

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

))
Spire STL Pipeline LLC) Docket Nos. CP17-40-000, *et al.*
))

**MOGAS PIPELINE LLC
COMMENTS IN SUPPORT
OF
EXPEDITED REISSUANCE OF CERTIFICATE**

MoGas Pipeline LLC (“MoGas”) hereby submits the comments below in the above-captioned docket. The above-captioned proceeding concerns the November 10, 2021 filing by Spire STL Pipeline LLC¹ requesting that the Federal Energy Regulatory Commission (“Commission”) reissue the certificate authorizing the Certificate of Public Convenience and Necessity pursuant to Natural Gas Act section 7 and Part 157, Subpart A of the Commission’s regulations to operate and maintain the Spire STL Pipeline.² MoGas requests that the Commission consider its comments below in support of the expedited reissuance of the certificate, which will benefit not only the Spire STL Pipeline and its shippers but also MoGas and its shippers.

¹ Spire STL Pipeline LLC, Request for Expedited Reissuance of Certificates, Docket Nos. CP17-40-000, *et al.* (dated Nov. 10, 2021; filed date Nov. 12, 2021) (“Request for Reissuance”).

² *Spire STL Pipeline LLC*, 164 FERC ¶ 61,085 (2018) (“Certificate Order”), *order amending certificate*, 169 FERC ¶ 61,074, *order on reh’g*, 169 FERC ¶ 61,134 (2019) (“Rehearing Order”), *pet. for review granted in part, vacating decision sub nom., Envtl. Def. Fund v. FERC*, 2 F.4th 953 (D.C. Cir. 2021). Spire STL also requested that the Commission reissue the related certificates, (1) a blanket certificate pursuant to Part 157, Subpart F of the Commission’s regulations authorizing certain routine construction, operation, and abandonment activities; and (2) a blanket certificate pursuant to Part 284, Subpart G of the Commission’s regulations authorizing Spire STL to provide transportation service pursuant to Spire STL’s FERC Gas Tariff. MoGas supports the reissuance of those certificates too.

I. BACKGROUND

The Commission issued a certificate of public convenience and necessity to construct and operate the Spire STL Pipeline on August 3, 2018³ and the pipeline went in service in November 2019. An interconnection between MoGas and the Spire STL Pipeline went in service in December 2020. On July 26, 2021, following the U.S. Court of Appeals for the District of Columbia Circuit's decision in *Environmental Defense Fund v. FERC*,⁴ Spire STL Pipeline LLC filed a request that the Commission issue a temporary certificate to allow Spire STL Pipeline to continue serving its shippers while the Commission's decision on remand was pending. On July 28, 2021, MoGas filed a motion to intervene in the certificate proceeding and comments in support of the request for the issuance of a temporary certificate. On September 14, 2021, the Commission issued a temporary certificate to allow the Spire STL Pipeline to remain in service through December 13, 2021.⁵ On November 10, 2021, Spire STL Pipeline LLC submitted the Request for Reissuance requesting that the Commission reissue the certificate authorizing construction and operation of the Spire STL Pipeline.

Prior to interconnecting with the Spire STL Pipeline in December 2020, MoGas was interconnected with three pipelines to serve its shippers: Enable Mississippi River Transmission LLC ("MRT") on the eastern end (or east leg) of the system, and Panhandle Eastern Pipe Line Company, LP ("PEPL") and Rockies Express Pipeline ("REX") on the western end (west leg) of the system. PEPL and REX, which are at the same location on MoGas, were the major supply source for MoGas. At that time, on a peak day, 90% of the

³ Certificate Order, 164 FERC ¶ 61,085.

⁴ 2 F.4th 953.

⁵ *Spire STL Pipeline LLC*, 176 FERC ¶ 61,160 (2021).

natural gas transported on MoGas originated from either PEPL and REX, and MoGas' system could not accommodate new additional transport requests stemming from the substantial natural gas demand shift from the eastern St. Louis area to areas west of St. Louis. The capacity on the west leg of the MoGas system was largely subscribed.⁶ On the east leg, receipt pressures from MRT were not sufficient enough to allow MoGas to serve the natural gas demand along its system to the market west of St. Louis.

To address its inability to serve the growing natural gas demand along its system west of St. Louis, MoGas in 2017 considered a plan to provide additional capacity by either constructing a 50-mile loop of its west leg at an estimated cost of \$100 million, or adding compression at the MRT interconnection. But in late 2018, with the Spire STL Pipeline having received its certificate from the Commission, MoGas determined that an interconnection on the east leg of its system with the new Spire STL Pipeline, just north of St. Louis, would provide the additional capacity MoGas needed to serve the natural gas demand west of St. Louis *without* the need of looping its system on the west leg, or adding compression at the MRT interconnection, given the high quantities and delivery pressure provided by the Spire STL Pipeline. In other words, if interconnected with MoGas, the Spire STL Pipeline would become a surrogate for a loop of the MoGas system. With the assistance of the Spire STL Pipeline, MoGas moved forward with the interconnection by building approximately 1,000 feet of pipeline and measurement facilities in eastern St. Charles County, Missouri. Altogether, the cost of these new facilities was approximately

⁶ Subsequently, it became fully subscribed as Spire Missouri contracted for the last 10,000 Dth.

