

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

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

JOINT PROPOSED PROCEDURAL SCHEDULE

Spire Missouri, Inc. (“Spire Missouri” or “the Company”), Staff of the Missouri Public Service Commission (“Staff”), Office of the Public Counsel (“OPC”), and Environmental Defense Fund (“EDF”) (collectively, “Parties”) respectfully submit this Joint Proposed Procedural Schedule as follows:

1. On October 30, 2020, Spire Missouri filed tariff sheets to change its Purchased Gas Adjustment (“PGA”) clause for its eastern service territory and Actual Cost Adjustment (“ACA”), thereby initiating File No. GR-2021-0127. This ACA review period will reconcile the actual gas costs Spire Missouri incurred for the 2019-2020 ACA period.

2. Staff conducted its investigation and filed its full ACA Review and Recommendation Report on May 27, 2022. Subsequently, Spire Missouri, OPC, and EDF filed responses to Staff’s Report. On August 8, 2022, Spire Missouri filed a reply to OPC’s and EDF’s responses and asked the Missouri Public Service Commission (“Commission”) to schedule a procedural conference to establish technical conferences in this docket.

3. On August 16, 2022, a procedural conference was held. Spire Missouri noted that it was providing further information to Staff and OPC and that additional time would be beneficial to reach a possible resolution in this case. No party opposed the Company’s suggestion, and the Administrative Law Judge directed the Parties to continue negotiations and file a status report on October 17, 2022, describing any progress made in reaching a stipulation and agreement.

4. Spire Missouri, Staff, and OPC filed a joint status report by the Administrative Law Judge’s October deadline. Their status report explained that negotiations continued and asked the

Commission to afford the Parties more time to attempt to resolve this proceeding through a stipulation and agreement. EDF did not oppose this request for additional time, and the Commission ordered the Parties to file a subsequent status report or settlement agreement by November 18, 2022. Alternatively, the Commission noted that it would also entertain a proposed procedural schedule.

5. Spire Missouri, Staff, and OPC again submitted a joint status report by the ordered November deadline. This status report requested an additional thirty days to continue settlement negotiations. It also offered that, at the end of those thirty days, the Parties would submit either a notice that a resolution has been reached or, if not, a proposed procedural schedule. The Commission accepted this status report and ordered Parties to file a settlement agreement or procedural schedule by December 19, 2022.

6. The Parties inform the Commission through this filing that a full resolution of all contested issues has not been reached and, therefore, respectfully submit the following proposed discovery and evidentiary hearing procedures, along with a proposed procedural schedule, for the Commission's consideration.

DISCOVERY PROCEDURES

7. Unless otherwise indicated, the Parties agree that discovery procedures shall be governed by Commission rule.

8. The Parties agree to provide all workpapers in electronic format, whenever available, and within two (2) business days following the date when the related testimony is filed. Workpapers containing highly confidential or proprietary information shall be appropriately marked. If there are no workpapers associated with the testimony, the party's attorney shall so notify each other party within the time allowed for providing those workpapers.

9. If available in its original format with formulas intact, the Parties agree to provide workpapers and data request responses with models, spreadsheets, or similar information in a commonly-available format, where inputs or parameters may be changed to observe resulting changes in inputs or outputs. By way of example, and not limitation, workpapers prepared in Microsoft Excel or another executable format shall be provided in that format.

10. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means, and in electronic format, essentially concurrent with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to convert information that does not exist in electronic format to electronic format for purposes of exchanging it.

11. Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for every other party via e-mail. Highly confidential documents may be obtained through EFIS and need not be served.

12. The Parties make the following agreements as to data request response times:

- a) Beginning on December 19, 2022, the response time for all data requests shall be twenty (20) calendar days, and the responder will have ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.
- b) After April 28, 2023, the filing deadline for Non-Utility Parties direct testimony, the response time for data requests shall be ten (10) business days to provide the requested information, and the responder will have five

(5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information.

- c) After May 26, 2023, the filing deadline for rebuttal testimony, the response time for data requests shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information.
- d) The Parties have fourteen (14) calendar days after June 16, 2023, the filing deadline for surrebuttal testimony, to request further data requests, and the response times for data requests submitted during this period shall be five (5) business days to provide the requested information and three (3) business days to object or notify the requesting party that more than five (5) business days will be needed to provide the requested information.
- e) All motions to compel a response to any data request should be submitted no later than fourteen (14) days after June 16, 2023, the filing deadline for surrebuttal testimony.

13. The Parties agree to the following as to discovery conferences:

- a) Discovery conferences will either be held in a room designated by the Commission at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri 65101 or conducted remotely, at the discretion of the Regulatory Law Judge. Each discovery conference shall begin at 10:00 a.m. central standard time.

