

In the Matter of:
The Application of Spire Missouri Inc.

GO-2018-0309 & GO-2018-0310, VOL 4

April 20, 2020



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Procedural Conference
April 20, 2020
Jefferson City, Missouri
Volume 4

In The Matter Of The Application)
Of Spire Missouri Inc. To)
Establish An Infrastructure) File No.
System Replacement Surcharge) GO-2018-0309
In Its Spire Missouri East)
Service Territory)

In The Matter Of The Application)
Of Spire Missouri Inc. To)
Establish An Infrastructure) File No.
System Replacement Surcharge) GO-2018-0310
In Its Spire Missouri West)
Service Territory)

NANCY DIPPELL, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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P R O C E E D I N G S

1
2 JUDGE DIPPELL: Let's go ahead and go on the
3 record. This is Case No. GO-2018-0309, In The Matter Of
4 The Application of Spire Missouri Inc. To Change Its
5 Infrastructure System Replacement Surcharge In Its Spire
6 Missouri East Service Territory and Case No.

7 GO-2018-0310, In The Matter Of The Application Of Spire
8 Missouri Inc. To Change Its Infrastructure System
9 Replacement Surcharge In Its Spire Missouri West Service
10 Territory. If you have a different caption on your case
11 file, that is because I did update those captions to
12 remove the Laclede name from all of the ISRS cases that
13 are pending. That one may have been Spire to start
14 with.

15 I'm going to begin then by letting you all
16 make entries of appearance, and I'll begin with Spire.
17 Ms. Bockstruck?

18 MS. BOCKSTRUCK: Yes, appearing on behalf of
19 Spire Missouri, Goldie Bockstruck, Matt Aplington and
20 Rick Zucker, 700 Market Street, St. Louis, Missouri
21 63101.

22 JUDGE DIPPELL: All right. And for Staff?

23 MR. BERLIN: Appearing on behalf of the Staff
24 of the Missouri Public Service Commission are Bob Berlin
25 and Karen Bretz located at the Commission's offices in

1 Jefferson City, 200 Madison Street.

2 JUDGE DIPPELL: And for Public Counsel?

3 MR. CLIZER: Appearing on behalf of Office of
4 Public Counsel, John Clizer, also at the Madison Street
5 address in Jeff City.

6 JUDGE DIPPELL: All right then. I'm getting a
7 little feedback. So if you aren't speaking, I'll ask
8 you to go ahead and mute your microphone. When you get
9 ready to talk, you can just unmute. In fact, I will
10 just go ahead and mute everybody now. There we go.

11 Okay. So as you all are aware, we sent out an
12 order on Wednesday denying the motion to consolidate and
13 directing filings and directing you all to be here today
14 for a procedural conference. I appreciate -- I guess I
15 should have stated on the record that we are holding
16 this procedural conference via WebEx video and telephone
17 call. I appreciate you all indulging me in this video
18 part of this conference. This is our Covid-19 pandemic
19 procedures for now. We're all isolating in our various
20 locations to prevent the spread of the virus that we're
21 currently experiencing.

22 Let's see. I guess I'll just start by asking
23 if you all have any new information or anything you
24 would like to share with regards to, I saw that there
25 was a settlement in the current ISRS cases that are

1 pending.

2 Mr. Berlin, do you have any updates you'd like
3 to share about the status of things in general?

4 MR. BERLIN: Judge, with regard to this case
5 or are you talking about the ones that we just settled
6 on last week?

7 JUDGE DIPPELL: Well, with regard to how that
8 might play into this case. Maybe I should have asked
9 Spire that question. I saw that they had stated in
10 their original motion to consolidate that you all were
11 continuing to talk, and so forth, and I didn't know
12 where things stood today after the Commission's order
13 and after your settlement in the current cases, and so
14 forth. Is this case still open and moving forward
15 toward what looks like maybe a hearing will be
16 necessary?

17 MS. BOCKSTRUCK: Judge, we are still having
18 discussions. We actually haven't really started having
19 discussions yet regarding the remand cases, but it's
20 something that we plan to do. So it's a bit early to
21 say at this point, but right now we are planning on a
22 hearing in absence of a settlement on these cases.

23 JUDGE DIPPELL: Okay. I will ask if you'll
24 identify yourselves when you speak so the court reporter
25 knows. I think she knows that was Ms. Bockstruck.

1 MS. BOCKSTRUCK: I'm sorry.

2 JUDGE DIPPELL: That's fine. Just have to get
3 used to a new way of doing things here. Okay. Well,
4 maybe I'll ask then do you all have questions for me?

5 MR. BERLIN: I do, Judge.

6 JUDGE DIPPELL: Okay. Go ahead, Mr. Berlin.

7 MR. BERLIN: I'm confused on what you want
8 filed on the 22nd versus what you want filed on the
9 23rd. The 22nd talked about a proposal or a position on
10 how the cases should move forward and then on the 23rd
11 you're talking about a proposed procedural schedule.
12 Can you tell me what the difference is there?