\$3,600,000. MoGas built these facilities under the authority of its blanket certificate issued by the Commission in *MoGas Pipeline LLC*, 124 FERC ¶ 61,287 (2008).⁷

Figure 1 below shows the MoGas system map in 2019, prior to interconnecting with the Spire STL Pipeline, and illustrates how MoGas had only one major supply source to serve the needs of its shippers.

Figure 1
2019 MoGas System Map⁸
(prior to interconnecting with the Spire STL Pipeline)

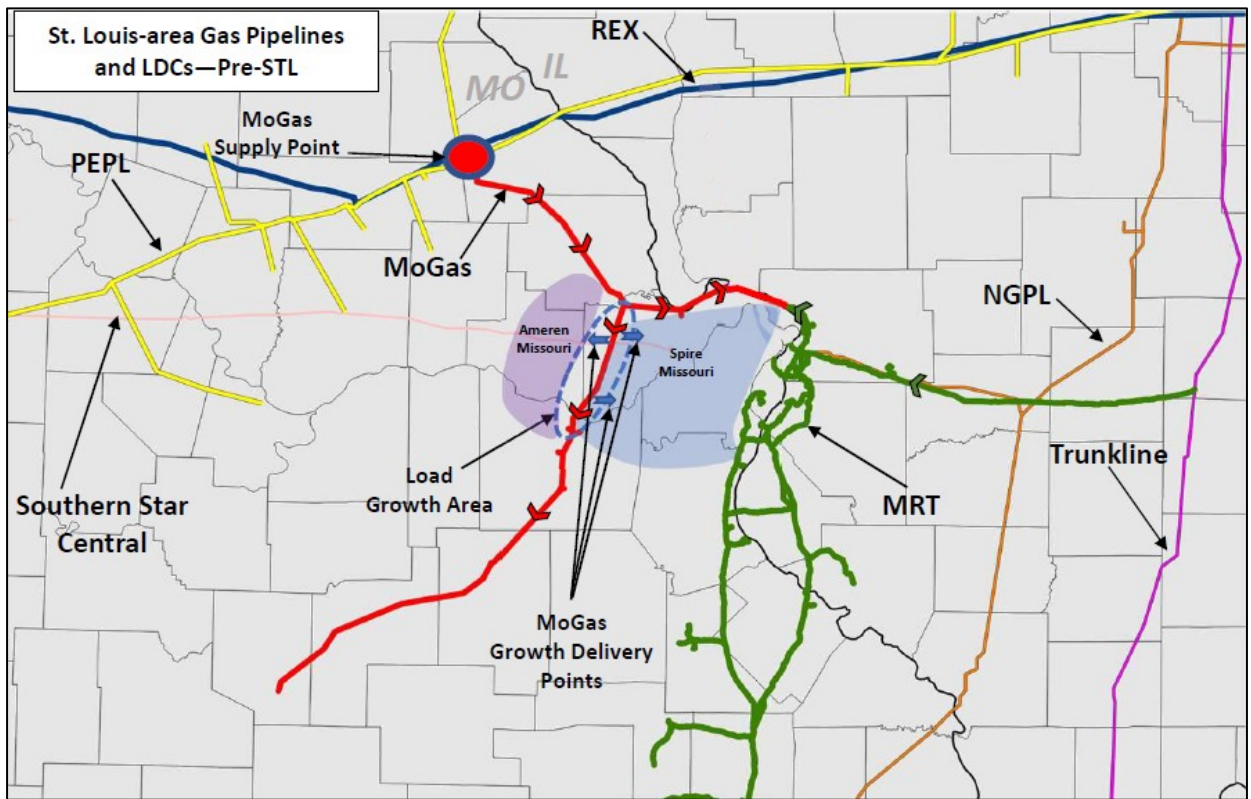


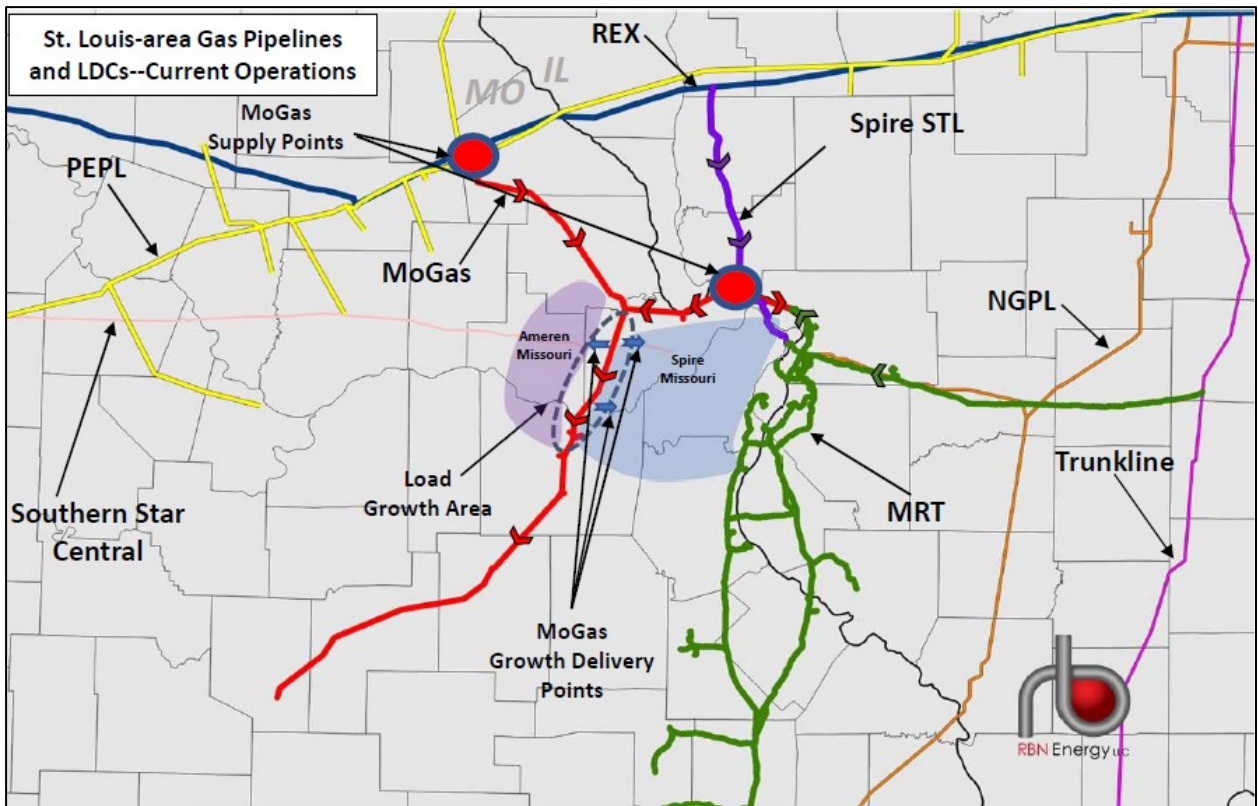
Figure 2 below depicts the MoGas system currently, with the interconnection with the Spire STL Pipeline, and illustrates how the new interconnect provides MoGas a major

⁷ MoGas will include all required information in its next blanket certificate report.

⁸ Housley Carr, RBN Energy LLC, “Will You Be There? – The Spire STL Natural Gas Pipeline and the New Challenge to Already-Built Assets” (Nov. 28, 2021) (as modified by MoGas), <https://rbnenergy.com/will-you-be-there-the-spire-stl-natural-gas-pipeline-and-the-new-challenge-to-already-built-assets>.

natural gas supply source. This configuration gives MoGas and its shippers numerous other benefits as described below.

Figure 2
2021 MoGas System Map⁹
(with interconnection to the Spire STL Pipeline)



II. COMMENTS IN SUPPORT OF EXPEDITED REISSUANCE OF THE CERTIFICATE

As discussed below, the Commission should reissue a permanent certificate for the Spire STL Pipeline because of both 1) the compelling reasoning included in the Request for Reissuance, as well as 2) the benefits MoGas and its shippers realize from the Spire STL Pipeline.

⁹ See *id.*

A. Based on the Compelling Reasoning Offered in the Request for Reissuance, the Commission Should Reissue a Permanent Certificate for the Spire STL Pipeline.

