



3. On February 24, 2021, the Commission issued its *Order Directing Staff to Investigate and Submit Report* in Case No. AO-2021-0264 noting that “(m)uch of the Midwest, including Missouri, experienced unseasonably cold temperatures in February 2021. Such temperatures resulted in rolling electrical blackouts and extreme natural gas price spikes in Missouri.”

4. This weather emergency presented an event that was unpredictable and unexpected. Utility service and underlying natural gas markets throughout the region experienced a profound crisis arising from the unusually cold and unusually persistent winter weather. As a result of this weather crisis, demand for natural gas in the region escalated dramatically and prices rose on the spot and daily index markets accordingly. The converging factors of reduced supply and increased demand placed temporary but severe constraints on Liberty’s ability to obtain adequate natural gas supply to satisfy customer needs. The Company was obliged to purchase supplemental quantities of gas supply through the spot and daily index markets and incurred extraordinary costs and carrying charges for these emergency measures.

5. On February 26, 2021, Liberty submitted its Notice of Intended Case Filing pursuant to Commission Rule 20 CSR 4240-4.017, initiating Case No. GU-2021-0276 and stating:

Liberty will seek an AAO to allow the Company to assist its customers by deferring certain costs that would otherwise be due in the near future under the Company’s current PGA/ACA tariff. An AAO and modification of the PGA/ACA tariff are necessary due to the unusually high fuel costs and resulting financing costs incurred by Liberty on behalf of its customers during the extraordinary weather event that occurred in February of 2021.

6. Pursuant to its tariff, Liberty’s next PGA/ACA filing must be made between October 15 and November 4, 2021. Absent tariff revisions or other action, all of the Winter Storm Uri costs incurred by Liberty on behalf of its Missouri customers would be reflected in that PGA/ACA filing for collection over a twelve month period. Although the Kirksville district did not have any incremental purchased gas costs during Winter Storm Uri, absent tariff revisions or other action, the twelve-month impact to an average residential customer in Liberty’s Southeast (SEMO) district is

currently estimated to be over \$60. In the Northeast (NEMO) district, an average customer's fiscal year impact could reach approximately \$110, and almost \$500 in the West (WEMO) district.

7. On August 25, 2021, Liberty filed its application for an AAO in Case No. GU-2021-0276, seeking authority for the Company to track and defer, beginning February of 2021, in a regulatory asset, the impact of Winter Storm Uri. In that AAO application, Liberty stated that it would separately initiate a "GT" docket with a request to revise, on an expedited basis, its PGA/ACA tariff provisions.

8. Accordingly, Liberty herein seeks to narrowly amend its Rider PGA to allow flexibility under Rider PGA to extend the ACA recovery period beyond 12 months. Specifically, Liberty seeks the addition of two provisions:

Upon request by the Company and for good cause shown, the Commission may permit the Company to divide the cumulative balances of each System's excess or deficit gas cost recovery revenue by estimated sales volumes for an extended period.

If the Commission allows the Company to divide the cumulative balances of each System's excess or deficit gas cost recovery revenue by estimated sales volumes for an extended period, the carrying cost calculations shall be adjusted to allow a carrying cost that is reasonable given the length of the extended period.

9. These additions are reflected in the tariff sheets attached hereto, which were submitted under Tracking No. JG-2022-0058 on September 16, 2021. The tariff sheets bear a proposed effective date of October 22, 2021. The requested effective date is more than 30 days after filing, and, as such, Liberty does not need to seek expedited approval of the tariff sheets. As noted above, Liberty's next PGA/ACA filing must be made between October 15 and November 4, 2021, and, absent these tariff revisions, all of the Winter Storm Uri costs incurred by Liberty on behalf of its Missouri customers would be reflected in that PGA/ACA filing, for collection over a twelve month period. As such, it is imperative that the tariff sheets not be suspended and that they be allowed to take effect by the date requested.

10. Commission Rule 20 CSR 4240-4.017(1) provides, in part, that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days

prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice. The filing of such notice shall initiate a new noticed case and be assigned an appropriate case designation and number.” Liberty did not file such a 60-day notice with regard to this filing.

11. As noted above, however, Liberty submitted a 60-day notice and subsequently filed its AAO application in Case No. GU-2021-0276, indicating that it would also be seeking revision of its PGA/ACA tariff on an expedited basis. Pursuant to Rule 4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. In this regard, the Company declares (as verified) that they have had no ex parte communications with the Office of the Commission (as defined in Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Additionally, it would serve no purpose to delay the Commission’s consideration and approval of the requests being made herein, especially given the notice provided in Case No. GU-2021-0276. The extraordinary nature of Winter Storm Uri and the required timing of Liberty’s next PGA/ACA filing provide additional good cause for the requested waiver.

WHEREFORE, Liberty respectfully requests that the Commission waive the 60-day notice requirement to allow for the acceptance of this Application at this time and allow the revised tariff sheets filed in Tracking No. JG-2022-0058 to take effect by October 22, 2021.

Respectfully submitted,

/s/ Diana C. Carter

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**VERIFICATION**

On behalf of the applicant, Liberty Utilities (Midstates Natural Gas) Corp., and pursuant to Commission Rule 20 CSR 4240-2.060(1)(M), the undersigned, upon her oath and under penalty of perjury, hereby states that the above filing is true and correct to the best of her information, knowledge, and belief.

/s/ Dana Liner  
Dana Liner  
Manager, Rates and Regulatory Affairs

**CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 16<sup>th</sup> day of September, 2020, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter