

In the Matter of Spire Missouri, Inc. d/b/a Spire (East)

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Hearing before:

Judge John Clark

August 16, 2022

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Vol 1

**PHIPPS REPORTING**

*Raising the Bar!*

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

Tuesday, August 16, 2022  
8:30 a.m. - 8:44 a.m.

Missouri Public Service Commission  
WebEx

VOLUME 1  
Pages 1 - 15

In the Matter of Spire Missouri, )  
Inc. d/b/a Spire (East) ) File No. GR-2021-0127  
Purchased Gas Adjustment (PGA) )  
Tariff Filing )

JOHN CLARK, Presiding  
SENIOR REGULATORY LAW JUDGE

Stenographically Reported By:  
Beverly Jean Bentch, RPR, CCR No. 640

Job No. 266995

1 APPEARANCES:

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1 (The following proceedings began at 8:30 a.m.):

2 JUDGE CLARK: Okay. It's 8:30. Why don't we  
3 go on the record. Today's date is August 16th of 2022;  
4 and as I said before, the time is 8:30 a.m. The  
5 Commission has set aside this time for a procedural  
6 conference today in the case captioned as In the Matter  
7 of Spire Missouri, Incorporated d/b/a Spire East  
8 (Purchased Gas Adjustment) Tariff Filing and this is  
9 File No. GR-2021-0127.

10 My name is John Clark. I'm the Regulatory Law  
11 Judge overseeing this matter. I'm going to begin by  
12 asking the attorneys for the parties to enter their  
13 appearance for the record starting with Spire Missouri  
14 East.

15 MR. APLINGTON: Good morning, Your Honor.  
16 This is Matt Aplington, General Counsel of Spire  
17 Missouri, Inc. representing the Company this morning,  
18 700 Market Street, St. Louis, Missouri 63101.

19 JUDGE CLARK: Thank you, Mr. Aplington. For  
20 the Commission Staff.

21 MS. MYERS: Good morning, Judge. Jamie Myers  
22 on behalf of the Commission Staff, 200 Madison Street,  
23 Jefferson City, Missouri 65101.

24 JUDGE CLARK: Thank you, Ms. Myers. Do we  
25 have anybody from the Office of the Public Counsel?

1 Anybody from Consumers Council of Missouri?  
2 Environmental Defense Fund.

3 MR. ROTHFELDER: Yes, Your Honor. Martin  
4 Rothfelder, Rothfelder Stern, LLC, appearing for  
5 Environmental Defense Fund.

6 JUDGE CLARK: Thank you, Mr. Rothfelder. And  
7 for Midwest Energy Consumers Group. Nobody present.  
8 Okay. We'll go on.

9 This I guess to kind of -- and we're having  
10 somebody joining us. Let's see who that is.

11 MS. CROW: Hi, this is Ann Crow and Mark  
12 Oligschlaeger with Staff.

13 JUDGE CLARK: Thank you very much. Staff had  
14 filed their recommendation, the Environmental Defense  
15 Fund had requested additional time, I believe, to  
16 respond to the recommendation. I believe additional  
17 time was given to all the parties who wanted to take  
18 until August 1 to respond to Staff's ACA recommendation,  
19 and then Spire Missouri East responded or replied to  
20 those comments. Among other things they requested, they  
21 requested that I call a procedural conference, which  
22 I've done today.

23 I guess the question at this point is, and  
24 I'll turn it over to Spire in a second since they had  
25 requested this, to kind of explain why they requested

1 this. My question for the parties is going to be when  
2 are we looking at a resolution of this matter, how far  
3 are we looking out at putting a hearing, and when can I  
4 expect a procedural schedule. So those are the things  
5 that I have in my mind. In that regard, Mr. Aplington,  
6 why did Spire want to call a procedural conference?

7 MR. APLINGTON: Thank you, Your Honor, and  
8 thank you for accommodating us by calling one.

9 There's been a lot of discussion and comments  
10 made about the process and the procedure to be followed  
11 in this case, and so we thought it was prudent to get  
12 the parties together to get everyone's input on what the  
13 process should be.

14 From our perspective, and it's reflected in  
15 our reply comments to some extent, we continue to work  
16 with Staff on one discrete issue surrounding an asset  
17 management agreement with an affiliate Spire Marketing,  
18 and we are sharing additional information with Staff on  
19 that point and having some further discussions.

20 I see that OPC is not on, but we are engaged  
21 in a similar process with Public Counsel to share some  
22 documents that they had requested and help them perform  
23 their own analysis on the STL Pipeline affiliate  
24 transaction transportation arrangement. So we feel at  
25 this time that it would be proper for us to, or for you

1 I should say, to set a date perhaps 60 days out for the  
2 parties to continue in these discussions, at which time  
3 the parties would report to you that they've either  
4 reached a resolution of these discrete issues that are  
5 outstanding, or to provide a further status report, or  
6 to request a procedural schedule at that time. But we  
7 feel that additional 60 days or so would give time for  
8 the parties to have some additional fruitful  
9 discussions.

