

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

Constellation NewEnergy-Gas)	
Division, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2021-0315
)	
Spire Missouri, Inc. and its operating unit)	
Spire Missouri West,)	
)	
Respondents.)	

MOTION FOR ADOPTION OF PROCEDURAL SCHEDULE

Complainant Constellation NewEnergy-Gas Division, LLC (“Constellation”) hereby files this Motion for Adoption of Procedural Schedule. In support of this Motion, Constellation state as follows:

1. On May 27, 2021 the Missouri Public Service Commission (“Commission”) issued an *ORDER DIRECTING THE PARTIES TO FILE A PROPOSED PROCEDURAL SCHEDULE (“ORDER”)*, directing that the parties file a jointly proposed scheduling order by June 10, 2021.

2. Unfortunately, the parties were unable to come to an agreement on a proposed procedural schedule.

3. Constellation initially considered an evidentiary hearing date in May of 2022. The basis for this May evidentiary hearing date was based on the need to conduct thorough discovery, apparent differences in the approaches the parties intend to take with regard to the discovery of relevant information, and to give the parties sufficient time to resolve any discovery disputes. After conferring with several of the parties, it was apparent that the parties would not come to an agreement on a May 2022 evidentiary hearing. In an effort to

compromise, Constellation tailored its proposed schedule to an evidentiary hearing for the week of January 11, 2022. However, Constellation believes that the schedule is tenable only if the parties are timely and forthcoming in the conduct of discovery in this proceeding. See Constellation’s Proposed Procedural Schedule below.

Event	Date
Response time for all DR’s is 10 calendar days and 5 days to object or notify that more than 10 calendar days will be needed to provide the requested information.	Date of Procedural Schedule Order Issuance
Direct Testimony of Complainants	September 15, 2021
Rebuttal Testimony (Respondents)	October 1, 2021
Response time for all DR’s changes to 5 calendar days and to 2 business days to object or notify that more than 5 calendar days will be needed to provide the requested information.	October 1, 2021
Cross-Rebuttal Testimony (Staff and Intervenors)	November 1, 2021
Surrebuttal Testimony of Complainants	November 15, 2021
Deadline for Answering Discovery	December 15, 2021
Joint list of issues, order of witnesses, order of parties for cross-examination, order of opening statements	January 5, 2022
Position statements	January 6, 2022
Evidentiary Hearing	January 11-14
Initial Briefs	January 31, 2022
Reply Briefs	February 14, 2021

4. This complaint case is not a typical complaint case. This case involves Spire’s assessment of approximately \$35 million in Operation Flow Order (OFO) penalties. This case involves highly technical issues of natural gas pipeline integrity, gas flows, supply aggregation pool, OFO notices requirements, tariff compliance or non-compliance, allocations of over- and under-takes with respect to gas supply pools or by hundreds of individual customers, and other complicated issues surrounding the February Cold Event and how that event was handled by Spire.

5. Constellation’s proposed procedural schedule contemplates about six months of discovery and multiple rounds of testimony in what is already, in its beginning stages, a

multiparty dispute. This discovery time is reasonable given the complexity and technical nature of the issues and the large dollar value at stake in this case.

6. One rationale that has been asserted for a *hyper*-expedited schedule (which would clearly impact Constellation's ability to conduct full discovery) is an anticipated PGA/ACA filing by Spire in late October or early November of this year. The argument being that not having a resolution of this case (ostensibly all of the marketing complaint cases)¹ would make that PGA/ACA filings more difficult or incomplete in some manner.

7. The Commission would be well within its authority to grant Spire the authority to pass-through a credit or revenues collected at a future date from the final resolution of this matter. It is entirely unnecessary to rush this proceeding through (at the expense of discovery rights) when the Commission has the authority to allow Spire to pass along such revenues should that happen.

8. This complaint case involves a high-dollar value and there is a strong likelihood that the non-prevailing party will appeal the decision of the Missouri Commission. Further there is an on-going federal case which deals with many of the same issues as this case. Again, the idea that this case will be resolved for purposes of Spire's PGA/ACA filing in October or November 2021 is simply not grounded in reality.

9. Constellation is concerned that discovery in this case will not be forthcoming and will require significant time to resolve. The issues Constellation presented in its complaint are complicated and important for both Constellation and Spire's costumers. This procedure should not be cudgeled into a truncated timeframe to accommodate a routine PGA/ACA filing.

WHEREFORE, the Constellation NewEnergy-Gas Division, LLC respectfully request

¹ See, Case No. GC-2021-0353, *Clearwater Enterprises, LLC v. Spire*, and Case No. GC-2021-0316, *Symmetry Energy Solutions, LLC vs. Spire*.

that the Commission adopt the proposed procedural schedule herein.

Respectfully Submitted,

/s/ Joshua Harden

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on this 10th day of June 2021, to all counsel of record.