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1 BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI	1 Exh b t 13 Sp re M ssour Schedu e of 261
2	2 Rates and Charges
3 Constellation NewEnergy-Gas) Division, LLC,)	3 Exh b t 14 C earwater not ce of 283
4 Complainants,)	4 depos t on
5 vs.) Case No.) GC-2021-0315	5 Exh b t 15 C earwater comp a nt 322
6 Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	6
7 Respondents.)	7 (The or g na exh b ts were reta ned by the court reporter to be attached to the or g na and cop es of the transcr pt)
8	8
9 Symmetry Energy Solutions, LLC.)	9
10 Complainants,)	10
11 vs.) Case No.) GC-2021-0316	11
12 Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	12
13 Respondents.)	13
14	14
15 Clearwater Enterprises, LLC.)	15
16 Complainants,)	16
17 vs.) Case No.) GC-2021-0353	17
18 Spire Missouri, Inc. and its) operating unit Spire Missouri West,)	18
19 Respondents.)	19
20 VIDEO-RECORDED DEPOSITION OF GEORGE E. GODAT	20
21 (Corporate Representative of Spire Missouri, Inc. and its operating unit Spire Missouri West)	21
22 TAKEN ON BEHALF OF THE COMPLAINANTS	22
23 DECEMBER 13, 2021	23
24 (Starting time of the deposition: 8:08 a.m.)	24
25	25
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1 N D E X	1 V DEO-RECORDED DEPOS T ON OF GEORGE E. GODAT
2 QUEST ONS BY PAGE	2 as the Corporate Representative of Spire Missouri,
3 MR BAUER 13	3 nc. and its operating unit Spire Missouri West,
4 MR HOWELL 146	4 produced, sworn and examined on December 13, 2021,
5 MS BELL 284	5 between the hours of eight o'clock in the forenoon
6 MR BAUER 337	6 and eight o'clock in the evening of that day, at the
7	7 offices of Dowd Bennett LLP, 7733 Forsyth B vd.,
8 E X H B T S	8 19th F oor, St. Louis, Missouri 63105, before
9 EXH B T PAGE	9 Wi iam L. DeVries, a Certified Court Reporter (MO),
10 Exh b t 1 Not ce of depos t on 16	10 Registered Dip omate Reporter, and Certified
11 Exh b t 2A B nder 1 of mater a s 93	11 Rea time Reporter, in certain causes now pending
12 Exh b t 2B B nder 2 of mater a s 93	12 before the Pub ic Service Commission of the State of
13 Exh b t 3 2-17-21 Sp re correspondence 112	13 Missouri, between Conste ation NewEnergy-Gas
14 Exh b t 4 PowerPo nt presentat on 129	14 Division, LLC; Symmetry Energy So utions, LLC;
15 Exh b t 5 Murray & Trette document 130	15 and C earwater Enterprises, LLC, Comp ainants, vs.
16 Exh b t 6 9-9-21 e-ma cha n 131	16 Spire Missouri, nc. and its operating unit Spire
17 Exh b t 7 2-29-21 e-ma cha n 135	17 Missouri West, Respondents; taken on beha f of the
18 Exh b t 8 MOW Transportat on Comms 136	18 Comp ainants.
19 2-17-21	19
20 Exh b t 9 2-10-21 Payne e-ma 138	20
21 Exh b t 10 2-17-21 e-ma cha n 139	21
22 Exh b t 11 2-24-21 Sp re etter to 140	22
23 Symmetry	23
24 Exh b t 12 Conste at on not ce of 226	24
25 depos t on	25

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1 T S HEREBY ST PULATED AND AGREED by
2 and between a ouse that this deposition may be
3 taken in shorthand by Wi iam L. DeVries, RDR/CRR, a
4 Certified Court Reporter and Certified Shorthand
5 Reporter, and afterwards transcribed into
6 typewriting; and the signature of the witness is
7 express y reserved.
8 * * * * *
9 GEORGE E. GODAT,
10 of awfu age, produced, sworn and examined on
11 beha f of the Comp ainants, deposes and says:
12 (Starting time of the deposition: 8:08 a.m.)
13 V DEOGRAPHER: We are on the record.
14 Today's date is December 13th, 2021 and the time is
15 8:08 a.m. This is the video-recorded deposition of
16 corporate representative George Godat in the matter
17 of Symmetry Energy So utions, LLC, versus Spire
18 Missouri ncorporated, et a ., Case
19 Number GC-2021-0316, before the Pub ic Service
20 Commission of the State of Missouri.
21 This deposition is being he d at Dowd
22 Bennett. The reporter's name is Bi DeVries. My
23 name is Ryan Gray. 'm the ega videographer. We
24 are with A aris Litigation Services.
25 Wi the attorneys present p ease

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1 introduce themse ves and the parties they represent?
 2 MR. BAUER: Okay. So good morning.
 3 This is Steve Bauer and Rache Bos ey. We are from
 4 Latham & Watkins, and we represent Symmetry Energy
 5 So utions.
 6 MR. HOWELL: This is Richard Howe via
 7 Zoom. A so here with me for Conste ation is Amy
 8 Baird and Josh Harden, as we as an expert witness
 9 Jim Cantwe .
 10 MS. WH PPLE: Peggy Whipp e and Doug
 11 Hea y from Hea y Law Offices for Symmetry.
 12 MS. BELL: Okay. Stephanie Be with
 13 E inger & Associates on beha f of C earwater.
 14 MR. GORE: We got a the comp ainants?
 15 This is Gabe Gore and Becky McLaugh in here on
 16 beha f of Dowd Bennett, LLP. Dean, ' et you
 17 announce.
 18 MR. COOPER: Dean Cooper from the aw
 19 firm of Brydon, Swearngen & Eng and, PC on beha f
 20 of Spire Missouri, nc.
 21 MR. APL NGTON: This is Matt Ap ington
 22 from Spire Missouri, nc.
 23 COURT REPORTER: Ho d on, Ryan.
 24 Anybody e se on the Zoom that has not introduced
 25 themse ves?

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1 MR. STOKES: On beha f of the Pub c
 2 Serv ce Comm ss on staff, th s s Curt Stokes
 3 appear ng te ephon ca y.
 4 MS. N EME ER: On beha f of Sp re th s
 5 s Rache N eme er, appear ng te ephon ca y.
 6 MS. M LLER: On beha f of C earwater,
 7 outs de counse from Ha Est , th s s Sarah
 8 M er.
 9 V DEOGRAPHER: Wou d the court reporter
 10 p ease swear n the w tness?
 11 COURT REPORTER: Do you swear or aff rm
 12 that the test mony you are about to g ve n th s
 13 proceed ng w be the truth, the who e truth, and
 14 noth ng but the truth?
 15 THE W TNESS: Yes, s r.
 16 MR. BAUER: Okay. So Mr. Gore, you
 17 want to start us off?
 18 MR. GORE: Yeah. So good morn ng
 19 everyone. At the outset of the depos t on today
 20 just wanted to po nt out that Mr. Godat has n front
 21 of h m two b nders that ref ects the documents that
 22 he used to prepare to prov de test mony on each of
 23 the top cs. We thought the most comprehens ve st
 24 of top cs was Conste at on, so that s how the
 25 b nders are organ zed. They're organ zed by tab

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1 fo ow ng Conste at on's top cs.
 2 To the extent there were top cs from
 3 others' not ces that we fe t weren't covered w th n
 4 those 20 Conste at on top cs, we added a coup e at
 5 the end, but we th nk t covers everyone's top cs
 6 and that's -- these are the documents that he
 7 rev ewed n h s preparat on for today's test mony.
 8 We prov ded these documents
 9 e ectron ca y, so hope everyone who s on v deo
 10 got the documents. f you d d not get them, you can
 11 shoot Becky McLaugh n an e-ma . She' shoot a
 12 z p f e out to you. And th nk that s a we
 13 have.
 14 MR. BAUER: Okay. Great. So can ask
 15 you a quest on or two wh ch you're not be ng
 16 depose, so -- you don't have to answer the
 17 quest ons, but one quest on have s are a of
 18 these documents n these two b nders th ngs that
 19 have been prev ous y d sc ose n th s t gat on?
 20 MR. GORE: be eve so. Can we
 21 conf rm that? There may be a coup e -- 'm th nk ng
 22 of one pub c y ava ab e document that you guys may
 23 not have, but th nk by and arge, 99 percent of
 24 t -- t w be -- th nk we have a not ce from
 25 the Southern Star that's pub c y ava ab e that we

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1 put n there. Maybe some weather reports. don't
 2 know -- those were probab y produced weren't they or
 3 maybe they weren't. So there's th ngs ke that
 4 that we pu ed, but t be w obv ous to you.
 5 But a the documents th nk have been
 6 produced. f not, et us know f you th nk they
 7 haven't been produced but to the extent they haven't
 8 been produced, we're produc ng them today. don't
 9 th nk anybody s go ng to see anyth ng n there
 10 that's unfam ar to them.
 11 MR. BAUER: s there any way -- are
 12 these Bates marked or marked n any way that we can
 13 track them?
 14 MR. GORE: They're marked just ke
 15 they were when they were produced and as
 16 understand t we d dn't produce anyth ng but Bates
 17 abe s.
 18 MR. BAUER: Okay. A rght.
 19 MS. BELL: Can state for the record
 20 that Jenn fer Thompson from C earwater s a so on
 21 the Zoom.
 22 MR. BAUER: A rght. We , et's get
 23 started.
 24 MR. GORE: You guys know -- before we
 25 get started here, et me do one more th ng. meant

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1 to do this ear ear thank this goes better with
 2 this down Less distracted
 3 EXAMINATION
 4 QUESTIONS BY MR. BAUER
 5 **Q. Okay. Good morning, sir.**
 6 A Good morning
 7 **Q. Could you pronounce your last name**
 8 **again for me because I think I've been getting it**
 9 **wrong all this time.**
 10 A Yeah George Godat
 11 **Q. Godat?**
 12 A Yes
 13 **Q. Okay. Thank you. Nice to meet you.**
 14 A Uh-huh Nice to meet you
 15 **Q. What is your current position at Spire?**
 16 A Vice president of gas supply and
 17 general manager for Missouri East So have
 18 responsibility for gas supply for all of our
 19 utilities gas control for all of our utilities and
 20 then also have field operations for St. Louis So
 21 about a thousand field employees
 22 (Court reporter interrupt on)
 23 **Q. (By Mr. Bauer) And you say is that**
 24 **just for Spire East or is it for the entire Spire**
 25 **group of companies?**

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1 A. My gas supply and gas control
 2 responsibilities are for all of Spire utilities. My
 3 field operations is just for Missouri East.
 4 **Q. How long have you been in that**
 5 **position?**
 6 A. I've had gas supply and gas control
 7 since 2018. took over field operations last
 8 October.
 9 **Q. Who did you take field operations over**
 10 **from?**
 11 A. Tim Goodson.
 12 **Q. Can you just run us quickly through**
 13 **your education and your past employment positions?**
 14 A. Sure. have a mechanical engineering
 15 degree from University of Missouri Rolla, which is
 16 now Missouri S&T. Came to work for Spire right out
 17 of college. So been here 30 years in January.
 18 was -- held various positions on the operations side
 19 for my first four years. In 1996 moved into gas
 20 supply for Lac ede Gas Company. And held -- was
 21 then -- held various roles in gas supply for Lac ede
 22 Gas for about 14 years.
 23 And then 2008 moved to Spire
 24 marketing, which was Lac ede Energy Resources at the
 25 time. spent ten years there. And when they moved

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1 that entity to Houston, came back to the utility
 2 in 2018 and took over gas supply and gas control
 3 and then this past October when Tim Goodson retired,
 4 they added the responsibility of field operations to
 5 me.
 6 **Q. And currently who do you report to?**
 7 **Who is above you in the chain of command?**
 8 A. report directly to Scott Carter, the
 9 president of Spire Missouri.
 10 **Q. And who are your direct reports?**
 11 A. On the gas supply side, Justin Powers
 12 runs gas supply for all the utilities. Alex Grewach
 13 runs gas control. have three directors on the
 14 field operations side. don't know if you want me
 15 to name those.
 16 **Q. Sure.**
 17 A. Rob Atkinson, Todd Gibson, and David
 18 Williams. And then have -- have a manager of
 19 operational support that's Ray Wilson that reports directly
 20 to me. have an admin Theresa Payne that reports
 21 to me, and then an accountant, Michele Beaver, that
 22 reports directly to me.
 23 **Q. Thank you. Is there any reason that**
 24 **you cannot testify today truthfully and accurately?**
 25 A. There's not.

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1 **Q. Have you had your deposition taken**
 2 **before?**
 3 A. did in a Missouri PSC case when I was
 4 in gas supply for the utility, so probably 20 years
 5 ago.
 6 **Q. And that's the only one?**
 7 A. Yes.
 8 MR. BAUER: Okay. Can we mark the
 9 deposition notice as the first exhibit, please?
 10 (WHEREIN, Exhibit 1, Notice of
 11 deposition, was marked for identification by the
 12 Court Reporter.)
 13 **Q. (By Mr. Bauer) So we put Exhibit 1**
 14 **before you, and that's the deposition notice in this**
 15 **case for your deposition as an attachment. You've**
 16 **seen it before I take it?**
 17 A. have.
 18 **Q. Okay. And so you're the person who's**
 19 **testifying as the corporate representative for**
 20 **Spire?**
 21 A. Yes, sir.
 22 **Q. And that means that you've been**
 23 **designated by the company as its representative for**
 24 **each of these topics, true?**
 25 A. Correct.

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1 **Q. Okay. And do you feel qualified to**
 2 **testify on behalf of Spire -- Spire Missouri, Inc.**
 3 **and Spire Missouri West on each of these topics?**
 4 MR. GORE: 'm just go ng to object to
 5 the use of the term qua f ed as vague. You can
 6 answer.
 7 A. Yeah. 'm go ng to -- yeah, 'm
 8 test fy ng on the fact that 've rev ewed these
 9 documents and 'm fam ar w th the nformat on
 10 that's been presented. 'm not necessar y the
 11 person that produced them, so to the extent can
 12 ta k about them, don't necessar y have a the
 13 nformat on that went nto putt ng those together.
 14 **Q. (By Mr. Bauer) Is there any particular**
 15 **area that you -- that you would prefer not to**
 16 **testify about today?**
 17 A. No, 'm f ne ta k ng about each one.
 18 **Q. So since you're testifying as the**
 19 **representative, I'm going to try to use the word**
 20 **Spire rather than you --**
 21 A. Okay.
 22 **Q. -- because you're testifying on behalf**
 23 **of Spire. When we take your deposition personally,**
 24 **we may ask you what did you do, what do you know,**
 25 **but now I'm going to be asking on behalf of Spire.**

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1 A. Okay.
 2 **Q. You understand that?**
 3 A. Yes.
 4 **Q. We'll all just do the best we can with**
 5 **that.**
 6 A. Okay.
 7 **Q. It's a little awkward. So can you tell**
 8 **us generally what you did to prepare to be the Spire**
 9 **representative today?**
 10 A. Okay. rev ewed these documents.
 11 read through the not ce of depos t on. spoke
 12 w th -- w th some of the part es that had prov ded
 13 the documents to make sure that they were st --
 14 st conf dent that the nformat on that they had
 15 prov ded was accurate.
 16 **Q. Okay. So let's get a little more**
 17 **detail on that. Who did you meet with?**
 18 MR. GORE: And 'm go ng to object,
 19 vague. You can answer.
 20 A. Yeah, spoke w th ns de, outs de
 21 counse . The ones that spec f ca y ta ked to
 22 were Scott We tze . Just n Powers works for me, so
 23 have ongo ng conversat ons w th Just n. ta ked
 24 to Scott Dud ey, who prepares our documents for
 25 press re eases and for our -- there was another

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1 document here. L ke our earn ngs re eases, Scott
 2 Dud ey s the one that prepares those. So ta ked
 3 to Scott Dud ey. And a so spoke w th Patty
 4 Reardon.
 5 **Q. (By Mr. Bauer) Who is Patty Reardon?**
 6 A. She's the bus ness rep for Kansas C ty
 7 for Sp re.
 8 **Q. Right. And you met with you say inside**
 9 **and outside counsel?**
 10 A. That's correct.
 11 **Q. For approximately how much time did you**
 12 **spend with them?**
 13 MR. GORE: 'm go ng to -- 'm go ng to
 14 object, vague because don't th nk you're mak ng t
 15 c ear as to whether or not what he was do ng n
 16 preparat on to g ve test mony today, spec f ca y on
 17 the top cs, as opposed to pr v eged meet ngs w th
 18 counse .
 19 MR. BAUER: Okay. We , th nk h s
 20 meet ng w th you to get ready for the top cs, to get
 21 ready for th s depos t on wou d be pr v eged too.
 22 'm not try ng to --
 23 MR. GORE: R ght.
 24 MR. BAUER: 'm not try ng to bust your
 25 pr v ege.

Page 20

1 MR. GORE: There's preparat ons --
 2 there's peop e he met w th and prepared that he's
 3 prepared to ta k about those conversat ons because
 4 they were n preparat on to g ve test mony on the
 5 top cs, whereas when he met w th us we were, you
 6 know --
 7 MR. BAUER: Prepar ng for the
 8 depos t on.
 9 MR. GORE: Exact y.
 10 **Q. (By Mr. Bauer) So all I'd like to know**
 11 **is the names of the people that you met with when**
 12 **you prepared for the deposition and approximately**
 13 **how long you met with them. I don't want to know**
 14 **about the content or anything.**
 15 A. Yeah, met, what, approx mate y s x
 16 hours tota wou d guess. t was the four
 17 attorneys n th s room. Yeah, t was these four and
 18 then Go d e -- how do you pronounce her ast name?
 19 MR. APL NGTON: Bockstruck.
 20 A. Bockstruck. She was a so n the
 21 meet ng w th us. She works for Matt.
 22 **Q. (By Mr. Bauer) So if I get it right,**
 23 **you spent about six hours with lawyers preparing for**
 24 **the deposition, but you spent additional time**
 25 **talking to these four different persons that you**

Page 21

1 listed before?

2 A. That's correct.

3 **Q. Anything else have you done -- have you**

4 **done anything else to prepare for the deposition**

5 **other than what we just described here?**

6 A. The majority of my time was just spent

7 getting myself familiar with these documents.

8 **Q. Do you know how those documents came to**

9 **be a set that were given to you?**

10 A. It was -- it was information that

11 counsel pursued that thought -- they thought was

12 representative of the questions that had been asked

13 in the deposition.

14 **Q. Did you review any documents other than**

15 **the ones that are in these binders in preparation**

16 **for this deposition?**

17 A. Yeah, none that I can think of.

18 MR. GORE: For the record, Steve, I'd

19 just point out he did forget one name of a person he

20 spoke with in preparation. If you want me to remind

21 him I can or just --

22 MR. BAUER: Sure. Let's just get it

23 out.

24 MR. GORE: Bob McKee.

25 A. Oh, Bob McKee. Yeah, I'm sorry. He's

Page 22

1 our records retained on coordinator or manager.

2 **Q. (By Mr. Bauer) At Spire?**

3 A. At Spire.

4 **Q. Bob McKee?**

5 A. Bob McKee, correct.

6 **Q. Okay. Thank you. Okay. Take a look,**

7 **if you would, at Exhibit 1. It's on page four,**

8 **examination topic number one. Just for keeping**

9 **yourself organized there, as a general rule I'm just**

10 **going to plow through these topics one after the**

11 **next. I may skip around a little bit, but not too**

12 **much. So you probably want to just keep Exhibit 1**

13 **in front of you.**

14 So topic one is (quote as read):

15 Spire's collection and production of

16 documents in this matter, including the

17 basis for stating that, quote, Spire

18 has no additional responsive documents

19 to produce at this time, end quote, in

20 Spire's September 17th, 2021 letter.

21 Which is attached as attachment A. Go

22 ahead and turn to attachment A, if you would. It's

23 the letter from Mr. Aplington to me. The fourth

24 paragraph says (quote as read):

25 Your letter seems to imply that,

Page 23

1 because the damages Spire seeks are

2 large, there must be a concomitant

3 volume of documents to substantiate the

4 claim. There are not, and Spire has no

5 additional responsive documents to

6 produce at this time.

7 Do you see that?

8 A. Yes, sir.

9 **Q. Do you -- do you know -- or let me ask**

10 **you this: What does it mean when it says there that**

11 **Spire has no additional responsive documents to**

12 **produce at this time? Can you explain that to me?**

13 MR. GORE: At this point I'm just going

14 to point out that I submitted written objections to

15 topic one, and after the objections what I stated

16 the witness would be prepared to testify about is

17 that we would produce the corporate representative

18 who would be capable of testifying regarding the

19 collection and production of documents in response

20 to Symmetry's data requests. And I think the

21 question you just asked goes beyond that in terms of

22 asking what was Matt Aplington's thought process

23 when he wrote a sentence in a letter.

24 MR. BAUER: Okay. But I'm asking what

25 Spire -- does Spire have any understanding of what

Page 24

1 that means and what does that mean to us in this

2 litigation. So take your objection. There's some

3 discussion on our side of the aisle here about

4 whether those objections were adequate, and that's

5 something we can talk about later. We don't need to

6 burn time on this now.

7 MR. GORE: I'm pretty sure under

8 Missouri law they were not adequate.

9 MR. BAUER: I didn't -- it wouldn't

10 surprise me that we might disagree on that. But so

11 take -- take your objection, but can he just

12 answer the question or are you going to instruct him

13 not to answer?

14 MR. GORE: No, you can answer if you're

15 able.

16 **Q. (By Mr. Bauer) Okay.**

17 A. Yeah, I mean, you know, as you

18 mentioned, wasn't directly responsible for

19 producing the documents that were turned over.

20 went through and reviewed all the documents. You

21 know, based -- based on my information on the

22 matter, you know, think all of the documents that

23 are needed to -- to calculate damages in this case

24 are in this -- in these binders.

25 **Q. Does that mean that Spire has produced**

Page 25

1 **all of the documents that Symmetry has requested?**
 2 A. Yeah, mean, t's my understand ng
 3 based on th s etter that Sp re's produced a the
 4 documents that Symmetry has requested. L ke say,
 5 haven't -- haven't persona y been respons b e
 6 for co ect ng a the documents, so wou d say
 7 t's Sp re's pos t on that the documents that
 8 Symmetry has requested have been co ected and
 9 turned over.
 10 MR. GORE: And 'm -- and 'm go ng to
 11 object to the quest on ng as vague and ca s for
 12 ega conc us on. You sw tched terms. You sw tched
 13 from respons ve to requested, wh ch are two
 14 d fferent th ngs ega y, wh ch th s w tness s not
 15 a awyer.
 16 **Q. (By Mr. Bauer) Do you have an**
 17 **understanding of the difference between responsive**
 18 **and requested? I'm not sure your counsel and I are**
 19 **thinking about the same words.**
 20 A. Yeah. Cou d you exp a n what you're
 21 ta k ng about n context of?
 22 **Q. Yeah, sure. I mean, my question is --**
 23 **I'll take a step back. Symmetry requested a bunch**
 24 **of documents from Spire in this case. My question**
 25 **to -- to you is after seeing this letter, it says**

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1 (quote as read):
 2 **Spire has no additional responsive**
 3 **documents to produce at this time.**
 4 **And my question is have you guys**
 5 **produced all the documents that we requested or do**
 6 **you know? And that's all I'm trying to find out**
 7 **here.**
 8 MR. GORE: 'm going to object, vague,
 9 ca s for ega conc us on. f you want me to say
 10 more, wi . Go ahead. You can answer.
 11 A. Yeah, to the best of my know edge based
 12 on everything reviewed here, Spire's position is
 13 that they've turned over a the documents that --
 14 that Symmetry has requested and have been responsive
 15 to the questions that Symmetry has asked.
 16 **Q. (By Mr. Bauer) And your basis for that**
 17 **testimony is -- is Mr. Aplington's letter. Anything**
 18 **else?**
 19 MR. GORE: 'm going to object, ca s
 20 for ega conc us on. You can answer.
 21 A. Yeah, wou d say -- mean, based on
 22 the etter and then just based on the data request
 23 process is something that's -- that's something that
 24 our -- Spire as a uti ity has to do a ot. So
 25 think the company in genera is fami iar with that

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1 process and goes above and beyond to try to be
 2 responsive to data requests as they come in.
 3 **Q. (By Mr. Bauer) Who is the person who's**
 4 **in charge of the data response -- the data responses**
 5 **at Spire?**
 6 MR. GORE: 'm going to object, vague.
 7 Are you ta king about this case?
 8 MR. BAUER: Yes.
 9 A. t just depends on the topic. You
 10 know, the fo ks that mentioned that had spoken
 11 to think provided information to the various
 12 topics that were inc uded in the questioning from --
 13 from Symmetry.
 14 **Q. (By Mr. Bauer) Are you aware of any**
 15 **documents that were requested by Symmetry but have**
 16 **been withheld by Spire?**
 17 A. am not.
 18 **Q. Have you made any inquiry to -- to --**
 19 **within Spire to know whether there were documents**
 20 **that were requested by Symmetry that Spire is**
 21 **withholding?**
 22 A. have not specifica y asked that
 23 question.
 24 **Q. What did you do specifically to prepare**
 25 **yourself to testify about this topic number one?**

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1 A. reviewed the information that's in
 2 the binder. cou d run through -- it's a of the
 3 information that was used to ca cu ate the OFO
 4 pena ties. t was -- it was the invoices that
 5 showed what our cost to gas was. t was the
 6 imba nce ca cu ations on the spreadsheets that
 7 showed the nominated vo umes versus actua vo umes.
 8 (Court reporter interruption.)
 9 A. reviewed a the Gas Dai y pricing,
 10 which is the -- the number that gets ca cu ated in
 11 the OFO pena ty ca cu ation. So mean, cou d --
 12 cou d go through every document here, but
 13 basica y reviewed the information that had been
 14 turned over that was used to ca cu ate the damage
 15 ca cu ations.
 16 **Q. (By Mr. Bauer) Was there a time**
 17 **related to the winter storm event that Spire sent a**
 18 **request to its employees that they preserve any**
 19 **documents related to the winter storm?**
 20 A. Yes, be lieve we had a retention
 21 request from -- from inside counse .
 22 **Q. And when was that sent out?**
 23 MR. GORE: 'm going to object, beyond
 24 the scope of the notice. You can answer if you
 25 know.

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1 A. Yeah, don't know t off the top of my
 2 head.
 3 **Q. (By Mr. Bauer) Do you know, was it**
 4 **sent before or after Spire brought a lawsuit against**
 5 **Symmetry?**
 6 MR. GORE: 'm go ng to object,
 7 foundat on. w nstruct the w tness not to
 8 speculate f you don't know.
 9 A. Yeah, don't have that date off the
 10 top of my head.
 11 **Q. (By Mr. Bauer) Who sent it?**
 12 A. Yeah, don't reca that off the top
 13 of my head e ther.
 14 **Q. Do you know who it was sent to?**
 15 A. do not. wou d have to f nd out who
 16 sent t and see who the st was on that
 17 d str but on.
 18 **Q. So there's one of those occasions where**
 19 **I'm going to ask you personally because it relates**
 20 **to that exact issue, but did you receive a -- a**
 21 **document preservation order in this -- related to**
 22 **the winter storm?**
 23 A. do reca rece v ng that.
 24 **Q. And what form was that in?**
 25 A. be eve t was an e-ma .

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1 **Q. What do you recall of the scope or --**
 2 **of -- or what the document retention request asked**
 3 **you to preserve?**
 4 MR. GORE: 'm go ng to object that
 5 th s s beyond the scope, but you can answer.
 6 A. Yeah. From what reca when read
 7 t, knew t was c ear y anyth ng that had, any
 8 nformat on that had that was re ated to the
 9 W nter Storm Ur that needed to keep t.
 10 **Q. (By Mr. Bauer) Did you ever -- did you**
 11 **ever receive any amendment or follow-up to that**
 12 **preservation request?**
 13 MR. GORE: ' object aga n beyond the
 14 scope of the not ce, but you can answer.
 15 A. Yeah, don't reca rece v ng an
 16 update.
 17 (Court reporter nterrupt on.)
 18 **Q. (By Mr. Bauer) What did Spire do to**
 19 **collect documents related to this case?**
 20 A. wou d have to -- wasn't the one
 21 spec f ca y co ect ng them, so that wou d -- that
 22 wou d have to be asked by our regu atory team that
 23 runs that process.
 24 **Q. So if I wanted to ask questions about**
 25 **Spire's collection of documents in this matter, who**

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1 **would I ask?**
 2 A. wou d say Scott We tze and then our
 3 ns de and outs de course .
 4 MR. GORE: And Steve, ' just say the
 5 w tness s prepared to ta k about the document
 6 co ect on process n genera .
 7 **Q. (By Mr. Bauer) Well, I want to get**
 8 **whatever information you have. So I guess your**
 9 **counsel would like me to ask you tell me about the**
 10 **document collection process at Spire in general.**
 11 A. Yeah, n genera whenever we get a data
 12 request --
 13 MR. GORE: We , can -- can you te
 14 h m your genera understand ng of the process n
 15 th s case?
 16 A. Yeah, my genera understand ng of the
 17 process s those requests fow through ega and
 18 regu atory and as they ook at that they -- they
 19 understand who at Sp re wou d be the party that
 20 wou d have the nformat on respons ve to that top c,
 21 and that's who they co ect the nformat on from.
 22 **Q. (By Mr. Bauer) So the -- the folks**
 23 **that you mentioned earlier in legal and regulatory**
 24 **made the decisions of -- from whom to collect**
 25 **documents in this case?**

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1 A. That's my understanding of the process.
 2 **Q. Do you have -- do you know specifically**
 3 **who made the decisions in this case?**
 4 A. do not know specifica y.
 5 **Q. Now, after the documents are collected**
 6 **they are reviewed and then either produced or not**
 7 **produced to the party that requested them in this**
 8 **case. Did you have any involvement with deciding**
 9 **what was going to be disclosed to Symmetry from the**
 10 **documents that were collected within Spire?**
 11 A. do not reca having any
 12 conversations deciding what information was going to
 13 go.
 14 **Q. So let me ask you as Spire's**
 15 **representative, can you tell me any details about**
 16 **how that procedure worked in this case? Who did**
 17 **what?**
 18 A. We , based on reviewing the documents,
 19 pretty much anything from -- from the gas supp y
 20 damage ca cu ation process was co ected through gas
 21 supp y. The presentations that were provided to the
 22 Missouri Pub ic Service Commission were provided by
 23 Scott Weitze . The individua customer contacts
 24 that took p ace were by Patty Reardon. Records
 25 retention questions go to Bob McKee. So wou d say

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1 in genera that's where it's my understanding that
 2 questions got directed to.
 3 **Q. So do you have as Spire's**
 4 **representative today any information about any of**
 5 **the specific data requests and Spire's responses?**
 6 A. don't understand your question.
 7 **Q. What I'm trying to understand -- tell**
 8 **you exactly what I'm doing. Is wondering whether**
 9 **it's just going to be a waste of everybody's time if**
 10 **I ask you about a certain data request and say Spire**
 11 **only produced one document or didn't produce any**
 12 **documents. Can you tell us about that? I don't**
 13 **want to go through that whole exercise if you don't**
 14 **know.**
 15 A. Yeah, ike say --
 16 **Q. So --**
 17 A. was not the one that specifica y
 18 pu ed a the documents. So 'm prepared to ta k
 19 about the information that was turned over, but 'm
 20 not in a situation to know if there was any -- yeah,
 21 if -- yeah. Like say, 'm here to ta k about the
 22 documents that are here. cou dn't te you if --
 23 if there's another document out there that -- since
 24 wasn't specifica y in the position of preparing
 25 the documents.