The Request for Reissuance presented sufficient and compelling justification for the Commission to reissue a permanent certificate for the Spire STL Pipeline. While MoGas will not clutter the record by repeating the numerous justifications included in that filing, MoGas notes the following justifications for a permanent certificate:

- **For two years, the Spire STL Pipeline has provided needed service:** During that time, Spire Missouri's shippers have enjoyed a lowered cost of delivered gas, increased supply diversity (including during critical events), and greater reliability.¹⁰
- **The February 2021 Extreme Cold Weather Event and future cold weather events:** Spire Missouri estimated that: 1) without the Spire STL Pipeline, shippers would have lost gas service on eight of the nine days from February 11, 2021 to February 19, 2021, with a peak of roughly 133,000 shippers without service on February 15, 2021, and 2) that its shippers realized up to \$300 million in gas cost savings over the course of the nine days.¹¹ Similarly, the Missouri Public Service Commission issued a report discussing the need for the Spire STL Pipeline and recognized that Spire Missouri benefits from it, particularly on cold days, and that Spire Missouri would need the Spire STL Pipeline in the event peak demand occurs.¹²

¹⁰ See Request for Reissuance at 23-24.

¹¹ *Id.* at 32-33.

¹² *Id.* at 27-28, 33.

- **The RBN Energy 2021 Markey Study:**¹³ The 2021 Market Study established that the Spire STL Pipeline improves regional gas supply reliability and drives down prices, based on the ability to leverage different supply sources to protect against weather-driven upsets in reliability and gas costs.

