

In the Matter of:

THE APPLICATION OF SPIRE MISSOURI, INC., d/b/a SPIRE TO CHANGE, etc.

GO-2021-0030; GO-2021-0031

October 20, 2020



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GO-2021-0030; GO-2021-0031

In the Matter of:
The Revision of Commission's Rules Regarding
Gas Utilities, etc.

GO-2021-0030

and

GO-2021-0031

October 20, 2020

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

October 20, 2020

Jefferson City, Missouri

Webex

In the Matter of the Application)
of Spire Missouri, Inc., d/b/a Spire)
To Change its Infrastructure System) File No.
Replacement Surcharge in its Spire) GO-2021-0030
Missouri East Service Territory)

and

In the Matter of the Application)
Of Spire Missouri, Inc., d/b/a Spire)
to Change its Infrastructure System) File No.
Replacement Surcharge in its Spire) GO-2021-0031
Missouri West Service Territory)

JOHN CLARK, Presiding

REGULATORY LAW JUDGE

REPORTED BY:
Cindy Keast Plowman, CCR No. 774
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A P P E A R A N C E S

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P R O C E E D I N G S

JUDGE CLARK: Let's go on the record. Today's date is October 20th of 2020 and it is currently up one o'clock p.m. We are holding this procedural conference via teleconference.

The Commission has set aside this time for procedural conferencing today in cases captioned as In the Matter of the Application of Spire Missouri doing business as Spire to Change its Infrastructure System Replacement Surcharge in its Spire Missouri East Service Territory. And that is File Number GO-2020-0030.

And the other file for today is In the Matter of the Application of Spire Missouri, Inc., doing business as Spire to Change its Infrastructure Replacement -- System Replacement Surcharge in its Spire Missouri West Territory. And that is File Number GO-2121-0031

My name is John Clark. I am the regulatory law judge overseeing this matter. I'm going to begin by asking attorneys and various parties to enter their appearance for the record starting with Spire Missouri.

MS. BOCKSTRUCK: Good afternoon, Judge. Goldie Bockstruck and Matt Applington, 700 Market Street, St. Louis, Missouri, 63101.

JUDGE CLARK: Thank you, Ms. Bockstruck. And for the Commission staff.

1 MR. BERLIN: Good afternoon, Judge.
2 Appearing on behalf of the Commission staff are Bob
3 Berlin and Karen Bretz located at 200 Madison Street,
4 Jefferson City, Missouri, 65102 in the Commission's
5 offices, remotely though.

6 JUDGE CLARK: Thank you.
7 From the Office of Public Counsel.

8 MR. CLIZER: Good afternoon. John Clizer
9 appearing on behalf of the Missouri Office of Public
10 Counsel, Governor's Office Building, Suite 650,
11 Jefferson City, Missouri, 65102. Thank you.

12 JUDGE CLARK: All right. Anybody from
13 Missouri School Boards Association who intervened in
14 this matter?

15 MR. BROWNLEE: Yes. Richard Brownlee,
16 RSBIII, LLC, 121 Madison, Jefferson City, Missouri on
17 behalf of the Missouri School Boards Association. I am
18 remote on travel and I will go ahead and mute. In
19 addition, there may be a direct representative of the
20 client, Mike Parnell, who has appeared before with me on
21 these matters.

22 With that, I will go ahead and mute and
23 we'll continue to monitor unless I feel the urge.

24 JUDGE CLARK: Mr. Brownlee, would you spell
25 your name for the court reporter.

1 MR. BROWNLEE: Oh, yeah. B-r-o-w-n-l-e-e.

2 JUDGE CLARK: Thank you, Mr. Brownlee.

3 Is there anybody that I've forgotten that is
4 an attorney for a party or an attorney in a prior rate
5 case that was added as a party to this case? I hear no
6 one.

7 Okay. Now, I tried as much I could, to get
8 an inkling of what this was about so that nobody would
9 come in today surprised. This procedural conference was
10 called to address what I felt was an ambiguity in the
11 responses to staff recommendation and to find out kind
12 of where this -- what direction this case is headed at
13 this time.

