

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Spire Missouri, Inc. d/b/a            )  
Spire's Request for Authority to Implement        )  
a General Rate Increase for Natural Gas         )  
Service Provided in the Company's                )  
Missouri Service Areas                                )  
**File No. GR-2022-0179**

**ORDER ESTABLISHING PROTECTIVE ORDER**

Issue Date: September 19, 2022

Effective Date: September 19, 2022

On September 9, 2022, Symmetry Energy Solutions, LLC, (Symmetry) filed *Symmetry Energy Solutions, LLC's Motion for "Highly Confidential" Protection*, asking that the Commission issue an order to protect certain sensitive information from unnecessary disclosure. Symmetry states that it filed direct testimony that necessarily included highly confidential information regarding its gas supply planning and gas procurement strategies, and Symmetry would be harmed if this information were to be made available to the general public, in-house counsel or other employees of other marketers, or to individuals who are employees of, or have responsibilities with, Spire Marketing. In support of its motion, Symmetry states that the information it seeks to protect with this motion is the same information that was protected as "Highly Confidential" by order of this Commission in other cases. Ten days have passed and no responses or objections have been made to Symmetry's motion.<sup>1</sup>

Symmetry requests a protective order as follows:

- a. The Regulations set forth in 20 CSR 4240-2.135 regarding Confidential Information are incorporated by reference herein in their entirety.

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<sup>1</sup> Commission Rule 20 CSR 4240-2.080(13) allows parties ten days to respond to any pleading unless another response time is established by the Commission.

- b. Materials and information regarding Symmetry's gas supply planning and gas procurement strategies shall be considered to be "Highly Confidential" if so designated at the time of disclosure.
- c. Spire shall not share any "Confidential" or "Highly Confidential" information from this case with Spire Marketing personnel.
- d. With regard to entities and individuals other than the Staff of the Commission and the Office of the Public Counsel:
  - i. Disclosure of materials or information so designated shall be made only to attorneys and/or to such outside consultants who have executed a Commission Nondisclosure Agreement. No Highly Confidential information shall be provided directly or indirectly to any non-attorney individual or employee.
  - ii. Disclosure of materials or information designated by Symmetry as "Highly Confidential" may be made only to the other parties' (a) outside retained attorneys of record; (b) outside consultants who have executed a Commission-approved Nondisclosure Agreement; (c) no more than 1 of a party's in-house attorneys, and paralegal, clerical and secretarial staff employed by such in-house attorney, who has executed a Commission-approved Nondisclosure Agreement; and (d) no more than 1 of a party's employees who is acting as witness or subject-matter expert for such attorney, who has executed a Commission-approved Nondisclosure Agreement.
  - iii. In all cases in which a person is required to execute a Commission-approved Nondisclosure Agreement before receiving "Confidential" or "Highly Confidential" information, the party intending to disclose such information to such person must provide to the other parties a copy of the Commission-approved Nondisclosure Agreement executed by the person to whom disclosure is being made before disclosing the information to that person.
  - iv. Persons afforded access to materials or information designated "Highly Confidential" shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to the case referenced above and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.
  - v. Consistent with 20 CSR 4240-2.135(13), this provision (d) shall not prevent the Commission's Staff or the Office of the Public Counsel from using "Confidential" or "Highly Confidential" information

obtained in this case as the basis for additional investigations or complaints against any public utility.