B. The Benefits MoGas and Its Shippers Realize from the Operation of the Spire STL Pipeline Justify Reissuance of the Certificate.

1. Since the MoGas–Spire STL Pipeline Interconnection Went in Service, Benefits Have Been Significant.

The Certificate Policy Statement requires the Commission to analyze the effect of a proposed pipeline on competing pipelines. The MoGas–Spire STL Pipeline interconnection has provided a variety of benefits to MoGas and its shippers system-wide:

- **Serving new demand:** the MoGas–Spire STL Pipeline interconnection allowed MoGas to immediately begin serving natural gas demands stemming from shipper requests in the markets west of St. Louis. MoGas continues to serve these shippers today.
- **Ability to serve additional demand in the future:** the MoGas–Spire STL Pipeline interconnection provides increased system pressure which increases deliverability and is available for further natural gas demand growth west of St. Louis.
- **Increased system pressure:** the MoGas–Spire STL Pipeline interconnection provides increased system pressure which increases MoGas’ system delivery capacity with minimal costs and disruption.

¹³ See Request for Reissuance, Att. B (RBN Energy LLC, “Analysis of the Current and Future Market Served by Spire STL Pipeline” (Nov. 10, 2021) (“2021 Market Study”).

- **Increased diversity of supply:** The MoGas–Spire STL Pipeline interconnection increases the diversity of supply to the MoGas system from three pipelines—REX, PEPL, and MRT—to four. Prior to the interconnection, on a peak day, 90% of supply for the MoGas system came from PEPL and REX. By interconnecting with the Spire STL Pipeline, on a peak day, about 50% of supply for the MoGas system comes from the Spire STL Pipeline.

2. During the February 2021 Extreme Cold Weather Event, the MoGas–Spire STL Pipeline Interconnection Provided Critical Reliability That Likely Prevented Outages.

The February 2021 Extreme Cold Weather Event effected the MoGas region but due to the increased system pressure and diversity of supply provided by the MoGas-Spire STL Pipeline interconnection, MoGas shippers did not experience the outages which plagued many others in the region. In particular, during the February 2021 Extreme Cold Weather Event, the MoGas–Spire STL Pipeline interconnection provided the following benefits:

- Natural gas demands in the markets west of St. Louis increased during that period and MoGas was able to meet the increased demand, thus preventing outages;
- The delivery pressure from the Spire STL Pipeline demonstrated operational reliability, as shown by operating pressures on MoGas being the highest to date during that period;
- The supply source on MoGas’ two legs during that period was an operationally stable 50/50 split because of the interconnection with the Spire STL Pipeline which fully doubles MoGas’ prior supply and availability for all its customers. Without the interconnection, it would have been a 90/10 split, which is operationally risky;

- The MoGas–Spire STL Pipeline interconnection increases MoGas’ pressure profile for all shippers, which in turn increases line-pack capability for all shippers, including an up-to-20% increase in the pressure profile during the cold weather at the MoGas Old Monroe Station, where the two legs of the MoGas system meet. Due to the increased line-pack capability, MoGas served all shippers despite a shortfall in supply from some upstream pipelines.

C. If FERC Denies the Permanent Certificate for the Spire STL Pipeline, There Are a Variety of Negative Consequences for MoGas and Its Shippers.

If the Commission takes the Spire STL Pipeline out of service, there would be a variety of negative consequences for MoGas and its shippers.

- **Shippers’ Loss of Service:** Operationally, MoGas’ system would immediately revert to its pre-December 2020 configuration. MoGas would lack the required capacity on its east leg to service natural gas demand west of St. Louis. Those shippers that have the Spire STL Pipeline as their primary receipt point would lose their primary path, and thus service. Those shippers could not regain the lost service without the construction of additional MoGas facilities (e.g., MoGas constructing a loop of its system).
- **System-wide Reduction in Reliability:** The MoGas–Spire STL Pipeline interconnection bolsters the operational reliability of the entire MoGas system. Not only has the MoGas–Spire STL Pipeline interconnection increased system pressure system-wide for MoGas, which among other benefits allows MoGas’ two legs to finally operate together, but it has substantially increased the diversity of supply to the MoGas system from three pipelines—REX, PEPL, and MRT—to four, and has

approximately doubled MoGas' capacity. The increased system pressure and diversity of supply would be lost by MoGas with the Spire STL Pipeline being taken out of service.