10 JUDGE CLARK: Okay. Thank you. And I will  
11 note you said that you're continuing to work with Staff,  
12 or have discussions with Staff, and with the Office of  
13 the Public Counsel. But according to at least Staff's  
14 recommendation, it doesn't appear that there's a lot of  
15 disagreement between Spire and the Commission Staff at  
16 least in that regard. I get the impression that most of  
17 the disagreement at this point right now is with  
18 intervenors and possibly with Public Counsel in that  
19 regard.

20 Now, you had indicated 60 days. I'm not  
21 really opposed to an amount of time to try and work with  
22 the other parties to see if an agreement can be reached.  
23 At the same time, I would like to have at least some  
24 sort of procedural schedule in place so that at least  
25 we're kind of ticking off some boxes as we go along with



1 an idea that this would be going somewhere. Do you  
2 think you could incorporate the 60 days into a  
3 procedural schedule?

4 MR. APLINGTON: I think we can probably work  
5 with the other parties to come up with a procedural  
6 schedule that would incorporate a period perhaps 60 days  
7 for further discussions before, you know, before  
8 deadlines would kick off within the schedule, if that's  
9 what you mean.

10 JUDGE CLARK: Yes. Is there anybody who is  
11 opposed to 60 days for negotiations?

12 MR. ROTHFELDER: This is Martin Rothfelder  
13 from Environmental Defense Fund. I'm hardly going to  
14 oppose 60 days to talk to people, but at the same time  
15 it's our view that the issues are broad and that as we  
16 went through in detail in our comments the Company has  
17 the burden of proof and the procedural schedule should  
18 start with the Company filing a full case consistent  
19 with it meeting its burden of proof in a docket where  
20 prudence issues have been raised. And whether that  
21 filing happens in 60 days or 120 days, it's our view  
22 that that's how this case should start procedurally.

23 JUDGE CLARK: When in people's mind do they  
24 see this going to hearing --

25 MS. MYERS: Judge --

1 JUDGE CLARK: -- if it goes to hearing?

2 MS. MYERS: -- from Staff's perspective, I  
3 think Staff is certainly in agreement with giving at  
4 least 60 days for parties to have additional  
5 discussions, get information, because I'm not sure that  
6 we could even craft an agreed upon procedural schedule.  
7 I agree with Mr. Rothfelder, you know, it's going to  
8 start with the Company making a direct filing any  
9 procedural schedule. Beyond that, how many rounds of  
10 testimony, the length of time between testimony, hearing  
11 date, you know. I think we need that additional time to  
12 even talk through some of that.

13 From Staff's perspective, we were not  
14 envisioning a hearing anytime this year. It would be  
15 next year by the time you would get through an entire  
16 procedural schedule.

17 MR. APLINGTON: I would agree with that,  
18 Jamie.

19 JUDGE CLARK: I had actually kind of had in  
20 the back of my head that this would go to hearing in  
21 February, but that's not decided at this point. It  
22 sounds like from Staff's perspective it would be better  
23 rather than incorporating 60 days into the front end of  
24 the procedural schedule with a direct filing after that  
25 -- or with Spire to file direct testimony after that.

1 It would be -- and if I'm paraphrasing this incorrectly,  
2 let me know -- it would be Staff's preference to have 60  
3 days of up-front negotiation before the filing of a  
4 proposed procedural schedule?

5 MS. MYERS: Correct.

6 JUDGE CLARK: Okay. And Mr. Rothfelder, I  
7 heard you indicate that you believe that it should begin  
8 with -- that any procedural schedule should begin with  
9 Spire filing its direct case in chief; is that correct?

10 MR. ROTHFELDER: Yes, and I think I heard  
11 Staff in agreement on that.

12 JUDGE CLARK: But you said you were not  
13 opposing the 60 days?

14 MR. ROTHFELDER: No, Your Honor. I mean, we  
15 could come out of this procedural -- this conference  
16 today, in addition to the 60 days, certainly you could  
17 set a deadline for them to file that testimony 90 days  
18 out, 100 days out, 120 days out so that if we're in  
19 agreement that that's the step if it's not settled, I  
20 don't see any reason to not develop that date today.

21 JUDGE CLARK: The only reason that I might  
22 have against that is if the parties are having fruitful  
23 negotiations and at that point wish to continue  
24 negotiating for an additional 30 days or so. So my  
25 tendency is to want to give the 30 days -- give the 60

1 days, flag myself on that, and kind of -- well, actually  
2 why don't I just --

3 Let's see. 60 days. Today is the 16th. So  
4 that puts us roughly September 16. How about I give the  
5 parties until October 17 to engage in these discussions  
6 that Spire is wanting the parties to engage in and on  
7 the 17th the parties file a status report and at that  
8 time I'll know whether or not I need to order the filing  
9 of a procedural schedule.