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1 **Q. So let's say I ask you what are the**
 2 **documents that are within -- that were within Spire**
 3 **that are correspondence communications relating to**
 4 **whether or not to issue an OFO, and I showed you**
 5 **whatever documents that were produced in this case**
 6 **related to that. Would you be in a position to tell**
 7 **me whether there are others that were withheld or**
 8 **whether that's all there were or whether there are**
 9 **no documents?**
 10 MR. GORE: 'm going to object to the
 11 hypotheticala , compound, beyond the scope.
 12 A. Yeah. Like say, it is my assumption
 13 when they asked the questions, that the documents in
 14 our possession have been produced.
 15 MR. GORE: And just to state for the
 16 record, the witness is prepared to testify on each
 17 topic in the manner that we agreed in our responses
 18 and objections to produce the witness. And on this
 19 topic the witness is prepared to testify as we set
 20 out in our objections.
 21 MR. BAUER: Okay. We , and the first
 22 topic of the deposition is Spire's co ection and
 23 production of documents and Spire's representation
 24 that they have no additiona responsive documents to
 25 produce at this time. So those are just kind of

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1 pretty basic questions. And if he's not the person
 2 to answer those questions, we' have to find the
 3 person that is.
 4 **Q. (By Mr. Bauer) If you look at**
 5 **attachment A to Exhibit 1, there's a footnote to the**
 6 **paragraph that we have been discussing. Take a look**
 7 **at that. It says (quote as read):**
 8 Spire remains mindful of its
 9 obligations to supplement discovery
 10 responses as appropriate, and will do
 11 so.
 12 **Do you see that, sir?**
 13 A. Yes, sir.
 14 **Q. Does Spire have any supplemental**
 15 **document productions in process?**
 16 A. 'm not aware of any at this time.
 17 **Q. And does Spire -- is Spire -- does**
 18 **Spire have any supplemental document productions**
 19 **planned?**
 20 A. Not that 'm aware of.
 21 **Q. Okay. Let's continue looking at**
 22 **Exhibit 1, examination topic number 2A, which states**
 23 **(quote as read):**
 24 **The full factual bases, including**
 25 **details and the supporting**

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1 **documentation, for the following**
 2 **statement. 3, as a result, gas markets**
 3 **were very -- were forecast to become**
 4 **very short.**
 5 **What -- which gas markets is this**
 6 **statement referring to?**
 7 A. The -- it was -- it was basica y the
 8 production side of supp y that serves the Kansas
 9 City market.
 10 **Q. And any other gas market or just that**
 11 **one?**
 12 A. There were -- there were other gas
 13 markets that were short that impact the
 14 midcontinent. So it was -- it was -- basica y the
 15 supp y in genera that was going to be avai ab e to
 16 serve Kansas City was very constrained. A ot of
 17 production was disappeared from the market. And
 18 that was very much a concern for Spire going into
 19 the co d period.
 20 (Court reporter interruption.)
 21 **Q. (By Mr. Bauer) Any other gas market**
 22 **other than what you just described?**
 23 A. think it's a pretty vague question.
 24 mean, when you ook at the -- when you ook at how
 25 integrated supp y is across the country, it's hard

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1 to just p n p o n t one -- one spec f c product on
 2 reg on because th nk the Gas Dai y documents that
 3 are nc uded n here, you know, g ve a good
 4 exp anat on of how shortages n one market can
 5 mpact supp y n another from that supp y/demand
 6 tug. So n genera there was product ons concerns
 7 across the who e M dwest.
 8 MR. GORE: And Steve, at th s po nt
 9 just for the purpose of -- so tak ng the depos t on,
 10 'm go ng to g ve h m another copy of the etter
 11 because when he's ook ng at the top c, he can't see
 12 the etter. So when you ask about these phrases,
 13 just th nk he needs to read t n context so he has
 14 context for the phrase you're ask ng about.
 15 MR. BAUER: Great dea.
 16 MR. GORE: So you understand what's n
 17 th s top c s be ng taken out of that etter.
 18 THE W TNESS: Oh, got you.
 19 MR. GORE: Okay.
 20 THE W TNESS: Thank you.
 21 **Q. (By Mr. Bauer) Okay. So still on --**
 22 **still on topic A --**
 23 MR. GORE: Can just ask, can you take
 24 a moment and f nd that anguage n the etter?
 25 just want to make sure you have the context as

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1 you're answer ng these quest ons. f you cou d
 2 d rect h m, that m ght speed t up a b t, where that
 3 phrase came from n the etter.
 4 MR. BAUER: Okay. thought you were
 5 d rect ng h m just f ne.
 6 A. Yeah, see t here.
 7 **Q. (By Mr. Bauer) It's number three.**
 8 A. Yes. see t here now. Yeah, th nk
 9 t was -- t was the fear of what actua y happened
 10 was go ng to happen.
 11 **Q. Let me ask you, when you were preparing**
 12 **for this deposition, did you -- did you understand**
 13 **that these topics that you were going to testify**
 14 **came directly out of that letter from Mr. Aplington**
 15 **or did you just, you know, determine that now?**
 16 MR. GORE: 'm go ng to -- 'm go ng to
 17 object, beyond the scope of the not ce and --
 18 A. 'm fam ar w th th s document.
 19 d dn't go through and try to spec f ca y see f
 20 nformat on and d fferent p eces of correspondence
 21 ted exact y to what the quest ons were n th s
 22 document.
 23 **Q. (By Mr. Bauer) Okay. Okay. So going**
 24 **back to topic 2A (quote as read):**
 25 **As a result gas markets were forecast**

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1 to become very short.
 2 **Which forecasts is that referring to?**
 3 **Like who's making the forecast?**
 4 A. mean, there's a ot of different
 5 information out there. think Gas Dai y is one of
 6 the best -- best sources. think wou d you ike
 7 for me to direct you to where that says it in the
 8 Gas Dai y for the 12th?
 9 **Q. No, no. I'm just asking who said it**
 10 **and when. I mean, you don't have to point out the**
 11 **exact document.**
 12 A. Yeah. t's a combination of
 13 information that's in documents ike Gas Dai y a ong
 14 with correspondence that -- that the gas supp y team
 15 was having with the upstream pipe ines and
 16 suppliers.
 17 **Q. And when did those forecasts come out**
 18 **that made Spire believe that gas markets were going**
 19 **to be very short?**
 20 A. We were seeing the co d forecast coming
 21 out of the weekend, but it was rea y the beginning
 22 of that -- the week prior to going into the po ar
 23 vortex that it was rea y coming to ight.
 24 **Q. So is that the -- do you remember**
 25 **dates?**

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1 A. 9th, 10th, 11th.
 2 **Q. And --**
 3 MR. GORE: Can you go ahead and say the
 4 month just to be ce ar for the record.
 5 A. Yeah, February 9th, 10th, 11th.
 6 **Q. (By Mr. Bauer) Who at Spire is**
 7 **involved with monitoring the gas market forecasts?**
 8 A. Justin Powers that runs gas supp y,
 9 he -- he monitors the forecasts and keeps track of
 10 the upstream supp y situation. Our gas contro is
 11 the one that actua y puts the forecast out for what
 12 our system demand is going to be.
 13 **Q. And the gas control reports to**
 14 **Mr. Powers?**
 15 A. t reports to me.
 16 **Q. It reports to you?**
 17 A. t does.
 18 **Q. So who's in charge of gas control**
 19 **again? I'm sorry if you told me and I have**
 20 **forgotten the name.**
 21 A. No, don't. A ex Grewach is the name.
 22 **Q. And who are the people that were**
 23 **monitoring the gas market forecasts for Spire in**
 24 **February 2021? Is it those two gentlemen?**
 25 A. That wou d be our who e gas supp y team

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1 and gas contro . So A ex and his staff.
 2 **Q. How do -- how do those groups**
 3 **communicate with each other within Spire?**
 4 MR. GORE: 'm going to object, vague.
 5 You can answer.
 6 A. Gas contro actua y sends the forecast
 7 over showing what our -- excuse me -- based on the
 8 temperature forecast what our system demand is going
 9 to be, but in genera they spend a ot of time on
 10 phone conversations and situations ike this.
 11 **Q. (By Mr. Bauer) Were their documents**
 12 **collected for this case?**
 13 MR. GORE: 'm going to object, vague.
 14 A. Yeah, think that's a given.
 15 **Q. (By Mr. Bauer) Meaning that -- I'll**
 16 **respond. It was a vague question. I'll make it a**
 17 **little tighter.**
 18 **Were documents related to the winter**
 19 **storm collected from the persons who were involved**
 20 **in monitoring the gas market forecasts for Spire?**
 21 A. They were.
 22 MR. GORE: 'm going to object. '
 23 object, vague. You can answer.
 24 A. Okay. Yeah, they were.
 25 **Q. (By Mr. Bauer) And were all the**

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1 **responsive documents from those groups produced to**
 2 **us in this case?**
 3 A. Like mentioned before, it's my
 4 understanding that if someone was asked to produce
 5 documents, they produced the documents.
 6 **Q. Now, do these folks in gas control, do**
 7 **they have any means for communicating with each**
 8 **other other than by telephone?**
 9 A. They do. The forecasts that they send
 10 out to gas supp y, the forecast was actua y one of
 11 the documents that's inc uded in this binder.
 12 **Q. And do they communicate by -- by e-mail**
 13 **or by some other way?**
 14 A. Typica y by e-mai .
 15 **Q. In February 2021, were those folks**
 16 **working remotely or were they on-site here at Spire?**
 17 A. The contro ers themse ves were
 18 on-site.
 19 **Q. All right. Let's go to topic 2B,**
 20 **please. Here it says (quote as read):**
 21 **Spire reacted by initiating an OFO to**
 22 **all marketers for the projected start**
 23 **of the storm and short market.**
 24 **It says initiating an OFO. What does**
 25 **that entail?**

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1 MR. GORE: And George, just nstruct
 2 you ook at the etter and read t --
 3 THE W TNESS: Yeah.
 4 MR. GORE: -- n context of the etter
 5 before you answer. Thank you.
 6 A. Yeah. t's g v ng not ce to the
 7 marketers that we're n an OFO s tuat on.
 8 **Q. (By Mr. Bauer) And what is the purpose**
 9 **of an OFO?**
 10 A. t s to protect the ntegrty of our
 11 system and t s to make sure that we stay n
 12 comp ance w th our upstream p pe nes.
 13 **Q. Any other purposes?**
 14 A. Yeah, t's bas ca y s nce the ut y
 15 has no contro over the supp y that's -- that's
 16 brought n to serve the marketers, t's to make sure
 17 that the marketers are do ng the r part to br ng
 18 that supp y n.
 19 MS. BA RD: 'm sorry, Steve, to
 20 nterrupt. Th s s Amy. 'm hav ng a tte
 21 troub e hear ng the w tness. He keeps dropp ng h s
 22 vo ce a tte. Can you guys make an effort,
 23 p ease, to e ther get h m c oser or have h m speak
 24 up?
 25 THE W TNESS: ' try to speak up.

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1 apo og ze.
 2 MS. BA RD: Thank you.
 3 **Q. (By Mr. Bauer) Okay. So are there**
 4 **procedures in place for Spire on when to declare an**
 5 **OFO and when not to?**
 6 A. Procedure-w se, mean, there's a ot
 7 of th ngs that the ut tes have to do to stay n
 8 comp ance w th the r tar ff, and not everyth ng s
 9 wr tten down n a forma procedure. So the tar ff
 10 tse f s the gu depost for gas supp y mak ng the
 11 dec s on to go nto an OFO.
 12 **Q. So Spire does not have any other**
 13 **internal procedures related to whether or not to go**
 14 **into an OFO; is that true?**
 15 A. Yeah, we don't have a forma procedure
 16 for that, correct.
 17 **Q. Okay. So who was involved in the**
 18 **decision whether to declare an OFO?**
 19 MR. GORE: 'm go ng to object. Are
 20 you -- vague. And wou d just ask you to spec fy
 21 whether you're ta k ng about the present matter.
 22 MR. BAUER: Abso ute y r ght.
 23 **Q. (By Mr. Bauer) Who was involved at --**
 24 **at Spire in February of 2021 in deciding when and**
 25 **whether to have an OFO?**

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1 A. It was primarily Justin Powers who
 2 oversees gas supply and myself. I did -- I did
 3 consult with Scott Carter, my boss, but ultimately
 4 was the one that made the decision.
 5 **Q. That was my next question. Did you**
 6 **need approval from anyone above you for that**
 7 **decision or does the buck stop with you?**
 8 A. It stops with me.
 9 **Q. Was there any debate within Spire about**
 10 **when to initiate an OFO?**
 11 MR. GORE: I'm going to object to the
 12 term debate as vague. Go ahead and answer.
 13 A. Yeah, it was actually -- the timing
 14 fell in to where it didn't even require a lot of
 15 debate. You know, on that Monday and Tuesday we
 16 were seeing -- we were seeing the supply situation
 17 deteriorate.
 18 We were starting to see -- we were
 19 starting to have concern that supply was going to
 20 disappear and then Southern Star issued the first OFO on
 21 the 9th. So after reviewing that we -- we moved in
 22 a lockstep and issued ours on the 10th, effective for
 23 the same gas date, nine a.m. on the 12th.
 24 **Q. (By Mr. Bauer) How did Southern Star's**
 25 **OFO factor into Spire's decision whether or not to**

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1 **declare an OFO?**
 2 A. It just reinforced to us that it was
 3 absolutely necessary to do.
 4 **Q. Are there any documents at Spire**
 5 **indicating that anyone believed that the OFO was**
 6 **unnecessary?**
 7 A. I'm not aware of any of those
 8 documents.
 9 **Q. Are there any documents within Spire**
 10 **indicating that Spire's system integrity was not at**
 11 **risk at the time that the OFO was declared?**
 12 A. I'm not aware of those documents.
 13 **Q. Are there any documents in Spire**
 14 **indicating that anyone believed that the system**
 15 **integrity was not at risk during any time during**
 16 **which the OFO was in place?**
 17 MR. GORE: I'm going to object, vague
 18 and compound.
 19 A. Yeah, mean, to the contrary, there
 20 was -- there was actually a lot of concern during
 21 Winter Storm Uri about the integrity of the system
 22 in Kansas City.
 23 **Q. (By Mr. Bauer) And since I'm asking**
 24 **you about documents on this line of questions, who**
 25 **were -- do any of those people communicate by**

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1 **e-mail?**
 2 MR. GORE: I'm going to -- I'm going to
 3 object, cause for speculation. You can answer.
 4 A. Yeah, mean, there's documents in here
 5 that talk about specifically the issues that we were
 6 having in Southwest Missouri where we were losing
 7 supply on the Southern Star system. We initiated
 8 our incident support team because we were preparing
 9 for outages in Southwest Missouri. There was a
 10 media campaign.
 11 We provided the pressure profile on the
 12 Southern Star system in Southwest Missouri where you
 13 could see we were -- we were dramatically losing
 14 pressure over a short amount of time. So that
 15 information has been provided.
 16 MR. GORE: And Mr. Godat, would just
 17 ask just for the record, when you reference the
 18 binder, could you be specific? Rather than say
 19 here, say in the binders that -- that have been
 20 produced at the deposition today just to make clear
 21 on the record what you're referring to.
 22 THE WITNESS: Yes, sir. Thanks.
 23 **Q. (By Mr. Bauer) What actions, if any,**
 24 **did Spire take to prepare for the winter storm other**
 25 **than issuing the OFO?**

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1 A. You know, that's one thing I think --
 2 you know, the utility -- Spire as a whole, you know,
 3 especially our gas supply team prides themselves on
 4 as far as preparedness. We run a lot of regression
 5 analysis to -- where we have, you know, a very firm
 6 grasp on what our firm requirements are going to be.
 7 You know, we clearly understand the
 8 limitations of our transportation agreements that we
 9 have, you know, specifically the Southern Star
 10 system has -- has a flowing gas requirement that's
 11 tied to its storage agreements, you know, so yeah,
 12 there's a lot of preparation. The firm gas supply
 13 contracts that the utility enters into ahead of the
 14 winter. So yeah, there's -- as a utility that's
 15 probably the main focus for the company is just
 16 winter preparedness.
 17 **Q. So you mentioned regression analyses.**
 18 **What are those?**
 19 A. That's where we would look at
 20 historical usage information as compared to -- and
 21 see how that relationship ties to forecasted
 22 temperatures. And then we can estimate what our
 23 demand is going to be based on that -- the forecasts
 24 that we get.
 25 **Q. And so those are computer models that**

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1 are run?
 2 A. They are.
 3 **Q. Who runs those?**
 4 A. Our gas supply group and our gas
 5 control group.
 6 **Q. Who are the main people in this gas**
 7 **supply and the gas control groups who know how to**
 8 **run those regression analyses?**
 9 A. Justin Powers and Sean Simpson.
 10 **Q. And were those the gentlemen who ran**
 11 **those regressions in February 2021?**
 12 A. The models that are generated are used
 13 by the gas control team to -- to generate the
 14 forecast.
 15 **Q. And those are the two that were**
 16 **involved in that period of time?**
 17 A. 'm saying -- 'm saying the winter
 18 preparedness get -- because the models that are put
 19 together are done well ahead of winter so that we
 20 understand what our firm requirements are going to
 21 be. So after you go through that process then those
 22 models get embedded into gas control's forecast.
 23 **Q. When gas markets were being forecast to**
 24 **become very short in February 2021, did Spire do**
 25 **anything else in reaction to those forecasts other**

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1 than initiating an OFO?
 2 A. We did.
 3 **Q. And what did you do? What did Spire**
 4 **do?**
 5 A. Well, mean, there was a lot of actions that
 6 were taken. Know field operations was looking at
 7 the staffing to see if they needed to add extra
 8 technicians, you know, for increased calls. On the
 9 gas supply side know Justin and his team were --
 10 were trying to figure out where the more vulnerability
 11 suppliers were going to be and actually made some
 12 contract changes to -- to be able to source some
 13 supply that had a less likelihood of being
 14 interrupted. Think just a lot of communication
 15 with the upstream pipelines, you know, what they
 16 were seeing from a supply perspective and our
 17 producers. So it was a pretty hectic time.
 18 **Q. What are the contract changes that you**
 19 **just referred to?**
 20 A. We had some supply that was coming in
 21 off of Enbridge Gas Transmission that had some
 22 concerns whether it was going to be delivered or
 23 not. Excuse me, 'm losing my voice a little bit.
 24 Actually made a -- requested a contract change to
 25 source gas off of Rockies Express Pipeline.

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1 **Q. Any other contract changes other than**
 2 **that one?**
 3 A. That's the only one that can recall.
 4 **Q. And then you also mentioned a lot of**
 5 **communications with upstream suppliers. Who had --**
 6 **who is in charge of having those communications?**
 7 A. Mainly Justin Powers.
 8 **Q. And does he -- do you know -- I don't**
 9 **want to ask you a you know. But does Spire know how**
 10 **Mr. Powers communicates with those folks? Is it**
 11 **verbally or by e-mail or by text or --**
 12 A. You know, don't know exactly. Yeah.
 13 would have to ask Mr. Powers.
 14 **Q. All right. So I want to make sure that**
 15 **I have given you the opportunity to give a full**
 16 **answer to what actions Spire took to prepare for the**
 17 **winter storm other than issuing the OFO. You've**
 18 **been testifying about that for a few minutes, but I**
 19 **just want to make sure, is there anything else that**
 20 **you haven't mentioned to me?**
 21 MR. GORE: 'm going to -- 'm going to
 22 object, vague as to time period. How far back do
 23 you want him to go?
 24 MR. BAUER: The question is not limited
 25 by time period.

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1 MR. GORE: Okay.
 2 A. Yeah, mean, 'm one of, what, 3500
 3 employees. So it would be hard for me to -- for me
 4 to be able to do a good job of saying that --
 5 everything that Spire did preparing for the storm.
 6 **Q. (By Mr. Bauer) Okay. So --**
 7 A. If that -- 'm just saying there's a
 8 lot of activity and there's a lot of employees, so
 9 mentioned some of the highlights of the things that
 10 knew were going on, but can't imagine that there
 11 probably wasn't a lot of other things taking place
 12 that don't necessarily know about them.
 13 **Q. So now let me limit the question by**
 14 **time and say from the time that gas markets were**
 15 **forecast to become very short in February until the**
 16 **time of issuing the OFO, what did Spire do to**
 17 **prepare for the disruption in the gas markets?**
 18 A. Like mentioned, the things that can
 19 recall that knew took place were what just
 20 mentioned, but like say, don't think 'm in a
 21 position to represent everything that Spire was
 22 doing during that three- or four-day period.
 23 MR. BAUER: Can we just take a
 24 five-minute break?
 25 MR. GORE: Sure.

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1 V DEOGRAPHER: Off the record,
 2 9:08 a.m.
 3 (WHERE N, a recess was taken.)
 4 V DEOGRAPHER: On the record, 9:23 a.m.
 5 **Q. (By Mr. Bauer) Mr. Godat, let me go**
 6 **back and just ask a couple more questions about**
 7 **these regression analyses that – that Spire does.**
 8 **Can you tell me exactly who runs those?**
 9 A. You mean who phys ca y s actua y
 10 putt ng that mode together?
 11 **Q. Yeah.**
 12 A. Yeah, ke ment oned, Sean -- Sean
 13 S mpson, he s current y n gas supp y, but he
 14 worked n -- he worked n our system p ann ng team
 15 and then was a gas contro er and now he's n gas
 16 supp y. So he worked, put a ot of those
 17 regress ons together. t's someth ng that Sp re's
 18 done for years and just gets updated on an annua
 19 bas s, so you know, he -- he does t. know he
 20 works w th Just n Powers and then 'm sure A ex
 21 Grewach we ghs n too as they're ook ng at the
 22 resu ts of those mode s when they come out.
 23 **Q. And are they generated on any**
 24 **particular intervals?**
 25 A. We actua y have a re ab ty report

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1 that gets sent to the Pub c Serv ce Comm ss on and
 2 the resu ts of those regress ons are nc uded n
 3 those, so --
 4 **Q. So --**
 5 A. Yeah.
 6 **Q. I'm sorry.**
 7 A. Yeah, mean, haven't done them
 8 myse f, so 'm -- yeah, 'd be specu ng as exact
 9 nterva of when they actua y get ran.
 10 **Q. Okay. All right. Okay. We'll move**
 11 **on.**
 12 A. t's a common approach. th nk pretty
 13 much a ut tes do that. wou d assume
 14 marketers do too, est mate the r usage, so --
 15 **Q. Okay. Thank you. Let's go, still on**
 16 **Exhibit 1, examination topic 2C, which also refers**
 17 **back to item five in Mr. Aplington's letter. (Quote**
 18 **as read):**
 19 **The purpose of the OFO was to ensure**
 20 **adequate natural gas supply to Western**
 21 **Missouri for the duration of the event.**
 22 **Do you see that?**
 23 A. Yes, s r.
 24 **Q. Did the OFO ensure adequate supply to**
 25 **Western Missouri?**

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1 A. Fortunate y, we -- we were ab e to get
 2 through the OFO period without osing any customers.
 3 **Q. And how did the OFO affect that?**
 4 A. rea ize that marketers didn't meet
 5 the firm ob igation that they had, but think the
 6 situation cou d have been even worse if we weren't
 7 in an OFO. We cou d have seen -- we cou d have seen
 8 the marketer vo umes -- a the marketers go to
 9 zero, not just Symmetry.
 10 **Q. And what do you mean by -- I'm sorry.**
 11 **Let me see exactly what he said. What do you mean**
 12 **by it could have even been worse if we weren't in an**
 13 **OFO, anything other than that all of the marketers**
 14 **might have gone to zero?**
 15 A. Yeah, mean, if you ook, there was --
 16 there was supp y that the marketers brought in
 17 during that period that u timate y contributed to us
 18 not having to curta our firm customers. think
 19 if we weren't in an OFO those vo umes cou d have --
 20 a the marketers cou d have just taken up to zero,
 21 simi ar to where Symmetry did.
 22 **Q. Did the OFO -- did Spire's OFO require**
 23 **daily balancing by marketers?**
 24 A. t does.
 25 **Q. And was there any discussion inside of**

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1 **Spire about whether daily balances should be**
 2 **required, should not be required, should be**
 3 **adjusted, any discussion at all about daily balances**
 4 **related to the OFO?**
 5 MR. GORE: 'm going to object, beyond
 6 the scope of the notice. You can answer if you
 7 know.
 8 A. The -- mean, the discussion took
 9 p ace when we were deciding to issue the OFO, and
 10 then once the OSO -- OFO was in p ace, there was --
 11 there was no need for discussion because it was
 12 given that marketers were going to have to be
 13 ba nced on a dai y basis in comp iance with our
 14 tariff.
 15 **Q. (By Mr. Bauer) So at the time that the**
 16 **OFO was issued, how long did Spire believe the**
 17 **winter event would last?**
 18 A. You know, we don't have a crysta ba .
 19 We cou d -- we cou d definite y see forecasted
 20 temperatures co d through the weekend, so at a
 21 minimum we knew it was going to be a weekend event,
 22 but there's no way for us to predict the weather to
 23 say how ong it was u timate y going to ast.
 24 **Q. When --**
 25 MR. GORE: Can you -- and just can you

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1 use specific dates just for the record just to be
 2 clear of the time period you're talking about?
 3 A. Yeah. So -- so we issued the effective
 4 the 12th, which was a Friday, and then the -- it was
 5 a holiday weekend so the gas market was trading the
 6 13th through the 16th, and we knew based on the
 7 forecast that it was going to at least continue
 8 through the weekend, and -- you know, as we
 9 ultimately saw that, and then continued into that
 10 next week.
 11 **Q. (By Mr. Bauer) And when did Spire lift**
 12 **the OFO?**
 13 A. Effective nine a.m. on the 20th.
 14 **Q. And who was involved in that decision?**
 15 A. Just Mr. Powers and, I'm sorry to --
 16 **Q. Anyone else -- I'm sorry.**
 17 A. Yeah, I'm sorry to when we negotiated.
 18 **Q. Okay. Anyone else involved other than**
 19 **you two?**
 20 A. I'm sure probably made my boss aware
 21 of that because, you know, had conversations with
 22 him during that time, but it was just him and my
 23 decision.
 24 **Q. Was there any discussion or debate**
 25 **among people within Spire about how long the OFO**

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1 **should stay in place other than with you and Justin**
 2 **Powers?**
 3 A. No, because even -- mean, we -- we
 4 were dealing with -- we were dealing with a tight
 5 supply situation on the way up through the 18th.
 6 know on the 18th the situation was -- was probably
 7 as bad or worse than it had been any time through
 8 the OFO period. There were still -- you know,
 9 25 percent of the U.S. production was still off
 10 line. know marketers in aggregate were still
 11 35,000 dekatherms a day short.
 12 So it wasn't until -- so as we looked
 13 into the weekend, you know, that was our goal to give
 14 a reprive as soon as we could too. Southern Star
 15 lifted the OFO effective nine a.m. on the 20th, so
 16 we made the decision kind of based on what we were
 17 seeing for the weekend forecast along with Southern
 18 Star coming out of the OFO, that was kind of the
 19 trigger for us finishing ours.
 20 I think if you look at the OFO notice,
 21 there was still definitely concern and we were
 22 prepared to -- to go back into that if we didn't
 23 feel like the marketers were doing their part to
 24 uphold the reform deliverables. We mentioned that in
 25 the OFO response when it was sent out, so we were

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1 trying to get out of it as soon as we could.
 2 **Q. And the OFO that was issued, was that**
 3 **for the entire Spire system?**
 4 A. It was for the entire Spire West
 5 distribution system.
 6 **Q. Was an OFO required for the entire**
 7 **Spire West distribution system?**
 8 A. It was because it was a supply issue.
 9 The concern was over supply and balancing on the
 10 Southern Star system and that system is balanced as
 11 one system in Kansas City on Southern Star.
 12 **Q. Did Spire consider issuing a narrower**
 13 **OFO than it did?**
 14 MR. GORE: I'm going to object to the
 15 phrase narrow as vague, but you can answer.
 16 A. We did not. We were concerned about
 17 over supply and we wanted the marketers to be
 18 in balance. So we never contemplated a -- a
 19 narrower OFO. You know, we could have went into an
 20 emergency OFO, which is an even bigger penalty than
 21 a standard OFO. We elected to go into the standard
 22 OFO.
 23 **Q. (By Mr. Bauer) Why did you do that?**
 24 A. It was -- it was kind of in lockstep
 25 with Southern Star's and we felt that it would be

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1 adequate to -- to give the incentive for marketers
 2 to bring supply in.
 3 **Q. Was there anybody within Spire that was**
 4 **advocating for an emergency OFO?**
 5 A. There was not.
 6 **Q. Who were -- was it just you and**
 7 **Mr. Powers who considered an emergency OFO and**
 8 **elected not to do one or were other people involved?**
 9 MR. GORE: I'm going to object,
 10 misstates prior testimony.
 11 **Q. (By Mr. Bauer) Correct me. I didn't**
 12 **mean to get it wrong.**
 13 A. Yeah, mean, our conversations were
 14 around the standard OFO. I don't have any details
 15 around the emergency one.
 16 **Q. Before issuing the OFO, did Spire do**
 17 **any analysis comparing the integrity of different**
 18 **parts of its system?**
 19 MR. GORE: I'm going to object, vague.
 20 You can answer.
 21 A. Like I said, it was -- it was an
 22 over supply issue. I think we responded in here
 23 it wasn't -- it wasn't individual segments. It
 24 was the over supply availability into Southern
 25 Star that was the issue. So we did not look at that

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1 on nd v dua parts of the system.

2 **Q. (By Mr. Bauer) Okay. Let's go back to**

3 **Exhibit 1, and now I'm going to jump ahead a little**

4 **bit and look at topic number three, which is at the**

5 **bottom of page five.**

6 MR. GORE: And the documents n the

7 b nder w be tab n ne.

8 THE W TNESS: Tab n ne?

9 MR. GORE: Yes, documents you rev ewed

10 n preparat on for th s top c.

11 THE W TNESS: Oh, over here. Somehow

12 ended up w th the squeaky cha r.

13 **Q. (By Mr. Bauer) Okay. So topic three**

14 **says (quote as read):**

15 **Any analysis Spire engaged in**

16 **concerning the issuance of the**

17 **operational flow order Spire issued on**

18 **February 10, 2021, including why it was**

19 **necessary, when it should be issued,**

20 **and any internal discussions or**

21 **communications with third parties about**

22 **this topic.**

23 **I think in our discussions we've --**

24 **we've gone pretty far into this topic already, but I**

25 **see you turning to a binder. I'm interested in --**

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1 **in what you're going to refer to. And -- and let me**

2 **just start with the question is was there any**

3 **analysis done about how much supply Spire needed for**

4 **marketers to maintain its system integrity?**

5 A. Yeah, wasn't specifica y running the

6 mode . Yeah, cou dn't speak for Justin or for gas

7 contro as to whether or not they -- they knew what

8 the expected burn was going to be for the marketers.

9 **Q. So you made -- you said the buck**

10 **stopped with you on whether to issue an OFO. You**

11 **made that decision without knowing about any**

12 **analysis of how much supply Spire needed for**

13 **marketers to maintain system integrity; is that**

14 **true?**

15 MR. GORE: 'm going to object to the

16 extent it misstates prior testimony. You can

17 answer.

18 A. Yeah, didn't need to know what the

19 individua eve was. know about ten percent of

20 the vo lume overa on our system is supp ied by

21 marketers, you know, which is a huge chunk of gas.

22 mean, it's pretty simp e math to know that when

23 you get in a curtai ment situation that you need

24 that physica supp y coming into the system if it's

25 something that our gas supp y is not -- not

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1 necessar y respons b e for br ng ng n.

2 **Q. (By Mr. Bauer) So if you don't know**

3 **you don't know. I'm going to ask a follow-up**

4 **question, and I don't want to sound like I'm**

5 **confronting you, right, but was there any analysis**

6 **done that would say if marketers could supply, say,**

7 **half of that ten percent, then that would not be**

8 **a -- then that would have any effect on Spire's**

9 **system integrity?**

10 MR. GORE: 'm go ng to -- 'm go ng to

11 object, foundat on, compound, mproper hypothet ca .

12 You can answer.

13 **Q. (By Mr. Bauer) Kind of a little**

14 **unclear too, but if you --**

15 A. Yeah, mean, w th Southern Star be ng

16 n an OFO our -- our rece pts and de ver es at our

17 gates had to match. So f we were -- we were us ng

18 a of our frm requ rements and marketers --

19 customers were burn ng the r supp y and not br ng ng

20 the supp y n to match t, then those OFO pena tes

21 come back on us.

22 So ke say, know -- can say

23 know genera y about how much of the supp y s

24 prov ded by a th rd party. don't have the

25 regress on numbers, you know, based on the

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1 temperatures on every day eading up to that period

2 exact y how much was expected from marketer, but we

3 knew that any shortfa they had was going to come

4 back on us. So we needed them to match.

5 **Q. So if I'm understanding your testimony,**

6 **you're saying that the analysis for the OFO depended**

7 **on the Southern Star OFO as opposed to an analysis**

8 **that Spire conducted of risks to its system**

9 **integrity; is that accurate?**

10 MR. GORE: 'm going to object,

11 compound, foundation, misstates prior testimony.

12 You can answer.

13 A. Yeah, wou d say that's not an

14 accurate statement that you made. said it was a

15 combination of Spire worried about the integrity of

16 its system, knowing that supp y was disappearing,

17 and us having the abi ity to meet our firm

18 requirements without having to cover the marketers.

19 So it was a combination of that that was reinforced

20 by Southern Star going into the OFO.

21 **Q. (By Mr. Bauer) You were turning to tab**

22 **nine. Is that -- is that what we should look at in**

23 **your binder?**

24 A. Yeah, we were just -- we had provided

25 weather forecasts. This is --

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1 MR. GORE: Can I just state for the
 2 record and for the people attending, he's -- tab
 3 nine of the binder we provided reflects the
 4 documents that he reviewed in preparation to provide
 5 testimony on Constable at on top center, which we
 6 correlate to Symmetry topic three.

7 THE WITNESS: Thank you.

8 **Q. (By Mr. Bauer) Okay. And -- and these**
 9 **are the documents that you looked at to prepare to**
 10 **testify about the operational flow order that we've**
 11 **been talking about, right?**

12 A. Yeah, these are documents that we
 13 thought -- or that Spire provided that they thought
 14 were -- was responsive to the question of why we
 15 went into an OFO.

16 **Q. And are these all of the documents**
 17 **within Spire that relate to the question of whether**
 18 **or not you should go into an OFO in February 2021?**

19 MR. GORE: I'm going to object, vague.
 20 You can answer.

21 A. Yeah, it's my understanding based on
 22 the process that these are the documents that Spire
 23 had available that were responsive to that question.

24 **Q. (By Mr. Bauer) You don't know whether**
 25 **there are other documents within Spire that are**

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1 **responsive to that question that just aren't here at**
 2 **tab nine, true?**

3 MR. GORE: I'm going to object, asked
 4 and answered. You can answer again.

5 A. Yeah, no, it would be -- yeah, it's my
 6 understanding that these are the documents that they
 7 thought were responsive.