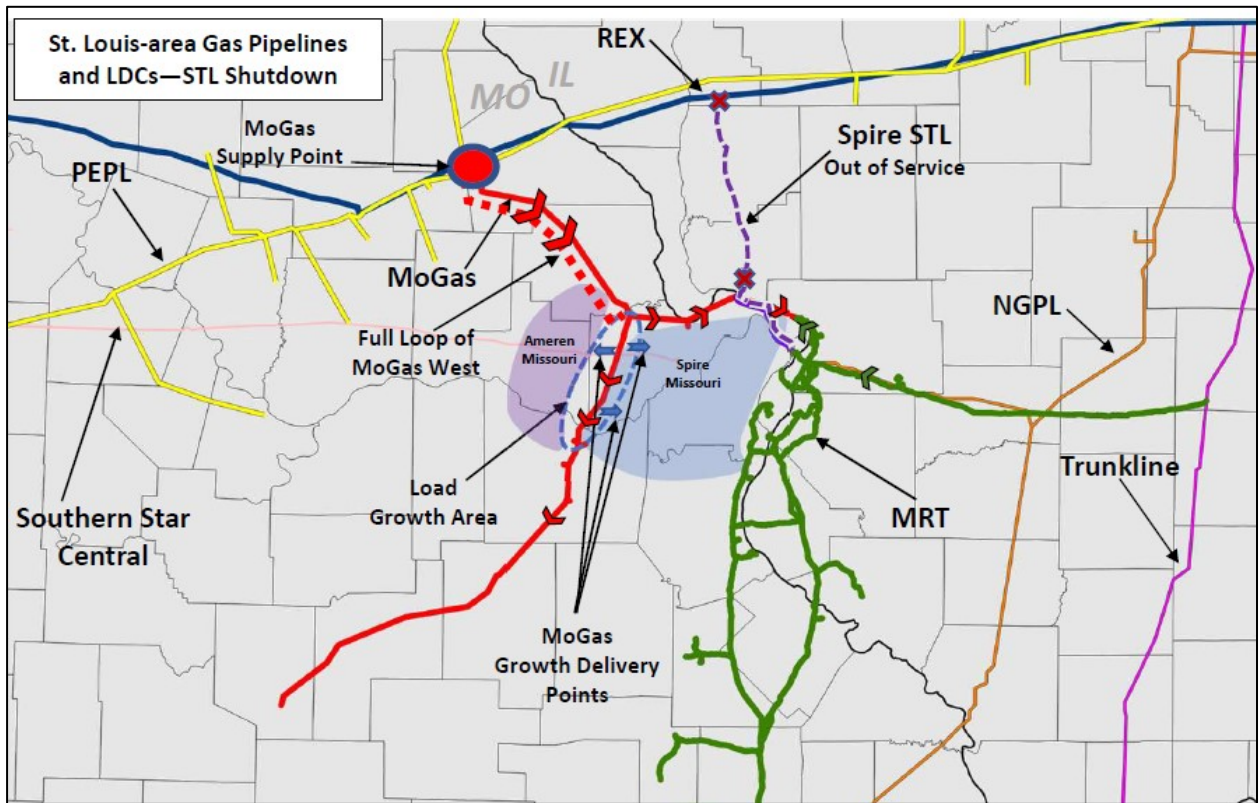
- **Increased Likelihood of Outages in Future Extreme Cold Weather Events:** As noted above, increased operational reliability due to the MoGas–Spire STL Pipeline interconnection played an instrumental role in MoGas' ability to perform well during the February 2021 Extreme Cold Weather Event. The industry fully expects similar extreme cold weather events to recur in the coming years.¹⁴ If the Spire STL Pipeline ceases to operate, MoGas, like many pipelines in February 2021, may struggle to deliver all contracted volumes during similar events in the future.
- **\$100 million construction of a 50-mile loop likely required:** MoGas will resume its plans to increase its system capacity in order to serve the growing natural gas demand on MoGas' system. MoGas has not undertaken a detailed study but estimates the cost of a 50-mile loop to be \$100 million. Such construction would have a much greater environmental impact than leaving the Spire STL Pipeline in service. In addition, MoGas potentially would file to abandon the \$3,600,000 in facilities it constructed to interconnect with the Spire STL Pipeline—facilities which have only been in service since December 2020.

Embarking on this new construction would be an unfortunate and avoidable outcome since there is an existing pipeline, the Spire STL Pipeline, which already provides

¹⁴ Jones, *et al.*, *What Investors and the SEC Can Learn from the Texas Power Crises*, at ii (June 2021), <http://blogs.edf.org/climate411/files/2021/06/TX-Report-Final.pdf> (“The February 2021 extreme winter weather event and ensuing power outages in Texas . . . are a salient example of the electric sector’s vulnerability to extreme weather events that will plausibly become more frequent and more severe with climate change.”) (emphasis added).

the needed capacity at no new additional *environmental* or *financial* cost. Figure 3 below illustrates how the Spire STL Pipeline acts as a surrogate for a loop of the west leg of MoGas and the dotted red lines show the new construction that would be required. The Commission should reissue a permanent certificate for the Spire STL Pipeline so it can serve its shippers' needs as well as the needs of MoGas and its shippers.

Figure 3
Future MoGas System Map¹⁵
(if the Spire STL Pipeline is taken out of service)



¹⁵ See Housley Carr, note 8, *supra*.

III. CONCLUSION

Accordingly, for the foregoing reasons, MoGas requests that the Commission consider its comments in support of the expedited reissuance of the certificate.

Respectfully submitted,

Cyril Zebot
Vice President of Rates and Regulatory
MoGas Pipeline LLC
329 Josephville Road
Wentzville, MO 63385
(636) 926-3668
czebot@mogaspipeline.com

/s/ Philip Mone
Philip Mone
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, NW
Washington, DC 20007
(202) 298-1800
pwm@vnf.com

Attorney for MoGas Pipeline LLC

Dated: December 2, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2021).