10 Does that work for everybody?

11 MR. APLINGTON: Spire is in agreement with  
12 that approach.

13 MR. ROTHFELDER: We're happy to file something  
14 on October 17 as well, Your Honor.

15 JUDGE CLARK: Does that work for Staff?

16 MS. MYERS: Yes, that works for Staff.

17 MR. POSTON: Judge, this is Marc Poston. I  
18 just want to let you know I joined a few minutes ago.  
19 I'm sorry I was late. I had written the time down  
20 wrong. Your approach is good with me as well.

21 JUDGE CLARK: Okay. Thank you for letting me  
22 know then, Mr. Poston. Thank you for letting me know  
23 that Public Counsel is here. If you missed anything,  
24 I'll be happy to recap it. It doesn't sound like you  
25 did. But I will go over basically Spire has requested

1 60 days to continue to negotiate to see if an agreed  
2 upon outcome can be reached between the various parties.

3 I'm ordering a status report due October 17 so  
4 that I know at that time whether there's going to be  
5 further negotiations or whether I need to order a  
6 procedural schedule at that time.

7 MR. POSTON: That's fine with OPC.

8 JUDGE CLARK: I'm sorry. Go ahead.

9 MR. POSTON: I didn't know if you were wanting  
10 confirmation from me that that was good with OPC. What  
11 you just explained sounds good.

12 JUDGE CLARK: Is OPC opposed to that?

13 MR. POSTON: No, no, that works for us.

14 JUDGE CLARK: Okay. Great. All right. Is  
15 there anybody who would like me to issue a written order  
16 or is me just saying a status report is due October 17  
17 and putting that in my calendar fine?

18 MR. ROTHFELDER: It's certainly fine by EDF.  
19 We'll plan on sending you a letter on October 17.

20 JUDGE CLARK: Okay. I will look for the  
21 parties to file a status report on October 17 as to the  
22 status of the negotiations between the parties and  
23 whether or not a procedural schedule needs to be  
24 ordered.

25 Are there any other matters that the

1 Commission needs to take up at this time before we go  
2 off the record?

3 MR. ROTHFELDER: I just want to mention it  
4 would be a letter from EDF, Your Honor. We haven't had  
5 much communication with the parties. Assuming it  
6 continues on the course it's been on, I'm not sure we  
7 would have a lot of knowledge of where other parties are  
8 at. So our letter on October 17 would indicate how much  
9 we have or haven't talked with parties and where we're  
10 at.

11 JUDGE CLARK: That would be fine. If you wish  
12 to file a letter instead of a pleading, that would be  
13 fine.

14 MR. ROTHFELDER: A pleading is fine too. I  
15 don't know if I'll have a lot of knowledge to where the  
16 other parties are at.

17 JUDGE CLARK: Okay. Mr. Aplington, was it  
18 your intention to engage EDF in discussions?

19 MR. APLINGTON: Yes. We're certainly  
20 interested in doing that. To a point that Your Honor  
21 made early on in the conference, and I think it is worth  
22 repeating, this case touches on a broad range of  
23 transactions, you know, for gas supply for an entire  
24 period. Your Honor is correct that the issues that  
25 remain between the parties are relatively narrow and

1 discrete when compared to the total scope of this  
2 docket. The discussions that we're going to be having  
3 are on discrete single issues.

4 JUDGE CLARK: All right. Thank you, Mr.  
5 Aplington.

6 Is there anything else that needs to be taken  
7 up by the Commission at this time? Okay. Thank you all  
8 for meeting me on this rainy morning. I'll let you get  
9 back to getting about your days.

10 MR. ROTHFELDER: If you could send some of the  
11 rain out east, we'd appreciate it.

12 JUDGE CLARK: I'll see what I can do. The  
13 wind should be blowing it that way, but I don't know if  
14 it will still get to you. Why don't we go off the  
15 record at this time and I'll adjourn this procedural  
16 conference. Again, thank you all for your time in  
17 meeting me this morning.

18 (The proceedings adjourned at 8:44 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI )  
COUNTY OF COLE )

I, Beverly Jean Bentch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission procedural conference and that the transcript, pages 1 through 14, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

Dated this 25th day of August, 2022.



Beverly Jean Bentch, RPR, CCR No. 640



<hr/> <p style="text-align: center;"><b>1</b></p> <hr/>	<p><b>65101</b> 4:23</p> <hr/>	<p><b>Adjustment</b> 4:8</p>	<p><b>Assuming</b> 13:5</p>
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