14 If I overstep my bounds with a question I
15 ask, if something is none of my business, please let me
16 know. I'm not going to be offended.

17 Now, staff filed a recommendation in this --
18 these two cases with alternative options. And Spire
19 filed a response in one case but agreed with one staff's
20 options and they partially agreed with one of staff's
21 options in another case.

22 Public Counsel filed a response that they
23 thought one of staff's options in one of the cases was
24 correct and that they had concerns about rebate tax
25 impact. And so I guess where I am now is that I've

1 suspended the tariffs in these respective cases until
2 December 2nd which is the maximum amount of time that I
3 can suspend these tariffs.

4 So what I'm kind of wondering, given that no
5 party has asked for a hearing, I'm kind of wondering how
6 this is going to resolve itself. I know that, myself
7 being an attorney, has a tendency to get into long
8 explanations of things. But I really just kind of need
9 some short answers to these. Anybody can chime in as to
10 what those answers are.

11 I guess my first question is: Do we --

12 (A brief discussion was held off the
13 record.)

14 JUDGE CLARK: Do we -- If you're not
15 speaking right now and you're not an attorney, please
16 mute your handset.

17 My question again is: Do we need a
18 procedural schedule?

19 And I'll just ask the parties in order.
20 Spire Missouri, do you see us needing a procedural
21 schedule to be set with this?

22 MS. BOCKSTRUCK: Your Honor, we are working
23 with the parties on a settlement of these matters. So
24 it seems like if we can resolve it, the procedural
25 schedule would not be necessary. So what I would

1 propose is that in another week, the parties will either
2 file a stipulation and agreement or a procedural
3 schedule at that time.

4 MR. BROWNLEE: I think the OPC and the
5 school board association can agree to that.

6 JUDGE CLARK: All right. I'll go ahead and
7 ask them. Is that what's going on currently,
8 Mr. Berlin?

9 MR. BERLIN: That's correct. There have
10 been settlement discussions. We are working on a draft
11 to see if we can resolve our differences. We have done
12 that in the past, resolved our differences. And so I'm
13 optimistic in this case, these two cases, that we would
14 be able to conclude a suitable stipulation an agreement
15 in about -- it may take another week. I think that's a
16 fair time assessment.

17 JUDGE CLARK: Okay. And Mr. Clizer?

18 MR. CLIZER: I expect that settlement
19 discussions will be productive, and that I think the
20 proposal by Sp[ire] is adequate to deal with this
21 situation.

22 JUDGE CLARK: Okay. Thank you. And that
23 makes me feel a little awkward in calling this thing,
24 but at the same time, is what I usually see is a request
25 for a hearing, and I know what's going on. Somebody

1 starts a procedural schedule and it's understood there's
2 stuff going on in the background. But if nobody asks
3 for a hearing, and the parties just say, well, we don't
4 agree with everything that's being said, then I'm left
5 in a situation where I am asking what are we doing here;
6 is the Commission just picking something based on the
7 pleadings filing, which is not usually the way the
8 Commission handles things.

9 Now, Ms. Bockstruck had put forth possibly
10 next week for a stipulation or procedural schedule. The
11 problem that puts me in is, if we're looking at going to
12 hearing at this point, i know we had some additional
13 time to respond to the staff's recommendation. But at
14 this late point, what we're looking at with us being --
15 with just over a week left in October, and all of
16 November, and the Commission liking to have at least a
17 couple of weeks to put this up for discussion and then
18 vote it out, you're talking about a -- we're talking
19 about a hearing in the next couple of weeks, if there's
20 a procedural schedule at all, with briefs coming in
21 before that point, in November.

22 JUDGE CLARK: So that's kind of where I'm
23 at. So if we're filing a procedural schedule next week,
24 it may be too late to hold a hearing and get all of
25 those things done, and given the tight timeframes

1 dictated by the 'local rules', at that point, when they
2 have to look at alternative options.