Dated at Washington, D.C. this 2nd day of December 2021.

/s/ Claire M. Brennan
Claire M. Brennan
Senior Paralegal Specialist
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, NW
Washington, DC 20007

Document Content(s)

2021-12-02 MoGas Comments re Spire Reissuance.pdf.....1

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Spire STL Pipeline LLC)	
)	Docket No. CP17-40-007
)	

**MOTION TO INTERVENE AND COMMENTS IN SUPPORT OF
SYMMETRY ENERGY SOLUTIONS, LLC**

Pursuant to Rule 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2021), and the Commission’s July 26, 2021 Notice of Spire STL Pipeline LLC’s (“STL Pipeline”) Abbreviated Application for Temporary Emergency Certificate,¹ Symmetry Energy Solutions, LLC (“Symmetry”) hereby submits this motion to intervene and comments, which request that the Commission approve STL Pipeline’s Application in order to ensure that STL Pipeline can continue to provide service during the upcoming winter heating season.

In support of this filing Symmetry states as follows:

¹ See *Application of Spire STL Pipeline LLC for a Temporary Emergency Certificate, or, in the Alternative, Limited-Term Certificate*, Docket No. CP17-40-007 (July 26, 2021) (“Application”).

I.
COMMUNICATIONS

The names, titles, and mailing addresses of the persons upon whom all communications concerning this proceeding should be sent are as follows:

Stacy Williams
SVP and General Counsel
Deonne Cunningham
Associate General Counsel
Symmetry Energy Solutions, LLC
1111 Louisiana Street B-241
Houston, Texas 77002
(713) 304-0116
(346) 330-1860
Stacy.williams@symmetryenergy.com
Deonne.cunningham@symmetryenergy.com

II.
SYMMETRY'S INTEREST IN THIS PROCEEDING
AND MOTION TO INTERVENE

Symmetry respectfully moves to intervene in this proceeding. The exact legal name of Symmetry is Symmetry Energy Solutions, LLC. Symmetry is a limited liability company organized under the laws of Delaware with its principal place of business located at 1111 Louisiana Street, B-241, Houston, Texas 77002. Symmetry is a leading retail natural gas supplier providing over 1 trillion cubic feet of natural gas per year to approximately 100,000 customers in over 30 states.

It is in the public interest to permit Symmetry to intervene because Symmetry has a direct interest in the results of this proceeding. Symmetry is a major natural gas supplier to customers behind the city gate of Spire Missouri, Inc. ("Spire Missouri") as well as to customers directly connected to the Enable Mississippi River Transmission, LLC system ("MRT"), the pipeline from which Symmetry sources its gas supplies in the St. Louis metropolitan area. Symmetry currently serves fifty Spire Missouri end users either directly

or indirectly through third-party suppliers. In addition to Symmetry providing service to customers behind the Spire Missouri city gate, Symmetry also holds or is agent for approximately 55 Firm Transportation Service contracts on the MRT. Most of these contracts involve transportation services to customers in the St. Louis area and/or in close proximity to Spire Missouri's service territory. The customers served by Symmetry are a combination of large and small commercial and industrial end-user customers, including primary and secondary schools, prisons, hospitals, critical infrastructure and industry users. Few of these customers have alternate fuel capabilities. Although Symmetry is not a transportation customer of STL Pipeline, Symmetry directly benefits from the natural gas supply flexibility that Spire STL Pipeline provides to Spire Missouri and to the St. Louis area as discussed below. Accordingly, Symmetry has a direct interest in this proceeding, and no other party to this proceeding can adequately represent Symmetry's interest. Therefore, Symmetry's intervention in this proceeding is in the public interest.

III. **BACKGROUND**

STL Pipeline transports natural gas supplies from producing regions across the U.S. to the greater St. Louis area. On June 22, 2021, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion² vacating the Commission's certificate order³ that approved construction and operation of STL Pipeline and remanding the case to the Commission. On July 26, 2012, STL Pipeline filed the Application with the Commission requesting authorization to allow the STL Pipeline to remain in service until the Commission issues its order on remand.

² *Env't Defense Fund v. FERC*, Case No. 20-1016, Document No. 1903252 (D.C. Cir. June 22, 2021).

³ *Spire STL Pipeline LLC*, 164 FERC ¶ 61,085 (2018); *order on reh'g*, 169 FERC ¶ 61,134 (2019) ("Certificate Order").

IV.
COMMENTS IN SUPPORT

Symmetry respectfully requests that the Commission approve STL Pipeline's Application to ensure that the pipeline remains in service through the upcoming winter heating season, which is roughly 65 days away.⁴ This provides little time for retail providers in the St. Louis area to prepare for the potential loss of gas supplies to the region if STL Pipeline is removed from service. Symmetry is concerned that the loss of gas supplies from STL Pipeline this close to the winter heating season could have negative consequences for the St. Louis area.