- b) In addition to the discovery conferences included in this proposed procedural schedule, any party may request additional discovery conferences. A party may request an additional discovery conference no later than fourteen (14) days after June 16, 2023, the filing deadline for surrebuttal testimony.
- c) Any party with a discovery disagreement or concern shall file a brief statement describing that disagreement or concern and identifying any other party involved no less than two (2) business days before a scheduled discovery conference. Such statement does not need to be a formal motion to compel. If no party files a brief statement of a discovery disagreement or concern, then the Regulatory Law Judge may cancel the scheduled discovery conference.
- d) Any party may attend a discovery conference, and only those Parties involved in an identified discovery disagreement or concern are required to attend.
- e) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
- f) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding Regulatory Law Judge, either on the record or in a written order.
- g) If a moving party has already conferred or attempted to confer with opposing counsel concerning a discovery matter, that party may file a discovery motion to be entertained at a regularly-scheduled discovery

conference, provided that the party files the motion at least two (2) business days in advance of the conference. Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion shall not apply to any discovery motion filed for consideration at a regularly-scheduled discovery conference. Any party seeking an order on any discovery motion outside of a regularly-scheduled discovery conference shall comply with 20 CSR 4240-2.090(8) prior to filing the discovery motion.

- h) If the Parties do not identify any discovery disagreements or concerns that necessitate a discovery conference, the time allotted for the discovery conference may be used for informal, off-the-record technical conferences, as arranged in advance. Each party shall make a good faith effort to notify all Parties in advance of the technical conference and of the anticipated topics or issues to be discussed.

14. All data requests, subpoenas, notices to depose witnesses, and other discovery requests shall be issued no later than (14) days after the filing deadline for surrebuttal testimony.. With respect to deposing a witness, depositions must be completed at least three (3) business days prior to the date that the witness will testify on the issue(s) in the evidentiary hearing, unless witness availability requires that a deposition be conducted within less than three (3) business days.

15. The Parties shall make an effort to not include confidential information in data request questions, and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such pursuant to 20 CSR 4240-

2.135. Responsibility to make this designation rests upon the party claiming confidentiality. Other Parties are entitled to rely on the presence or absence of such designation.

16. Any data requests issued by or to Staff shall be submitted and responded to through EFIS. All data requests other than those issued by or to Staff, as well as all objections to data requests or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other Parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions regarding confidentiality. If any party responds to a data request through EFIS, the response shall be available through EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, will be served to counsel for the requesting party and on the requesting party's employee or representative who submitted the data request. Data request responses shall be served electronically, if feasible and not voluminous. For purposes of this paragraph, "voluminous" refers to documents and other material of such a nature that copying them would be unduly burdensome.

17. A party desiring the response to a data request that has been served on another shall submit a separate data request for a copy of the response, thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that there is already a response for the underlying data request.

PROPOSED PROCEDURAL SCHEDULE

18. The Parties recommend that the Commission adopt the following procedural schedule and filing deadlines:

Spire Missouri Direct Testimony

January 27, 2023

Settlement Conference	February 10, 2023
Discovery Conference	February 21, 2023
Discovery Conference	March 28, 2023
Non-Utility Parties Direct Testimony	April 28, 2023
Discovery Conference	May 16, 2023
All Parties Rebuttal Testimony	May 26, 2023
Discovery Conference	June 6, 2023
All Parties Surrebuttal Testimony	June 16, 2023
Settlement Conference	June 20, 2023
Final Day to Serve Data Requests	June 30, 2023
Joint List of Issues, Stipulation of Facts, and Order of Witnesses	July 7, 2023
Position Statements	July 14, 2023
Evidentiary Hearing	July 25-26, 2023
Initial Post-Hearing Briefs	August 25, 2023
Reply Briefs	September 8, 2023
Requested Commission Order	September 27, 2023

EVIDENTIARY HEARING PROCEDURES

19. The evidentiary hearing will be held in a room designated by the Commission at the Governor’s Office Building, 200 Madison Street, Jefferson City, Missouri 65101. Proceedings for each day of the evidentiary hearing shall begin at 9:00 a.m. central standard time.

20. Although not all Parties may agree upon how each issue should be described or on whether a listed issue is a proper issue in this case, the Parties shall agree upon and file a joint list

of the issues to be heard, stipulation of facts, the order of witnesses to appear on each day of the evidentiary hearing, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission shall view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

21. Each party's filed position statement shall be a simple and concise declaration summarizing its position on each disputed issue.

22. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that are to be decided by the Commission. Briefs shall be limited to no more than fifty (50) pages in length to facilitate the Commission's review.

23. If testimony or other exhibits have been pre-filed and served upon the Parties before a hearing, a party need only provide a copy of the testimony or exhibit for the court reporter and exhibit-marketing purposes during the evidentiary hearing. If a party marks testimony or an exhibit for use at the evidentiary hearing, which has not been pre-filed and served upon each other party, then said party shall have sufficient copies of the testimony or exhibit to provide a copy to the court reporter, each of the Commissioners, the presiding Regulatory Law Judge, and counsel for each other party.

24. Exhibit numbers for the evidentiary hearing are assigned as follows:

Spire Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Midwest Energy Consumers Group	300-399
Consumers Council of Missouri	400-499
Environmental Defense Fund	500-599

If any party requires additional exhibit numbers, it may add 1000 to its assigned numbers. For example, if Staff has exhibits in addition to exhibit number 199, its next exhibit numbers would be 1100, 1101, 1102, etc.

WHEREFORE, the Parties respectfully submit their Joint Proposed Procedural Schedule and request that the Commission issue an order adopting the included procedures and procedural schedule or, in the alternative, granting such other relief as the Commission deems proper.

Respectfully submitted,

/s/ J. Antonio Arias

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ATTORNEYS FOR SPIRE MISSOURI INC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all counsel of record on this 19th day of December, 2022.

/s/ Matthew Aplington

Matthew Aplington