

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

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

**SYMMETRY ENERGY SOLUTIONS, LLC’S MOTION FOR
“HIGHLY CONFIDENTIAL” PROTECTION**

Symmetry Energy Solutions, LLC (“Symmetry”), pursuant to 20 CSR 4240-2.135(4) and for the reasons set forth herein, moves this Commission for entry of an Order granting greater protection to certain information than that provided by a “Confidential” designation under 20 CSR 4240-2.135(2).

On April 1, 2022, Spire Missouri, Inc. (“Spire”) filed its Tariff Revision (YG-2022-0244) which included, *inter alia*, Spire’s proposed changes to its transportation tariff. Symmetry, a natural gas marketer, sells natural gas to customers who are on Spire’s system pursuant to Spire’s transportation tariff. Symmetry is a competitor of Spire’s affiliate, Spire Marketing, and also of several other intervenors in this case. Symmetry intervened in this case because the changes Spire proposes to its transportation tariff will not, as claimed by Spire, prevent the types of problems presented by Winter Storm Uri (should another such unprecedented event ever occur), nor are Spire’s proposed tariff changes warranted by the events of Winter Storm Uri. Instead, Spire’s proposed changes are more likely to increase natural gas costs to Missouri customers because Spire’s proposed tariff changes will limit the ability of marketers such as Symmetry to offer customers natural gas alternatives to Spire.

Symmetry has this date filed its direct testimony which explains Symmetry's actions affecting Missouri during and around the time of Winter Storm Uri, and the interactions Symmetry had with Spire during that time, to provide this Commission with a more complete factual record within which to assess the reasonableness and likely detrimental effect of Spire's proposed tariff changes. Symmetry's testimony necessarily includes "Highly Confidential" information regarding its gas supply planning and gas procurement strategies, and Symmetry would be greatly 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. Symmetry has therefore filed both "Highly Confidential" and "Public" versions of the direct testimony of its witness Purcell, relying on the automatic protection of 20 CSR 4240-2.135(4)(A) and (B).

In further support of this 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 upon joint motion of Spire, Symmetry and other interested marketers on November 29, 2021 in the cases numbered GC-2021-0315, GC-2021-0316 and GC-2021-0353.

Symmetry respectfully requests that this Commission enter its 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.
- 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 designated by Symmetry as "Confidential" shall be made only in accordance with 20 CSR 4240-2.135.

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 “Confidential” or “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 this case, and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the 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.

WHEREFORE, Symmetry respectfully requests the above order of this Commission which shall also direct the exclusive use in this case of the Nondisclosure Agreement forms attached hereto as Exhibits A and B, and such other and further relief as is just and proper under the circumstances.

Respectfully Submitted,

HEALY LAW OFFICES, LLC

By: /s/ Peggy A. Whipple

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*Attorneys for Symmetry Energy Solutions,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September 2022, a copy of the foregoing **Symmetry Energy Solutions, LLC's Motion for "Highly Confidential" Protection** has been served on all parties on the official service list for this matter via filing in the Commission's EFIS system and/or email.

/s/ Peggy A. Whipple

Peggy A. Whipple

**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)

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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

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Dated this _____ day of _____, 20__.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address