During last February's storm, suppliers and customers alike suffered the negative effects of a curtailment of natural gas supplies. Prices surged and many customers lost service for significant periods of time. Approving STL Pipeline's Application would allow for continued access to additional natural gas supplies and, importantly, maintain flexibility in sources of natural gas capacity. Considering the experiences of February 2021, Symmetry believes that now is not the time to restrict sources of natural gas resources to Missouri customers.

The risk posed by the potential loss of the gas supplies transported by STL Pipeline during the upcoming winter is not hypothetical. During Winter Storm Uri, Symmetry faced curtailment of gas supplies due to loss of supplies on MRT resulting from force majeure issued by Symmetry's suppliers as well as the loss of supplies due to insufficient pressure on pipelines upstream of MRT's East Line. Of particular note, on February 19, 2021, at approximately 6:30 p.m. CST or only 30 minutes before the Intraday 3 nomination deadline of 7:00 p.m. CST, Symmetry received final confirmation of the loss of 25,000 MMBtu of

⁴ See Application at 17.

supply being sourced on that day from one of the pipelines supplying gas into MRT's East Line. Furthermore, as agent for an industrial customer on MRT, Symmetry knows that this industrial customer also faced curtailment issues on the MRT System. However, Symmetry was able to work around these curtailment issues and source gas for its customers that day, including gas for the industrial customer. Symmetry understands that this gas supply provided to both Symmetry and the industrial customer during the weather event was available only because of the availability of STL Pipeline.⁵

Without the gas supplies transported by STL Pipeline or time to make alternative arrangements, a repeat of last year's winter storm could cause substantial harm to Symmetry's customers and other gas consumers in the St. Louis area. Symmetry therefore requests that the Commission grant STL Pipeline's Application to allow the pipeline to continue to provide service during the upcoming winter season.

⁵ See Application at 3, 10, 25.

CONCLUSION

WHEREFORE, for the reasons discussed above, Symmetry respectfully requests that the Commission: (1) allow Symmetry to intervene in this proceeding and to be made a party for all purposes; and (2) grant STL Pipeline's request for Temporary Emergency Certificate, or in the Alternative a Limited-Term Certificate, to continue operating STL Pipeline.

Respectfully submitted,

/s/ Stacy Williams

Stacy Williams

SVP and General Counsel

Deonne Cunningham

Associate General Counsel

Symmetry Energy Solutions, LLC

1111 Louisiana Street B-241

Houston, Texas 77002

(713) 304-0116

(346) 330-1860

Stacy.williams@symmetryenergy.com

Deonne.cunningham@symmetryenergy.com

Dated: August 23, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding pursuant to 18 C.F.R. § 385.2010(f)(2).

Dated at Washington, D.C., this 23rd day of August, 2021.

/s/ Rob Matsick

Rob Matsick
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
(202) 637-7787

Document Content(s)

Symmetry Motion to Intervene and Comments.pdf.....1

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Spire STL Pipeline LLC)))	Docket No. CP17-40-009
------------------------	-------------	------------------------

**COMMENTS OF SYMMETRY ENERGY SOLUTIONS, LLC IN SUPPORT OF
REQUEST FOR EXPEDITED CLARIFICATION OR, IN THE ALTERNATIVE,
REHEARING OF SPIRE STL PIPELINE LLC**

Symmetry Energy Solutions, LLC (“Symmetry”) respectfully submits these comments in support of Spire STL Pipeline LLC’s (“Spire STL”) “Request for Clarification, or in the Alternative, Rehearing” that seeks clarification of certain statements included in the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Order Issuing Temporary Certificate, issued in the above-referenced docket on September 14, 2021.¹ The Commission issued the Temporary Certificate to allow Spire STL to continue to provide service for 90 days under its “previously approved terms, conditions, authorizations, and tariff,”² while the Commission considers Spire STL’s pending Application for a Temporary Emergency Certificate, or, in the Alternative, Limited-Term Certificate.³ Like Spire STL, Symmetry “appreciates the Commission’s action in issuing

¹ *Spire STL Pipeline LLC*, 176 FERC ¶ 61,160 (2021) (“Temporary Certificate”). The Commission’s Rules of Practice and Procedure generally prohibit the filing of answers to a rehearing request. 18 C.F.R. § 385.713(d)(1) (2020). However, the Commission has accepted answers that are otherwise prohibited by this rule if such answers are deemed to be helpful, *see Southwest Power Pool, Inc.*, 89 FERC ¶ 61,284 at 61,888 (2000), or assist the Commission, *El Paso Electric Co.*, 72 FERC ¶ 61,292 at 62,256 (1995). To the extent the Commission treats Symmetry’s instant comments as an answer to Spire STL’s rehearing request, the Commission should, pursuant to Rules 212 and 213 of the Rules of Practice and Procedure, accept Symmetry’s Answer because it provides useful information to the Commission’s decision making. 18 C.F.R. §§ 385.212 & 385.213 (2018).

² Temporary Certificate at P 8.