3 MR. CLIZER: So Your Honor -- Sorry. This
4 is John Clizer with the MPC. I believe that is'
5 probably more likely than not that we can achieve a
6 settlement or procedural schedule, at least by the end
7 of this week, potentially even sooner.

8 I understand your concerns. But I think
9 that we're probably fairly close to resolving this case,
10 at this point in time. At least I sincerely hope so.

11 JUDGE CLARK: And I think that's great. I
12 hope it's resolved. And I'm actually willing to go over
13 to next week to give the parties the time that they need
14 to productively to do.

15 I just explained, from my perspective, if
16 next week we're looking at a procedural schedule, we're
17 looking at a very protracted -- not protracted -- a very
18 contracted time period in which to accomplish
19 everything. And that may mean shortening some of the
20 other procedural options. So --

21 MR. CLIZER: I don't want to upset things
22 but I could be okay with calling for either a
23 procedural -- a settlement conference and/or a
24 procedural schedule sometime this week. Like setting
25 the deadline -- If the concern is the shortening of the

1 time to set a procedural schedule, I would propose
2 sometime this week, I guess, is what I'm trying to say.

3 JUDGE CLARK: Okay. Has any other party an
4 objection to that?

5 Okay. I hear no objections. And I guess in
6 that case, my concern is, is that crunching everybody in
7 terms of settlement? Is that going to be -- Are we
8 actually talking -- Mr. Clizer is proposing that. I
9 don't have a problem with it.

10 But I don't want the parties to feel unduly
11 squeezed to reach an agreement in that short of a time
12 period. Because my experience has been then is that
13 they -- that the parties -- that a little bit of
14 pressure actually works very well towards reaching a
15 settlement but too much pressure actually is a negative
16 incentive to resolving a case.

17 MR. BERLIN: Judge, are we talking about
18 Friday then as a follow-up to Mr. Clizer's suggestion?
19 Are we talking about like either filing a stipulation
20 agreement or a procedural schedule no later than, say,
21 Friday afternoon? Or is that kind of where we're
22 headed?

23 JUDGE CLARK: That's what Mr. Clizer was
24 proposing. Ms. Bockstruck had thrown out next week. I
25 actually expressed some concern. Mr. Clizer threw that

1 out as an alternative.

2 What's staff's opinion in regards to having
3 either a resolution or a procedural schedule on Friday?

4 MR. BERLIN: I think it's workable.

5 JUDGE CLARK: Do you think it's workable or
6 do you think it's too much of a squeeze?

7 MR. BERLIN: Well --

8 (A brief discussion was held off the
9 record.)

10 MR. BERLIN: Bob Berlin, staff counsel.

11 JUDGE CLARK: And I'm sorry about that,
12 Ms. Plowman. Interrupt anytime you want to know who's
13 talking.

14 MR. BERLIN: I suppose there's a bit of a
15 squeeze but I remain optimistic that the parties can
16 resolve this. Coming up with a procedural schedule, if
17 we have to do that, I don't think it's that difficult
18 because we've done this many times before.

19 So that's my opinion on it. So I think
20 Friday would work. Yeah. But I defer to Spire counsel
21 and Public Counsel and their thoughts on that.

22 JUDGE CLARK: Okay. Ms. Bockstruck, do you
23 believe Friday would be sufficient?

24 MS. BOCKSTRUCK: Yes, I do. We are very
25 much amenable to getting this case resolved as soon as

1 possible.

2 JUDGE CLARK: And Mr. Applington, I don't
3 mean to leave you out of that.

4 MR. APPLINGTON: No, that's okay. My
5 thought, Your Honor, is that if we could plan to have
6 either a procedural schedule or a stipulation an
7 agreement by Friday afternoon, with the understanding
8 with you, that if we're close to resolving, that that
9 could bleed over into the weekend, with your permission,
10 perhaps file one or other first thing Monday morning.