8 **Q. (By Mr. Bauer) Can you describe to me**
 9 **what analysis, if any, occurred within Spire**
 10 **concerning the -- how long to keep the OFO?**

11 A. Yeah, mean, like mentioned -- and
 12 think there's -- there's probably a narrative in
 13 here. Like mentioned, though, even as late as the
 14 18th, you know, which was the day before we lifted
 15 the -- sent the notice lifting the OFO, about
 16 25 percent of the production was still offline.
 17 And marketers were still shorting our
 18 system by about 35,000 dekatherms a day, which is,
 19 you know, probably 30 to 40 percent of what their
 20 nomination should have been. So there was a lot of
 21 analysis required at that point to know that we
 22 should still be in the OFO. Situation hadn't
 23 changed.

24 **Q. Going into the cold period of**
 25 **February 2021, did Spire believe it had sufficient**

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1 **storage capacity to handle the demands of the**
 2 **period?**

3 MR. GORE: I'm going to object, vague
 4 as to time period.

5 A. Yeah, there's actually an explanation
 6 in here that was responsive to that.

7 **Q. (By Mr. Bauer) Where is that?**

8 A. We did Spire -- and I can find that --
 9 do you remember which question that is?

10 MR. GORE: No, you've got it.
 11 Reference it as you need to, but --

12 A. Let me find it real quick. It's
 13 actually -- it's tab nine, 9C.

14 **Q. (By Mr. Bauer) 9C.**

15 A. You can see there we went into service
 16 with over 50 percent of our storage position full.
 17 I think that was unique to the -- to most other
 18 shippers on the system. That was available on
 19 February 1st. This explains what was taking
 20 about how we saw the extreme weather come in
 21 Oklahoma and Texas. There's the 35,000 a day where
 22 we sourced from Enbridge Gas Transmission over to
 23 Rockies Express.

24 Yeah, so I mean, the answer to your
 25 question is we thought we were adequate. The big

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1 imitation for us during that period was never our
 2 overall inventory. It was the amount that we could
 3 take on a daily basis.

4 **Q. Can you explain --**

5 A. Out of storage.

6 **Q. Can you explain that further to me,**
 7 **please?**

8 A. Yeah, Southern Star's storage doesn't
 9 ratchet down based on inventory. So having nine BCF
 10 going into the month, there was no time during the
 11 polar vortex that -- that we were limited by the
 12 inventory that we had. The limitation was a way
 13 the daily restriction on how much we could
 14 physically pull out of storage.

15 **Q. And so during the winter period did**
 16 **Spire always pull out the maximum that it could out**
 17 **of this conservative storage position that you all**
 18 **took?**

19 A. Not necessarily on every day.

20 **Q. But did you do it on any days?**

21 A. You know, would have to see. There
 22 was probably days that we came close.

23 **Q. And who made the decision on each day**
 24 **on whether to take gas out of storage at Spire?**

25 A. It was Justin Powers and his team was

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1 do ng the p ann ng.

2 **Q. Who made the decision to enter February**

3 **with a conservative storage position of over**

4 **50 percent full?**

5 A. Just n Powers and h s team.

6 **Q. Anyone else involved in that decision**

7 **at Spire?**

8 A. No.

9 **Q. At any time during the winter storm did**

10 **Spire conclude that it did not have enough gas in**

11 **storage to meet demand?**

12 MR. GORE: 'm go ng to object,

13 foundat on and vague. You can answer.

14 A. L ke ment oned, there wasn't a t me

15 when our overa nventory m ted our da y storage

16 capab ty.

17 MS. BA RD: 'm sorry, cou d the

18 w tness repeat that, p ease? cou dn't hear you.

19 A. sa d there was no t me dur ng the

20 storm that our overa nventory had any m tat on

21 on the amount that we cou d pu out on a da y

22 bas s.

23 MS. BA RD: Thank you.

24 THE W TNNESS: You're we come.

25 **Q. (By Mr. Bauer) During the winter storm**

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1 **period, did Spire ever release natural gas to other**

2 **companies?**

3 A. We had some capac ty that was re eased

4 nto the market.

5 **Q. And when was that?**

6 A. don't know the exact nature of the

7 transact ons.

8 **Q. You say you don't know when it**

9 **happened? That was my question.**

10 A. don't know exact y when t happened.

11 That's correct.

12 MR. GORE: 'm go ng to object. Are we

13 st on top c three? Because th nk th s s

14 beyond the scope of that top c.

15 MR. BAUER: t probab y dr fts nto a

16 d fferent top c, but s nce we're ta k ng about t

17 just thought of a tte b t.

18 **Q. (By Mr. Bauer) So you refer to it as**

19 **release capacity to the market. To whom did Spire**

20 **release that capacity?**

21 A. You know, don't have -- don't th nk

22 have seen a copy of exact y who t was a be ng

23 re eased to. That's someth ng that Just n Powers

24 and h s team does as we .

25 **Q. Okay. Let's look at Exhibit 1 and turn**

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1 **to topic six. This is (quote as read):**

2 **The availability and use of storage gas**

3 **by Spire in February 2021, including**

4 **any decisions to draw from storage or**

5 **to sell gas to third parties.**

6 **Just respecting your lawyer's comment**

7 **that we had sort of drifted off from one topic into**

8 **another one.**

9 A. Okay.

10 **Q. This is the topic we're talking about**

11 **now. So tell me what did you do to prepare to be**

12 **Spire's corporate representative for topic number**

13 **six?**

14 MR. GORE: f cou d just state for

15 the record, the documents ref ecting the documents

16 that he reviewed in preparation for Symmetry topic

17 six, which is Conste ation topic 12 is at tab 12 of

18 the binder. At east that's how we corre ated it.

19 **Q. (By Mr. Bauer) Okay. So then my**

20 **question is what did you do to prepare to be Spire's**

21 **testifying witness on topic six?**

22 A. Yeah, so -- so my understanding after

23 reviewing the documents was that --

24 **Q. Sorry.**

25 A. That's fine. We definite y didn't have

Page 72

1 an overa nventory imitation, so our gas supp ies

2 goa was to stay in ba ance on Southern Star. And

3 'm sure everybody can have an appreciation for --

4 for the uncertainty around the amount of supp y that

5 was going to be avai ab e on any given day.

6 So there -- there were a coup e big

7 issues. One was whether -- whether the marketers

8 were going to de iver and then the other issue is --

9 is whether the supp y that we were buying was going

10 to show up. So there were -- there were a ot of

11 moving parts. So what understand from Justin was

12 that he did his best to optimize just the overa

13 portfo io the best he cou d during that vortex time.

14 **Q. Okay. What did you do to prepare to**

15 **testify as Spire's representative on topic six?**

16 A. Rea y the big issue was whether or not

17 we had enough inventory to make it through the

18 vortex.

19 MR. GORE: And George, wou d just --

20 if you cou d, listen to the question because think

21 he's asking you a different question.

22 A. Okay. Yeah, so mean, ooked at the

23 documents here where we exp ain the process that we

24 went through deciding how much storage was going to

25 be used.

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1 **Q. (By Mr. Bauer) All right. So --**
 2 A. s that --
 3 **Q. So to prepare to testify as the**
 4 **representative of Spire on topic number six, you**
 5 **looked at the documents that were behind tab 12 of**
 6 **the binders that have been prepared by Spire's**
 7 **attorneys; is that accurate?**
 8 A. That's correct.
 9 **Q. And did you do anything else?**
 10 A. Yeah, there really wasn't any other
 11 information to -- that needed to understand that
 12 topic.
 13 **Q. So now I think we might have taken a**
 14 **slight detour when I was asking about the questions**
 15 **about the release of the capacity by Spire to the**
 16 **market during the winter storm. I think you told me**
 17 **you didn't know -- you didn't know the details of**
 18 **when it happened and I think you said you don't know**
 19 **to whom the capacity was released. Is that true?**
 20 A. Yeah, don't recall those off the top
 21 of my head.
 22 **Q. Okay. Do you know why it was released?**
 23 A. It's a common practice. Utilities
 24 typically hold the majority of the firm in the
 25 market, and marketers take release capacity from --

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1 from the utility to serve other markets. It's
 2 a ways on a recall basis, so we always have the
 3 ability to recall that capacity if we need it.
 4 **Q. But for this particular event you don't**
 5 **know why?**
 6 MR. GORE: I'm going to object, vague.
 7 Are we -- are we on topic s x?
 8 MR. BAUER: Yes.
 9 MR. GORE: Okay. I'm going to object,
 10 beyond the scope of topic s x, and I'm going to
 11 object, vague as to the term release capacity. I'm
 12 not sure you and the witness are in agreement on
 13 that term.
 14 MR. BAUER: Okay. I was just trying to
 15 use his word.
 16 **Q. (By Mr. Bauer) What do you mean by**
 17 **release capacity?**
 18 A. Transportation capacity that we hold on
 19 the pipelines can be -- if -- during times if we're
 20 not going to necessarily need a lot, we can put
 21 that in the market and other parties can use that
 22 capacity on a temporary basis. Like say, it's
 23 a ways recallable, so in the event the utility needs
 24 it, they can recall that capacity.
 25 **Q. So that's just capacity on the**

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1 pipeline?
 2 A. It's.
 3 **Q. Okay.**
 4 A. Not supply.
 5 **Q. Okay. So that's -- so that is not**
 6 **related to the availability and use of storage gas.**
 7 **That's a totally different topic?**
 8 A. That's correct.
 9 **Q. So for releasing capacity, on that**
 10 **topic, who made the decisions to release capacity to**
 11 **third parties during the February storm?**
 12 MR. GORE: I'm going to object, beyond
 13 the scope of the notice and beyond the scope of
 14 topics s x, which is where I understand we are.
 15 **Q. (By Mr. Bauer) Do you know?**
 16 A. Just in Powers and his team.
 17 **Q. All right. So now let's look at --**
 18 **let's look at topic six and talk about drawing from**
 19 **storage or selling gas to third parties. Did -- did**
 20 **Spire draw from storage and sell gas to any third**
 21 **parties during February 2021?**
 22 MR. GORE: Object, compound, vague.
 23 A. We -- we had a storage transaction
 24 where we sold some inventory to another party.
 25 **Q. (By Mr. Bauer) And when did that**

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1 happen?
 2 A. On February 15th I recall.
 3 **Q. And who was involved in that decision?**
 4 A. Just in Powers and I.
 5 **Q. Anyone else?**
 6 A. I had a conversation with my boss Scott
 7 Carter to make sure he was aware of it.
 8 **Q. And how much natural gas was involved**
 9 **in this?**
 10 A. 500,000 dekatherms.
 11 MR. GORE: And Mr. Godat, would just
 12 instruct you if you recall these terms specifically,
 13 that's fine, but if you feel the need reference to
 14 refresh your recollection, do so.
 15 THE WITNESS: Okay.
 16 MR. GORE: I'm impressed that you
 17 remember them.
 18 **Q. (By Mr. Bauer) And so that was 500**
 19 **dekatherms?**
 20 A. 500,000 dekatherms.
 21 **Q. 500,000 dekatherms, sorry, on**
 22 **February 15th. To whom was that sold?**
 23 A. Atmos.
 24 **Q. Do you know the price?**
 25 A. \$200 per dekatherm.

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1 **Q. How was that price arrived at?**
 2 A. Justin did the transaction, so it would
 3 have been a negotiated price between Justin and
 4 Atmos.
 5 **Q. Okay. As the representative of Spire**
 6 **today, do you know anything about the back and forth**
 7 **of that negotiation?**
 8 A. Like say, Justin was handling it.
 9 don't recall what the big offer price that went --
 10 it would have went back and forth.
 11 **Q. And was -- the 500,000 dekatherms, was**
 12 **that the amount that Spire offered for sale**
 13 **originally?**
 14 A. That was the amount that Atmos requested.
 15 **Q. Did Spire propose any different**
 16 **quantity of natural gas?**
 17 A. You know, don't -- don't recall a
 18 different volume being discussed. Justin may have
 19 had other conversations. don't -- don't recall
 20 another volume.
 21 **Q. And was it determined that Spire did**
 22 **not need this gas in order to protect its system**
 23 **integrity?**
 24 A. That was.
 25 **Q. And how was that determined?**

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1 A. That gets back to the overall inventory
 2 question that we had talked about where our
 3 limitation during that time was our daily withdrawal
 4 restriction out of storage, not -- we always had
 5 ample inventory to meet our daily requirement. So
 6 really, yeah -- it was really just trying to help
 7 Atmos out because the party that was managing theirs
 8 had mismanaged it and they were out of storage.
 9 **Q. And this transaction happened on**
 10 **February 15th. Was the reason for that date -- it's**
 11 **not going to be a very well asked question. Was the**
 12 **reason for that -- the transaction happened on that**
 13 **date, was that when Atmos asked for the gas or was**
 14 **that when Spire said it had it available or some**
 15 **other reason?**
 16 A. That was when the -- that was when the
 17 two parties agreed on the transaction.
 18 **Q. So when was the first time that Spire**
 19 **had 500,000 dekatherms available for sale?**
 20 A. Yeah, that's not something we talked
 21 about ahead of this opportunity. So don't have
 22 the answer to that question.
 23 **Q. When Atmos -- when Atmos and Spire**
 24 **began discussing this transaction, which party**
 25 **suggested that \$500,000 -- 500,000 dekatherm amount?**

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1 A. I'm not sure. I'd have to ask Justin.
 2 **Q. You say this transaction was approved**
 3 **by your supervisor?**
 4 A. Just let him know was doing it.
 5 don't have to have his approval to do it.
 6 **Q. Did you need approval from anyone else**
 7 **at the company to sell this amount of gas during the**
 8 **winter storm?**
 9 A. Do not.
 10 **Q. Did you consult with anyone other than**
 11 **Mr. Powers before deciding to sell this gas?**
 12 A. don't recall consulting with anyone,
 13 like say, other than know ran that past my boss.
 14 **Q. And how does it work when you sell that**
 15 **amount of gas, where -- where is the gas? Where**
 16 **does it come from?**
 17 A. It's just in our storage inventory.
 18 It's just sitting in our inventory balance.
 19 **Q. And in any particular location --**
 20 A. No.
 21 **Q. -- in the inventory?**
 22 A. It's just a paper transfer from our
 23 storage contract to Atmos's storage contract.
 24 **Q. Is there any daily limit to the amount**
 25 **that could be taken out of this storage as you were**

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1 **talking about with the Southern Star?**
 2 MR. GORE: I'm going to object, vague
 3 as to whether you're asking him about the gas that
 4 was sold or the gas that exists in Spire's storage.
 5 MR. BAUER: think I'm asking about
 6 the gas that was sold that existed in Spire's
 7 storage, right?
 8 A. Yeah, think you're misunderstanding
 9 the transaction. There wasn't -- there wasn't a
 10 physical withdrawal of gas. That was a paper transfer
 11 from our inventory to Atmos's inventory. So there
 12 was no -- there's nothing physically took place
 13 other than going from our account to Atmos's
 14 account.
 15 **Q. (By Mr. Bauer) And despite having an**
 16 **OFO up, Spire concluded that it had this much gas on**
 17 **paper that it could transfer to someone else?**
 18 A. Yes.
 19 **Q. Explain that to me, please.**
 20 A. Yeah, we felt like based on -- based on
 21 the inventory that we had going into the winter
 22 period and where our storage inventory was on the
 23 15th that we were not going to be able to use that
 24 supply during the month of February. Atmos had a
 25 need for it. We didn't think it was going to impact

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1 our operation at a . So it was a win/win for us.
 2 Got -- you know, Atmos s a s ster ut ty, got them
 3 out of bad shape, and we d n't fee ke t was
 4 going to mpact our operation at a .
 5 **Q. All right. Let's go on to another**
 6 **topic in Exhibit 1. I think we are up to -- we're**
 7 **up to 2D, but I think may skip that. Let's look at**
 8 **2E if you would, please.**
 9 A. Th s tes back to the etter?
 10 **Q. Ties back to the letter, and actually**
 11 **if you look at it, it ties back to the topic we just**
 12 **skipped, which is -- we skipped 2D, which referred**
 13 **to item six in Mr. Aplington's letter. And then**
 14 **item seven says (quote as read):**
 15 **Symmetry apparently didn't communicate**
 16 **these facts to its customers behind**
 17 **Spire's city gates.**
 18 **So you have to look at number six to**
 19 **know what these facts are on item seven. Does that**
 20 **make sense to you?**
 21 A. Yes.
 22 **Q. Great.**
 23 A. What's the quest on?
 24 **Q. There's not one out yet.**
 25 A. Oh.

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1 **Q. I was just making sure we were on the**
 2 **same page. So the question is what is Spire's basis**
 3 **for saying that Symmetry apparently didn't**
 4 **communicate facts to its customers behind Spire's**
 5 **city gate?**
 6 A. Yeah, mean, Mr. Ap ington was the one
 7 that wrote the document, but given the fact that
 8 Spire -- that Symmetry's customers continued to burn
 9 gas as though we weren't in an OFO and Symmetry's
 10 volumes were zero, think it was just pretty
 11 obvious that there was some disconnect between
 12 Symmetry and its customers.
 13 **Q. And is there anything other than that**
 14 **observation that supports Spire's position in that?**
 15 A. Yeah, ike say, can't speak for
 16 Mr. Ap ington.
 17 **Q. Now, in the topic 2F, which is also**
 18 **sort of related, it says (quote as read):**
 19 **Symmetry customers largely did not**
 20 **conserve natural gas during this**
 21 **period.**
 22 **Is that a true statement?**
 23 MR. GORE: 'm going to object to that
 24 as improper corporate rep testimony. be ievie the
 25 topic re ates to the factua basis.

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1 **Q. (By Mr. Bauer) Yeah, so is there a**
 2 **factual basis for that statement?**
 3 A. Yeah, as rev ewed the nformat on and
 4 ook at the da y mba ance ca cu at on for
 5 Symmetry, t appears as though the r usage stayed
 6 constant and d d not -- d d not decrease whenever
 7 Symmetry's noms went to zero.
 8 **Q. Okay. And you called it a daily**
 9 **imbalance -- what's the phrase?**
 10 A. Your da y mba ance ca cu at on. t's
 11 the support for the OFO ca cu at on.
 12 **Q. And so tell me about the daily**
 13 **imbalance calculation. Is that something that gas**
 14 **control does?**
 15 A. Gas supp y.
 16 **Q. Gas supply. And who is in charge of**
 17 **doing that?**
 18 A. Just n Powers and h s team.
 19 **Q. And tell me how that calculation is**
 20 **arrived at.**
 21 MR. GORE: And are we -- are we
 22 ta k ng -- 'm go ng to object, vague. 'm not sure
 23 whether you're ta k ng genera y or dur ng th s
 24 part cu ar OFO per od.
 25 **Q. (By Mr. Bauer) I guess I would be**

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1 **interested in knowing if you did it the same way**
 2 **during this OFO period that you normally do it.**
 3 A. Yeah, there -- there's a sheet -- you
 4 know where the OFO ca cu at on sheet s?
 5 MR. GORE: We can't test fy, but --
 6 the --
 7 MR. BAUER: You can show h m. mean,
 8 you prepared the documents for h m. Show h m the
 9 documents. t's no secret here.
 10 MR. GORE: A r ght. The documents
 11 re at ng to damages ca cu at ons are tab one --
 12 THE W TNESS: Okay.
 13 MR. GORE: -- wh ch s th s b nder,
 14 wh ch s b nder --
 15 THE W TNESS: Oh, 'm sorry. Sorry,
 16 got too much nfo runn ng n my head here. 'm a
 17 tt e s ow.
 18 A. Yeah, so f you go to your -- t's a
 19 very s mp e ca cu at on. t's the nom nated
 20 quant ty that Symmetry had on a da y bas s. t's
 21 the usage n tota of a the customers that
 22 Symmetry serves, and the mba ance -- there's a f ve
 23 percent to erance that's g ven, so that f ve percent
 24 s backed out and then the d fference of those two
 25 s the mba ance ca cu at on.

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1 **Q. (By Mr. Bauer) And so is this based on**
 2 **a report that Spire receives every day?**
 3 A. The -- the usage -- the nomination and
 4 usage is something that Spire has every day.
 5 **Q. That's something that Spire generates**
 6 **every day I should have said, right?**
 7 A. You know, don't actually -- 'm not
 8 responsible for those reports. would have to see
 9 if that's something that's generated every day.
 10 **Q. And when it's generated, is it**
 11 **circulated to any group of people?**
 12 A. don't have an answer to that
 13 question. don't physically generate that report
 14 so couldn't answer.
 15 **Q. If somebody doesn't really know how**
 16 **your system works, how -- what's the mechanism for**
 17 **Spire knowing what the usage is of various customers**
 18 **on a given day?**
 19 A. There's -- from what understand,
 20 there's meter read data that's collected by a
 21 third-party system, and we get a download of that
 22 data.
 23 **Q. So --**
 24 A. And then they -- and then that's
 25 compared -- gas supply knows what the nominations

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1 are, so they can compare the usage to the
 2 nomination.
 3 **Q. So the nomination is something that --**
 4 **that a marketer like Symmetry gives to Spire on a**
 5 **daily basis; is that right?**
 6 A. Symmetry actually nominates on the
 7 Southern Star system, and then we get -- Spire gets
 8 a report from Southern Star that shows what those
 9 nominations are by each marketer.
 10 (Court reporter interrupt on.)
 11 **Q. (By Mr. Bauer) And is that -- by what**
 12 **period of time?**
 13 A. That would be --
 14 MR. GORE: 'm going to object, vague.
 15 **Q. (By Mr. Bauer) Are they daily**
 16 **nominations, weekly, monthly?**
 17 A. That would be a daily nomination.
 18 **Q. Okay. And how long after -- let me ask**
 19 **you, does a nomination come in -- poorly phrased.**
 20 **When are the daily nominations made by**
 21 **the marketers?**
 22 A. There are actually four -- first of all,
 23 four nomination cycles for every day. So the
 24 marketer has opportunity to change them at any point
 25 in those four cycles every day.

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1 **Q. Okay.**
 2 A. don't -- don't have the exact time
 3 of what those nomination cycles are.
 4 **Q. And what are the cycles for -- for**
 5 **Spire being able to tell what the marketers'**
 6 **customers used? Is that four times a day as well?**
 7 A. We get that information on a daily
 8 basis from what understand.
 9 **Q. And do you get it at the end of the**
 10 **day, beginning of the day?**
 11 A. couldn't tell you the timing of when
 12 that comes in.
 13 **Q. And that involves an accumulation of**
 14 **meter readings of just all specific meter readings**
 15 **for marketers' customers?**
 16 A. From reviewing the data, that's my
 17 understanding, that there's a meter read for each
 18 customer for each marketer.
 19 **Q. And is there a system by which Spire**
 20 **gives that information back to the marketers on a**
 21 **daily basis?**
 22 A. Well, the marketers -- from what
 23 understand, the marketers have access to the same
 24 information that Spire does.
 25 **Q. And how do you know that?**

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1 A. When -- yeah, when first come in to
 2 gas supply, just understanding what the system was
 3 for nominations, understood that it went through --
 4 went through the third party -- think it's
 5 Honeywell that collects that information, and then
 6 provides that information to the -- to the
 7 marketers.
 8 **Q. So on -- on a daily basis there is**
 9 **information within the Spire system that allows it**
 10 **to identify which customers are conserving natural**
 11 **gas and which ones aren't?**
 12 A. Yeah, couldn't -- couldn't answer
 13 whether we -- whether Spire has the information
 14 to -- to make that determination or not on an
 15 individual customer basis.
 16 **Q. But you believe that Spire has the**
 17 **information to do it on a marketer-by-marketer**
 18 **basis; is that accurate?**
 19 MR. GORE: 'm going to object,
 20 foundation, vague. You can answer.
 21 A. Yeah, -- yeah. My understanding is
 22 that at high level there -- they -- they would know
 23 whether usage is going down or staying consistent
 24 for each marketer.
 25 **Q. (By Mr. Bauer) But you're not -- you**

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1 don't know whether they would be able to have any
 2 more detail than that amount on a daily basis?
 3 A. Yeah, you would have to find that out.
 4 **Q. So looking at this sentence that we've**
 5 **been talking about from topic 2F (quote as read):**
 6 **As a result, Symmetry's customers**
 7 **largely did not conserve natural gas**
 8 **during this period.**
 9 **Just so the record's clear, I'm going**
 10 **to ask you some narrower questions, right? What**
 11 **does Spire mean by conserve in that statement?**
 12 MR. GORE: I'm going to object,
 13 improper corporate rep testimony. He's testifying
 14 as to the factua basis. You can answer.
 15 A. Yeah, like mentioned, I'm not the one
 16 that put -- that did the document, but in genera
 17 conserve means use less than you otherwise would.
 18 **Q. (By Mr. Bauer) And was there an**
 19 **expectation during the winter storm by Spire that**
 20 **customers were supposed to conserve some particular**
 21 **percentage of their normal usage?**
 22 A. In the context of this sentence, it was
 23 the fact that Symmetry's customers still had a very
 24 high usage and the nomination was zero. I think the
 25 expectation would be is if Symmetry's nomination

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1 went to zero, then the customers' usage would go to
 2 zero, and they didn't seem to be correlated at a .
 3 **Q. Including human needs customers, you'd**
 4 **expect a hospital to go to zero?**
 5 A. Not necessarily a hospital.
 6 **Q. Certainly not a hospital, right?**
 7 A. (Witness indicates head motion.)
 8 **Q. So what customers should go to zero if**
 9 **a marketer is unable to nominate gas for a day?**
 10 MR. GORE: I'm going to object,
 11 foundation, improper hypotheticals, beyond the scope
 12 of the topic. You can answer.
 13 A. Yeah, like say, argue -- argue
 14 appears as though the usage -- usage stayed fairly
 15 flat. What, Symmetry's got 400 customers, and I'm
 16 sure they're not a human needs. So I think given
 17 the fact that nominations went to zero, there would
 18 be some expectation that usage would go down as
 19 we .
 20 **Q. (By Mr. Bauer) So by -- so by saying**
 21 **conserve, we're considering that some decrease in**
 22 **usage for this testimony I take it?**
 23 A. Yeah. Like say, can't speak for
 24 Matt and what the context of that comment was.
 25 **Q. Did Spire's customers conserve during**

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1 **the winter storm by that definition?**
 2 MR. GORE: I'm going to object, vague
 3 as to the term customers. You can answer.
 4 A. Yeah, have not requested or seen an
 5 analysis at this point as to whether or not our
 6 customers conserved.
 7 (Court reporter interrupt on.)
 8 **Q. (By Mr. Bauer) Did any -- do you have**
 9 **any information about any customers on the system**
 10 **conserving during that time?**
 11 A. The only one that we spoke about was
 12 Ford Motor Company. They -- Ford was concerned
 13 about being able to meet the expectations of the OFO
 14 and I think they were concerned about the overa
 15 system from what I heard, and they actually
 16 shuttered the important and left that volume on the
 17 system for others to use.
 18 **Q. Are you aware of any other customers**
 19 **shutting their plants to leave more capacities on**
 20 **the system?**
 21 A. I am not, but those -- those aren't
 22 conversations that would have had.
 23 MR. BAUER: So we have covered a lot
 24 of -- by jumping ahead we've covered a lot of these
 25 other topics. Let's take another short break and

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1 will try to eliminate some of the questions that
 2 prepared so we don't go any longer than we need to.
 3 THE WITNESS: appreciate that.
 4 V DEOGRAPHER: Off the record,
 5 10:22 a.m.
 6 (WHEREIN, a recess was taken.)
 7 V DEOGRAPHER: On the record, 10:40
 8 a.m.
 9 MR. GORE: This is Gabe Gore for Spire.
 10 would just -- I've talked with counsel and we
 11 would like at this time to mark the two volume
 12 binders that the witness brought with him today as
 13 Exhibit 2.
 14 MR. BAUER: And that's fine.
 15 (Court reporter interruption.)
 16 MR. HOWELL: And Gabe, this is Richard
 17 Howell for Constellation. My understanding is that
 18 you already have a lot of these materials available
 19 electronically and so we can just electronically
 20 a so mark that zip file and its contents as
 21 Exhibit 2.
 22 MR. GORE: Yeah, they're the same
 23 things. They're just copies. I think of those as
 24 exhibit copies.
 25 MR. HOWELL: Understood. Thank you.

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1 MR. GORE: Like they were handed out at
 2 the deposition.
 3 (WHERE N, Exhibit 2A, B under 1 of
 4 materials, was marked for identification by the
 5 Court Reporter.)
 6 (WHERE N, Exhibit 2B, B under 2 of
 7 materials, was marked for identification by the
 8 Court Reporter.)
 9 MR. GORE: All right. Thank you.
 10 **Q. (By Mr. Bauer) Back to Exhibit 1,**
 11 **please. Topic 2I on page five. It is 11 -- yeah,**
 12 **item 11 from the Aplington letter. (Quote as read):**
 13 **Symmetry apparently held insufficient**
 14 **firm capacity, supply or storage**
 15 **positions to adequately serve its**
 16 **customers, and didn't bother purchasing**
 17 **any in the daily spot market.**
 18 **Do you see that, sir?**
 19 A. Yes.
 20 **Q. Excellent. I'm looking at that last**
 21 **phrase, didn't bother purchasing any in the daily**
 22 **spot market. What's the basis for -- for that**
 23 **statement by Spire?**
 24 A. Like say, these -- these are Matt's
 25 comments, but guess that's evident when the

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1 nominations are zero that there wasn't any purchases
 2 for -- there wasn't any supply making it to a city
 3 gate for Symmetry's customers.
 4 **Q. So on a day where the nominations was**
 5 **zero, that's when this -- that's what this statement**
 6 **refers to?**
 7 MR. GORE: I'm going to object,
 8 improper -- calls for improper corporate rep
 9 testimony. He's testifying as to the factual basis
 10 for the statement as he understands it.
 11 MR. BAUER: That's all I'm asking.
 12 A. You would say that's the most obvious
 13 time when the nomination is zero.
 14 **Q. (By Mr. Bauer) All right. Are there**
 15 **any other days in -- in which Spire believes**
 16 **Symmetry didn't bother purchasing any in the daily**
 17 **spot market?**
 18 A. Yeah, guess we don't have --
 19 necessarily have -- we can't -- we don't know
 20 exactly what Symmetry was trying to buy. Know --
 21 knowing the nature of the business, there's --
 22 there's some business that's typically for a whole
 23 month. So as -- as those volumes were going down,
 24 you would expect to see replacement volumes and it
 25 didn't appear as though that was the case. It

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1 appeared as though as the volumes were going down
 2 Symmetry just let those volumes go to zero and there
 3 wasn't an attempt, but --
 4 **Q. So that's an inference that Spire is**
 5 **making, you don't know whether -- whether Symmetry**
 6 **bothered to purchase anything in the daily markets?**
 7 MR. GORE: I'm going to object,
 8 improper -- calls for improper corporate rep
 9 testimony. That is not an inference that Spire
 10 made. You have a letter that you're questioning
 11 from that was written by counsel, and this witness
 12 is testifying about the factual basis for those
 13 statements in those letters as he understands them.
 14 MR. BAUER: I agree with everything you
 15 just said.
 16 MR. GORE: Okay.
 17 **Q. (By Mr. Bauer) But -- but my question**
 18 **stands.**
 19 A. Yeah, Symmetry's -- Symmetry's actions
 20 were so bad, you would say any -- any person that
 21 looks at it would assume that there wasn't a whole
 22 lot of effort going on for Symmetry to serve their
 23 customers.
 24 **Q. Okay. And what's your basis for saying**
 25 **that?**

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1 A. I can refer you to the binder on
 2 tab 1 -- 1D, second page. Actually the third page.
 3 It shows Symmetry's nominations on a daily basis and
 4 the usage.
 5 **Q. Okay. So what -- what is document 1D?**
 6 A. This is a summary calculation of
 7 Symmetry's OFO penalties.
 8 **Q. And who prepared it?**
 9 A. Justin Powers and his team.
 10 **Q. Okay. And what is it based upon? It's**
 11 **a summary of something. What's the underlying data?**
 12 A. The underlying data, the nominations
 13 are a lot of the nominations that are provided in this
 14 tab, shows every nomination for southern -- or for
 15 Symmetry's customers to Southern Star. That's
 16 simply putting in the nominations that Symmetry made
 17 on Southern Star on behalf of its customers. That's
 18 the nominations.
 19 MR. GORE: And if you could, when you
 20 say this tab, can you be more specific and just
 21 state exactly which tab you're talking about?
 22 A. Where the nominations are? Give me one
 23 second here. I'll find one.
 24 **Q. (By Mr. Bauer) I thought we were**
 25 **talking about 1D. We're on a different one?**

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1 A. I'm going to show you the nominations
 2 that we provided.
 3 **Q. Okay.**
 4 A. Shows Symmetry's nominations.
 5 **Q. Okay.**
 6 A. If you turn to tab 1J, that shows the
 7 Southern Star files.
 8 (Court reporter interruption.)
 9 A. For every nomination, marketer
 10 nomination to our city gate. So that's information
 11 we provided.
 12 **Q. (By Mr. Bauer) Okay. And this – tell**
 13 **me exactly what this printout is. This is something**
 14 **out of Spire's computer systems?**
 15 A. This is a download out of Southern
 16 Star's system that shows every nomination that
 17 Symmetry made on behalf of its customers behalf
 18 Spire.
 19 **Q. Okay. So this – this would reflect**
 20 **those four a day that you talked about earlier,**
 21 **right?**
 22 A. That's correct.
 23 **Q. All right. So this is something –**
 24 **this is a document that – do you all refer to this**
 25 **in real time while things are happening during the**