³ Application of Spire STL Pipeline LLC for a Temporary Emergency Certificate, or, in the Alternative, Limited-Term Certificate, Docket No. CP17-40-007 (July 26, 2021).

the Temporary Certificate.”⁴ Symmetry, however, agrees with Spire STL that the Commission should clarify that the Temporary Certificate does not prohibit Spire STL from contracting with potential shippers, such as Symmetry, for service that uses only Spire STL’s existing available capacity offered under the existing rate schedules set forth in Spire STL’s existing tariff.

Symmetry is a major natural gas supplier to St. Louis-area end-use customers as well as to customers directly connected to the Enable Mississippi River Transmission, LLC (“MRT”) system, the pipeline from which Symmetry sources its gas supplies in the St. Louis metropolitan area. Symmetry currently serves fifty St. Louis area end users either directly or indirectly through third-party suppliers, and it also holds, or is agent for, approximately fifty-five Firm Transportation Service contracts on MRT. Most of these contracts involve transportation services to customers in the St. Louis area. The customers served by Symmetry are a combination of large and small commercial and industrial end-user customers, including primary and secondary schools, prisons, hospitals, critical infrastructure and industry users, few of which have alternate fuel capabilities.

Symmetry has previously explained that Spire STL’s capacity was necessary to help Symmetry maintain service for its customers during Winter Storm Uri in February 2021.⁵ Symmetry is currently interested in contracting with Spire STL for interruptible service, and potentially firm service, that would utilize Spire STL’s existing available

⁴ See Request for Expedited Clarification, or in the Alternative, Rehearing of Spire STL Pipeline LLC, Docket No. CP17-40-009 at P 2 (October 14, 2021) (“Request for Clarification”).

⁵ Motion to Intervene and Comments in Support of Symmetry Energy Solutions, LLC at 4, Docket No. CP17-40-007 (August 23, 2021) (“Symmetry Comments”) (describing the assistance provided by Spire STL to Symmetry in February 2021 and noting that a repeat of last year’s winter storm could cause substantial harm to Symmetry’s customers and other gas consumers in the St. Louis area).

capacity. Symmetry would use this capacity to support its marketing operations in the St. Louis area as it prepares for the upcoming winter heating season .

The Temporary Certificate provides for Spire STL's continued operation "under the previously approved terms, conditions, authorizations, and tariff," but "does not permit Spire to engage in any construction or to provide any *new service*."⁶ Symmetry supports Spire STL's request that the Commission clarify that this prohibition on "new service" acts only to prevent Spire STL from creating new pipeline services and rate schedules that are not offered under its existing tariff or from constructing and offering service on newly-created capacity.⁷ The Commission should specifically clarify that Spire STL is not prohibited from entering into new contracts that would utilize only Spire STL's existing available capacity pursuant to the terms and conditions of Spire's existing rate schedules that are offered under Spire STL's existing tariff.⁸

The requested clarification is consistent with the public interest because it will prevent Spire STL's existing capacity from lying fallow as shippers and potential shippers prepare for the upcoming winter heating season. Spire STL's capacity provides flexibility that allows additional gas supplies into the St. Louis area during the winter-heating season. This supply flexibility benefits Symmetry and its marketing customers as well as other customers in the St. Louis area as demonstrated in Symmetry's previously-filed comments.⁹ The requested clarification would ensure that this flexibility remains available

⁶ Temporary Certificate at P 8 (emphasis added).

⁷ See Request for Clarification at 11-12 ("Spire STL understands the Commission's prohibition in the Temporary Certificate against providing or commencing "new service" to preclude the filing of any new rate schedule to implement a new service, like storage or no-notice service, which is currently not offered by Spire STL on the STL Pipeline.")

⁸ See Request for Clarification at 3 ("Specifically, Spire STL seeks clarification that (1) Spire STL may continue to provide open-access transmission service under its Tariff and existing Rate Schedules; and (2) Spire STL may enter into new contracts for the currently available unsubscribed capacity.")

⁹ Symmetry Comments at 4-5.

during preparations for the upcoming winter heating season. Considering the experiences of February 2021, Symmetry continues to believe that now is not the time to restrict sources of natural gas resources to Missouri customers. The requested clarification would help prevent such unnecessary restrictions.

CONCLUSION

For the reasons discussed above, Symmetry respectfully requests that the Commission grant Spire STL's requested clarification.

Respectfully submitted,

/s/ Stacy Williams

Stacy Williams

SVP and General Counsel

Deonne Cunningham

Associate General Counsel

Symmetry Energy Solutions, LLC

1111 Louisiana Street B-241

Houston, Texas 77002

(713) 304-0116

(346) 330-1860

Stacy.williams@symmetryenergy.com

Deonne.cunningham@symmetryenergy.com

Dated: November 1, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding pursuant to 18 C.F.R. § 385.2010(f)(2).

Dated at Washington, D.C., this 1st day of November 1, 2021.

/s/ *Stephanie B. Fishman*

Stephanie B. Fishman
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
(202) 637-7787

Document Content(s)

Symmetry Support of Request for Clarification.pdf.....1