13 JUDGE DIPPELL: Well, I was trying to give you
14 the opportunity to maybe see what everybody else has to
15 say before you finalize actual dates and places and
16 method, and so forth. So the 22nd would be the general.
17 And if you know the dates that you would propose, and so
18 forth, that would be fine on the 22nd as well. But I
19 was just envisioning that each party might have a
20 different position on the actual substance of what
21 needed to happen and then the 23rd was meant to be
22 actual dates for how those things would proceed. That
23 may be that's something that you need -- If you can't,
24 the three parties can't reach an agreement about what
25 needs to come into the record and what's still needed in

1 this case, then it may be that you'll need the
2 Commission to say that before you can say well,
3 testimony is going to be due on this day or whatever.
4 But if that's the case, then I'll just need you to tell
5 me that. I was just trying to give you an extra day to
6 pull those dates and things so that you could talk to
7 each other. Does that make sense?

8 MR. BERLIN: I think so.

9 JUDGE DIPPELL: Other questions about that?
10 Anything else that anybody wants to tell me about?
11 Would you like me to, I don't know, I can go away and
12 let you all have the conference to yourselves off the
13 record if you want to talk to each other.

14 MR. CLIZER: Judge, this is John Clizer. I
15 just want to make sure that I understood what you had
16 said just now.

17 JUDGE DIPPELL: Yes.

18 MR. CLIZER: If on the 22nd there's competing
19 filings that describe what we believe need to be
20 introduced at an evidentiary hearing, if an evidentiary
21 hearing, in fact, were to exist and there was
22 disagreement among the parties as to whether or not
23 there should, in fact, be an evidentiary hearing such
24 that we would want a Commission decision prior to
25 issuing dates, that on the 23rd we would expect to file

1 something that says basically that --

2 JUDGE DIPPELL: Yes.

3 MR. CLIZER: -- or how would you like to
4 proceed on the 23rd?

5 JUDGE DIPPELL: Yes, I would expect that
6 either on the 23rd or if you know that when you make
7 your filing on the 22nd to just include that on that
8 filing. I would hope that even if you all disagree to
9 exactly what is needed in the record that you would
10 still be able to come up with a proposed procedural
11 schedule amongst yourselves for what dates and filing
12 dates, and so forth, should look. You know from
13 experience that myself and the Commissioners do not
14 always accept the dates that you give us. That could
15 very well be the case.

16 Here again, we are under a time limit in these
17 remand cases as well, but I think the statute says that
18 an order has to be issued and not effective on that
19 120th day. So that gives us a little more time for the
20 Commission to do its thing. But obviously these are
21 cases that have gone on for many, many years and you
22 would like to get them all towards some kind of
23 finality. Are there other questions?

24 MR. APLINGTON: Judge, this is Matt Aplington
25 for Spire. Just a quick question. With the Covid

1 situation, is there a date at which the Commission at
2 this point anticipates reopening for in-person hearings
3 versus a WebEx hearing?

4 JUDGE DIPPELL: Right now we are just under
5 the Governor's order through May 1 or May 3, I have to
6 look at the calendar, the first part of May for the
7 state-wide stay-at-home order. I don't know how quickly
8 after that state offices will reopen for this kind of
9 thing. So I would go under the presumption that a
10 hearing on this case will probably need to be held in
11 May and we'll need to go under the assumption that we
12 may have to end up holding a video hearing or some kind
13 of telephone hearing. Obviously we'll have to work out
14 the details if that's the case, but I'm not -- I'd say
15 it's about 50/50 right now whether we would be able to
16 actually get into a state office building in May.

17 And I don't know. Your companies may have its
18 own guidelines, and so forth. So it may be that even if
19 the state office building opens up your company says no,
20 we think you need to stay home, and we'll certainly work
21 with people if that's the case.

22 MR. APLINGTON: Thank you.

23 JUDGE DIPPELL: Any other questions? Would
24 you all like to stay on the line? I can take my -- I've
25 got this trusty headset on because it cuts down on

1 background noise and is a better microphone than my
2 computer, but I can take that off and minimize my screen
3 and go away and let you all have this call if you want
4 it to talk.

5 MR. ZUCKER: Yes, I think --

6 MR. CLIZER: Judge, John Clizer --

7 JUDGE DIPPELL: I'm sorry. I didn't hear what
8 you said, Mr. Clizer.

9 MR. CLIZER: You had said something previously
10 and I must express my ignorance just to be clear. With
11 regard to the 120-day time limit imposed, which statute
12 were you referring to?

13 JUDGE DIPPELL: That is 386.520.

14 MR. CLIZER: That's what I assumed. I just
15 wanted to verify that. Thank you.

16 JUDGE DIPPELL: Mr. Zucker, you were about to
17 say that you'd like to talk to everybody?

18 MR. ZUCKER: Yeah, I think that would be a
19 good opportunity consistent with the order from last
20 Wednesday when you directed us to meet in a procedural
21 conference and I think that's sort of normal business
22 practice for the formal part of the procedural
23 conference to be pretty short and then the parties get
24 together and discuss the issues.

25 JUDGE DIPPELL: Okay. Well, if you all are

1 comfortable with doing that, then I can end this and Ms.
2 Bentch and I can drop off and you can continue and then
3 somebody could just email me when you're finished and I
4 will shut down the conference at that time.

5 Is there anything else then before we go off
6 the record? Okay. Seeing none, I appreciate you all
7 appearing here today electronically and good luck with
8 your discussions. We can go off the record. Thank you.

9 (Off the record.)

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Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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