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1 **winter storm or is this something that you pulled**
 2 **together for your testimony today?**
 3 A. We -- we see a nomination total from
 4 Southern Star on a daily basis, actually on each of
 5 those cycles.
 6 **Q. And by -- by marketer?**
 7 A. You know, don't recall what that
 8 actual report looks like.
 9 **Q. And then on the same daily basis you're**
 10 **able to see how much the customers of the -- of the**
 11 **marketers, how much natural gas they used?**
 12 A. That's correct.
 13 **Q. So you --**
 14 A. So that's -- yeah, that's the next tab
 15 in this spreadsheet is the usage.
 16 **Q. That's 1K?**
 17 A. That is not. I think we provided that
 18 electronically because the file was so big. Let me
 19 find the tab. Sorry for the delay here. I'll try
 20 and find it for you. Yeah, I apologize. I'm not
 21 seeing the --
 22 **Q. Okay.**
 23 A. I'm not seeing the usage report, the
 24 reference to the usage report.
 25 **Q. Okay. Let me -- let me just ask you --**

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1 **now that you've seen some of these documents, the**
 2 **broader question that I was -- we were trying to**
 3 **discuss earlier, and that is does Spire know on a**
 4 **daily basis who is -- which -- which marketers**
 5 **have -- marketers' customers have used more gas than**
 6 **their daily nominations?**
 7 A. We do. That's what went into this
 8 caution.
 9 **Q. And is there any mechanism by which**
 10 **that information is then given to the marketers so**
 11 **they know what is happening on the Spire system?**
 12 A. Yeah, the marketers have access to
 13 the -- the meter read information out of that
 14 Honeywell system that mentioned.
 15 **Q. So -- so --**
 16 A. Just like Spire.
 17 **Q. I'm sorry. Didn't mean to interrupt**
 18 **you.**
 19 A. Yeah. Just like Spire.
 20 **Q. So the marketers have access to the**
 21 **exact same information about the nominations and the**
 22 **burns that Spire does. Is that true?**
 23 A. That's correct.
 24 MR. BAUER: One thing we can do that
 25 would save time with regard to these binders that

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1 are Exhibit 2's -- and maybe we can talk about
 2 that bunch, but I could just authenticate them
 3 en masse, that would save us having to go through
 4 each one and say this is a business record, to come
 5 out of here, bah, bah, bah, that would save time.
 6 I don't really want to do that with 12 people
 7 watching.
 8 MR. GORE: There's no reason to do
 9 that. They're not a business records, though.
 10 MR. BAUER: No.
 11 MR. GORE: I mean, obviously some are
 12 DR requests, responses.
 13 MR. BAUER: Yeah.
 14 MR. GORE: There are some other
 15 documents in there, but the ones that -- we -- we're
 16 happy to go through and tell you the ones that are
 17 business records. There's documents that were
 18 pulled off of other people's systems and used by us,
 19 which are obviously not our business records. So
 20 think those are probably the two most predominant
 21 categories of documents in the binder.
 22 MR. BAUER: Maybe at a bunch we can talk
 23 about -- understand some of those aren't your
 24 business records, but they're probably at least a
 25 authentic maybe. And so --

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1 MR. GORE: Yeah. If we relied on them
 2 doing our damage calculations we obviously believed
 3 they were authentic.
 4 MR. BAUER: A right. So I'm not
 5 going to ask you about the foundational questions
 6 about every document that -- that you referenced
 7 here with the thought that we will work something
 8 out over the lunch period.
 9 **Q. (By Mr. Bauer) Look at topic 2K,**
 10 **please. It says (quote as read):**
 11 **Spire was faced with the choice of**
 12 **either shutting off natural gas to all**
 13 **of Symmetry's customers or buying**
 14 **additional gas to maintain their gas**
 15 **service.**
 16 **Do you see that?**
 17 A. Yes, sir.
 18 **Q. What's the factual basis for that**
 19 **statement?**
 20 A. I mean, still keep referring back to
 21 the fact that this is Matt's document, but I think
 22 we've been -- we've been careful that -- that we
 23 didn't physically turn off service to any customers.
 24 You know, there's -- there's processes to try to --
 25 try to get marketers to perform, that is the OFO

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1 process, we went through that process.
 2 To the extent that Spire could find
 3 supply to make up for the marketer shortfall, we did
 4 that. So I think we never got to the point where we
 5 had to shut customers off because we were able to
 6 physically make up for the shortfall.
 7 **Q. And did Spire always make up for the**
 8 **shortfall by buying additional gas to maintain their**
 9 **gas service?**
 10 MR. GORE: I'm going to object,
 11 compound, vague. You can answer.
 12 A. Yeah, Spire's position that we did --
 13 if anything, we probably had to buy more than we
 14 otherwise would have because we didn't know if the
 15 volume that was being nominated would show up in the
 16 nomination process.
 17 **Q. (By Mr. Bauer) And do you have -- does**
 18 **Spire have any estimate of how much additional gas**
 19 **it bought that -- that was more than what you**
 20 **needed?**
 21 MR. GORE: I'm going to object, vague.
 22 Vague as to time period.
 23 **Q. (By Mr. Bauer) During February 2021.**
 24 A. Yeah, the only numbers that I've seen
 25 quantified are the shortfalls with the marketers.

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1 **Q. Were there any other options related to**
 2 **topic 2K other than shutting off all of Symmetry's**
 3 **customers or buying additional gas for Spire?**
 4 MR. GORE: I'm going to object,
 5 foundation, vague.
 6 A. Like say, we were never in a position
 7 where we weren't able to cover the shortfall. So we
 8 were never faced with having to turn anybody off.
 9 **Q. (By Mr. Bauer) There also were days in**
 10 **which Spire didn't have to buy additional gas to**
 11 **maintain gas service to Symmetry's customers. Is**
 12 **that true or false?**
 13 MR. GORE: I'm going to object,
 14 foundation.
 15 A. I'd say that's false.
 16 **Q. (By Mr. Bauer) So Spire had to buy**
 17 **additional gas -- well, let me ask you, to what days**
 18 **does this refer to? Is it just certain days during**
 19 **the winter storm or during the OFO or during the**
 20 **whole period?**
 21 MR. GORE: I'm going to object, calls
 22 for improper corporate representative testimony.
 23 He's testifying as to the factual basis for the
 24 statement as he understands it.
 25 A. Yeah, and that's -- you know, that's a

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1 hindsight review. So with looking at it with
 2 perfect knowledge. So yeah. I don't have the
 3 perfect knowledge to know what that number was
 4 looking in hindsight.
 5 **Q. (By Mr. Bauer) For what days during**
 6 **February does Spire believe that this sentence in**
 7 **topic 2K was factually accurate?**
 8 A. Yeah, based on the document review,
 9 think that's something that Justin Powers would have
 10 to consult on.
 11 **Q. Okay. Sitting here today, you don't**
 12 **know?**
 13 A. Like say, that's a hindsight review.
 14 I don't know if there's even a way to mathematically
 15 determine that. That's not an answer that I have
 16 today.
 17 **Q. Okay. Let's go to the next topic then,**
 18 **2L, on Exhibit 1. (Quote as read):**
 19 **Spire elected to do the right thing for**
 20 **the community by purchasing and**
 21 **delivering enough natural gas to cover**
 22 **for Symmetry's failure.**
 23 **First question to you is what is --**
 24 **what is meant by enough gas? Define enough.**
 25 A. Like say, this is Mr. Apington's

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1 document. We -- we never had to physically turn
 2 anyone off, so I think that's a pretty simple
 3 statement that there was enough supply to meet a
 4 the customers' load irrespective of the fact that
 5 the marketers weren't bringing in their volumes.
 6 **Q. Are you able to quantify that in any**
 7 **way other than by -- by that statement?**
 8 MR. GORE: I'm going to object. That's
 9 beyond the scope of the topic.
 10 A. I mean, to me that question is vague
 11 enough that I wouldn't even know remotely how to go
 12 about answering it.
 13 **Q. (By Mr. Bauer) So I'll tell you is I'm**
 14 **trying to understand what delivering enough gas to**
 15 **cover for Symmetry's failure means. Let me ask you**
 16 **admittedly a hypothetical question. And that is**
 17 **let's say there was a day in which Symmetry was**
 18 **unable to deliver any gas to the system. How much**
 19 **gas does -- did Spire have to buy in order to cover**
 20 **for Symmetry's failure?**
 21 MR. GORE: I'm going to object to
 22 foundation, improper hypotheticals. Mr. Godat is not
 23 being produced as an expert witness, and are we
 24 still on topic 2L?
 25 MR. BAUER: We're still on that

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1 sentence.
 2 MR. GORE: Okay. And I'm also object
 3 asked and answered.
 4 A. Could you repeat the question?
 5 **Q. (By Mr. Bauer) I'm trying to**
 6 **understand what enough is, and my question is let's**
 7 **say there was a day that Symmetry delivered no gas,**
 8 **they were unable to produce any -- give any gas to**
 9 **the Spire system. Is it Spire's position that Spire**
 10 **had to purchase all of the gas that had been**
 11 **nominated by Symmetry in order to deliver enough gas**
 12 **to cover for the failure?**
 13 MR. GORE: Objection, foundation.
 14 Objection to form, improper hypotheticals, beyond the
 15 scope of the topic. You can answer.
 16 A. Yeah, the simple answer is that
 17 Symmetry didn't even nominate any gas. So it's not
 18 like we were covering nominations that got cut.
 19 Symmetry didn't even make any nominations.
 20 **Q. (By Mr. Bauer) Okay. So then -- so**
 21 **then what is -- I'm still trying to understand what**
 22 **is enough then? How much does Spire have to buy if**
 23 **Symmetry didn't make a nomination?**
 24 MR. GORE: I'm going to object,
 25 improper hypotheticals, asked and answered, beyond

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1 the scope of the topic.
 2 A. Yeah, I mean, I can point to you here
 3 on tab 1D, page three. I mean, yeah, easy --
 4 I mean, there's days there where we were having to buy
 5 55,000 dekatherms a day to cover for the shortfall.
 6 Like I say, it's -- you're asking me to make -- to
 7 do a mathematical computation on a hindsight review
 8 of information that was not available to the gas
 9 supply team at the time.
 10 **Q. (By Mr. Bauer) So on a day in which**
 11 **Symmetry didn't deliver as much gas as it had**
 12 **nominated, did Spire have to buy that entire**
 13 **shortfall or are there any other sources for Spire**
 14 **to, as it says here, cover for Symmetry's failure?**
 15 MR. GORE: I'm going to object,
 16 improper hypotheticals, foundation, beyond the scope
 17 of the notice. You can answer.
 18 A. We were -- we were buying to cover the
 19 shortfall.
 20 **Q. (By Mr. Bauer) And do you have to**
 21 **buy --**
 22 A. According to Mr. Powers, he was buying
 23 to cover the shortfall.
 24 **Q. Did he have to buy the entire shortfall**
 25 **or were there other sources?**

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1 MR. GORE: I'm going to object,
 2 foundation, vague.
 3 A. His position was that he had to buy to
 4 cover the entire shortfall during his conversation.
 5 **Q. (By Mr. Bauer) And you say his**
 6 **position, what -- what --**
 7 A. Talking with Justin, he felt like the
 8 incremental purchases he made were to cover the
 9 marketers' shortfall.
 10 **Q. And you have no reason to question**
 11 **that?**
 12 MR. GORE: Object, improper corporate
 13 representative testimony. It's beyond the scope of
 14 the topic.
 15 MR. BAUER: You know, that's true.
 16 shouldn't ask him what he said. Withdraw the
 17 question.
 18 **Q. (By Mr. Bauer) Did -- during**
 19 **February 2021 did any other gas marketers fail to**
 20 **deliver enough natural gas?**
 21 A. There were other marketers that also
 22 had OFO penalties.
 23 **Q. And did Symmetry have to purchase**
 24 **natural gas to cover for those marketers' failures**
 25 **to deliver natural gas?**

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1 MR. HOWELL: Object on, vague.
 2 MR. GORE: Yeah, and 'm go ng to
 3 object. Maybe you m sstated t. You sa d Symmetry.
 4 MR. BAUER: probab y d d, huh? Okay.
 5 You know what, t's not worth t. 'm not go ng
 6 to -- 'm go ng to move on.
 7 **Q. (By Mr. Bauer) Let's look at topic 2M.**
 8 **It says (quote as read):**
 9 **Symmetry is charging its customers for**
 10 **gas Spire bought for them during the**
 11 **OFO period.**
 12 **What's Spire's basis for saying that?**
 13 A. know we had a customer nvo ce where
 14 a customer was be ng charged the Gas Da y pr c ng.
 15 don't reca off the top of my head f that was --
 16 f that was a Symmetry nvo ce. Mr. Ap ngton must
 17 have been aware of that document. just don't
 18 reca t off the top of my head here.
 19 **Q. And is that the -- is that the full**
 20 **factual basis for that statement?**
 21 A. L ke say, t was Mr. Ap ngton's
 22 statement, so don't know f there was more to h s
 23 statement because he may have been aware of
 24 someth ng that wasn't.
 25 **Q. Okay. Take out Exhibit 1 again. Let's**

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1 **go to topic number five, (quote as read):**
 2 **Communications between employees of**
 3 **Spire Missouri, Inc. and Spire**
 4 **Marketing, Inc. concerning Winter Storm**
 5 **Uri or Symmetry during February or**
 6 **March 2021.**
 7 **My first question is did Spire produce**
 8 **any communications in this case that are between**
 9 **Spire Missouri and Spire Marketing that you're aware**
 10 **of at least.**
 11 A. think there were -- 'm trying to
 12 remember. Do you remember which tab this is
 13 referring to?
 14 MR. GORE: don't be ievie there's a
 15 tab. There's not a tab of documents you reviewed in
 16 preparation for this topic.
 17 A. Yeah, don't reca -- don't reca
 18 seeing any, and don't reca -- yeah, Spire --
 19 Spire Marketing is such a sma p ayer in the Kansas
 20 City market that there's no reason wou d have had
 21 reason to have communication with them, and if no
 22 documents have been produced then 'm confidant that
 23 there wasn't communication going on there.
 24 There were -- when went through the
 25 schedu e -- that's the on y p ace saw it. There's

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1 a summary of the purchases w th Sp re Market ng.
 2 can't remember where that tab s. There was a
 3 handfu of transact ons where we were buy ng --
 4 where Sp re M ssour bought supp y from Sp re
 5 Market ng, but th nk that's one where t must have
 6 been a verba conversat on so we produced the -- a
 7 copy of the transact on, but there wasn't any
 8 documentat on back and forth of where they bought
 9 that supp y.
 10 MR. GORE: Steve, ' just te you f
 11 the quest oner th nks t's he pfu when Mr. Godat s
 12 say ng know there s a document n here, but
 13 can't f nd t, f you want me to expd te th ngs, we
 14 typ ca y know wh ch document he's ta k ng about.
 15 So f you want me to g ve t to h m, w . f
 16 not, f you want h m to ook, that's f ne.
 17 MR. BAUER: No, 'd prefer that you
 18 g ve t to h m.
 19 MR. GORE: Okay. So the document we
 20 be eve he's refer ng to r ght now s at tab 20.
 21 A. Yeah, so there wou d have been some
 22 commun cat on to effectuate these transact ons, but
 23 ke say, t's not someth ng that there s a
 24 record of, th nk. When ooked at th s document,
 25 the document that was turned over showed the

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1 transaction and it actua y showed the Southern Star
 2 index price think just to give -- just so that
 3 everybody cou d kind of see what the transaction
 4 price was versus what market price was that day.
 5 That was my understanding.
 6 **Q. (By Mr. Bauer) And do you know who was**
 7 **involved in that transaction?**
 8 A. t wou d have been Justin Powers' team.
 9 **Q. And anybody on the Spire Marketing**
 10 **side?**
 11 A. There wou d have been -- there wou d
 12 have been a trader assume on the Spire Marketing
 13 side. 'm not sure who that party was.
 14 **Q. Do you know -- I won't ask you if you**
 15 **know. Strike that.**
 16 **Why was that transaction made?**
 17 A. mean, if you ook through, there were
 18 a ot of incrementa transactions through the po ar
 19 vortex period buying supp y, and this is just a
 20 handfu of those transactions that took p ace.
 21 MR. BAUER: Let's mark this as
 22 Exhibit 3. 'm not done with 1 yet, but we'
 23 switch it up a itt e bit here.
 24 (WHERE N, Exhibit 3, 2-17-21 Spire
 25 correspondence, was marked for identification by the

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1 Court Reporter.)
 2 **Q. (By Mr. Bauer) All right. Placed**
 3 **Exhibit 3 before you. Take a moment if you could**
 4 **and look at it and tell us if you recognize what**
 5 **this document is.**
 6 MR. GORE: 'm going to object to the
 7 use of this document because as far as can be
 8 this is not a Spire Missouri document and therefore
 9 is beyond the scope of this corporate representative
 10 deposition and notice.
 11 A. Looks like a force majeure notice from
 12 Spire Marketing.
 13 **Q. (By Mr. Bauer) Let me know when I can**
 14 **start asking questions. I don't want to interrupt**
 15 **your reading.**
 16 A. Okay.
 17 **Q. So what -- what does this document look**
 18 **like to you?**
 19 A. A force majeure --
 20 MR. GORE: 'm going to object. This
 21 is not a document that it appears that Spire
 22 Missouri, Inc. was the subject, which is the subject
 23 of this corporate representative deposition, was
 24 either a drafter or recipient of. Unless you can
 25 establish that foundation 'm going to object that

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1 this is beyond the notice and beyond anything this
 2 witness is qualified to testify about.
 3 **Q. (By Mr. Bauer) Okay. So it's a**
 4 **document with Spire Marketing, Inc. at the top**
 5 **right. It's dated February 17th, 2021. It was sent**
 6 **via e-mail initial notice of force majeure under a**
 7 **NAESB contract to whom it may concern by Patrick J.**
 8 **Strange; is that correct?**
 9 A. It is.
 10 **Q. Okay. Did Spire receive this notice**
 11 **from Spire Marketing?**
 12 MR. GORE: Are you referring to Spire
 13 Missouri, Inc.?
 14 MR. BAUER: As far as I know.
 15 A. The only force majeure issue I knew
 16 that we had was Spire Marketing was actually on our
 17 Alabama utility, and we actually protested the force
 18 majeure and I know it's a different utility, but
 19 Spire Marketing paid all the damage claims.
 20 **Q. (By Mr. Bauer) So -- so do you know if**
 21 **Spire Missouri received this notice that's**
 22 **Exhibit 3?**
 23 A. 'm not aware that Spire Missouri
 24 received this.
 25 **Q. Was it ever discussed among Spire**

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1 **Missouri and Spire Marketing?**
 2 A. I don't recall any conversations --
 3 can't recall any conversations, nor have I seen any
 4 produced where this was an issue for Spire Missouri.
 5 Like I say, I know we had a lot of conversations
 6 about Spire Alabama, and we ultimately held them --
 7 basically didn't accept the force majeure and got
 8 our costs covered.
 9 **Q. Okay. So this topic relates to**
 10 **communications between these two entities, Spire**
 11 **Missouri and Spire Marketing. It occurs to me I**
 12 **think there's some people that work for both**
 13 **companies, so I'm not sure how that -- how they**
 14 **communicate with each other if they work for both**
 15 **companies.**
 16 A. Can you --
 17 **Q. So my question is --**
 18 A. I disagree with that statement.
 19 **Q. I was going to ask that.**
 20 MR. GORE: 'm going to object to
 21 foundation and the assumption that there's people
 22 who work for both companies.
 23 A. Yeah, we have affiliate transaction
 24 rules that make those relationships even more
 25 separate than a normal producer or marketer

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1 relationship would be.
 2 **Q. (By Mr. Bauer) Yes, and that was just**
 3 **a preamble for me to ask the foundation question,**
 4 **which is are there any persons who are affiliated**
 5 **with both Spire and Spire Marketing?**
 6 A. Not that 'm aware of.
 7 MR. BAUER: 'm happy to keep going or
 8 if people want to eat lunch. 'm not trying to keep
 9 people from eating.
 10 MR. APLINGTON: How much longer do you
 11 think you have over a ?
 12 MR. BAUER: Maybe an hour, something
 13 like that. Not enough to push all the way through
 14 lunch, but plenty of time for other people to ask
 15 questions.
 16 MR. GORE: Thank the earliest would
 17 like to do lunch 12, so by -- assuming the
 18 witness is okay.
 19 MR. BAUER: 'm sorry, thought -- 'm
 20 getting a screwed up with time.
 21 MR. GORE: Yeah, 've got 11:15.
 22 MR. BAUER: 'm totally messed up.
 23 was thinking it's 12:15.
 24 MR. GORE: The food's not going to be
 25 here until 12, of course, so 'm happy to do 12,

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1 12:30. We probably don't want to go much past
 2 12:30.
 3 MR. BAUER: 'm sorry, thought it was
 4 12:17, which is why asked. Forget that. Okay.
 5 Let's --
 6 MR. GORE: Anywhere between 12 and
 7 12:30 for unch work for us. Does that work for
 8 you, George?
 9 THE WITNESS: Yes, sir.
 10 MR. GORE: A right.
 11 **Q. (By Mr. Bauer) Okay. Let's go back to**
 12 **Exhibit 1 and topic number six. Okay. (Quote as**
 13 **read):**
 14 **The availability and use of storage gas**
 15 **by Spire in February 2021 including any**
 16 **decisions to draw from storage or to**
 17 **sell gas to third parties.**
 18 **I just want to make sure that in our**
 19 **last discussions that I asked you the broad question**
 20 **is, you know, did Spire sell any gas to third**
 21 **parties in February 2021?**
 22 A. We talked through the Atmos transaction
 23 where we sold gas to -- storage gas to Atmos.
 24 **Q. Anything else? Any other sales?**
 25 A. don't recall any other sale

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1 transactions. 'm trying to remember if -- on the
 2 GSC -- yeah, have to remember. There may have
 3 been -- 'm trying to recall. There may have been a
 4 day or two on the weekend where we had a day where
 5 we would have a little extra gas. 'd have to look
 6 back, whether it was a party that -- to try to
 7 minimize the daily purchase where we may have sold a
 8 little bit back.
 9 **Q. And how is that analysis?**
 10 A. It was minimal. Huh?
 11 **Q. How was that analysis made at Spire?**
 12 A. That's something Justin Powers and his
 13 team would have been doing.
 14 **Q. Okay. And anything else or is that it?**
 15 A. I think the other thing -- you know,
 16 was thinking about it after we got out of here,
 17 talking about this topic number six, talking about
 18 the availability and use of storage gas. You know,
 19 really was thinking probably should have
 20 explained the -- the limitation -- the limitation
 21 that we have on the Southern Star storage is the
 22 tariff provision that ties your storage withdrawa
 23 capability to the amount of flowing molecules that
 24 you have, it's -- you know, it's a very unique
 25 storage service.

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1 Most storage services allow you just to
 2 pull from zero up to your MDQ on any given day.
 3 Southern Star actually has a tariff provision where
 4 on a -- on a two-thirds of your total gas being
 5 delivered to your gate can be sourced from storage.
 6 The other one-third has to be flowing supply. So as
 7 we look at -- as gas supply looks at the risk
 8 going into a period, you know, not on a -- not on a
 9 are you worrying about that the flowing supply is
 10 not going to show up, you also have to worry that
 11 for every molecule that doesn't show up on the
 12 flowing side you're losing two-thirds of your
 13 capability on the storage side.
 14 So think, you know, that's something
 15 that I didn't mention before. That even goes back
 16 to the overall storage inventory where our -- our
 17 concern during that period wasn't the overall
 18 inventory. It was -- it was the flowing molecules
 19 that we're going to have available to match up with
 20 that one-third, two-third requirement to a city
 21 gate.
 22 **Q. Okay. So when during the winter storm**
 23 **period did that become a factor in Spire's**
 24 **decisions?**
 25 A. I mean, it's just -- it's something

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1 that the gas supply team is aware of and knows
 2 of through the planning process. It's something
 3 they would have known through the whole winter.
 4 **Q. And did that factor into decisions by**
 5 **Spire to purchase gas during that period of time?**
 6 MR. GORE: 'm going to object, beyond
 7 the scope of the notice unless you can point out to
 8 me, but don't think -- we're definitely not on the
 9 topic we were on. So object on.
 10 MR. BAUER: Yeah, guess we're kind of
 11 back to 2L, which is Spire purchasing and delivering
 12 enough natural gas to cover.
 13 MR. GORE: Object on, beyond the scope
 14 of the notice.
 15 MR. BAUER: Can you read the question
 16 back? 've now forgotten it.
 17 COURT REPORTER: Question: And did
 18 that factor into decisions by Spire to purchase gas
 19 during that period of time?
 20 MR. GORE: Object on, beyond the scope
 21 of the notice, vague.
 22 A. Yeah, I mean, as the moving parts from
 23 a gas supply perspective, I mean, Justin would have
 24 to be the one that actually talked about the daily
 25 decisions that he made, and that's where I keep

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1 gett ng back to the h nds ght rev ew of, you know,
 2 f you ook back w th perfect know edge of
 3 everyth ng happened, you cou d probab y draw some
 4 conc us ons one way or another, but you know, as
 5 mon tor ng the portfo o those are a factors that
 6 go nto pay.
 7 **Q. (By Mr. Bauer) So if I want to ask**
 8 **questions about the thinking that went into gas**
 9 **purchases on each day, Justin is the person I should**
 10 **ask?**
 11 A. That's correct.
 12 **Q. Were you -- well, was -- I don't want**
 13 **to ask were you. Was anyone else at Spire involved**
 14 **in making those daily gas purchase decisions that**
 15 **Justin Powers was doing?**
 16 A. t wou d have been Just n n
 17 conjunct on w th h s team.
 18 **Q. And does he need to -- to fill out any**
 19 **approval paperwork or anything at Spire before he**
 20 **makes purchases?**
 21 A. He does not. That's -- that's a fu d
 22 enough process that there's no -- mean, that's not
 23 even a feas b e -- that's not even a workab e
 24 process.
 25 **Q. There's no like limit to how much he**

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1 **can buy on a day?**
 2 A. There's not.
 3 **Q. So you all put a lot of faith in him?**
 4 A. Yeah.
 5 MR. GORE: Object on, beyond the scope
 6 of the 30(b)(6) -- or corporate representat ve
 7 not ce.
 8 **Q. (By Mr. Bauer) He gets -- he makes**
 9 **those decisions?**
 10 A. Yeah, that's part of h s job
 11 respons b tes.
 12 **Q. Okay. Topic seven on Exhibit 1,**
 13 **please. (Quote as read):**
 14 **Spire's sales of gas to Atmos Energy**
 15 **Corporation in February 2021, including**
 16 **any discussions, communication, or**
 17 **analysis concerning this topic.**
 18 **I think we've kind of wandered into**
 19 **this topic earlier today, but -- so let me just ask**
 20 **a couple narrower questions.**
 21 MR. GORE: Before you do that, '
 22 just state for the record that the documents that
 23 Mr. Godat rev ewed n preparat on for th s top c are
 24 at tab 13 of the b n der.
 25 MR. BAUER: Let's pu t out just to

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1 see.
 2 **Q. (By Mr. Bauer) There's one document;**
 3 **is that right?**
 4 A. The confirmation.
 5 **Q. Okay. Are there any other documents**
 6 **related to this transaction within the Spire system?**
 7 A. You know, there's not. Like say, it
 8 was something that Justin was hand ing working with
 9 the Atmos trader. Yeah.
 10 **Q. Who was Spire's contact at Atmos, do**
 11 **you know?**
 12 A. do not know that off the top of my
 13 head.
 14 **Q. I see this is approved by you, by**
 15 **signature. Did you know about this as it was**
 16 **happening?**
 17 A. did.
 18 **Q. And was this one of the decisions that**
 19 **Justin was able to make or did he need your -- I**
 20 **should say Justin Powers, I'm sorry -- that**
 21 **Mr. Powers made on his own or did he require your**
 22 **approval?**
 23 A. He consu ted with me on this
 24 transaction.
 25 **Q. Could he have done it on his own or are**

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1 **you necessary?**
 2 A. There's nothing that restricts him from
 3 doing it on his own.
 4 **Q. I think --**
 5 A. u timate y made the decision, but
 6 there's nothing that restricts him from that.
 7 **Q. My memory is not perfect, but I feel**
 8 **like I asked you all the questions, the who, what,**
 9 **whys, wheres about all of this and you knew some**
 10 **things and referred me to Mr. Powers on some others,**
 11 **including -- forgive me if I've asked this already,**
 12 **but how was the price arrived at?**
 13 A. That's where said it was just a
 14 negotiation between Justin and Atmos.
 15 **Q. And did Spire have any goals or**
 16 **guidelines or, you know, objectives in the**
 17 **negotiation?**
 18 A. Just to come up with something that was
 19 reasonab e for both parties. Like say, Atmos is a
 20 sister uti ty and we were -- everybody was in that
 21 together and we were trying to -- we were trying to
 22 he p them and at the same time they were trying to
 23 be fair to us.
 24 **Q. And how was the amount of gas arrived**
 25 **at?**

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1 A. From what I remember, you'd have
 2 to -- yeah, I'd have to confirm with Justin. Yeah,
 3 you'd have to confirm that with Justin.
 4 **Q. Okay. Let's go to topic eight, please,**
 5 **on Exhibit 1 (quote as read):**
 6 **The process by which Spire engages in**
 7 **month-end balancing with Symmetry**
 8 **regarding monthly invoicing, including**
 9 **but not limited to the process as**
 10 **applied since November 2020.**
 11 **You're prepared to testify about this**
 12 **topic?**
 13 A. Am.
 14 **Q. Can you explain to me how the month-end**
 15 **balancing with Symmetry works?**
 16 MR. GORE: I could just state for
 17 the record the documents that Mr. Godat reviewed in
 18 preparation for testimony on this topic are at tabs
 19 one and 14 of the binder.
 20 **Q. (By Mr. Bauer) Feel free to refer to**
 21 **those, sir.**
 22 A. We -- yeah, we talked earlier about the
 23 process that Spire goes through calculating the
 24 daily amounts where it's looking at nominated
 25 quantities and usage. The process is exactly the

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1 same for the month-end. It's just looking --
 2 looking at the nominations for the full month period
 3 and the usage for the full month period and
 4 calculating the difference between those two.
 5 **Q. And is your --**
 6 A. There's a cash-out mechanism under that
 7 process. So to the extent the farther the person is
 8 out of balance, then the calculation gets punitive
 9 the farther you're out of balance. And if the
 10 marketer has brought in more gas than they burn,
 11 then Spire owes the marketer money. If the marketer
 12 has brought in less volume than they burn, then the
 13 marketer owes Spire.
 14 **Q. And is this something that's done at**
 15 **the end of every month?**
 16 A. It is. It's sometime after the month
 17 has closed.
 18 **Q. But does it square up among -- between**
 19 **the marketer and Spire each month?**
 20 A. It does.
 21 **Q. Who is in charge of this process?**
 22 A. The gas -- Justin Powers and his team.
 23 **Q. Anyone in particular in Powers' team?**
 24 A. Theresa Payne believe was doing the
 25 calculations at that time.

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1 **Q. Does she do them now too?**
 2 A. You know, you'd have to confirm.
 3 don't -- I'm not close enough to do -- to the
 4 daily task to know if she's still doing it.
 5 **Q. Okay. Let's look at topic number nine,**
 6 **Spire's document retention policies. Does Spire**
 7 **have one?**
 8 A. We do, and they're referenced in the
 9 binder, and --
 10 MR. GORE: For the record, on topic
 11 nine, the documents that Mr. Godat reviewed in
 12 preparation to give testimony on topic nine are
 13 located at tab --
 14 MS. MCLAUGHLIN: 15.
 15 MR. BAUER: 15?
 16 A. 15. Yeah, there's multiple documents.
 17 I did review those documents, and I spoke with Bob
 18 McKee to confirm that the documents that are
 19 provided were the documents -- were the policies
 20 that were in place during Winter Storm Uri.
 21 **Q. (By Mr. Bauer) And were those policies**
 22 **followed during Winter Storm Uri and since?**
 23 A. My understandings that they were.
 24 Actually, Bob said he didn't have any reason to
 25 believe that they weren't followed as well.

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1 **Q. Okay. Let's look at -- at topic ten.**
 2 **I'll read it. (Quote as read):**
 3 **The identities of the persons who**
 4 **provided the factual information**
 5 **supporting the responses to Symmetry's**
 6 **data requests served on March 26, 2021.**
 7 **And I just say that -- note that we**
 8 **want to ask about who the people are. Are you**
 9 **prepared to testify on this topic today, sir?**
 10 A. Like mentioned before, outside and
 11 outside counsel works with a number of Spire
 12 employees. The ones that I was aware of are the
 13 ones that mentioned, Justin Powers, Scott Wetzel,
 14 Patty Reardon. Like say, Bob McKee -- Bob
 15 McKee would have been asked on the records policy.
 16 **Q. Okay. How about Theresa Payne?**
 17 A. Theresa Payne as well.
 18 **Q. Is there somebody named Greg Hayes?**
 19 A. Greg Hayes is scheduler for Justin
 20 Powers.
 21 **Q. Okay. And anyone else that was**
 22 **consulted for the responses to the data requests?**
 23 A. Ashley Dixon is also on Justin's team,
 24 so --
 25 MR. BAUER: Mark this as Exhibit 4.

