

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

Symmetry Energy Solutions, LLC, )  
Constellation NewEnergy-Gas Division, )  
LLC, and Clearwater Enterprises, LLC )

Complainants, )

v. )

Case Nos. GC-2021-0316, GC-2021-0315,  
and GC-2021-0353

Spire Missouri, Inc. and its operating unit )  
Spire Missouri West, )

Respondents. )

**SYMMETRY ENERGY SOLUTIONS, LLC'S, CONSTELLATION NEWENERGY-GAS  
DIVISION, LLC'S, AND CLEARWATER ENTERPRISES, LLC'S JOINT MOTION TO  
CONSOLIDATE CASES AND MOTION FOR EXPEDITED TREATMENT**

COME NOW Symmetry Energy Solutions, LLC (“Symmetry”), Constellation NewEnergy-Gas Division, LLC (“CNEG”), and Clearwater Enterprises, LLC (“Clearwater”), (collectively “Complainants”), by and through undersigned counsel, pursuant to 20 CSR 4240-2.080 and 20 CSR 4240-2.110(3) and in support of their Joint Motion to Consolidate Cases, state as follows:

**BACKGROUND**

1. On March 26, 2021, CNEG filed a complaint with the Missouri Public Service Commission (the “Commission”) against respondents Spire Missouri, Inc. and its operating unit Spire Missouri West (together, “Respondents”), assigned File No. GC-2021-0315.

2. On March 26, 2021, Symmetry filed a complaint with the Commission against Respondents, assigned File No. GC-2021-0316.

3. On April 15, 2021, Clearwater filed a complaint with the Commission against Respondents, assigned File No GC-2021-0353.

4. Respondents in all three cases are identical.

5. Beyond the Complainants, the other parties in all three cases are identical, except that the Missouri Energy Consumers Group and the Missouri School Boards' Association did not intervene in the Clearwater complaint.

6. The legal and factual basis, and the corresponding alleged tariff violations against Respondents in these cases are related.

7. Commission Rule 20 CSR 4240-2.110(3) allows the Commission to consolidate cases “[w]hen pending actions involve related questions of law or fact... to avoid unnecessary costs or delay.” Here, these cases involve nearly identical questions of law and fact and consolidation would avoid unnecessary cost and delay.

8. All pending cases involve common questions of law, including construction and application of Spire Missouri West Tariffs Sheets 16 through 16.14 related to among other things transportation customers, Operational Flow Orders (“OFO”) and OFO penalties. Complainants in all cases seek similar relief.

9. All pending cases also involve common questions of fact that will be central to the legal questions at issue. For example, common questions of fact involve the winter storm from February 12, 2021 through February 19, 2021, an Operational Flow Order issued by Spire Missouri West, the operational integrity of Spire Missouri West’s system, whether and to what extent Spire experienced or avoided an operational integrity issue on its system, and any other facts the Complainants or Respondent Spire may rely on to support or oppose

Complainants' arguments regarding the OFO Penalties at issue.

10. Spire has stated in discovery that there are common questions of fact and law applicable to both cases, alleging that it applied its OFOs to all marketers equally based on the Tariff formula.

11. Consolidation would avoid unnecessary costs and delay. *See* 20 CSR 4240-2.110(3). At present, the evidentiary hearing in GC-2021-0315 is set for January 11-14, 2022, the evidentiary hearing in GC-2021-0316 is currently set for February 14-18, 2022, the evidentiary hearing in GC-2021-0353 is currently set from March 7-11, 2022.

12. Holding three separate evidentiary hearings would require the Commission to make the same determinations based on common questions of law and fact identified above.

13. As such, in the interest of efficiency and the conservation of administrative resources, the cases should be consolidated.

14. Complainants hereby request that the Commission consolidate cases GC-2021-0315, GC-2021-0316, and GC-2021-0353 and adopt the attached revised procedural schedule (Exhibit A) to include an evidentiary hearing on March 7-11, 2022, in the interests of judicial economy. The savings in resources by consolidating the cases significantly outweighs the brief continuance.

15. Counsel for the undersigned have consulted with Spire and they support this Joint Motion for Consolidation.

16. Counsel for the undersigned have consulted with Commission Staff, the Office of Public Counsel, Midwest Energy Consumers Group, and the Missouri School Boards' Association, and they do not oppose this Joint Motion for Consolidation.

17. Pursuant to 20 CSR 4240-2.080(14) the Complainants ask the Commission to take up this motion for consolidation on an expedited basis. The parties desire the Commission to act no later than September 1, 2021, or as soon thereafter as possible. The harm that will be avoided by the Commission acting on an expedited basis is the following: Given the existing procedural schedules of the Complaints, acting on the motion to consolidate on an expedited basis, will provide greater efficiency for some of the Complainants<sup>1</sup>, eliminate redundancy in the drafting of testimony and allow all of the Complainants the same opportunity to incorporate discovery into their direct testimony. This motion for expedited treatment was filed as soon as it could have been given the number of parties and complexity of the issues.

**WHEREFORE**, Complainants respectfully request that the Commission enter an order consolidating File Nos. GC-2021-0315, GC-2021-0316, and GC-2021-0353, designating File No. GC-2021-0316 as the lead case, and granting such further and other relief as is just and proper in the circumstances.

Respectfully Submitted,

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<sup>1</sup> Under the existing Procedural Schedule in GC-2021-0315 CNEG's direct testimony is due September 15, 2021.

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**Exhibit A**

<b>Event</b>	<b>Date</b>
Direct Testimony of Complainants	December 3, 2021
Rebuttal Testimony Spire  (Response time to data requests changes to 5 calendar days and 2 business days to object or notify of the need for additional time to respond).	January 19, 2022
Cross-Rebuttal Testimony of Staff, Public Counsel, and Intervenors	February 1, 2022
Surrebuttal Testimony of Complainants	February 22, 2022
Joint list of issues, order of witnesses, order of parties for cross-examination, order of opening statements	February 24, 2022
Last Day for Answering Discovery	March 1, 2022
Statements of Position	March 2, 2022
Evidentiary Hearing	March 7-11, 2022
Initial Post-Hearing Briefs	March 28, 2022
Reply Briefs	April 4, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of August 2021, a copy of the foregoing **Motion to Consolidate** 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/ Joshua Harden  
Joshua Harden