11 JUDGE CLARK: Why don't we just kind of plan
12 on that now. I like that idea immensely. Why don't --
13 And I'll issue an Order basically indicating that the
14 parties are to file a procedural schedule and agreement
15 of some kind, or for lack of a better term, a, I'll call
16 it a status report, basically letting me know that
17 you're close. And if I need to on Friday, I can respond
18 to that and issue something, making something due later.

19 Does that work for everybody? Spire?

20 MR. BERLIN: Yes, Your Honor. Thank you.

21 JUDGE CLARK: Commission staff?

22 MR. BERLIN: Yes.

23 JUDGE CLARK: And Mr. Clizer?

24 MR. CLIZER: That will work.

25 JUDGE CLARK: MOPC.

1 I don't have anything else. I appreciate
2 you guys being here on such short notice. I kind of was
3 trying to figure out where this was going to head and I
4 was feeling a little bit of a crunch myself on whether
5 we needed to have a hearing set for this.

6 Are any other matters or issues that need to
7 be addressed by the Commission at this time?

8 MR. BROWNLEE: We're still here, too, and
9 that's okay. I did have a question. And I guess this
10 is the time to raise it. There are two other cases
11 pending with -- I assume that have exactly this same
12 issue.

13 JUDGE CLARK: Now, this is Mr. --

14 MR. BROWNLEE: -- Is there any
15 consideration -- Hello?

16 JUDGE CLARK: This is Mr. Brownlee, correct?

17 MR. BROWNLEE: Yes. Is there any
18 consideration of trying to possibly consolidating these
19 so we don't get a different resolution on the same issue
20 in the other two cases?

21 JUDGE CLARK: What are the other two cases?
22 Do you know the case numbers, per chance?

23 MR. BROWNLEE: One of them is Liberty and, I
24 think, Empire. And that's one. And does somebody else
25 know? The staff knows. There's -- I think there are

1 three of these Covid cases.

2 JUDGE CLARK: This is not a Covid case.
3 There are four or more Covid cases filed.

4 MR. BROWNLEE: Okay. I'm sorry. All right.
5 I apologize. I just had my mind wrong. Okay.

6 JUDGE CLARK: Yeah. This is --

7 MR. BROWNLEE: -- We're fine with the
8 timing.

9 JUDGE CLARK: Okay. And thank you,
10 Mr. Brownlee. And I'm sorry I didn't ask you. I'll
11 just state, for your interest, this is purely an
12 interest issue.

13 MR. BROWNLEE: Yeah. I got it. I just
14 was -- That's my fault. I'm sorry.

15 JUDGE CLARK: I believe the school board
16 intervened because of the gas charges for the school.

17 MR. BROWNLEE: Right.

18 JUDGE CLARK: Do you have any objection to
19 the parties attempting to reach an agreement by this
20 Friday?

21 MR. BROWNLEE: No. None whatsoever as long
22 as we're shared copies and we approve it. But we don't
23 anticipate anything that would cause us to not be in
24 agreement.

25 JUDGE CLARK: Okay. Thank you very much.

1 Are there any other matters that need to be addressed by
2 the Commission at this time?

3 Okay. Hearing none, I will thank you all
4 again for your participation here today.

5 And we'll go off the record. This hearing
6 is concluded.

7 (HEARING CONCLUDED.)

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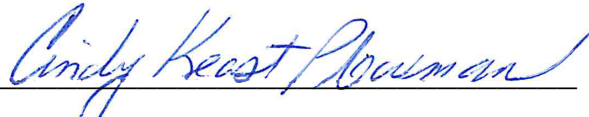
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C E R T I F I C A T E

I, Cindy Keast Plowman, Certified Court Reporter,
do hereby certify that the proceedings had in the matter
set forth in the caption page hereon were reported in
shorthand by me, afterwards transcribed to the best of
my ability, and the foregoing is a true and complete
transcript of said shorthand notes.


CINDY KEAST PLOWMAN, CCR

Date: October 26, 2020

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