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1 (WHERE N, Exhibit 4, PowerPoint
 2 presentation, was marked for identification by the
 3 Court Reporter.)
 4 **Q. (By Mr. Bauer) Okay. We placed for**
 5 **the witness Exhibit 4, which is – appears to be a**
 6 **PowerPoint entitled Spire Missouri AO 2021-0264 cold**
 7 **weather event workshop, March 23rd, 2021. Have you**
 8 **seen this before, sir?**
 9 A. Yes, sir.
 10 **Q. Can you tell us what it is?**
 11 A. It was a presentation that Spire
 12 Missouri gave to the Commission and the Commission
 13 staff in response to their inquiry around the cold
 14 weather event.
 15 MR. GORE: Let me just state for the
 16 record this document and the transcript relating to
 17 this presentation is located at tab four of the
 18 binder and was reviewed by Mr. Godat in preparation
 19 for his testimony today.
 20 THE WITNESS: Yeah, that's correct.
 21 **Q. (By Mr. Bauer) Who prepared this – or**
 22 **who were the people that prepared this presentation?**
 23 A. Mr. Weitze presented it. I called
 24 Mr. Weitze to confirm that the information was
 25 still correct to his knowledge, but I don't --

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1 don't know who prepared that presentation for Scott.
 2 **Q. Remind me, I'm sure you told me what**
 3 **Mr. Weitzel's title is?**
 4 A. He was managing director of
 5 regulatory -- you know what, I don't have his exact
 6 title. I would have to get that for you.
 7 **Q. Close enough.**
 8 A. He's over regulatory for Spire
 9 Missouri.
 10 MR. GORE: I bet it's probably
 11 referenced in the transcript if they wanted to look.
 12 A. Yeah.
 13 **Q. (By Mr. Bauer) You know what,**
 14 **Mr. Godat, we don't have to burn time. I can look**
 15 **that up myself too.**
 16 A. Okay.
 17 MR. BAUER: Let's mark this as
 18 Exhibit 5, please.
 19 (WHERE N, Exhibit 5, Murray & Trette
 20 document, was marked for identification by the Court
 21 Reporter.)
 22 **Q. (By Mr. Bauer) Okay. We placed**
 23 **Exhibit 5 in front of the witness. Sir, do you**
 24 **recognize this?**
 25 A. I do.

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1 **Q. What is it?**
 2 A. That's the temperature forecast that
 3 our gas control uses for estimating consumption.
 4 **Q. And it's -- this is something that**
 5 **Spire hires Murray & Trettel, Inc. to do. Are you**
 6 **familiar with them?**
 7 A. Yeah, it's our outside weather service
 8 that we use.
 9 **Q. Do you have more than one outside**
 10 **weather service or is this the one that Spire uses?**
 11 A. We use -- Spire uses other sources, but
 12 Alex Grewach manages that relationship along with
 13 Justin Powers, so I don't have the exact details.
 14 **Q. Do you -- strike that.**
 15 **How frequently does Murray and Trettel**
 16 **provide meteorological forecasts to Spire?**
 17 A. I don't know the exact timing. From my
 18 recollection, there's at least a couple times a day,
 19 but I would have to confirm that with Justin and
 20 Alex.
 21 MR. BAUER: Okay. Can we mark this as
 22 the next exhibit?
 23 THE WITNESS: This is as so provided in
 24 the binder. I can't think of the tab it's on.
 25 (WHERE N, Exhibit 6, 9-9-21 e-mail

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1 chain, was marked for identification by the Court
 2 Reporter.)
 3 **Q. (By Mr. Bauer) Okay. We placed**
 4 **Exhibit 6 before the witness. At the top it says**
 5 **September 9th, 2021 e-mail from Justin Powers to**
 6 **Matt Aplington and Dean Cooper. That looks like**
 7 **just a forward and below the meat of the e-mail is a**
 8 **February 15th, 2021 e-mail from you. Have you seen**
 9 **this before?**
 10 A. Yes, sir.
 11 **Q. Tell us what it is, please.**
 12 A. We were -- yeah, we made quite a few
 13 references to it here. I think Mr. Aplington -- or
 14 Mr. Weitze representing his document. On the 15th
 15 Southern Star was starting to experience pressure
 16 loss down in the southwest part of our system in the
 17 Joplin area, and we were getting very concerned that
 18 we weren't going to have adequate supply to meet our
 19 demand in that area. So we were putting everybody
 20 on notice that we may end up in a position where
 21 we're physically losing customers in that area. So
 22 just getting everyone prepared, thinking about the
 23 actions they may take.
 24 **Q. And who within Spire discussed whether**
 25 **this was a good idea to send this e-mail out?**

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1 **Strike that. That sounded like I was being**
 2 **facetious. I didn't mean to sound facetious at all.**
 3 **Who in Spire discussed sending this**
 4 **e-mail out?**
 5 A. Justin Powers and I recognized the --
 6 the vulnerability we were going to have in that
 7 area. So I made the decision to send it out to get
 8 everybody on notice.
 9 **Q. And -- and everybody seems like a lot**
 10 **of folks. Can you tell us by group at least who all**
 11 **these people are?**
 12 A. We have an incident support team that
 13 that's there to handle any type of extreme
 14 condition. So I just went to that list.
 15 **Q. Okay. Yeah, so tell me like who are**
 16 **the people on the incident support team and what are**
 17 **their roles?**
 18 A. There's -- the goal is to have somebody
 19 from all parts of the organization involved,
 20 regulatory, legal, our customer experience, field
 21 operations, engineering.
 22 **Q. And are they tasked with dealing with**
 23 **any particular kinds of incidents?**
 24 A. I don't understand your question.
 25 **Q. What's -- I'll ask it differently. Why**

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1 **is there an incident support team?**
 2 A. It's to handle any type of emergency
 3 incident that's out of the ordinary that's going to
 4 require communication amongst the teams.
 5 **Q. And the extreme cold weather**
 6 **preparedness of February was a time that you wanted**
 7 **to communicate to the incident support team,**
 8 **correct?**
 9 A. Right. It's because we had that
 10 particular issue going on in Southwest Missouri.
 11 **Q. Did any of the folks on this -- on this**
 12 **e-mail respond back to you? Are there further**
 13 **communications related to this in the Spire system?**
 14 A. I don't recall specifically to me other
 15 than Mike Schormann is the one that heads up that
 16 incident response team, and he was the one that
 17 actually set up the -- from that point forward we
 18 handled it by call. He basically set up a line
 19 that -- there were -- there were people that stayed
 20 kind of in communication throughout the day and
 21 through the night as we were watching the conditions
 22 continue to deteriorate down in Southwest Missouri.
 23 **Q. What -- what area of expertise does**
 24 **Mr. Schormann have?**
 25 A. Let me see what his title is.

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1 **Q. What is his title other than head of**
 2 **the incident response team?**
 3 A. Crisis management lead. He's the one
 4 that's basically tasked with calling the troops
 5 together.
 6 MR. BAUER: Okay. We'll mark this as
 7 the next exhibit.
 8 (WHEREIN, Exhibit 7, 2-29-21 e-mail
 9 chat, was marked for identification by the Court
 10 Reporter.)
 11 **Q. (By Mr. Bauer) We put Exhibit 7 in**
 12 **front of you, sir. Do you recognize this?**
 13 A. Yes, sir.
 14 **Q. Tell us what it is.**
 15 A. It was the notice that Justin and his
 16 team sent out terminating the OFO.
 17 **Q. What were the discussions within Spire**
 18 **regarding sending this notice out? I'll ask it a**
 19 **different way. Why was this notice sent at this**
 20 **time with this subject?**
 21 A. Yeah, it was kind of twofold. One
 22 would have been we were seeing -- seeing forecasts
 23 for the temperature to warm up and Justin was having
 24 conversations with our producers, getting the
 25 understanding that the supply was starting to come back

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1 on. And this was going into a weekend, and you
 2 know, gas trades for multiple days over the weekend.
 3 So you know, I know he was -- he was
 4 trying to get it lifted as soon as possible. And
 5 then kind of the last piece of that was Southern
 6 Star lifted their OFO as soon as the 20th. So we
 7 thought the prudent thing to do was to lift it in
 8 conjunction with Southern Star.
 9 **Q. Did -- did Spire considering lifting**
 10 **the OFO before Southern Star lifted theirs?**
 11 A. I can't speak for Justin, but I don't
 12 recall having any conversations because even as late
 13 as the 18th, you know, roughly 25 percent of the
 14 supply was still force majeure'd and the marketers
 15 were still shorting the system by a huge amount at
 16 that point. So I'd say, if Justin had
 17 conversations, I'm not aware of those, but I don't
 18 recall any conversations prior to the day that we
 19 actually lifted it.
 20 MR. BAUER: Let's mark this one.
 21 (WHEREIN, Exhibit 8, MOW Transportation
 22 Comms 2-17-21, was marked for identification by the
 23 Court Reporter.)
 24 **Q. (By Mr. Bauer) Okay. We put Exhibit 8**
 25 **in front of the witness, and you recognize this,**

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1 **Q. Is this something you've seen before?**

2 A. This looks like one of the customer

3 communications that took place.

4 **Q. Is this something you've seen before?**

5 A. I have seen this. I'm trying to --

6 yeah.

7 **Q. Can you tell us in any more detail what**

8 **it is?**

9 A. It is one of the documents that

10 reviewed.

11 MR. GORE: This document is at tab 18

12 of the binder that Mr. Godat reviewed in preparation

13 for his testimony today.

14 A. Yeah, I'm trying to remember from when

15 I had looked through it before, the context of what

16 was understood was sent out because this goes

17 out from a different group, but it was -- yeah, as

18 recalled, this was when we were having our issues in

19 Southwest Missouri and I know there was a lot of

20 customer communication that was going on around that

21 trying to make sure the public was aware of the

22 situation that we were in. So yeah, that's what

23 I remember, that this was in conjunction with that

24 communication.

25 **Q. (By Mr. Bauer) And who was involved in**

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1 **that effort?**

2 MR. APLINGTON: Sorry, just real quick.

3 I just want to make sure -- didn't see you flip it

4 over. You're aware that it's a two-sided document?

5 A. Oh, okay. Yeah, I was going to say,

6 I assume that this was Patty Reardon. I had

7 referenced Patty Reardon as the one that actually

8 has the customer communications for Southwest MO.

9 **Q. (By Mr. Bauer) Anyone else to Spire's**

10 **knowledge involved in preparing this document?**

11 A. Yeah, I would have to -- yeah, I'd have

12 to ask Patty who was involved in putting that

13 communication together.

14 MR. BAUER: Okay. Let's mark this as

15 Exhibit 9, please.

16 (WHEREIN, Exhibit 9, 2-10-21 Payne

17 e-mail, was marked for identification by the Court

18 Reporter.)

19 **Q. (By Mr. Bauer) Okay. Can you tell us**

20 **what Exhibit 9 is?**

21 A. This was the OFO notice that went out

22 to the marketers letting them know that we were

23 going to an OFO effective February 12th at nine a.m.

24 **Q. And did -- you of course were involved**

25 **in that decision, right?**

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1 A. was.

2 **Q. Yeah. Who is Greg Hayes?**

3 A. I mentioned that before. He's a

4 scheduler in Justin Powers' team.

5 **Q. And Theresa Payne, she's on**

6 **communications?**

7 A. No, she's on the gas supply side.

8 **Q. Okay. My main question here is why is**

9 **this communication among those three people, if you**

10 **know?**

11 A. This is -- from what I understand, this

12 is actually the notification that went out to the

13 marketers. They're just bcc'd. So it not only went

14 out to them, it went out to the marketer group as

15 well.

16 **Q. Okay.**

17 A. Greg is responsible for scheduling for

18 MO west on the upstream side, and Theresa handled --

19 was handling the end user nominations at the time.

20 **Q. Were Ms. Payne and Mr. Hayes involved**

21 **in the decision to issue an OFO?**

22 A. They were not.

23 **Q. Were they consulted?**

24 A. They were not.

25 (WHEREIN, Exhibit 10, 2-17-21 e-mail)

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1 chain, was marked for identification by the Court

2 Reporter.)

3 **Q. (By Mr. Bauer) Okay. So Exhibit 10 is**

4 **an e-mail dated February 17th, 2021 that includes**

5 **several people, including you; is that right?**

6 A. That's correct.

7 **Q. Can you tell us who the other people**

8 **are who are -- received this e-mail? The name at**

9 **the top is an associate that works for us. I guess**

10 **that's because it was printed out, Nate Saper.**

11 A. So Greg, Justin, and Ashley are a part

12 of the gas supply team. Castor is in-house counsel

13 that handled this -- pursued this legal matter for

14 us.

15 **Q. Okay. All right. I'm only asking you**

16 **about this because it was a document produced -- I**

17 **don't think this is within the scope of my 30(b)(6),**

18 **but it may be in the scope of other people so**

19 **I'll -- I'll leave it here. Someone else can ask**

20 **questions about it, okay?**

21 A. Okay.

22 MR. BAUER: Mark this as Number 11

23 please.

24 (WHEREIN, Exhibit 11, 2-24-21 Spire

25 letter to Symmetry, was marked for identification by

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1 the Court Reporter.)
 2 **Q. (By Mr. Bauer) All right. We placed**
 3 **before the witness Exhibit 11, which is a**
 4 **February 24th, 2021 letter from Spire to Symmetry.**
 5 **Have you seen this before?**
 6 A. have.
 7 **Q. Were you involved in discussions – or**
 8 **strike that.**
 9 **What discussions were had within**
 10 **Symmetry – I'm sorry, strike that again.**
 11 **What discussions occurred within Spire**
 12 **regarding sending out this letter at this time? Not**
 13 **asking for privileged communications.**
 14 MR. GORE: Does this relate to a
 15 particular topic?
 16 MR. BAUER: Well, it does to the extent
 17 that the OFO penalties are at a fact based.
 18 MR. GORE: Okay. So -- a right. So
 19 probably topic one, guess.
 20 A. Yeah, it's -- it's my understanding
 21 that once there was a general fee for what the
 22 penalty calculation number was that the decision was
 23 made internally to get the invoices out as soon as
 24 possible to the marketers, just given over a
 25 liquidity concerns just for the company in general.

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1 **Q. (By Mr. Bauer) Liquidity concerns for**
 2 **Spire or for the marketers?**
 3 A. For Spire overall. To get the cost
 4 covered for the supply that Spire had to make on
 5 behalf of the marketers.
 6 **Q. And were there communications or**
 7 **meetings regarding that decision within Spire?**
 8 A. You know what, I'm not privy to those
 9 conversations if they took place.
 10 **Q. If you look at the second page, can you**
 11 **tell me who these folks are who are the cc's? Wait,**
 12 **I'm sorry. Strike that. Those cc's are all my**
 13 **people.**
 14 A. Yeah, they're all Symmetry.
 15 MR. BAUER: Yeah, okay. Okay. So
 16 subject to going back over my notes and having a
 17 discussion with you about authenticity of documents,
 18 you know, I'm just about done, all right? So if you
 19 want to break while I meet with my team and talk
 20 with you about authenticity and get something on the
 21 record, then I'd be ready to pass the witness.
 22 MR. GORE: Okay. Why don't we do that
 23 before lunch then?
 24 COURT REPORTER: Go ahead, Ryan.
 25 V DEOGRAPHER: Off the record,

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1 12:04 p.m.
 2 (WHERE N, a recess was taken.)
 3 V DEOGRAPHER: On the record, 12:14
 4 p.m.
 5 MR. BAUER: Okay. First of all,
 6 think we have an agreement among counsel that
 7 Exhibit 2, the two binders of documents that you
 8 brought to this deposition and referred to during
 9 your testimony will be considered authentic, the
 10 documents within the binders will be considered
 11 authentic for purposes of this public services
 12 commission proceeding. Did I get that right? Are
 13 we in agreement on that?
 14 MR. GORE: That's correct. For the
 15 limited purpose of this proceeding only. There is a
 16 civil litigation also occurring and we're not
 17 stipulating for the purposes of that civil
 18 litigation.
 19 MR. BAUER: Right. We're not talking
 20 about the evidence code other than authenticity.
 21 MR. GORE: Correct.
 22 MR. BAUER: Okay.
 23 MR. HOWELL: Sorry, this is Richard
 24 Howell for Constellation. My understanding was that
 25 Spire was saying that it was not going to object on

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1 the basis of authenticity for any of the documents
 2 in the binder.
 3 MR. GORE: For the purposes of the PSC
 4 matter?
 5 MR. HOWELL: Yes, correct.
 6 MR. GORE: Yes, that's what I thought
 7 we just stipulated to.
 8 MR. HOWELL: Okay. Thank you.
 9 **Q. (By Mr. Bauer) Okay. And let's go**
 10 **back to Exhibit 6, please. This is that e-mail to**
 11 **the -- to the incident response team. Just a couple**
 12 **questions. The list of people to whom this was**
 13 **sent, are any of them related to Spire Marketing?**
 14 A. They are not.
 15 **Q. Are any of them employed by Spire**
 16 **Marketing?**
 17 A. They are not.
 18 **Q. Was this communication sent to Spire**
 19 **Marketing in February of 2021 forwarded by anyone?**
 20 A. Not that I am aware of.
 21 **Q. Were there any communications related**
 22 **to the OFO that were then forwarded to Spire**
 23 **Marketing personnel?**
 24 A. Spire Marketing was handed like every
 25 other marketer in Kansas City from a communication

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1 perspective as far as I'm aware.

2 **Q. Were there any communications from**

3 **Spire Missouri to Spire Marketing related to Spire's**

4 **gas purchases other than the purchase from Spire**

5 **Marketing?**

6 A. Not that I am aware of.

7 **Q. Did Spire Marketing know what gas**

8 **purchases Spire was making during the winter storm?**

9 MR. GORE: I'm going to object, beyond

10 the scope to the extent of seeking the know edge of

11 Spire Marketing. To the extent that it's seeking

12 the know edge of Spire Missouri, nc., you can

13 answer.

14 A. Yeah, I can tell you that based on our

15 standard of communication we -- we would not be

16 giving Spire Marketing any information outside of

17 information that pertains to business -- outside of

18 business that pertains directly to Spire Marketing.

19 MR. BAUER: Okay. We, thank you.

20 I'll pass the witness.

21 MR. GORE: Okay. We're going to take a

22 15-minute break before we start back up is the thought

23 process. How long do you guys want to take? Why

24 don't we --

25 MR. BAUER: Doesn't matter to me.

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1 MR. GORE: Let me consult with the

2 witness briefly.

3 (WHEREIN, a discussion was held off the

4 record.)

5 MR. GORE: Okay. Why don't we shoot

6 for trying to get 15 minutes done in 30 minutes or so?

7 We have food here and we'll come as close to that as

8 we can, all right?

9 MR. BAUER: Sounds good.

10 MR. HOWELL: Like 12:55 or --

11 MR. GORE: Let's call it one o'clock.

12 MR. HOWELL: Great. Thank you.

13 MR. GORE: All right.

14 VIDEOPHOTOGRAPHER: Off the record,

15 12:20 p.m.

16 (WHEREIN, a 15-minute recess was taken from

17 12:20 p.m. to 1:11 p.m.)

18 VIDEOPHOTOGRAPHER: On the record, 1:11 p.m.

19 EXAMINATION

20 QUESTIONS BY MR. HOWELL:

21 **Q. Hi, Mr. Godat. My name is Richard**

22 **Howell. I'm an attorney in Houston with the law**

23 **firm of Jackson Walker. We're attorneys for**

24 **Constellation. Do you understand that?**

25 A. Yes.

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1 **Q. Great. The court reporting service has**

2 **provided you and all the other attorneys associated**

3 **with these three regulatory proceedings with a Zoom**

4 **link and I believe we have something like 20 people**

5 **who are participating via Zoom as well as all the**

6 **people who are in the room with you. Now, if you**

7 **have any trouble hearing what I'm saying during the**

8 **course of this deposition, please let me know, all**

9 **right?**

10 A. Yes. I'm hearing you good so far.

11 **Q. Perfect. All right. We have discussed**

12 **a little bit on the break before we resumed how --**

13 **how exhibits would be used. Ryan, who is serving as**

14 **the videographer and also helping with the exhibits,**

15 **may be able to load exhibits. You should be able to**

16 **see those both on the screen and for most of them in**

17 **the binder. You have a binder that you brought with**

18 **you to this deposition which has been previously**

19 **marked as Exhibit 2, our deposition notice, and a**

20 **number of other files that have been produced and some**

21 **that we had not seen were included in that binder.**

22 **To the extent possible I will both mark**

23 **an exhibit and put it up on screen as well as**

24 **reference where it is in the binder if I can -- if I**

25 **know where that is before asking you about it. Do**

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1 **you understand?**

2 A. Yes.

3 **Q. Great. If you -- if you ever don't**

4 **understand something I'm saying or there's some sort**

5 **of transition error, please stop me and let me know.**

6 A. Okay. We'll do. Thanks.

7 **Q. So just to let you know kind of where**

8 **I'm headed, there are a few things that I want to**

9 **follow up on from what you were asked about before**

10 **that relates to the -- to our notice as well as**

11 **Mr. Bauer's notice for -- on behalf of Symmetry.**

12 **And I want to then ask you a little bit more about**

13 **some of your background at Spire and then I'll go**

14 **through each of the topics in the -- in**

15 **Constellation's notice. But let me start with this:**

16 **At the beginning of the deposition you were asked --**

17 **or you provided testimony rather about a hold**

18 **notice, correct?**

19 A. That's correct.

20 **Q. All right. Do you recall what month**

21 **that was provided to you?**

22 A. I do not off the top of my head.

23 **Q. Okay. Do you know whether it was in**

24 **the fall, in the spring, in the summer, do you know**

25 **what season it was provided to you?**

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1 A. wou d -- wou d have to actua y
 2 ook back at the actua not ce.
 3 **Q. Okay. And do you have that with you?**
 4 A. Not that reca .
 5 **Q. Okay. Did you look at the notice in**
 6 **preparation for testifying for any of the**
 7 **depositions today?**
 8 A. don't reca ook ng at that.
 9 **Q. Okay. All right. Does Spire use -- I**
 10 **want to ask you a little bit about document**
 11 **collection process and let me just start with this:**
 12 **What -- what types of -- are you issued a device by**
 13 **Spire, like a computer?**
 14 A. am.
 15 **Q. Okay. And what kind -- is it an Apple**
 16 **computer or is it a Windows-based computer?**
 17 A. t's a W ndows-Based computer.
 18 **Q. Okay. And do you guys use -- does**
 19 **Spire use Microsoft Office 365?**
 20 A. be eve that's -- that's the --
 21 that's the system that we use.
 22 **Q. Okay. And do you use Microsoft Teams**
 23 **for internal meetings and chat?**
 24 A. Yeah, we have severa systems that we
 25 use, and Teams s one of those.

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1 **Q. Okay. Have you ever attempted to**
 2 **record any phone or video conversations either**
 3 **related to the winter storm or related to this**
 4 **proceeding?**
 5 A. have not.
 6 **Q. Are you aware of whether any other**
 7 **individual at Spire has attempted to record any**
 8 **phone or video meeting related to the winter storm**
 9 **or related to this regulatory proceeding?**
 10 A. 'm not aware of any phone or video
 11 conversations that have been recorded.
 12 **Q. I'm sorry, you trailed off a little bit**
 13 **at the end. You said you're not aware of any phone**
 14 **or video recordings that were recorded?**
 15 A. That's correct.
 16 **Q. Understand. Other than Teams and Skype**
 17 **for internal meetings, are there other internal chat**
 18 **or instant communication services that you use?**
 19 A. 'm not aware of any others that use.
 20 **Q. Okay. Are you aware of any that -- any**
 21 **other chat or instant messaging systems that Spire**
 22 **makes available to its -- its employees and**
 23 **officers?**
 24 A. am not.
 25 **Q. Okay. Do you -- does Spire use any**

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1 **Q. Okay. Do you use Microsoft Teams for**
 2 **internal videoconferences or telephonic conferences?**
 3 A. Yes, ike said, use Teams in
 4 addition to others.
 5 **Q. Okay. Do you use Microsoft Teams for**
 6 **chats?**
 7 A. wi use team -- the chat feature at
 8 times when 'm in the Teams meeting.
 9 **Q. Okay. You mentioned a few times now**
 10 **that you use other software as well. What other**
 11 **software do you use?**
 12 A. know Skype is one that gets used from
 13 time to time. think Zoom for some externa
 14 meetings. Typica y they're Skype or -- or Teams
 15 for interna meetings.
 16 **Q. Okay. Do you know whether Spire**
 17 **records any of the Teams or Skype meetings that are**
 18 **internal in the company?**
 19 MR. GORE: 'm going to -- 'm going to
 20 object, overbroad, beyond the scope of this
 21 deposition notice. f you want to imit it to any
 22 of the ca s at issue.
 23 **Q. (By Mr. Howell) You can answer.**
 24 A. Yeah, 'm not aware if Spire records
 25 those conversations.

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1 **sort of shared server for storing information**
 2 **related to the winter storm or for this regulatory**
 3 **proceeding?**
 4 A. 'm not fam ar w th the structure for
 5 how nformat on that's been gathered s stored.
 6 **Q. Well, fair enough. Who -- who would be**
 7 **the best person to speak to or who would be the**
 8 **person most knowledgeable with regard to how that**
 9 **information is -- is stored or preserved?**
 10 A. We work w th both ns de and outs de
 11 counse , so s nce don't spec f ca y know who's --
 12 who's n charge of that, wou d have to fo ow up
 13 to f nd out.
 14 **Q. All right. Setting aside what may or**
 15 **may not have been collected for litigation, I just**
 16 **want to have a better understanding of how things**
 17 **are -- operate on a day-to-day basis. You know,**
 18 **with respect to, you know, documents that might be**
 19 **generated in the ordinary course of business related**
 20 **to gas purchases, are those, you know, types of**
 21 **transactions, are they saved or recorded on any**
 22 **particular part of a -- of the Spire system, are**
 23 **they just saved on someone's individual hard drive,**
 24 **are they put onto a shared file site or how else are**
 25 **they maintained within Spire?**

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1 A. So could you repeat the information
 2 that you're -- that you're addressing when you're
 3 asking how it's stored?
 4 Q. Yes, sir. So what I'm trying to
 5 understand is I'm trying to get a better picture of
 6 Spire's systems with regard to data, okay? Just
 7 that's the umbrella of what I'm looking at.
 8 A. Okay.
 9 Q. And what I am trying to figure out is
 10 you told me about videoconferencing and chat stuff,
 11 and what I -- what I am trying to find out now is
 12 with regard to, you know, documents that might be
 13 created in the ordinary course of business, like gas
 14 purchase and sale documents or transaction
 15 confirmations or nominations. Is all of that data,
 16 is it stored on a server somewhere? Is it stored on
 17 a shared file site? Where does that normally get
 18 saved to?
 19 A. You know what, I have not personally
 20 looked at that structure since -- since taking my
 21 current role. There is a gas supply folder that I'm
 22 aware of on our -- on our system that would assume
 23 houses most of those documents.
 24 Q. And is there also like an e-mail server
 25 or multiple servers perhaps that maintain the Spire

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1 e-mail system?
 2 A. We do -- as far as I know we're a
 3 part of the same system
 4 Q. Okay. Are there databases that you
 5 either use or oversee with respect to the gas
 6 purchasing and gas control arms of Spire?
 7 A. Yes. We have -- we have a database
 8 that a lot of our purchase and sales are housed in
 9 and that -- my -- my group maintains those
 10 Q. Anything else --
 11 A. It's basically --
 12 (Court reporter interruption)
 13 A. Yeah. Say it's basically a data
 14 capture system that's used for reconciliations and
 15 for transaction confirmations. We do -- we do a so
 16 have a portfolio that's maintained on a daily basis
 17 that's used to just manage our overall supply
 18 Q. (By Mr. Howell) Could you explain?
 19 A. It's just a computation of what our
 20 expected send-outs are and what the supplies are
 21 coming into the gate and what the storage activity
 22 would be
 23 Q. And what's that called?
 24 A. You know I don't know the exact name
 25 for it off the top of my head

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1 Q. Do you -- do you call it anything or is
 2 that a report that you receive on a daily basis or
 3 is it something just available to you?
 4 A. Yeah. It gets sent out. Gas portfolio
 5 maybe. Like say I don't recall the name off the
 6 top of my head.
 7 Q. And you said it gets sent out?
 8 (Court reporter interruption.)
 9 MR. GORE: Just instructed the
 10 witness that when you can't recall please don't
 11 speculate.
 12 THE WITNESS: Okay.
 13 Q. (By Mr. Howell) To whom is it sent
 14 from and to who is it sent to?
 15 A. The scheduler for Spire Missouri sends
 16 it -- I'd have to look at the directory but I
 17 think it's for the Spire Missouri employees.
 18 Q. And who is the scheduler?
 19 A. Greg Hayes is the scheduler for Spire
 20 Missouri West.
 21 Q. Do -- does Spire use the ICE platform
 22 to purchase and sell gas, natural gas?
 23 A. Spire does have an account with ICE
 24 correct.
 25 Q. Okay. And during February 2021 did

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1 Spire purchase gas using the ICE platform?
 2 A. Yeah, it was a combination of ICE and
 3 then physical transactions, you know, phone-to-phone
 4 transactions.
 5 MR. GORE: And I can just interject
 6 for the record, thank this sincerely, but when
 7 we're using the term Spire, we're referring to Spire
 8 Missouri, Inc. I assume, and that if you're going to
 9 refer to a different Spire entity you would specify
 10 that.
 11 MR. HOWELL: Okay. Thank that's a
 12 great point, Mr. Gore.
 13 Q. (By Mr. Howell) Whenever I use the
 14 term Spire, Mr. Godat, I am intending to refer to
 15 Spire Missouri. You are -- you are an officer of
 16 Spire Missouri, correct?
 17 A. I am.
 18 Q. All right. Just assume that for the
 19 rest of my deposition of you that when I refer to
 20 Spire I'm referring to Spire Missouri, and -- unless
 21 I add an additional name, such as Spire Marketing or
 22 Spire, Inc. Is that fair?
 23 A. Yes, sir.
 24 Q. All right. During the month of
 25 February 2021, I believe you were saying that Spire,

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1 that is Spire Missouri, used ICE as well as
 2 phone-to-phone – phone-based physical purchases of
 3 natural gas, correct?
 4 A. That's correct.
 5 Q. Okay. Do – do Spire's traders use ICE
 6 Chat to facilitate the purchases of natural gas for
 7 its system?
 8 A. I know they have the CE Chat feature.
 9 I'm not sure how often they use the CE Chat versus
 10 using phone to phone.
 11 Q. Prior to taking on your current role,
 12 were you a natural gas trader?
 13 A. I was prior to 2018 when I came to the
 14 gas supply group.
 15 Q. How were the purchases documented?
 16 Whether they're – whether they're purchased, you
 17 know, through the ICE system or by phone, how were
 18 they documented?
 19 A. They're just kept on a daily trade
 20 sheet that documents the counterparty and the price.
 21 Q. Okay. And then are those trade –
 22 trade sheets reconciled at the end of the month to
 23 invoice whichever party is obligated to pay?
 24 A. Yeah, there is – there is an interna
 25 guess documentation process that verifies that the

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1 Q. (By Mr. Howell) Are the purchases and
 2 sales between Spire and Spire Marketing conducted
 3 via ICE, via phone, or some other method for
 4 February 2021?
 5 A. I don't know which method those were
 6 performed under.
 7 Q. Who would know?
 8 A. Justin Powers and his team.
 9 Q. Are the transactions between Spire and
 10 Spire Marketing documented in the same way as for
 11 other counterparties?
 12 MR. GORE: Object on, foundation,
 13 vague. You can answer if you understand.
 14 A. Yeah, it's my understanding that
 15 they're captured in the same trade sheet and tied
 16 out in the same gas management system.
 17 Q. (By Mr. Howell) You mentioned Justin a
 18 number of times. Does he have a limit on – on his
 19 transaction authority or is there a certain
 20 threshold above which his transactions require your
 21 supervision or approval?
 22 A. He does not.
 23 Q. So presumably he could go out and
 24 buy – if it necessitated it a billion dollars worth
 25 of gas and he would have authority to do that

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1 information that's being invoiced from our third
 2 parties and that we're invoicing is correct.
 3 Q. And what is that system or process?
 4 A. I don't understand your question. I'm
 5 sorry.
 6 Q. Yes, sir. Mr. Godat, you indicated
 7 that there's an internal system or an internal
 8 process that is used to verify that information.
 9 Does that have a name or is that – does that have
 10 a – could you describe that in greater detail?
 11 A. It's just the reconciliation process,
 12 making sure the documents tie out. I don't know
 13 that there's an official name for that process.
 14 Q. And who is in charge of the
 15 reconciliation process?
 16 A. Justin Powers and his team.
 17 MR. GORE: I can just interject for
 18 one second, is there a way we can get the frame
 19 together where we're not picking up the people?
 20 We're getting people out in the hallway. And I'm
 21 sure that if you played that you could probably frame
 22 that out, but I would rather not have that in there.
 23 Thank you.
 24 MR. HOWELL: Okay to proceed, Mr. Gore?
 25 MR. GORE: Yeah.

