deposition was concluded
 16 at 7:04 p.m.)
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 Alaris Litigation Services
 2 711 North Eleventh Street
 3 St. Louis, Missouri 63101
 4 (314) 644-2191
 5
 6 December 14, 2021
 7 Mr. Gabriel Gore
 8 Dowd Bennett LLP
 9 7733 Forsyth Blvd., 19th Floor
 10 St. Louis, Missouri 63105
 11 (314) 889-7300
 12 ggore@dowdclaw.net
 13
 14 In Re: Constellation NewEnergy-Gas Division, LLC;
 15 Symmetry Energy Solutions, LLC;
 16 and Clearwater Enterprises, LLC, Complainants, vs.
 17 Spire Missouri, Inc. and its operating unit Spire
 18 Missouri West, Respondents
 19
 20 Dear Mr. Gore:
 21
 22 Please find enclosed your copy of the deposition of
 23 GEORGE E. GODAT taken on December 13, 2021 in the
 24 above-referenced case. Also enclosed is the
 25 original signature page and errata sheets.
 Please have the witness read your copy of the
 transcript, indicate any changes and/or corrections
 desired on the errata sheets, and sign the signature
 page before a notary public.
 Please return the errata sheets and notarized
 signature page to Alaris Litigation Services, 711
 North Eleventh Street, St. Louis, Missouri 63101 for
 filing prior to trial date.
 Thank you for your attention to this matter.
 Sincerely,
 William L. DeVries, CCR(MO)/RDR/CRR
 Enclosures

Page 342

1 CERTIFICATE OF REPORTER
 2
 3 I, William L. DeVries, a Certified
 4 Court Reporter (MO), Registered Diplomat Reporter,
 5 and a Certified Realtime Reporter, do hereby certify
 6 that the witness whose testimony appears in the
 7 foregoing deposition was duly sworn by me pursuant
 8 to Section 492.010 RSMo; that the testimony of said
 9 witness was taken by me to the best of my ability
 10 and thereafter reduced to typewriting under my
 11 direction; that I am neither counsel for, related
 12 to, nor employed by any of the parties to the action
 13 in which this deposition was taken, and further that
 14 I am not a relative or employee of any attorney or
 15 counsel employed by the parties thereto, nor
 16 financially or otherwise interested in the outcome
 17 of the action.
 18
 19
 20 
 21 Certified Court Reporter
 22 within and for the State of Missouri
 23
 24
 25

Page 344

1 WITNESS ERRATA SHEET
 2 Witness Name: GEORGE E. GODAT
 3 Case Name: Constellation NewEnergy-Gas Division,
 4 LLC; Symmetry Energy Solutions, LLC;
 5 and Clearwater Enterprises, LLC, Complainants, vs.
 6 Spire Missouri, Inc. and its operating unit Spire
 7 Missouri West, Respondents
 8 Date Taken: December 13, 2021
 9
 10 Page # _____ Line # _____
 11 Should Read: _____
 12 Reason for Change: _____
 13
 14 Page # _____ Line # _____
 15 Should Read: _____
 16 Reason for Change: _____
 17
 18 Page # _____ Line # _____
 19 Should Read: _____
 20 Reason for Change: _____
 21
 22 Page # _____ Line # _____
 23 Should Read: _____
 24 Reason for Change: _____
 25 Witness Signature: _____

86 (Pages 341 to 344)