- e. All material and information Symmetry has designated “Confidential” or “Highly Confidential”, as well as any notes pertaining to such information, must be returned to Symmetry or destroyed upon the conclusion of this case. Consistent with 20 CSR 4240-2.135(16), this provision (e) shall not apply to officers or employees of the Commission or the Public Counsel or employees of the Office of the Public Counsel, who are subject to the nondisclosure provisions of Section 386.480, RSMo.
- f. In addition to the obligations set forth in 20 CSR 4240- 2.135(15), each party entitled to access “Confidential” or “Highly Confidential” information shall certify in writing that they have complied with 20 CSR 4240-2.135(15). Consistent with 20 CSR 4240-2.135(16), this provision (f) shall not apply to officers or employees of the Commission or the Public Counsel or employees of the Office of the Public Counsel, who are subject to the nondisclosure provisions of Section 386.480, RSMo.
- g. In addition to obligations set forth in 20 CSR 4240- 2.135(13), each person entitled to have access to “Confidential” or “Highly Confidential” information under this rule shall take appropriate measures to safeguard the confidentiality of the “Confidential” or “Highly Confidential” information to prevent the willful or inadvertent disclosure thereof and to assure that the provisions of the order are accomplished. Any and all “Confidential” or “Highly Confidential” information shall be kept so that they are not amenable to being read or seen by anyone other than persons who have permission to view or obtain such documents and materials.
- h. The burden of establishing that a document (or portion thereof) or pre-filed testimony (or portion thereof) contains “Confidential” or “Highly Confidential” information that is entitled to the protection of this order shall remain on Symmetry.
- i. If a party disagrees with the “Confidential” or “Highly Confidential” designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If that party exhausts these dispute resolution procedures, that party may file a motion challenging the designation. Further, a party is not obliged to challenge the propriety of a “Confidential” or “Highly Confidential” designation at the time made, and failure to do so shall not preclude a subsequent challenge thereto. If Symmetry determines in good faith that information which was not previously designated as “Confidential” or “Highly Confidential” should have been so designated as “Confidential” or “Highly Confidential,” Symmetry may make such designation at that time. A designation under this paragraph shall take effect at the time it is made.
- j. Each individual who receives any “Confidential” or “Highly Confidential” information agrees to subject himself, herself, or itself to the jurisdiction of this

Commission for the purpose of any proceedings relating to the performance under, compliance with, or violation of this order.

- k. In the event that any party is dismissed as a party to this action, it shall continue to be bound by and have rights under this order, and a party that is in possession of “Confidential” or “Highly Confidential” information at the time it is dismissed from this action shall comply with 20 CSR 4240-2.135(15) promptly after the dismissal becomes final (i.e., when all appeals have concluded or when the time to appeal has expired without a notice of appeal being filed).
- l. Except as specifically provided herein, the terms, conditions, and limitations of this order shall survive the termination of this action.

Upon review of the motion, the Commission finds that there is a need to protect sensitive information and the request for a protective order is reasonable. Therefore, the Commission concludes that a protective order should be granted. The specific extra protections afforded to the information designated as highly confidential are described in the body of this order.

**THE COMMISSION ORDERS THAT:**

1. Competitively sensitive information designated by Symmetry as highly confidential shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

2. Except for attorneys of record for all parties, and employees of state agencies covered by statutory confidentiality requirements, all persons authorized to access “confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

3. Except for attorneys of record for all parties, and employees of state agencies covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure

agreement attached to this order as Exhibit B.

4. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

John T. Clark, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 19<sup>th</sup> day of September, 2022.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT  
For Case No.: GR-2022-0179  
(To Access Confidential Information)**

I, \_\_\_\_\_, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have requested review of confidential information produced in Case No. \_\_\_\_\_ on behalf of \_\_\_\_\_.

I hereby certify that I understand and agree that:

(a) I have reviewed the Commission's Order in this docket, and the Commission's Rule at 20 CSR 4240-2.135.

(b) I am an attorney/consultant/employee of \_\_\_\_\_ acting as \_\_\_\_\_ [state role from list of eligible persons] for \_\_\_\_\_; and

(c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Order issued by the Commission in this docket.

**NONDISCLOSURE AGREEMENT**

**For Case No.: GR-2022-0179**

(To Access Confidential Information)

Page 2

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-Mail Address

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT  
For Case No.: GR-2022-0179  
(To Access Highly Confidential Information)**

I, \_\_\_\_\_, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have requested review of highly confidential information produced in Case No. \_\_\_\_\_ on behalf of \_\_\_\_\_.

I hereby certify that I understand and agree that:

(a) I have reviewed the Commission's Order in this case. Only the individuals listed in paragraph (d)(2) of the Order may receive information and documents designated as **highly confidential** in this case.

(b) I am an attorney/consultant/employee of \_\_\_\_\_ acting as \_\_\_\_\_ [state role from list of eligible persons from Order] for \_\_\_\_\_;  
and

(c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Order issued by the Commission in this docket.



**NONDISCLOSURE AGREEMENT**

**For Case No.: GR-2022-0179**

(To Access Highly Confidential Information)

Page 3

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-Mail Address


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

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

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 19<sup>th</sup> day of September, 2022.



  
\_\_\_\_\_  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 19, 2022**

**File/Case No. GR-2022-0179**

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

***Sincerely,***



***Morris L. Woodruff  
Secretary***

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