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1 without approval from anyone else within Spire?
 2 MR. GORE: Objection, beyond the scope
 3 of the notice, improper foundation, improper
 4 hypothetical. Mr. Godat is not testifying as an
 5 expert witness. You can -- you can answer.
 6 A. There's -- we do not have a forma
 7 limit on his ability to manage supply on a daily
 8 basis, but having said that, if they reached that
 9 level that's not to say there wouldn't be some
 10 conversation about it.
 11 Q. (By Mr. Howell) You indicated earlier
 12 in questioning by Mr. Bauer that you were aware of
 13 and participated in conversations with Justin Powers
 14 related to a sale of natural gas that Spire owned
 15 that was in storage to Atmos, correct?
 16 A. That's correct.
 17 Q. Were there any other natural gas
 18 purchases and sales during the February 10th through
 19 20th period in which you were personally involved?
 20 A. Not that I recall.
 21 Q. Were there any other natural gas
 22 purchases and sales that you participated in
 23 approving?
 24 A. Not that I recall.
 25 Q. Does Mr. Power -- Powers have the

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1 authority to make decisions to buy or sell and from
 2 whom and at what price?
 3 A. Yeah, as mentioned before, he's in
 4 charge of the group and he does not have a set limit
 5 on the transactions that he can perform.
 6 Q. All right. I want to take a little bit
 7 of a step back also to address or follow up on
 8 something that you were asked about by Mr. Bauer at
 9 the beginning of your deposition. You indicated
 10 that you took over this new role in October of 2020;
 11 is that correct?
 12 A. I took over gas supply in October of
 13 2018, gas supply and gas control, and they added the
 14 responsibility of field operations for our St. Louis
 15 utility in October of 2020.
 16 Q. And prior to October of 2018 what was
 17 your role?
 18 A. He had various roles for Spire
 19 Marketing for -- that was the -- that was the
 20 position immediately prior to two thousand -- my
 21 2018 change. I had worked for Lac ede Gas Company
 22 up through 2008 prior to moving to the marketing
 23 side.
 24 Q. 2018 or 2008?
 25 A. 2008.

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1 Q. Sorry. All right. So in 2018 you
 2 became vice president of gas supply for Spire
 3 Missouri; is that fair? Is that correct?
 4 A. Vice president of gas supply for
 5 Spire -- for Spire, Inc. I'm responsible for a lot of
 6 the utilities.
 7 Q. So your role as vice president of gas
 8 supply for Spire, Inc., you have oversight or
 9 leadership not only with regard to the Missouri
 10 utility, but the two other states, correct?
 11 A. That's correct.
 12 Q. And is Justin Powers the person who
 13 is -- who directs gas supply with respect to Spire
 14 Missouri?
 15 A. That's correct.
 16 Q. And is there a different individual who
 17 is in charge for directing gas supply for the other
 18 two states?
 19 A. No. He directs for -- for a lot of Spire
 20 Missouri utilities -- or for a Spire utility.
 21 Q. And you indicated that prior to taking
 22 over the role of VP of gas supply for Spire, Inc. in
 23 2018, you worked for Spire Marketing, correct?
 24 A. That's correct.
 25 Q. What was your last role with Spire

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1 Marketing?
 2 A. Vice president and general manager.
 3 Q. And could you describe what your role
 4 was as vice president, general manager of Spire
 5 Marketing?
 6 A. Yes. I was basically responsible for
 7 the P&L for the group.
 8 Q. And did you work with Pat Strange?
 9 A. I did not. Actually, the company made
 10 the decision to move that entity to Houston, and
 11 they -- they replaced my position, basically
 12 eliminated my role and brought on Pat Strange to run
 13 that group when it moved to Houston.
 14 Q. Is Pat essentially serving the same
 15 role -- is it your understanding that Pat is serving
 16 in the same role that you used to serve in prior to
 17 your transition from Spire Marketing to Spire, Inc.?
 18 MR. GORE: I'm going to object,
 19 foundation, vague. You can answer.
 20 A. Yeah, you know what, I'm not -- I don't
 21 understand the -- necessarily the reporting
 22 structure on that side. So the --
 23 Q. (By Mr. Howell) Are there other
 24 individuals that you worked with at Spire Marketing
 25 who -- who made the move from -- made the move to

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1 Houston?
 2 MR. GORE: I'm going to -- I'm going to
 3 object, beyond the scope of the notice. He's
 4 produced here as a witness for Spire Missouri and
 5 not being produced for any knowledge he has of the
 6 workings of Spire Marketing.
 7 Q. (By Mr. Howell) Subject to the
 8 objection, you can answer.
 9 A. There were on my a couple of individual
 10 that went. There was one trader -- one trader and
 11 two schedulers that recalled that made the move.
 12 Q. Who was that?
 13 A. Kay a Hu, Chris White. I don't
 14 recall -- I don't recall the other scheduler's name.
 15 Q. Spire Missouri is a regulated utility
 16 that provides sales service and transportation
 17 service to residential business and industrial
 18 customers in Missouri, correct?
 19 A. Generally that sounds correct.
 20 Q. And natural gas purchased by Spire
 21 Missouri for delivery to its service area can reach
 22 the Spire Missouri system through the Southern Star
 23 central gas pipeline, correct?
 24 A. Yeah, that's one of the pipelines that
 25 supplies our Kansas City utility.

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1 **Q. And natural gas purchased for delivery**
 2 **to Spire Missouri can also reach the Spire system**
 3 **through the Enable Mississippi River transmission**
 4 **river entity, correct?**
 5 A. It cannot reach the Spire Missouri West
 6 system that's in question in this case.
 7 **Q. It can reach Spire Missouri East?**
 8 A. It can reach the east, correct, but not
 9 the west.
 10 **Q. And are the east and west systems not**
 11 **interconnected?**
 12 A. They are not.
 13 **Q. The natural gas can also reach the**
 14 **Spire Missouri system through the Tallgrass**
 15 **Interstate Gas Transmission Pipeline?**
 16 A. That's correct.
 17 **Q. And is that the east system or the west**
 18 **system or both?**
 19 A. That's the west.
 20 **Q. And natural gas can also reach the**
 21 **Spire Missouri system through the Panhandle Eastern**
 22 **Pipeline, correct?**
 23 A. That is correct on a very limited
 24 basis.
 25 **Q. Can you explain your answer?**

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1 A. Very -- we have some smaller so called
 2 areas that are served off the Panhandle system.
 3 MS. BARR: May I ask that the witness
 4 try to speak up a little? I'm having trouble
 5 hearing him. I'm so sorry.
 6 THE WITNESS: Okay. I'll try to talk
 7 louder.
 8 MS. BARR: Thank you so much.
 9 **Q. (By Mr. Howell) And can natural gas**
 10 **purchased by Spire Missouri -- or sorry, let me**
 11 **start over. Can natural gas also reach the Spire**
 12 **Missouri system through the Rockies Express**
 13 **Pipeline?**
 14 A. Yeah. There again, it's on a very
 15 limited basis.
 16 **Q. Can you explain your answer?**
 17 A. The majority of the -- we do have one
 18 smaller take point where we can receive it. The
 19 majority of any gas that comes off of Rockies
 20 Express actually goes through Southern Star to get
 21 to our system.
 22 **Q. And can natural gas also reach the**
 23 **Spire Missouri system through the Spire STL**
 24 **pipeline?**
 25 A. It cannot reach the Spire Missouri West

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1 through STL.
 2 **Q. All right. So just so I understand,**
 3 **the Southern Star, Tallgrass, Panhandle Eastern, and**
 4 **Rockies Express Pipelines all have a delivery point**
 5 **that interconnects with Spire Missouri West's**
 6 **system, correct?**
 7 MR. GORE: I'm going to object, asked
 8 and answered, and -- I object, asked and
 9 answered.
 10 A. Yeah, I think consistent with my
 11 response I had just given.
 12 **Q. (By Mr. Howell) The Spire Missouri**
 13 **West system is not dependent upon any one pipeline,**
 14 **correct?**
 15 MR. GORE: I'm going to object, vague,
 16 foundation. You can answer.
 17 A. Yeah, it's not -- it's not so easily
 18 provided by Southern Star. Southern Star probably
 19 provides 80 percent of the supply, somewhere in that
 20 neighborhood.
 21 **Q. (By Mr. Howell) What's the basis for**
 22 **that statement?**
 23 MR. GORE: I don't think the witness
 24 was finished answering the question. Did you have
 25 more to say, Mr. Godat?

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1 **Q. (By Mr. Howell) Please. I didn't mean**
 2 **to cut you off.**
 3 A. Just over a volume-wise. You know,
 4 it's pretty well dependent on the Southern Star
 5 system.
 6 **Q. And again, I did not mean to cut you**
 7 **off. What was the basis for that statement?**
 8 A. Just based on the contracts that we
 9 hold on the pipelines.
 10 **Q. You say based on the contracts that you**
 11 **hold with the pipelines. Are we talking about firm**
 12 **gas transportation agreements that you have -- that**
 13 **Spire Missouri has entered into with these four**
 14 **other interconnecting pipelines?**
 15 MR. GORE: I'm going to object,
 16 foundation, compound, vague. You can answer.
 17 **Q. (By Mr. Howell) You can answer,**
 18 **Mr. Godat.**
 19 A. Yeah, if you just look at the capacity
 20 that's available in that Kansas City market, the
 21 majority of it's served by Southern Star.
 22 **Q. I think I'm asking you a little bit**
 23 **different question than what you may be answering.**
 24 **Does -- let me break it down a little bit further.**
 25 **Does Spire Missouri -- you already established that**

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1 **Spire Missouri West's system interconnects with the**
 2 **four pipelines that we've already talked about,**
 3 **Southern Star, Tallgrass, Panhandle Eastern, and**
 4 **Rockies Express. Does Spire Missouri have firm gas**
 5 **transportation agreements with Southern Star?**
 6 MR. GORE: 'm -- 'm going to object
 7 to the question as compound and 'm going to move to
 8 strike the statement made regarding what the
 9 witness's prior testimony was as improper commentary
 10 by the questioner. You can answer the question.
 11 A. Cou d you repeat the question again?
 12 apo ogize.
 13 **Q. (By Mr. Howell) All right. We're in**
 14 **this moment where I'm trying to get very precise**
 15 **information from you about what agreements are or**
 16 **are not in place. We've already talked about the**
 17 **interconnecting pipelines. What I'd like to know is**
 18 **does Spire Missouri have a firm gas transportation**
 19 **agreement with Southern Star?**
 20 A. Spire Missouri does have a firm
 21 transportation agreement.
 22 **Q. Does Spire have a firm gas**
 23 **transportation agreement with Tallgrass?**
 24 A. We do.
 25 **Q. Does Spire Missouri have a firm gas**

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1 **transportation agreement with Panhandle Eastern?**
 2 A. We do have an agreement. Like say,
 3 very sma in comparison to the Southern Star
 4 agreement.
 5 **Q. And does Spire have a firm gas**
 6 **transportation agreement with Rockies Express?**
 7 A. We do not.
 8 **Q. Why not?**
 9 A. Not -- not for Spire Missouri West.
 10 **Q. Okay. Why not?**
 11 A. t's not part of the portfo io.
 12 **Q. In your role as VP of gas supply, you**
 13 **could make the decision to either have it be part of**
 14 **the portfolio or not, correct, that's within the**
 15 **scope of your authority?**
 16 MR. GORE: 'm going to -- 'm going to
 17 object to this questioning as beyond the scope of
 18 the notice un ess you can direct me to a topic
 19 you're questioning under, Mr. Howe .
 20 MR. HOWELL: Yeah, so with respect to,
 21 among other things, topic 19 re ates to sources of
 22 gas supp y and with respect to topic 18 with regard
 23 to contract demand and transportation arrangements
 24 that Spire had entered into.
 25 A. Yeah, and ike say, we have not

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1 entered into any firm contracts for Spire Missouri
 2 West on REX.
 3 MR. GORE: didn't hear the ast part
 4 of what you said.
 5 A. said we have not entered into any
 6 firm contracts on Rockies Express for Spire Missouri
 7 West.
 8 **Q. (By Mr. Howell) During the**
 9 **February 2021 winter storm, did Spire buy any gas**
 10 **that was delivered off of the Tallgrass, Panhandle**
 11 **Eastern, or Rockies Express Pipelines?**
 12 A. We did, and that information has been
 13 provided in the binders and are responses to the
 14 data requests. The deta s of those purchases.
 15 **Q. In one of the documents that you**
 16 **referenced during a discussion with Mr. Bauer, this**
 17 **is -- let's see. There is a document that is a --**
 18 **is a timeline that was provided in response to staff**
 19 **request 0311. Trying to find the binder tab number.**
 20 MR. GORE: That document is at -- we ,
 21 why don't you te me which one.
 22 **Q. (By Mr. Howell) So this is tab nine of**
 23 **your binder, sub tab C. In the zip file I was sent**
 24 **it was labeled DR response explaining a timeline of**
 25 **Spire's actions. Let me know when you get to 9-C.**

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1 A. 'm there.
 2 **Q. And on the second -- I guess the third**
 3 **bolded item it says gas supply actions on page one.**
 4 **Do you see that?**
 5 A. do.
 6 **Q. And line three and four says the**
 7 **company, which I believe refers to Spire,**
 8 **immediately acquired an additional 35,000 a day of**
 9 **Rockies-sourced gas for the Missouri West for the**
 10 **next week. Do you see that statement?**
 11 A. Yes, sir.
 12 **Q. Is Rockies-sourced gas a reference to**
 13 **the Rockies Express Pipeline?**
 14 A. Yes. That was supp y that we bought
 15 into Southern Star off of Rockies Express.
 16 **Q. And so is it the case that even if you**
 17 **don't have a large volume contract you repeatedly**
 18 **characterize Rockies and Panhandle as either small**
 19 **or minor in your testimony --**
 20 A. You were -- to correct you there, you
 21 were --
 22 MR. GORE: Let him finish and then
 23 we' have.
 24 THE W TNESS: 'm sorry.
 25 MR. GORE: We' have our opportunity.

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1 A. 'm sorry. Go ahead.
 2 **Q. (By Mr. Howell) Don't apologize. What**
 3 **were you going to say?**
 4 A. 's a d was just go ng to correct that
 5 you were ta k ng about c ty gate de ver es off of
 6 those p pe nes. Direct nterconnects w th those
 7 p pe nes nto our d str but on system. Th s --
 8 th s supply s not com ng nto our d str but on
 9 system. t's just an upstream supply nto our
 10 Southern Star contract. So there's a dference
 11 there.
 12 **Q. Yes, sir. So with regard to the**
 13 **Rockies Express Pipeline, there is both a direct**
 14 **interconnection with the Spire Missouri West system**
 15 **as well as another interconnection between the**
 16 **Rockies Express Pipeline and Southern Star; is that**
 17 **correct?**
 18 A. That's correct.
 19 **Q. And with respect to the 35,000 a day**
 20 **that's referenced in that binder tab, that**
 21 **particular transaction was a transaction that Spire**
 22 **arranged with -- or through the Rockies Express**
 23 **Pipeline that would have the gas flow initially on**
 24 **to the Southern Star pipeline system and then into**
 25 **the Spire Missouri West system at the -- at the**

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1 **Southern Star interconnection, correct?**
 2 A. That's correct. So there was no --
 3 there was no coord nat on w th Rock es. t was just
 4 a purchase from a th rd party off of Rock es Express
 5 nto Southern Star.
 6 **Q. And what third party?**
 7 A. wou d have to ook back through the
 8 documents to see. You want me to f nd t?
 9 **Q. If you can, yes, please.**
 10 MR. GORE: A of the ca cu at on
 11 documents are n tab one.
 12 A. You know, apo og ze. On the tab that
 13 summar zes the cost, the de ver es that were made
 14 d rect y nto our d str but on system show up as
 15 REX, but a of the purchases nto Southern Star are
 16 just umped nto Southern Star tab. So wou d have
 17 to comb through the nd v dua transact on
 18 conf rmat ons, wh ch --
 19 **Q. (By Mr. Howell) Okay.**
 20 A. -- don't know that wou d be ab e to
 21 do that t me y.
 22 MR. GORE: Can you reference what
 23 document you were just test fy ng about?
 24 A. Yeah, so was pu ed up n tab C, 1C,
 25 where t shows a of our transact ons.

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1 **Q. (By Mr. Howell) Okay. Thank you.**
 2 A. The transact ons wou d show up n -- n
 3 the Southern Star sect on.
 4 **Q. Is it true that Tallgrass can**
 5 **physically deliver more natural gas to the Spire**
 6 **Missouri system than the -- than the current**
 7 **transportation contract would provide for?**
 8 MR. GORE: 'm go ng to object,
 9 foundat on, mproper hypothet ca , beyond the scope
 10 of the not ce. You can answer.
 11 A. Yeah, don't have the -- don't --
 12 don't -- can't reca that -- or don't -- don't
 13 have the know edge of that phys ca m tat on of
 14 the r -- the r transport nto our system or who e se
 15 may ho d the capac ty that wou d be ut zed n that
 16 capac ty on our system.
 17 **Q. (By Mr. Howell) During the**
 18 **February 2021 winter storm, did Spire Missouri**
 19 **attempt to acquire additional transportation**
 20 **capacity or capacity release for transporting**
 21 **natural gas on the Tallgrass pipeline?**
 22 A. do not reca that tak ng p ace, but
 23 Just n wou d have been the one manag ng that, Just n
 24 and h s team.
 25 **Q. During the February 2021 winter storm,**

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1 **did Spire Missouri purchase additional**
 2 **transportation capacity or capacity release volumes**
 3 **for the Panhandle Eastern Pipeline?**
 4 A. Like say, that's something that wou d
 5 have to ta k to Justin about.
 6 **Q. Would I also need to talk to Justin**
 7 **about whether the same -- the same question with**
 8 **respect to the REX pipeline?**
 9 A. That's correct.
 10 **Q. Okay. Do you know the answer -- same**
 11 **question with respect to the Southern Star pipeline,**
 12 **did -- did Spire Missouri purchase or attempt to**
 13 **purchase any additional transportation capacity or**
 14 **capacity release during the February 2021 winter**
 15 **storm from Southern Star?**
 16 A. wou d have to ta k to Justin, but 'm
 17 not aware of any that was done.
 18 **Q. Earlier in the deposition in response**
 19 **to discussion with Mr. Bauer, I believe you**
 20 **indicated that about ten percent of the natural gas**
 21 **throughput volumes on the Spire Missouri West system**
 22 **are for transportation customers. Is that -- is**
 23 **that correct? I don't want to mischaracterize your**
 24 **testimony.**
 25 MR. GORE: Yeah, 'm going to object.

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1 think that does misstate testimony, but you can
 2 answer.
 3 A. Yeah. Roughly -- roughly ten percent
 4 of the throughput on -- at least on a cold winter
 5 day is associated with the end user volumes
 6 that's -- that's the responsibility of the
 7 marketers.
 8 **Q. (By Mr. Howell) Okay. So the other**
 9 **90 percent of volumes would be Spire customers that**
 10 **are residential, business, or industrial sales**
 11 **customers?**
 12 A. It's a customers other than the ones
 13 that are served by the marketers.
 14 **Q. Is it true that transportation**
 15 **customers represent about three percent of Spire's**
 16 **operating revenues?**
 17 MR. GORE: I'm going to object,
 18 foundation, vague. You can answer. Vague as to the
 19 term transportation customers. You can answer.
 20 A. I don't have that knowledge.
 21 **Q. (By Mr. Howell) Do you know what I**
 22 **mean when I say transportation customers?**
 23 A. I do.
 24 **Q. Okay. What's your understanding?**
 25 A. They're customers that have the right

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1 to contract for supply from a third party rather
 2 than buying it from the utility.
 3 **Q. And do you know what I mean when I say**
 4 **sales customers?**
 5 A. My assumption is that it's anybody that
 6 provide -- getting service from Spire other than the
 7 customers that rely on a third party.
 8 **Q. You talked about the Spire Missouri**
 9 **entity, and I looked at a couple of e-mails so far**
 10 **and I notice that your e-mail address and the other**
 11 **e-mail address -- the other e-mail addresses that**
 12 **are there use an @spireenergy.com e-mail domain.**
 13 **Are you familiar with that?**
 14 A. I am.
 15 **Q. Does Spire Alabama and Spire Marketing**
 16 **and the other entities that are under the Spire,**
 17 **Inc. umbrella also use the @spireenergy.com domain?**
 18 A. The utility companies do. I don't
 19 recall off the top of my head what the -- what the
 20 other legal entities use.
 21 **Q. Are you aware of a different domain or**
 22 **e-mail address group being used?**
 23 MR. GORE: I'm going to object, beyond
 24 the scope of this corporate witness's designation,
 25 but you can answer if you know.

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1 A. Yeah, I'm trying to remember when I was
 2 on the marketing side. I think I had a Spire
 3 marketing e-mail, but we've -- we've went through
 4 quite a few changes, you know, with our name change
 5 over the last few years. So I would need to confirm
 6 that.
 7 **Q. (By Mr. Howell) It's true, is it not,**
 8 **that Spire Missouri and Spire Marketing engaged in**
 9 **natural gas purchase and sale transactions during**
 10 **the month of February 2021, correct?**
 11 MR. GORE: I'm going to object, vague,
 12 foundation. You can answer.
 13 A. There were some limited transactions
 14 between the two entities. Spire Marketing, as you
 15 know, is a -- they're a marketing company that
 16 engages in that activity, so they are one of our
 17 counterparties.
 18 **Q. (By Mr. Howell) And you characterize**
 19 **that as limited transactions. Isn't it true that**
 20 **during the period between February 12th, 2021 and**
 21 **February 19th, 2021, Spire Missouri purchased more**
 22 **than 240,000 dekatherms from Spire Marketing?**
 23 A. I have not went through and added up
 24 what that totals. In the overall -- I would say
 25 that's -- that's a pretty small counterparty for us

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1 when you look at the number of purchases that we
 2 made.
 3 **Q. And if it's true that those sales**
 4 **occurred based on spreadsheets that were provided to**
 5 **us and the total value of those transactions**
 6 **exceeded \$51 million just for that seven-day period,**
 7 **would you also characterize that as a -- as a small**
 8 **transaction?**
 9 MR. GORE: I'm going to object,
 10 foundation, compound, improper hypotheticals.
 11 **Q. (By Mr. Howell) Well, it's not a**
 12 **hypothetical. It's a fact. But you can answer if**
 13 **you know the answer.**
 14 A. Yeah, I don't know what --
 15 MR. GORE: And I'm going to move that
 16 the statement by counsel be struck, it's not -- not
 17 a hypothetical. It's a fact. You can answer.
 18 A. Yeah, given the magnitude of the costs
 19 during that period were higher than normal, so
 20 I still stand by the fact that the volume that we
 21 bought from them during -- during that period was --
 22 made them a pretty small part of our overall
 23 portfolio during that period.
 24 **Q. (By Mr. Howell) What was the total**
 25 **volume of natural gas that was purchased during the**

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1 **February 2021 winter storm?**
 2 MR. GORE: At this point --
 3 A. I don't have that number off the top of
 4 my head.
 5 MR. GORE: At this point I do just want
 6 to instruct the witness, you're being asked some
 7 detailed questions about numbers during a specific
 8 time period, and I would just instruct you to the
 9 extent you need to reference something to refresh
 10 your recollection, do so, and don't speculate.
 11 A. Okay. What was your question again?
 12 **Q. (By Mr. Howell) Yes, sir. I was**
 13 **asking you do you know the total natural gas --**
 14 **total volume of natural gas purchased during the**
 15 **February 2021 winter storm?**
 16 A. I do not have that number on the top of
 17 my head. The details of all of our transactions
 18 were provided in -- during that period were provided
 19 in tab C of Exhibit 1 -- or Exhibit 2.
 20 MR. GORE: And that would be Exhibit 2,
 21 tab 1C. Can you confirm?
 22 **Q. (By Mr. Howell) Yes, sir.**
 23 A. That's correct.
 24 MR. GORE: I just want to clear on the
 25 record.

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1 **Q. (By Mr. Howell) Wonderful point. So**
 2 **let's look at that. If you would turn to Exhibit 2,**
 3 **tab 1C, this is a -- a document that was provided by**
 4 **Spire to Constellation in response to a data**
 5 **request. Let me know when you're there.**
 6 A. I'm there.
 7 **Q. All right. I just want to get some**
 8 **clarity on pages one and two of this tab. So what**
 9 **is listed here on these first two pages is not cover**
 10 **costs, it's Spire's calculation -- Spire Missouri's**
 11 **calculation of shortfalls by marketer; is that**
 12 **correct?**
 13 A. My understanding looking at the
 14 documents that you're -- the documents you're
 15 referencing is that -- is a combination of the
 16 shortfall and an estimate of the cover cost that
 17 Spire Missouri incurred to make up that shortfall.
 18 **Q. And for February 12th, 2021 there are a**
 19 **number of different marketers that are listed,**
 20 **Constellation, Clearwater, Spire, KCPL, ProEnergy,**
 21 **Atmos, and Department of Corr, which I'm going to**
 22 **assume is Corrections. Do you see that?**
 23 A. I do.
 24 **Q. The Spire that's listed here as a**
 25 **marketer, is that Spire Marketing?**

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1 A. That is Spire Marketing, correct.
 2 **Q. So during the February 2021 winter**
 3 **storm it's undisputed, is it not, that Spire**
 4 **Marketing had a shortfall under the OFO; is that**
 5 **correct?**
 6 A. For day 12, that is correct.
 7 **Q. It also had shortfalls for other --**
 8 **really just one other day, correct?**
 9 A. Looks like they had a small one on
 10 day 18 as well.
 11 **Q. Okay. And listed in the third column**
 12 **from the right is a -- a bold item that says volume.**
 13 **Do you see that? On page one of this tab.**
 14 A. I do see that.
 15 **Q. All right. And so following that**
 16 **column down, at the -- at the bottom of each day**
 17 **there is a total volume listed which was the volume**
 18 **shortfall for that day; is that correct?**
 19 A. The total volume shortfall for the day,
 20 I'm not showing -- there's not a summation in the
 21 volume column. The only one that's got a volume
 22 summary is the shortfall column.
 23 **Q. Fine. Perfectly fine. We'll use that**
 24 **number instead. So for day 12, gas day 12 during**
 25 **the winter storm, it identifies a total shortfall of**

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1 **15,687 dekatherms; is that correct?**
 2 A. That's correct.
 3 **Q. And there's a different total listed**
 4 **for each day between the 12th and the 18th. Do you**
 5 **see that?**
 6 A. I do.
 7 **Q. And then on page two there's a grand**
 8 **total shortfall volume. Do you see that?**
 9 A. I do.
 10 **Q. Okay. And so this is Spire Missouri's**
 11 **statement or assertion that the total shortfall by**
 12 **all marketers combined during the winter storm**
 13 **period was 224,933 dekatherms, correct?**
 14 MR. GORE: I'm going to -- I'm going to
 15 object, foundation, and vague as to the terms
 16 assertions and statements. You can answer.
 17 A. That's correct. 224,933.
 18 **Q. (By Mr. Howell) And then if we turn to**
 19 **page three of this document, pages three through ten**
 20 **of this tab, we see purchases that Spire Missouri**
 21 **made during the February 12th through 19th period,**
 22 **correct?**
 23 MR. GORE: If you -- can ask for just
 24 some direction on the document as to where you're --
 25 what you're referencing?

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1 MR. HOWELL: s that to me, Mr. Gore?
 2 MR. GORE: Yes. 'm looking at page
 3 three and four. You and the witness may be
 4 fo owing each other, but 'm not.
 5 MR. HOWELL: A right. show that --
 6 this document that was provided with, so it's
 7 Exhibit 2, tab one, document C or guess 1C. t's
 8 a ten-page document that have in front of me. The
 9 first two pages of that document are a summary or
 10 document created by Spire with regard to shortfa s
 11 from marketers.
 12 And then what show in front of me as
 13 pages three through ten are a eged purchases by
 14 Spire Missouri from different supp iers, and 'm
 15 trying to get confirmation of that fact from the
 16 witness.
 17 MR. GORE: Thank you.
 18 THE W TNESS: That is correct.
 19 **Q. (By Mr. Howell) And so for each of the**
 20 **documents on pages three through ten, we see who the**
 21 **counterparty was, the unit price that was used for**
 22 **the purchase transaction, and any transportation**
 23 **cost, the volume which is listed under the**
 24 **nomination column, and there's no total, but we see**
 25 **the other information that was used to indicate**

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1 **purchases that were made during this week, correct?**
 2 A. That s correct.
 3 **Q. And on each of these pages, page three**
 4 **through ten, one of the counterparties from whom**
 5 **Spire Missouri made natural gas purchases that it is**
 6 **seeking to use as a basis for OFO penalties is Spire**
 7 **Marketing, correct?**
 8 MR. GORE: And Mr. Godat, wou d just
 9 ask that you d rect us to -- f you get that
 10 nformat on from th s document, that you d rect us
 11 to where you're gett ng t from.
 12 MR. HOWELL: Yes, s r. So --
 13 MR. GORE: was --
 14 MR. HOWELL: -- w start w th --
 15 MR. GORE: was just ask ng the
 16 w tness to the extent that he --
 17 MR. HOWELL: Okay.
 18 MR. GORE: -- n answer ng your
 19 quest on dent f es t n a document, just want
 20 some gu dance from h m as to where he was ook ng.
 21 A. Yeah, do not see where we -- where we
 22 tagged any Sp re Market ng purchases to ca cu ate
 23 the cover cost.
 24 **Q. (By Mr. Howell) Yes, sir. Okay. So I**
 25 **will have to break it down a little bit further**

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1 **then. Let's start on page three, which is listed as**
 2 **Friday, February 12th, 2021. Are you with me?**
 3 A. You're on the GSC schedu e?
 4 **Q. Yes, sir.**
 5 A. Okay.
 6 **Q. GSC schedule, and then left hand --**
 7 **left-hand sides of the page, it says Friday,**
 8 **February 12, 2021. Do you see that?**
 9 A. do.
 10 **Q. All right. I'd like for you to go**
 11 **about two-thirds of the way down the page. There is**
 12 **an item number 1008835, and it says in all caps**
 13 **Spire Marketing. Do you see that?**
 14 A. do.
 15 **Q. And then if you go to the line below**
 16 **the bottom, 1008881, there's Spire Marketing listed**
 17 **again. Do you see that?**
 18 A. do.
 19 **Q. Okay. And so for gas day 12, does this**
 20 **document reflect that there were purchases made by**
 21 **Spire Missouri from Spire Marketing?**
 22 A. Yeah, it does. Like say --
 23 **Q. Okay.**
 24 A. Yeah. Consistent with our prior
 25 conversation where had indicated that they're a

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1 supplier for Spire Missouri.
 2 **Q. All right. And do you also agree that**
 3 **for gas days 13 through 19 Spire Marketing is listed**
 4 **on each of the pages of this document, pages three**
 5 **through ten?**
 6 A. agree there are transactions on each
 7 page with Spire Marketing.
 8 **Q. Why did Spire Missouri make purchases**
 9 **from Spire Marketing rather than from a true third**
 10 **party?**
 11 MR. GORE: 'm going to object,
 12 foundation. 'm going to object to the
 13 mischaracterization of Spire Marketing as not being
 14 a true third party. And 'm going to object,
 15 compound. You can answer.
 16 A. Yeah, mean, as said, Spire
 17 Marketing is a comp ete y stand-a one entity from
 18 Spire Missouri. They're one of the supp iers in our
 19 portfo io. And think as we know -- we know as
 20 we as, you know, anybody e se that was in the
 21 market, you know, peop e were trying to find any
 22 mo ecu es that they cou d find. So we were -- we
 23 were buying gas from Spire Marketing ike we wou d
 24 any other entity.
 25 **Q. (By Mr. Howell) I have a couple**

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1 follow-ups based on what you just said. First,
 2 isn't it true that Spire Missouri's finances are
 3 reported through Spire, Inc.?
 4 MR. GORE: 'm going to object, vague.
 5 A. Yeah, mean, couldn't tell the exact
 6 details of how they're reported, but we're part of
 7 Spire, Inc.
 8 **Q. (By Mr. Howell) Isn't it also true**
 9 **that Spire Marketing is part of Spire, Inc.?**
 10 MR. GORE: 'm going to object, beyond
 11 the scope of the notice, beyond this witness's
 12 qualified area of testimony since you were seeking
 13 information about Spire Marketing, Inc., improper --
 14 MR. HOWELL: You can answer.
 15 MR. GORE: -- improper corporate
 16 representative testimony. You can -- you can
 17 answer.
 18 A. They're a part of Spire, Inc.
 19 **Q. (By Mr. Howell) What diligence did**
 20 **Spire Missouri do to know that Spire Missouri could**
 21 **not buy the same natural gas -- the same volume of**
 22 **natural gas for a lower price from a third party**
 23 **that is not Spire Marketing?**
 24 MR. GORE: 'm going to -- 'm going to
 25 object, foundation, and again object to counsel's

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1 characterization of Spire Marketing. You can
 2 answer.
 3 A. Mean, if you look at -- if you look
 4 at the details that we provided -- you remember the
 5 tab that shows the Spire Marketing correspondence?
 6 MR. GORE: Yes it -- is it -- Richard,
 7 do you want me to help out the witness when he's
 8 looking for documents or not? Your call.
 9 MR. HOWELL: Mean, if -- you can help
 10 point him to a particular document.
 11 MR. GORE: Yeah, you're looking for
 12 documents that we believe are under tab 20.
 13 A. Yeah, if you look at tab 20, it
 14 actually shows the Spire Marketing pricing versus
 15 the Southern Star index. We feel like some of
 16 the -- some of the cheapest prices that we got
 17 during that period were from Spire Marketing.
 18 think we were --
 19 **Q. (By Mr. Howell) Would you --**
 20 **A. Yeah. We feel like they were we**
 21 **below market. We tried to indicate that here on the**
 22 **sheet. If they were -- if they were -- if they were**
 23 **trying to gouge or if we were trying to make a**
 24 **windfall, then they wouldn't have sold us gas that**
 25 **was way under market.**

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1 **Q. All right. Would you go back to tab --**
 2 **Exhibit 2, tab 1C, which was the GSC schedule we**
 3 **were just looking at?**
 4 A. Okay.
 5 **Q. And if you would turn to gas day 12.**
 6 A. Okay.
 7 **Q. And here looking at transaction**
 8 **1008835, is it correct that this references a**
 9 **purchase from Spire Marketing at a price of \$45.19?**
 10 A. That's correct.
 11 **Q. And it's also true that except for one**
 12 **purchase from Tenaska for a purchase price of \$124,**
 13 **actually that has a volume of zero. Do you see**
 14 **that?**
 15 A. Do.
 16 **Q. So a volume of zero would indicate that**
 17 **a purchase actually did not occur or that volumes**
 18 **were not delivered to us, correct?**
 19 A. Would say that's correct.
 20 **Q. All right. So we can ignore that \$124**
 21 **transaction because there were no volumes associated**
 22 **with it. Is it true that all of the transactions**
 23 **for gas day 12 were -- were between a purchase price**
 24 **of seven dollars and 70.5 cents and \$46.78?**
 25 A. That appears to be correct.

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1 **Q. And so with that information do you**
 2 **want to change your answer with respect to Spire**
 3 **Marketing's purchase being a below market purchase?**
 4 MR. GORE: 'm going to object, vague.
 5 don't know what testimony you're referencing when
 6 you say does he want to change it.
 7 MR. HOWELL: Mr. Gore, first, with
 8 regard to that objection, think the witness can
 9 answer the question, and second, he made a statement
 10 when he was referencing tab 20 that his analysis or
 11 Spire's analysis suggested that the purchases from
 12 Spire Marketing were, you know, at or below market.
 13 And the testimony is what it is, but have a
 14 specific question with respect to gas day 12, and
 15 I'd like the witness's answer.
 16 A. Yeah, would say -- go ahead.
 17 MR. GORE: object, vague, but think
 18 that additional explanation may give you enough to
 19 answer it.
 20 A. Stand by my comment that it was
 21 at or below market. You can see on here pretty much
 22 all the daily transactions were -- were within a few
 23 cents of one another. Spire Marketing actually
 24 being one of the lowest of those. The range wasn't
 25 as big that day, but it was definitely still at or

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1 be ow market. They weren't coming to Spire Missouri
 2 just to make some big windfa .
 3 **Q. (By Mr. Howell) Do you know the source**
 4 **of supply for Spire Marketing?**
 5 A. do not have that information.
 6 **Q. Was Spire Missouri a source of supply**
 7 **for Spire Marketing?**
 8 MR. GORE: 'm going to object, vague
 9 as the time period. You can answer.
 10 A. 'm not aware of any supply that Spire
 11 Missouri provided to Spire Marketing.
 12 **Q. (By Mr. Howell) To address the time**
 13 **period issue, during the month of February 2021 did**
 14 **Spire Missouri sell any natural gas to Spire**
 15 **Marketing?**
 16 A. wou d have to confirm that with
 17 Justin Powers. 'm not aware of any that was so d
 18 to Spire Marketing.
 19 **Q. During the month of February 2021, did**
 20 **Spire Missouri transfer any natural gas in storage**
 21 **to Spire Marketing?**
 22 A. We did not.
 23 **Q. During the month of February 2021, did**
 24 **Spire Missouri provide any natural gas**
 25 **transportation or capacity release to Spire**

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1 **Marketing?**
 2 A. t s poss b e that they were one of
 3 the sh ppers that we re eased capacity to go ng nto
 4 the month.
 5 **Q. Did Spire Missouri release capacity in**
 6 **any private transactions or did it only release**
 7 **capacity through the FERC capacity release system?**
 8 MR. GORE: 'm go ng to object, vague
 9 and compound. You can answer.
 10 A. Yeah, we -- we ab de by a of the FERC
 11 ru es -- stand ng ru es of conduct. So we wou d not
 12 have done any capacity outs de of the post ng
 13 process on the p pe nes.
 14 **Q. (By Mr. Howell) And you would -- you**
 15 **would be able to find out or look at Spire records**
 16 **and determine whether any of the capacity release**
 17 **that Spire Missouri engaged in was acquired by -- by**
 18 **Spire Marketing, correct?**
 19 A. That -- that s pub c nformat on, so
 20 anybody can go f nd that data.
 21 **Q. During the month of February 2021, did**
 22 **Spire loan any natural gas to Spire Marketing?**
 23 A. We d d not.
 24 **Q. During the month of February 2021, did**
 25 **Spire Missouri allow Spire Marketing to sell or**

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1 **purchase any gas on its behalf?**
 2 A. On beha f of what entity?
 3 **Q. On behalf of Spire Missouri.**
 4 MR. GORE: 'm going to -- 'm going to
 5 object, vague.
 6 A. 'm sorry. Cou d you repeat the
 7 question?
 8 **Q. (By Mr. Howell) Yes, sir. During the**
 9 **month of February 2021, are you aware of whether**
 10 **Spire Marketing -- sorry, let me start over.**
 11 **During the month of February 2021, are**
 12 **you aware of whether Spire Missouri allowed Spire**
 13 **Marketing to purchase or sell any natural gas on its**
 14 **benefit?**
 15 MR. GORE: 'm going to object, vague.
 16 A. Yeah, 'm sorry. 'm sti --
 17 can't -- can't even fo ow what transaction you're
 18 trying to ask me whether we did or didn't do.
 19 **Q. (By Mr. Howell) I think I really don't**
 20 **want to belabor the point. I think I covered what I**
 21 **need to, but if I can better formulate a question**
 22 **I'll come back to it.**
 23 A. Okay. Thank you.
 24 **Q. I want to ask you another question**
 25 **about this document we've been looking at,**

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1 **Exhibit 2, tab 1C, the GSC schedule for gas day 12.**
 2 A. Okay.
 3 **Q. The first transaction that's listed**
 4 **here, 1008929 Spire Missouri, do you see that?**
 5 A. do.
 6 **Q. Well, could you explain to me why Spire**
 7 **Missouri, it would be listed as a supplier for the**
 8 **Spire Missouri West system?**
 9 A. Spire Missouri East had supply on
 10 Panhand e that they made avai ab e to Spire Missouri
 11 West. So they so d them that supply and they
 12 rep aced it with gas over on -- over on the Spire
 13 East system just to he p them out.
 14 So it was -- we ook at the gas supply
 15 costs for Spire Missouri West and Spire Missouri
 16 East separate y, so we just put that in as an
 17 individua transaction between the two entities.
 18 **Q. And could you explain that a little bit**
 19 **further? Is it the case that Spire Missouri West**
 20 **was selling gas to Spire Missouri East?**
 21 A. Spire Missouri East was se ing gas to
 22 Spire Missouri West.
 23 **Q. Understood. Thank you.**
 24 A. Uh-huh.
 25 **Q. If there are other -- would this**

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1 document reflect any volumes that Spire Missouri
 2 physically took out of its natural gas storage to
 3 provide natural gas supply to the Spire Missouri
 4 West system?
 5 A. This does not include storage.
 6 **Q. How is the price set -- so for this**
 7 **February 12th transaction between Spire Missouri**
 8 **East and Spire Missouri West, how was the price of**
 9 **the natural gas set for that transaction?**
 10 A. You know, would have to confirm with
 11 Justin. My -- my recollection is that we just give
 12 it to them at the cost that Spire Missouri incurred
 13 to replace it.
 14 **Q. And wasn't the price at which Spire**
 15 **East bought it?**
 16 A. That's my recollection.
 17 **Q. And how was the price set for the Spire**
 18 **Marketing transactions?**
 19 A. That would have just been in
 20 negotiation with Justin Powers' team with the Spire
 21 Marketing employees.
 22 **Q. And are those -- do you know whether**
 23 **the volumes that are reflected on this document**
 24 **we've been looking at, Exhibit 2, tab 1C, reflect**
 25 **base load volumes that were contracted prior to the**

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1 month?
 2 A. These appear to just be our incremental
 3 purchases during the month.
 4 **Q. Do you know whether Spire Marketing**
 5 **bought any gas from Spire East, Spire Missouri East**
 6 **system in order to supply the Spire Missouri West**
 7 **system?**
 8 A. I'm not aware of that happening.
 9 **Q. You mentioned that you thought that the**
 10 **transactions with Spire Marketing reflected**
 11 **something less than the market prices at that time.**
 12 **Is that -- is that a fair understanding of your**
 13 **testimony?**
 14 MR. GORE: I'm going to -- I'm going to
 15 object, misstates prior testimony. You can answer.
 16 And the testimony will speak for itself in the
 17 transcript.
 18 A. Yeah, when I referred you to tab 20
 19 that listed the Spire Marketing transactions
 20 compared to the Southern Star index, I think it
 21 shows that it was at or below market during that
 22 time.
 23 **Q. (By Mr. Howell) Based on your**
 24 **experience and your knowledge and your position with**
 25 **Spire, Inc. and serving as VP for gas supply, are**

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1 you aware of why during a winter storm the Spire
 2 Marketing subsidiary of Spire, Inc. would sell
 3 natural gas to the Spire Missouri utility at a price
 4 below the market price?
 5 MR. GORE: I'm going to object,
 6 compound, improper corporate representative
 7 testimony to the extent that you're asking Mr. Godat
 8 to answer in his personal capacity given his
 9 personal experiences. You can answer the question
 10 if you can in your capacity as Spire Missouri's
 11 corporate representative.
 12 A. Yeah, -- yeah, I cannot speak
 13 for -- for why they made the decisions that we did.
 14 I know at Spire Missouri when it was -- when it was
 15 at a time when everybody was pretty much taking any
 16 measures that they could find given the limited
 17 supply that was out there, we were happy to take the
 18 Spire Marketing volumes especially when the prices
 19 were so attractive.
 20 **Q. (By Mr. Howell) Did you participate in**
 21 **any discussions with anyone from Spire Marketing**
 22 **during the February 2021 winter storm regarding**
 23 **making purchases from them at or below market price?**
 24 A. I did not.
 25 **Q. Did you participate in any meetings,**

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1 communications, or deliberations with anyone at
 2 Spire, Inc. or Spire Missouri regarding purchases
 3 from Spire Marketing during the winter storm?
 4 A. I did not.
 5 MR. HOWELL: All right. We have been
 6 going for about an hour and 20 minutes or so. I'd
 7 suggest that we take a -- maybe a ten-minute break,
 8 and then I'll come back and ask you some questions
 9 about some of the people that you identified earlier
 10 and the roles, and then the OFO that was issued.
 11 V DEOGRAPHER: Off the record,
 12 2:37 p.m.
 13 (WHEREIN, a recess was taken.)
 14 V DEOGRAPHER: On the record, 2:51 p.m.
 15 MR. HOWELL: Mr. Godat, thank you for
 16 coming back. And before I get too much further,
 17 wanted to offer Constanton's deposit on notice as
 18 be event's Exhibit 12 is the next one that we --
 19 guess in sequence. You may have a copy of that in
 20 your binder. No need to turn to it, but I just
 21 wanted to make sure that I offered that for the
 22 record.
 23 THE WITNESS: Okay.
 24 MR. HOWELL: Be event that Ryan the
 25 videographer will take care of marking it so it's

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1 admitted and acknowledged.

2 **Q. (By Mr. Howell) I believe Mr. Gore**

3 **said at the beginning of the deposition that**

4 **Mr. Bauer took that you had used this --**

5 **Constellation's deposition notice Exhibit 12 to help**

6 **kind of prepare yourself for the deposition; is that**

7 **correct?**

8 A. Yeah. We actually ordered the

9 documents in the binder tied to the Constellation

10 document.

11 **Q. Great. All right. I want to ask you**

12 **one -- I want to ask you a question about some of**

13 **the people you have mentioned, just make sure that I**

14 **understand who had what role and that kind of thing.**

15 A. Okay.

16 **Q. Then I want to talk with you about the**

17 **OFO that was issued. Scott Carter is the president**

18 **of Spire Missouri; is that correct?**

19 A. That's correct.

20 **Q. Okay. What role -- you know, from**

21 **your -- from your perspective as a corporate**

22 **representative and as a VP of natural gas supply**

23 **for -- for the Spire Missouri entity as well as**

24 **Spire, Inc., what role did Mr. Carter have with**

25 **regard to the February 2021 winter storm?**

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1 MR. GORE: 'm going to object, vague.

2 A. Yeah, are you talking about gas supply

3 decisions or just his role overall through the whole

4 process?

5 **Q. (By Mr. Howell) So my notes indicate**

6 **that you said that you had talked with Mr. Carter in**

7 **preparation for issuing the OFO, and I just want to**

8 **get some more information about what Mr. Carter's**

9 **role was either in connection with the OFO or**

10 **anything else during the winter storm period.**

11 MR. GORE: 'm going to -- 'm going to

12 object to foundation. It misstates prior testimony

13 regarding the consultation with Mr. Carter regarding

14 the implementation of the OFO. You can answer.

15 **Q. (By Mr. Howell) So I'm just trying to**

16 **avoid this dance of me saying what I think you told**

17 **me and it being potentially, you know, getting --**

18 **drawing an objection about misstating your prior**

19 **testimony and asking you an open-ended question and**

20 **getting an objection that it's vague.**

21 **So at the end of the day, I'm just**

22 **trying to figure out from you, Mr. Godat, as Spire's**

23 **corporate representative could you describe the**

24 **role, if any, that Scott Carter had during the**

25 **winter storm?**

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1 A. kept him -- on the OFO perspective,

2 since that's who report to, kept him informed of

3 what was going on and that we were -- we were in a

4 position where we thought we had to issue an OFO.

5 -- was the one that ultimately made

6 the decisions working with Justin Powers. So that

7 wasn't that went to Scott for permission. It

8 was -- it was more of an information to keep him

9 up-to-date.

10 Scott Carter through -- throughout the

11 process, he did a lot of radio interviews, just more

12 from the media side kind of keeping customers and

13 stuff up-to-date on things that were going on.

14 So mean, had enough going on that

15 wouldn't be able to speak for -- you know, for a

16 the activities that Scott undertook during that

17 time, but you know, as far as the OFO just kept

18 him informed. Was the one that made the decisions on

19 a going with Justin.

20 **Q. Yes, sir. And I certainly understand**

21 **that. You are just one -- one human being, and I'm**

22 **not asking you to kind of know what everyone else**

23 **has done or may have done. We may have an**

24 **opportunity to speak with Mr. Carter later on. I**

25 **just am trying to have an understanding of what**

Page 204

1 **you're aware of based on your personal knowledge and**

2 **based on anything you may have learned in preparing**

3 **to give testimony as to corporate representative.**

4 **Does that make sense?**

5 A. Yeah. So mean, think the

6 information provided was accurate to that.

7 **Q. Were there other members of either the**

8 **Spire Missouri or Spire, Inc. management or**

9 **executive team who you also met with or kept**

10 **informed about the OFO decisions?**

11 A. We definitely let the other parties

12 know. The business development reps and regulatory,

13 more just from an information perspective that we

14 were -- we were seeing the issues, potential issues

15 with gas supply and that we were going into the OFO.

16 **Q. And you said that you kept the other**

17 **parties informed. Could you describe for me who the**

18 **other parties are that you're thinking of when you**

19 **give that answer?**

20 A. The only two that recall would be

21 Patty Reardon and Mr. Weitzel that's over

22 regulatory.

23 **Q. Okay. And so Mr. Weitzel has what**

24 **role?**

25 A. He's over our regulatory group for

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1 Spire Missouri.

2 **Q. And Ms. Reardon, what is her role?**

3 A. Manager -- her -- her exact title,

4 can find it. Manager of small commercial,

5 industry for Spire Missouri West.

6 **Q. You also mentioned that you met with or**

7 **spoke with Scott Dudley in preparing for your**

8 **deposition. Who is Mr. Dudley?**

9 A. Mr. Dudley is the one that is

10 responsible for preparing the earnings statements

11 and then the presentations that our senior

12 management makes with -- with our outside

13 shareholder entities. And the two documents that he

14 prepared were provided in the binder.

15 **Q. Yes, sir. Does he also -- so does**

16 **Mr. Dudley's public relations focus relate to kind**

17 **of investor relations or communications with the**

18 **public or is it -- did he also make any -- prepare**

19 **any statements as far as you're aware to any**

20 **regulatory authority?**

21 MR. GORE: I'm going to object, beyond

22 the scope of the notice. Mr. Dudley is not a Spire

23 Missouri employee.

24 A. Yeah, the only two documents that

25 spoke to him about were the two that are referenced

Page 206

1 in the binder.

2 **Q. (By Mr. Howell) You also reference**

3 **that you spoke with Bob McKee in records retention.**

4 **Do you know what -- what his role is?**

5 A. He is the manager of records retention,

6 and confirmed with him that the policies that we

7 provided in the binder were basically accurate and

8 in effect during Winter Storm Uri and he confirmed

9 that.

10 **Q. You also mentioned someone named Alex**

11 **Grewach. Can you spell that last name and then also**

12 **tell me what his role was?**

13 A. Yeah, it's actually Alex Grewach,

14 G-R-E-W-A-C-H. He's our manager of gas control. So

15 he was the one that -- there's a pressure chart

16 that's included in here. He was the one provided

17 the pressure information for -- for the -- the

18 pressure drop that we were experiencing down in

19 Southwest Missouri.

20 **Q. And you also mentioned schedulers**

21 **during the February 2021 winter storm. I believe**

22 **you identified someone named Ashley Dixon. Is she a**

23 **scheduler, and are there other schedulers that**

24 **you're aware of who were involved in natural gas**

25 **scheduling for the winter storm?**

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1 A. Yeah, Ashley's actually manager of gas

2 supply. Greg Hayes is the one that does the

3 scheduling.

4 **Q. What traders were involved for Spire**

5 **Missouri with regard to purchases of natural gas**

6 **during the February 2021 winter storm?**

7 A. It would have been Justin and his team.

8 So it would have been Justin, Ashley, and to the

9 extent Greg had to help out, he may have been

10 involved as well, Greg Hayes. It would have been

11 those three.

12 **Q. Does Justin -- I'm sorry. Go ahead,**

13 **please. I didn't mean to cut you off.**

14 A. It would have been those three.

15 **Q. Does natural gas supply, gas control,**

16 **and system planning, do all three of those roles**

17 **fall under the supervision of Justin Powers?**

18 A. They do not. Justin just has gas

19 supply. Alex Grewach has gas control and reports

20 directly to me. System planning actually reports up

21 through our engineering department.

22 **Q. And who leads the natural gas planning**

23 **team?**

24 A. Mark Lowe is the vice president over

25 that group. Beve Owen Farron was probably

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1 working on Missouri at the time, but he actually --

2 he left the company since then.

3 **Q. You were asked a few questions about**

4 **the incident support team, and you identified**

5 **Michael Schormann as the person who leads the**

6 **incident support team; is that correct?**

7 A. That's correct.

8 **Q. Who is -- who does Mr. Schormann report**

9 **to or who is he managed or supervised by?**

10 A. You know, do not recall Beve

11 it's through our risk team, but I'm not positive.

12 **Q. And who runs the risk team?**

13 A. You know, actually might be through

14 our security group now that I'm thinking about it.

15 It's through our corporate security team.

16 **Q. And who leads that?**

17 A. A Moore runs that group.

18 **Q. I'm sorry. I missed that name. Can**

19 **you say it one more time?**

20 A. A Moore.

21 **Q. Are you a member of the incident**

22 **support team?**

23 A. Am.

24 **Q. Is Justin Powers a member of the**

25 **incident support team?**

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1 A. He was included on the call. I'm not
 2 sure he's an active member at the time.
 3 **Q. Do you know who the members are? Can
 4 you identify them?**
 5 A. You know, do not have the information
 6 off the top of my head.
 7 **Q. I'm just trying to get a better
 8 understanding of this -- of this team. Is it -- you
 9 know, is it three or four people? Is it ten? Is it
 10 20? Do you have an idea of the scale of the
 11 incident support team that was created for the 2021
 12 winter storm?**
 13 A. Yeah, mean, as recall on the call
 14 it was really -- there were representatives from gas
 15 supply, our corporate communications team,
 16 regulatory, and then we pulled field operations in
 17 when we got to the point where we thought we were
 18 going to have outages in Southwest Missouri because
 19 the -- the Spire operations employees in MO East
 20 were so cutting volunteers to actually send to
 21 Kansas City in the event that we had gas outages.
 22 And then Alex Grewach would have been on from gas
 23 control.
 24 **Q. You mentioned that there was a phone
 25 call with the incident support team and**

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1 A. do.
 2 **Q. And the leftmost column is the -- the
 3 temperature, the average temperature on that day,
 4 correct?**
 5 A. That's.
 6 **Q. And then in each of the rows it
 7 identifies the pressure at that station, correct?**
 8 A. Yes, would say that's correct.
 9 **Q. And is it true that Spire did not
 10 experience a drop in operating pressure at any
 11 Constellation customer delivery point that affected
 12 Spire's ability to make deliveries to that
 13 Constellation customer?**
 14 MR. GORE: I'm going to object,
 15 compound and foundation.
 16 A. Yeah, mean, thank we've -- you
 17 know, thank we've talked about this in several
 18 instances where we never got -- mean, given the
 19 fact that Spire went out and replaced the supply
 20 that the marketers weren't bringing in, we didn't
 21 get to the point where we were -- where our system
 22 pressures were jeopardized other than in the
 23 Southwest Missouri incident that we provided the
 24 date on Southern Star's pressures.
 25 But that -- that's because we went out

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1 **representatives of different groups within Spire who
 2 attended. When was the phone call that you were
 3 just discussing?**
 4 A. That period is such a blur. We --
 5 would have to look -- would have to look at the
 6 pressure chart here when it showed our pressure --
 7 believe it was the night of the 16th. Let me see if
 8 I can find the pressure chart. Apologize.
 9 **Q. Yeah. Well --**
 10 A. Yeah, it was basically the night that
 11 we thought we were losing -- losing our system down
 12 in Southwest Missouri. So we had all the parties on
 13 that were going to be ready to respond in the event
 14 that we did have a lot of outages.
 15 **Q. All right. I really want to focus on
 16 this incident support team issue, but I do -- I will
 17 come back to that in just -- just a moment. Let me
 18 address this pressure issue that you've raised.
 19 Would you turn to Exhibit 2, which is the binder,
 20 tab 17A? And 17A is a spreadsheet that is labeled
 21 at the top border stations and pressures. Do you
 22 see that?**
 23 A. do.
 24 **Q. And for -- there's the gas day listed,
 25 correct, in the second column? Do you see that?**

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1 and covered the supply. Had we not covered the
 2 supply, then I know that would have been a
 3 completely different story.
 4 mean, think -- think we said that
 5 multiple times that it wasn't -- it wasn't that we
 6 actually lost pressure on the Southern Star system,
 7 and that was because we went out and made up for the
 8 shortfall.
 9 **Q. Understood, Mr. Godat. So just to be
 10 clear, when you talk about the system losing
 11 pressure, you're referring to the risk of the
 12 Southern Star system losing pressure or the Southern
 13 Star system actually losing pressure; is that
 14 correct?**
 15 A. Yeah, the pressure issue that I'm
 16 speaking about on the night of the 16th was Southern
 17 Star getting critically low to where they wouldn't
 18 be able to provide the pressure that we needed for
 19 our system.
 20 **Q. And this document that we're looking
 21 at, Exhibit 2, tab 17A, this spreadsheet about
 22 border stations and pressures, this is the
 23 spreadsheet that would show the pressure data for
 24 each of the gas days in February 2021 for Spire's
 25 system, correct? Not for Southern Star, but for**

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1 **Spire.**
 2 A. Yeah, you'd have to confirm --
 3 you'd have to check with Justin to see if it was on
 4 the Southern Star side of the meter or the Spire
 5 side of the meter.
 6 **Q. Can you explain your answer?**
 7 A. Well, it's on the -- it's on the
 8 Southern Star side of the regulator or the -- or the
 9 Spire Missouri side.
 10 **Q. And you're aware, are you not, that**
 11 **Southern Star waived all penalties associated with**
 12 **the February 2021 winter storm?**
 13 A. Am.
 14 MR. GORE: Richard, can we just get
 15 confirmation that we're looking at the same
 16 document?
 17 MR. HOWELL: Yes, sir.
 18 MR. GORE: Thank we are. The
 19 document you're looking at at the top says border
 20 stations and pressures, DR 4.1A, correct?
 21 MR. HOWELL: Yes, sir.
 22 MR. GORE: Okay.
 23 THE WATNESS: Yeah, that's the one I'm
 24 looking at.
 25 MR. GORE: Okay. Just wanted to

Page 214

1 confirm.
 2 **Q. (By Mr. Howell) Are you aware of any**
 3 **pressure reading on this document, Exhibit 2, tab**
 4 **17A, this spreadsheet, the border stations and**
 5 **pressures, that identifies a border station on the**
 6 **Spire system for a gas day for which Spire Missouri**
 7 **experienced a drop in pressure that jeopardized**
 8 **system integrity?**
 9 MR. GORE: I'm going to object,
 10 foundation and compound. You can answer.
 11 A. Yeah, I mean, that goes back to my
 12 prior response. If the information that we provided
 13 was the only time we had -- we were in jeopardy of
 14 not being able to serve was in Southwest Missouri.
 15 That's when we provided the pressure profile for --
 16 for that area.
 17 Other than that, given that Spire
 18 Missouri went out and found the supply to replace
 19 what the marketers weren't bringing in, we were not
 20 in a position to where our system was jeopardized
 21 during a winter storm period.
 22 **Q. (By Mr. Howell) And the issue that you**
 23 **said arose was an issue that occurred on the -- on**
 24 **the Southern Star system, correct? The pressure**
 25 **issue that you just described in your last answer is**

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1 **one that arose or existed on the Southern Star**
 2 **system rather than the Spire Missouri system --**
 3 MR. GORE: I'm going to --
 4 **Q. (By Mr. Howell) -- correct?**
 5 MR. GORE: I'm going to object --
 6 object, vague, because it's just unclear to me --
 7 the referencing back to other questions and
 8 statements is just -- I don't know where we are. So
 9 object, vague.
 10 A. Yeah, the pressure profile that we
 11 provided was on Southern Star where you could see
 12 the pressures were dropping 30 or 40 pounds an
 13 hour.
 14 MR. GORE: Can I interject just for
 15 clarification?
 16 THE WATNESS: Yes.
 17 MR. GORE: When you say pressure
 18 profile, are you referring to a document?
 19 THE WATNESS: I am. I should have
 20 pointed to it.
 21 MR. GORE: Okay. I was confused.
 22 I didn't know -- okay.
 23 THE WATNESS: Let me see if I can find
 24 that document.
 25 MR. GORE: It would be at document 17D.

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1 A. Yeah, it's on -- like Gabe just said,
 2 it's tab 17D.
 3 **Q. (By Mr. Howell) Is it 17D as in dog?**
 4 A. D as in dog.
 5 **Q. And when --**
 6 A. So --
 7 **Q. -- this -- this document refers to the**
 8 **pressure available to Spire from the Southern Star**
 9 **system; is that correct?**
 10 A. That's correct. Yeah, you can see
 11 where we were accustomed to having 500-plus pounds
 12 and the supply/demand on that part of the system was
 13 out of balance, so we were seeing -- seeing a very
 14 sharp drop in pressure.
 15 You know, had that -- had that
 16 continued on through the night, you know, we were
 17 concerned that we were going to -- we were going to
 18 not have enough pressure into our system to maintain
 19 deliveries to the customers in that area.
 20 **Q. And so this -- this chart which is**
 21 **shown here in Exhibit 2, tab 17D as in dog, this is**
 22 **showing data from the Southern Star system, correct,**
 23 **showing pressure at that station --**
 24 A. That's correct.
 25 **Q. -- correct?**

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1 A. That's correct.

2 **Q. And -- and the data that is graphed**

3 **here, you're saying that it reflects a drop in**

4 **pressure between 4:48 p.m. on the 15th and 4:48 a.m.**

5 **on the 16th? Is that what you're referencing?**

6 A. Looks like 2:24 -- we , guess --

7 yeah, it starts at 4:48. 'm sorry. On the 15th.

8 You are correct. And runs through basically the

9 morning of the 16th.

10 **Q. And by the morning of the 16th the**

11 **pressure drop had stabilized and was going back up,**

12 **correct?**

13 A. At that point in time it was

14 stabilizing.

15 **Q. And increasing?**

16 A. Yeah, that's correct.

17 **Q. Did Southern Star explain to you or did**

18 **you participate in any discussions with Southern**

19 **Star or someone else regarding the problems that**

20 **Southern Star was having on its system?**

21 A. We did have some conversations with

22 Southern Star throughout the course of the evening

23 and night.

24 **Q. And who did you speak with?**

25 A. There were a number of folks on the

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1 Southern Star side, many the r gas contro .

2 **Q. Okay. Did you provide -- could you**

3 **identify the people who you spoke with?**

4 A. I would have to go back. Typically

5 don't deal with those individuals on a daily basis

6 anymore in my current role, so I would have to go

7 back and look and see who was that -- on those

8 phone calls or I would have to inquire with Justin

9 who as -- if he can remember who was on the calls.

10 He's the one that has the relationships with the

11 individuals.

12 **Q. The calls you're referencing, were they**

13 **on the afternoon or evening of the 15th?**

14 A. They are. I mean, we were -- we were

15 on the phone with them all through the night.

16 **Q. All through the night of the 15th?**

17 A. That's correct.

18 **Q. And sitting here today, you can't**

19 **remember who it was you spoke with from Southern**

20 **Star?**

21 A. Matt -- Matt's -- yeah, one of the

22 gentleman's first name. Like say, don't deal

23 with them on a daily basis anymore, so I don't have

24 the names right off the top of my head.

25 **Q. Okay. And so you were speaking with**

Page 219

1 **the Southern Star representatives regarding the**

2 **pressure drop that they were experiencing on their**

3 **system at this Crenshaw station, correct?**

4 A. That's correct. We were trying --

5 trying to understand if -- if they thought they were

6 going to be able to do anything to keep the pressure

7 from continuing to drop as we were evaluating the

8 steps that we were going to have to take in the

9 event that we had outages.

10 **Q. And ultimately Spire on its side of the**

11 **meter and its system did not experience the drop in**

12 **pressure? This was -- this was limited to what**

13 **Southern Star was experiencing, correct?**

14 A. We never -- we never were limited in

15 pressure on our side enough to where we physically

16 lost -- physically couldn't serve any of our

17 customers.

18 **Q. If -- okay. And the remedial actions**

19 **or the potential actions that you were**

20 **contemplating, if the Southern Star problems had**

21 **actually carried over to Spire, those remedial**

22 **actions weren't necessary because between the --**

23 **between four p.m. and let's say four a.m. that**

24 **pressure drop stopped and was stabilized, correct?**

25 MR. GORE: I'm going to object,

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1 compound. You can answer.

2 A. Yeah, we didn't -- didn't have to --

3 like say, we didn't have to physically turn

4 anybody off and we did not lose any customers

5 because of where the pressures ultimately ended up

6 being at on Southern Star that night.

7 **Q. (By Mr. Howell) And this was the only**

8 **station at which there was a pressure drop that --**

9 **that was a -- that you -- that you saw as a -- as**

10 **a -- as a concern during the winter storm period; is**

11 **that correct?**

12 A. Ultimately this is the only -- the only

13 pressure incident that we had where -- that I'm

14 aware of where the company was concerned that we

15 weren't going to be able to serve the load on our

16 system based on the supply that was coming to our --

17 to our system.

18 **Q. And again, just to be very clear, you**

19 **just referenced it as a pressure incident we had,**

20 **but when you say it's a pressure incident we had,**

21 **it's actually a pressure incident that Southern Star**

22 **had --**

23 A. Yeah.

24 **Q. -- correct?**

25 A. It's the pressure incident that we were

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1 dea ng w th. ' phrase t that way. t was on
 2 the Southern Star system, but t was someth ng that
 3 we were hav ng -- hav ng to react to.
 4 **Q. And limiting your -- or focusing your**
 5 **answer or your thought here to the Spire Missouri**
 6 **West system, during the February 2021 winter storm**
 7 **there was not a -- a system pressure issue that**
 8 **occurred on that system?**
 9 A. You're say ng on that system, you're
 10 referr ng to Southern Star?
 11 **Q. Wonderful -- wonderful clarification**
 12 **question. This is an important question, and I want**
 13 **to make sure I -- make sure we're talking about the**
 14 **same thing.**
 15 **During the February 2021 winter storm,**
 16 **isn't it true that there was not a pressure drop on**
 17 **the Spire Missouri West system, correct?**
 18 A. That's --
 19 MR. GORE: Object on.
 20 A. Yeah, that's -- yeah, not an accurate
 21 statement. You say not a pressure drop on the
 22 system. We've re terated t me and t me aga n that
 23 we never got to the po nt where we cou dn't serve
 24 the customers beh nd our gate, but mean, there's
 25 pressure drop that takes p ace at every juncture on

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1 a d str but on system, so --
 2 **Q. (By Mr. Howell) Yes, sir.**
 3 A. -- we never ended up -- yeah, we never
 4 ended up at a po nt where -- where we weren't ab e
 5 to serve the oad beh nd our gate.
 6 **Q. Yes, sir. And what I'm trying to**
 7 **identify here is whether there was any -- if you**
 8 **would look back with me to tab 17A, that border**
 9 **stations document. For each of the border stations**
 10 **that are listed here, there is a range of pressures**
 11 **that are shown, correct? So for example, for**
 12 **Riverside West, it says low as -- as low as 129 and**
 13 **as high as let's say 147. Do you see that?**
 14 A. do. But keep n m nd th s -- th s s
 15 one snapshot n t me over a 24-hour per od. So
 16 mean, these aren't ref ect ve of the true pressure
 17 ranges over that February t me per od from h gh to
 18 ow. That's just a snapshot for each day.
 19 **Q. Well, I will tell you that this is the**
 20 **data that we've been provided by -- by Spire, and so**
 21 **this is what I have to go on. And just to focus**
 22 **again on the question that I'm trying to ask for**
 23 **that one particular station, Riverside West, there**
 24 **is a pressure swing between the high 120s and 147.**
 25 **Do you see that?**

Page 223

1 A. do.
 2 **Q. And for each of the other stations**
 3 **there is a variety of pressures within -- within a**
 4 **range, correct?**
 5 A. That's correct.
 6 **Q. And so what I'm trying to get to is a**
 7 **question that is on the Spire Missouri West system.**
 8 **During the month of February 2021 did the Spire**
 9 **system have an out of the ordinary pressure drop?**
 10 MR. GORE: 'm go ng to -- 'm go ng to
 11 object, foundat on. At th s po nt t's unc ear to
 12 me -- vague to the extent that t's unc ear to me
 13 whether you're quest on ng about the document or
 14 whether you're referenc ng a document and then
 15 ask ng a more genera quest on. 'm a so go ng to
 16 object, asked and answered f you're ask ng the
 17 quest on that th nk you m ght be ask ng.
 18 A. Yeah, mean, th nk we've -- you
 19 know, at east 've cont nued to say over and over
 20 that at no po nt was the pressure ow enough that we
 21 ost serv ce to customers on the system, you know.
 22 Were they -- were they at dea des gn pressure, you
 23 know, can't answer that.
 24 My guess wou d be probab y no, but
 25 mean, when you're ook ng at, you know, thousands of

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1 mi es of pipe ine and, you know, 25 to 30 border
 2 stations, can't just agree to a genera statement
 3 that says we never saw any pressure be ow anything
 4 that was historica or however you worded that. But
 5 wi reiterate that we did not ose any customers
 6 behind the gate.
 7 **Q. (By Mr. Howell) And at any time during**
 8 **the February 2021 winter storm, did the Spire**
 9 **Missouri West system experience a pressure loss that**
 10 **threatened the integrity of any segment of that**
 11 **system?**
 12 MR. GORE: Object, foundation.
 13 A. Yeah, mean, ike mentioned, were
 14 the pressures idea , probab y not. But were they --
 15 were they to the point where we cou dn't serve, no,
 16 we were ab e to serve. t wou dn't be fair of me to
 17 say that we didn't have a sing e segment out of
 18 thousands of mi es of main that -- that caused
 19 anybody in gas contro concern during that -- during
 20 that winter storm period.
 21 **Q. (By Mr. Howell) Okay. Well, sitting**
 22 **here today as the representative of Spire, are**
 23 **you -- can you -- can you identify for us any**
 24 **segment of the Spire Missouri West system where --**
 25 **that experienced a pressure drop that threatened the**

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1 integrity of that segment?
 2 A. Yeah, that's not information that
 3 would have, but that would be a gas control.
 4 Q. All right. And it's also true that
 5 Spire did not curtail any Constellation customer in
 6 February of 2021?
 7 A. We started down the curtailment process
 8 in Southwest Missouri as far as just giving
 9 notification that we were experiencing issues, but
 10 we never physically curtailed any customers that I'm
 11 aware of in Spire Missouri West that were
 12 Constellation customers.
 13 Q. All right. I'd like for you to look at
 14 Exhibit 12, please, which is our deposition notice.
 15 And I'd like for you to turn to topic 17.
 16 MR. GORE: Are you looking at -- you're
 17 looking at tab 12. Exhibit 12 -- did you get a
 18 copy of the notice?
 19 THE WITNESS: Didn't. Don't have
 20 it in my book.
 21 MR. GORE: Yeah, don't think we got a
 22 hard copy of the notice. Was there one in the book?
 23 THE WITNESS: Didn't see any. Saw
 24 Cearwater. Just because the number sequence is
 25 different.

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1 MR. GORE: Hold on a second. We're
 2 tracking it down.
 3 THE WITNESS: Sorry about that.
 4 MR. HOWELL: No, no problem. It's a so
 5 on the screen.
 6 THE WITNESS: Sorry.
 7 (WHEREIN, Exhibit 12, Constellation
 8 notice of deposition, was marked for identification
 9 by the Court Reporter.)
 10 THE WITNESS: Which one were you
 11 referring to?
 12 Q. (By Mr. Howell) Take a look at it and
 13 let me know when you're ready.
 14 A. Which number?
 15 Q. Number 17, sir.
 16 A. Okay.
 17 Q. Okay. And so this topic addresses some
 18 of the issues that I've just been trying to ask you
 19 about with respect to the Spire Missouri West
 20 system's integrity and operating parameters --
 21 A. Okay.
 22 Q. -- for the February 2021 period. Do
 23 you see that?
 24 A. Do see that.
 25 Q. All right. Just a moment ago I asked

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1 whether you were aware of sitting here today there
 2 was any loss of pressure on any Spire Missouri West
 3 segment that affected the -- that system's
 4 integrity, and you said you didn't know. And so --
 5 A. We said that --
 6 Q. Or you couldn't answer it. Go ahead.
 7 I'm sorry.
 8 A. Said that couldn't speak to every
 9 segment of a thousands of miles system, but did say
 10 that we never -- we never had a pressure drop low
 11 enough to where we couldn't meet the firm customer
 12 demands on our system. Think there's definitely a
 13 difference between those two comments.
 14 Q. It's true, is it not, that the Spire
 15 Missouri West gas distribution system never
 16 experienced any sort of -- any system failure,
 17 correct?
 18 A. There was never a failure that wasn't
 19 able to be worked around to where we could still
 20 provide firm service. To say that we'd never had a
 21 regulator failure that didn't have to be -- have to be
 22 backstopped by additional gas through another
 23 regulator station, don't have the specific details
 24 of that, but we never ended up to the point where we
 25 couldn't serve our customer demand.

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1 Q. Did you meet with anyone from gas
 2 supply to educate yourself in order to prepare to
 3 testify about this topic?
 4 A. Yeah, mean, we talked -- we talked
 5 through the issue really focused just around what
 6 happened down in Southwest Missouri.
 7 Q. Again, when you're talking about what
 8 happened down in Southwest Missouri, you -- that
 9 again is a reference to the -- something that
 10 happened on the Southern Star system, not on the
 11 Spire Missouri West system, correct?
 12 A. That's correct. That's where, you
 13 know, it was my understanding that given the fact
 14 that we were never at a point where we had to
 15 curtail firm, that that -- that covered at the
 16 detailed level that needed to understand.
 17 wasn't -- guess wasn't under the
 18 impression that needed to understand the exact
 19 workings of every piece of the distribution system
 20 and whether or not there was a single issue across
 21 the thousands of miles and regulator stations that
 22 were on the system during that couple-week period.
 23 Q. During the month of February 2021 the
 24 Spire Missouri West system was able to stay in
 25 operation, correct?

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1 A. Yes, th nk 've conf rmed that
 2 mu t p e t mes that we were ab e to serve a of
 3 our -- a of our demand dur ng February, the
 4 February storm, and dur ng the month of February.
 5 **Q. And sitting here today, you are not**
 6 **offering any testimony that any Spire -- or sorry,**
 7 **any -- any Constellation customer delivery point was**
 8 **ever even in danger of losing pressure, correct?**
 9 MR. GORE: 'm go ng to -- 'm go ng to
 10 object, asked and answered. Th s same quest on has
 11 been asked th nk 15 d fferent ways at th s po nt
 12 and the w tness has answered t the same every t me.
 13 So 'm go ng to object, asked and answered. You can
 14 answer.
 15 **Q. (By Mr. Howell) Mr. Godat, are you**
 16 **saying that there were system failures that you had**
 17 **to work around or are you saying that the gas that**
 18 **Spire bought prevented there from being any**
 19 **failures?**
 20 MR. GORE: Object on, compound,
 21 foundat on.
 22 A. Yeah, th nk -- th nk t's n the
 23 semant cs of your quest on you're ask ng because you
 24 keep referr ng to fa ures across our system. And
 25 'm -- 'm say ng w th thousands of m es of ma n

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1 and hundreds of regu ator stations, can't -- based
 2 on the information reviewed, can't say that we
 3 did not have a sing e fai ure across our
 4 distribution system.
 5 But can say that at no point the
 6 pressures on our system get ow enough to where we
 7 cou dn't provide certain firm service -- or cou dn't
 8 provide service in genera to the customers behind
 9 our city gate.
 10 MR. GORE: And 'm just going to at
 11 this point just reassert my objection, asked and
 12 answered, because think we've been through that
 13 series of questions and answers probab y ten times
 14 at this point.
 15 **Q. (By Mr. Howell) Other than the**
 16 **Southern Star issue in Southwest Missouri, is there**
 17 **any other incident or event on Southern Star that**
 18 **created a -- a concern with regard to the Spire**
 19 **Missouri West system?**
 20 A. Yeah, mean, during -- during that
 21 two-week period or ten days, whatever it was,
 22 mean, know the gas supp y team, you know, was
 23 on -- on ca s with Southern Star, trying to
 24 understand where -- where supp y was making it into
 25 the system and was -- you know, wasn't making it

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1 into the system.
 2 So mean, it -- it definite y was not
 3 without issues during that time, but keep coming
 4 back to the fact that, you know, there was no point
 5 where we weren't ab e to provide firm service behind
 6 our gate.
 7 mean, think anybody -- anybody that
 8 was a owed in the market during that time from the
 9 12th to the 20th knows that it was -- it was a
 10 minute-by-minute account of what was going on on the
 11 Southern Star system. One minute supp y was f owing
 12 and the next minute it wasn't.
 13 So mean, to say -- to say that, you
 14 know, that there weren't any issues, mean, our
 15 team didn't even s eep for ike five days is how bad
 16 it was, you know. So don't want to characterize
 17 it as there was never a fai ure or a supp y prob em
 18 given the extraordinary situations that took p ace,
 19 but can say that at no point did we ose firm
 20 service behind our gate.
 21 **Q. If during this extraordinary winter**
 22 **storm Spire was able to maintain service for all of**
 23 **the customers that it serves, doesn't that mean that**
 24 **Spire was successful in navigating these issues?**
 25 **Wouldn't a failure be if service had been lost?**

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1 MR. GORE: A right. 'm going to
 2 object, foundation, compound, vague, improper
 3 hypotetica since Mr. Godat is not testifying as an
 4 expert w tness. You can answer a question -- we ,
 5 you can answer the questions if you can. just
 6 request you specify which question you're answering.
 7 A. And apo ogize, Richard. Cou d you
 8 repeat the question?
 9 **Q. (By Mr. Howell) Yes, sir. My question**
 10 **was this: If -- if Spire was able to navigate all**
 11 **of the, you know, extremely low temperatures that**
 12 **occurred during the winter storm and Spire was able**
 13 **to make all of the gas purchases that were needed to**
 14 **maintain system pressure in every segment and to**
 15 **provide -- to ensure that the Spire Missouri West**
 16 **system didn't lose pressure and that all of the**
 17 **Spire customers were able to receive the gas, isn't**
 18 **that a success?**
 19 MR. GORE: 'm going to object,
 20 foundation, compound, misstates prior testimony,
 21 improper hypotetica .
 22 A. Yeah, mean, depends on how you define
 23 success. We were g ad we didn't ose any customers,
 24 but u timate y incurred costs that sent us down this
 25 path where we're trying to recover.

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1 **Q. (By Mr. Howell) Is it not also the**
 2 **case that during the winter storm, because of the**
 3 **gas that Spire had, that it was able to purchase as**
 4 **well as gas it was able to sell from storage, that**
 5 **it was a financial success as well?**
 6 MR. GORE: 'm go ng to object, vague
 7 as to foundat on.
 8 THE W TNESS: Do -- do --
 9 MR. GORE: 'm st --
 10 THE W TNESS: 'm sorry, Gabe.
 11 MR. GORE: was try ng to th nk of how
 12 to phrase th s. F nanc a success for whom s
 13 uncear to me.
 14 **Q. (By Mr. Howell) You can answer,**
 15 **Mr. Godat.**
 16 A. F nanc a success, wou d say t
 17 was -- you know, t was not -- not a pos tive
 18 outcome for -- for our f rm customers g ven the cost
 19 ncrease they're see ng.
 20 When see -- when say our team's
 21 act ons re at ve to other d str but on compan es and
 22 to other marketers' performance, th nk we stand
 23 out of the crowd from a success perspect ve.
 24 You know, th nk Southern Star
 25 acknow edged Sp re and ts act v t es dur ng W nter

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1 Storm Ur as rea y sav ng the system for not on y
 2 Sp re's customers, but for the mun s and a the
 3 other customers whose marketers fa ed them as we .
 4 So to say 'm not proud of my team
 5 wou d be an understatement. To say t was -- to say
 6 t was a f nanc a w n whenever our -- whenever our
 7 customers are go ng to be bear ng the costs that
 8 they're go ng to be bear ng, then have to
 9 d sagree.
 10 **Q. All right. I want to turn back to the**
 11 **issue of the OFO issuance.**
 12 A. Okay.
 13 **Q. You made mention with regard to the**
 14 **incident support team that there was a call that you**
 15 **were -- you participated on with Michael Schormann**
 16 **and some other people. Was that just -- was it just**
 17 **one call that you had with Mr. Schormann and his**
 18 **team or were there multiple calls?**
 19 A. You know, we kept a ne open for qu te
 20 a wh e. don't remember the exact t m ng of when
 21 that ca took p ace. t was -- t was not
 22 surround ng the ssu ng or how ong we were stay ng
 23 n the OFO. t was -- t was centered around the
 24 potent a oss of gas customers down n Southwest
 25 M ssour spec f ca y --

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1 **Q. Okay.**
 2 A. -- and how we were going to react to
 3 that.
 4 **Q. Okay. So the support issue related to**
 5 **the Southern Star problem we've --**
 6 **(Court reporter interruption.)**
 7 MR. GORE: thought you had more to
 8 say and were cut off.
 9 A. Yeah, it was specifica y around how
 10 we're going to react to that and, you know, a ot of
 11 it was centered around -- ike mentioned, around
 12 the operations side on how -- if we had some mass
 13 outages out there, how we were going to hand e
 14 bringing the gas service back on.
 15 And that's when my -- my Missouri East
 16 fie d operations team, you know, was invo ved
 17 so iciting -- so iciting vo unteers to go over and
 18 he p with that process. So that -- that process
 19 was -- was imited to those activities that were
 20 happening down in Southwest Missouri. t wasn't the
 21 OFO in genera .
 22 **Q. (By Mr. Howell) I want to ask you**
 23 **about -- if you look at your binder, Exhibit 2,**
 24 **tab 18, item L. This is a text message that you**
 25 **were asked about during Mr. Bauer's questioning.**

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1 A. Okay. What's the question?
 2 **Q. Sitting here today, are you aware of**
 3 **whether this text message was ever sent?**
 4 A. t's my understanding that this text
 5 message went out to the customers down in Southwest
 6 Missouri.
 7 **Q. And when you say the customers, would**
 8 **that include Symmetry's customers?**
 9 A. That is my understanding.
 10 **Q. Would that include Constellation's**
 11 **customers?**
 12 A. t's my understanding that it was a
 13 of the transportation customers in Southwest MO.
 14 wou d have to confirm whether or not it was imited
 15 to just the transports or if it went to the sma
 16 commercia /industria as we . That's not part of
 17 transportation service.
 18 **Q. Did it go to sales customers of Spire**
 19 **in Southwest Missouri?**
 20 A. That's what just said. wou d have
 21 to confirm whether or not it went to the sma er
 22 commercia sa es customers or if it on y went to the
 23 transport customers.
 24 **Q. Isn't it true that business customers**
 25 **in Southwest Missouri did not experience a temporary**

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1 **curtailment of their natural gas service?**
 2 A. That's correct. We never physically
 3 turned off any customers.
 4 **Q. Do you know what day this text message**
 5 **may or may not have been sent?**
 6 A. You know, I did not know the exact date
 7 that it went out. It would have been -- it would
 8 have been during that time frame when we had the
 9 pressure issue down in Southwest MO, so the 15th,
 10 16th, 17th time frame.
 11 **Q. So again, this was tied to the -- to**
 12 **the Southern Star issue?**
 13 A. It was.
 14 **Q. All right. You said that you were**
 15 **ultimately the decision-maker for the decision to**
 16 **issue the OFO?**
 17 A. That's correct.
 18 **Q. You said that Southern Star issued**
 19 **theirs on February 9th?**
 20 A. Yes, sir.
 21 **Q. Did you have discussions with Southern**
 22 **Star before they issued their OFO?**
 23 A. My -- Justin Powers and his team may
 24 have had conversations with them. I did not
 25 physically have conversation with him.

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1 **Q. Please identify for us every fact or**
 2 **factor that you considered as a threat to the Spire**
 3 **Missouri West system in deciding to issue an OFO**
 4 **beginning on February 10th, 2021.**
 5 MR. GORE: So just for clarification,
 6 you're not interested -- interested in anything
 7 considered prior to that date?
 8 MR. HOWELL: I'm asking him to identify
 9 every fact or factor that caused him -- that caused
 10 Spire Missouri to issue an OFO for the Spire
 11 Missouri West system beginning on February 10th,
 12 2021. If there are facts that existed before that,
 13 if there are facts that existed on the 8th or 9th or
 14 10th, so be it, but I want to have the entire
 15 universe of what -- what was the basis for that
 16 decision.
 17 MR. GORE: Okay. Thank you for that
 18 clarification.
 19 A. Yeah, you know, it's pretty simple.
 20 I know there's been -- there's been some frustration
 21 by the parties on not having more information
 22 available, but it was -- it really came down to the
 23 temperature forecast, what we were seeing, you know,
 24 from loss of production combined with the fact that
 25 Southern Star also went into an OFO.

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1 So we had every reason to believe that
 2 the prudent thing to do was for the utility to go
 3 into an OFO as well. So unfortunately there's not
 4 reams and reams of analysis to give you on that
 5 topic.
 6 **Q. (By Mr. Howell) Okay.**
 7 A. Can --
 8 **Q. I just want to make sure I understand.**
 9 **You identified the temperature forecast data you**
 10 **were seeing, loss of production, and the Southern**
 11 **Star OFO. Were those the three factors or were**
 12 **there anything else that were factors that you**
 13 **considered for evaluating when you were deciding**
 14 **whether or not to issue an OFO for the Spire**
 15 **Missouri West system?**
 16 MR. GORE: And I'm going to -- I'm
 17 going to object because I think you misstated the
 18 factors as he stated them, although I know you were
 19 probably doing your best to state them exactly,
 20 but -- so I just object on that basis.
 21 A. Yeah, I mean, that was the three
 22 primary factors. I can point you to -- I can
 23 point you to the Gas Daily postings in tab 1E in
 24 Exhibit 2, I mean, if you look on the 12th, you
 25 know, this information that's in the market.

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1 I refer you to -- if I refer you to
 2 page three of the Gas Daily for Friday,
 3 February 12th. So this was a ready at nine a.m. on
 4 Friday the 12th. This is production in the
 5 midcontinent region.
 6 I mean, think this -- this is an easy
 7 example of -- of what we were experiencing from a
 8 loss of supply, you know, and all the conversations
 9 that Justin and his team were having with -- with
 10 the upstream suppliers and the pipelines.
 11 I mean, you can see here the
 12 midcontinent -- the whole midcontinent market on y
 13 had six and a half BCF, and by Friday morning we
 14 were a ready down -- we were a ready down a BCF and
 15 the cold weather hadn't even hit yet. So I mean --
 16 MR. HOWELL: Sir, really appreciate
 17 you --
 18 MR. GORE: You got to let him finish --
 19 you got to let him finish answering the question.
 20 MR. HOWELL: I'm sorry. Go ahead.
 21 MR. GORE: He was in the middle --
 22 MR. HOWELL: I thought he was done.
 23 MR. GORE: He was in the middle of his
 24 explanation and you cut him off.
 25 A. That's what I say, think -- know

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1 people just in general think that there's a ton of
 2 analyses out there, but it's -- you know, it's just
 3 the fact that there was -- there was a lot of
 4 concern over production. You know, NGPL went to a
 5 an OFO on the 10th. Enable Gas Transmissions went to
 6 an OFO on the 10th. I'm pretty sure Panhandle
 7 Eastern issued the orders on the 10th.

8 So yeah, I mean, there wasn't even a
 9 lot of discussion for us because we knew -- we knew
 10 the huge risk that there was on the loss of supply
 11 on the Southern Star system, and we had to do
 12 everything we could to maintain integrity.

13 And then I guess, that was confirmed
 14 when Southern Star came out with the orders because we
 15 were the point operator, so all the penalties for
 16 the marketers' shortfalls fall back on Spire
 17 Missouri. The marketers are completely insulated
 18 from that unless we -- we do an OFO to match up with
 19 the Southern Star.

20 **Q. (By Mr. Howell) The document you were**
 21 **just referencing is an S&P Platts publication from**
 22 **February 12th, correct?**

23 A. That's correct. Gas Daily price guide.

24 MR. GORE: Could you state again for
 25 the record which tab you were at?

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1 THE WITNESS: was on tab 1E, page
 2 three of the Gas Daily for February 12th. was
 3 referring to that production chart there in the
 4 middle of the screen.

5 **Q. (By Mr. Howell) Mr. Godat, let me take**
 6 **you back in time and let us look not at this**
 7 **document, but Exhibit 2, your binder, tab 18,**
 8 **document O, which is an e-mail from February 10th,**
 9 **2021.**

10 A. Which tab did you say?
 11 **Q. Tab O, as in Oscar.**
 12 MR. GORE: 18O.
 13 **Q. (By Mr. Howell) 18O.**
 14 A. Oh, okay. Okay.
 15 **Q. It's true, is it not, that this**
 16 **document, this e-mail, is the document that Spire**
 17 **claims is its operational flow order notice?**

18 MR. GORE: I'm going to object to the
 19 characterization of the document.

20 **Q. (By Mr. Howell) Mr. Godat, what is**
 21 **this document, tab 18O?**

22 A. It's my understanding that this is the
 23 OFO notice that went to the marketers on the 10th
 24 for an OFO effective on the 12th at nine a.m.

25 **Q. And at the time that this e-mail was**

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1 **sent, the February 12th, 2021 Platts document that**
 2 **you were just talking about did not exist, correct?**

3 A. Yeah, that document did not exist.
 4 was just saying that that was -- that shows the drop
 5 that we were seeing prior to the 12th. That would
 6 have been around the 8th and the 9th and the 10th
 7 that we had in our possession.

8 just happened to not occur in the Gas
 9 Daily document when I was reviewing that showed
 10 just a physical demonstration of the huge cuts that
 11 were taken on the production side.

12 **Q. All right. What I want to do is try to**
 13 **determine -- or try to understand whether you,**
 14 **Mr. Godat, or whether Spire Missouri engaged in any**
 15 **sort of objective quantitative analysis on -- on or**
 16 **before February 10th, 2021 at 9:20 a.m. when this**
 17 **e-mail was sent out to determine that there was a**
 18 **threat to system integrity.**

19 MR. GORE: All right. And I'm going to
 20 object. Was that a question?

21 **Q. (By Mr. Howell) Yes, sir. I'm asking**
 22 **Mr. Godat what objective quantitative analysis was**
 23 **used to determine that there was a threat to system**
 24 **integrity on or before February 10th at 9:20 a.m.**

25 MR. GORE: All right. And I'm going to

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1 object to -- can I hear back the question that's put
 2 to the witness right now?

3 COURT REPORTER: Question: I'm asking
 4 Mr. Godat what objective quantitative analysis was
 5 used to determine that there was a threat to system
 6 integrity on or before February 10th at 9:20 a.m.

7 MR. GORE: All right. I'm going to
 8 object, asked and answered. You can answer that
 9 question again.

10 A. Okay. I mean, that's where I keep
 11 going back to saying there's not a ton of detailed
 12 analysis that -- that Justin and I went through to
 13 determine the risk. I mean, it was the factors that
 14 we've talked about, the drops we were seeing in
 15 production.

16 I think we produced the weather
 17 forecasts that we had from our weather service
 18 showing, you know, close to peak demand from a
 19 temperature perspective, you know. So we knew
 20 production was going to be strained.

21 And then when it was reaffirmed by a
 22 the pipelines entering into OFOs, including Southern
 23 Star, that was really all the determination that we
 24 needed to make sure that we were going to be able to
 25 maintain our firm service to the customers behind

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1 our gate that we serve. Given the fact that we --
 2 we don't have any contro over the purchases that
 3 are made by the marketers, so there -- yeah.
 4 **Q. (By Mr. Howell) You have pointed to a**
 5 **weather forecast, correct, and that's one of the**
 6 **items in this binder, right?**
 7 A. That's correct.
 8 **Q. Beyond the weather forecast that you**
 9 **received did you personally look at -- did you**
 10 **personally review the weather forecast?**
 11 A. I don't know f persona y rev ewed
 12 that weather forecast pr or to ook ng what was
 13 turned over. You know, def n te y had conversat ons
 14 w th -- w th Just n Powers about what he was see ng
 15 k nd of from a h stor ca perspect ve of demand on
 16 the system.
 17 **Q. And by that what do you mean, that when**
 18 **it gets colder people use more gas?**
 19 A. Yeah, just the h gh -- the h gh eve
 20 of demand that we were go ng to see on our system,
 21 you know, wh ch -- wh ch s troub ng anyt me. t's
 22 espec a y troub ng n ate February when not -- a
 23 ot of storage ho ders weren't -- you know, weren't
 24 near as conservat ve as what we are. And th nk we
 25 found out that a ot of other storage ho ders went

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1 nto the month w th the r storage a most dep eted.
 2 We knew storage eve s across the
 3 country were ow. So f you have a peak s tuat on
 4 n m d-February t's a comp ete y d fferent
 5 s tuat on than f you have a peak -- peak demand
 6 s tuat on n December when storage nventor es are
 7 fu .
 8 You know, and th nk that come to
 9 fru t on ha fway through -- ha fway through the
 10 po ar vortex. You know, fo ks ke Atmos and others
 11 had comp ete y dep eted the r storage nventor es.
 12 I don't know f they d d, but the marketers that
 13 were manag ng t had dep eted t.
 14 So ke say, there was a who e host
 15 of concerns that -- that went nto t that weren't
 16 -- that weren't ana ys s dr ven. t was dr ven by
 17 nformat on that Just n and h s team had about the
 18 market at that t me.
 19 **Q. Okay. You've told me about -- as far**
 20 **as quantitative issues, you told me about weather**
 21 **forecasts, and there's one that you provided in the**
 22 **binder. You also mentioned historical data about**
 23 **demand increases. Did you personally look at any**
 24 **document, spreadsheet, analysis, anything either on**
 25 **Spire's system or elsewhere that you used as part of**

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1 **a quantitative analysis to determine whether or not**
 2 **to issue an OFO, and if so, for which segments?**
 3 MR. GORE: A right. 'm going to
 4 object to the question as an incomp ete statement of
 5 the witness's testimony as a ready given. You
 6 isted two things, but the witness has isted much
 7 more than that. 'm going to object to the question
 8 as vague in terms of the use of the term
 9 quantitative. And 'm going to object, compound and
 10 foundation. You can answer.
 11 A. Yeah, mean, ike mentioned, we had
 12 concern that production wasn't going to be
 13 avai ab e. We had concern that, you know, the
 14 temperature -- the temperature that was forecasted
 15 was going to have us c ose to peak demand, and the
 16 upstream pipe ines were in OFOs. So there's not a
 17 ot more to it than that.
 18 **Q. (By Mr. Howell) Okay. Respectfully,**
 19 **that's not an answer to the question that I asked.**
 20 **The question I asked concerned whether you looked at**
 21 **any Spire spreadsheet, analysis, data, anything that**
 22 **addressed this issue of demand -- projected demand**
 23 **increase.**
 24 A. --
 25 MR. GORE: Let me object. 'm going to

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1 object because you just asked a comp ete y d fferent
 2 quest on and framed t as a quest on that you
 3 prev ous y asked. So object to that m sstatement.
 4 The current quest on 'm go ng to object to as
 5 compound and ack ng foundat on. You can answer.
 6 A. Yeah, mean, that be ng, what, s x,
 7 e ght months ago, can't reca exact y everyth ng
 8 ooked at. know Just n and had a ot of
 9 conversat ons about what he was see ng n the
 10 forecast from a demand perspect ve.
 11 So know we def n te y spent amp e
 12 t me ta k ng about what we saw, you know, as
 13 potent a usage on the system. Now, whether
 14 ooked at the spec f c spreadsheet or he was g v ng
 15 me numbers, don't reca that from, you know,
 16 months ago.
 17 **Q. (By Mr. Howell) You also mentioned**
 18 **production drops. I want to ask you about that.**
 19 **What production data did you have -- did Spire have**
 20 **that identified or indicated or projected production**
 21 **drops?**
 22 MR. GORE: 'm go ng to -- 'm go ng to
 23 object, asked and answered. You can answer aga n.
 24 A. Yeah, mean, not ce -- not ce th s
 25 one n Gas Da y. L ke say, a ot of t was

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1 driven around the conversation that Justin was
 2 having --
 3 MR. GORE: Cou d you -- cou d you
 4 reference the page of Gas Dai y? want you to
 5 rea y describe in the record exact y what you're
 6 ooking at.
 7 THE W TNESS: Yeah, tab E, 1E, page
 8 three, the Gas Dai y from February 12th.
 9 MR. GORE: Okay. Cou d you do me a
 10 favor? Cou d you high ight exact y what you're
 11 ooking at, the who e thing? And describe it as
 12 you -- we , if you cou d just high ight it because
 13 just want to be c ear in the record.
 14 A. Yeah. Like say, here this is
 15 physica evidence of a the conversations that
 16 Justin was having with the upstream producers and
 17 with the pipe ines. think this -- this is
 18 actua y showing it quantified on a piece of paper.
 19 You know, he --
 20 **Q. (By Mr. Howell) Mr. Godat --**
 21 A. -- he wasn't --
 22 **Q. -- did you have --**
 23 A. 'm sorry.
 24 **Q. You do not have a time machine and you**
 25 **could not have possibly looked at this February 12th**

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1 **document when you issued an OFO on February 10th.**
 2 **What production data did you have on or before**
 3 **February 10th that addressed a production drop?**
 4 MR. GORE: Okay. He's not going to
 5 answer that question because think the record's
 6 pretty c ear that he wasn't finished asking --
 7 answering the question that you asked him. Do you
 8 remember where you were cut off?
 9 A. Yeah, that's where 'm te ing you that
 10 there's not a bunch of ana ysis and data that we
 11 had. t was conversations that Justin was having
 12 with our upstream supp ies and pipe ine. pointed
 13 to this --
 14 MR. GORE: And cou d you just be c ear
 15 about what you're pointing to when you say this?
 16 A. pointed -- pointed to -- pointed
 17 to the document in the Gas Dai y dai y on tab 1E,
 18 page three.
 19 MR. GORE: What is it on page three
 20 you're referencing? just need to be c ear in the
 21 record.
 22 A. t's the production data that shows the
 23 huge dec ine in production vo umes in the
 24 midcontinent region, which is what serves Southern
 25 Star. pointed to that to just show physica proof

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1 of the conversations that Justin was having eading
 2 up to that time.
 3 He didn't have producers that was --
 4 that were physica y giving him production data and
 5 he didn't have -- you know, the pipe ine wasn't
 6 giving him production data, but he was having a ot
 7 of conversations about what was physica y going on
 8 in the market, which is -- for anybody that's been
 9 in the market, you rea ize that's where you find out
 10 your information about what's going on is through
 11 those conversations.
 12 So that's what say, peop e are
 13 disappointed -- or counterparties are disappointed
 14 that there's not a bunch of detai ed ana ysis, but
 15 that wasn't required given the facts that were going
 16 on at that time.
 17 **Q. (By Mr. Howell) Have you completed**
 18 **your answer?**
 19 A. Yes.
 20 **Q. This tab 1E document did not exist at**
 21 **9:10 -- or 9:20 a.m. on February 10th, correct?**
 22 A. That's correct.
 23 **Q. This is all -- any -- any document that**
 24 **you reference that was created after February 10th**
 25 **at 9:20 a.m. when the notice was issued would be an**

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1 **after-the-fact document that would either confirm or**
 2 **refute a decision that you chose to make before that**
 3 **time, correct?**
 4 MR. GORE: 'm go ng to object,
 5 compound, ack of foundat on. You can answer.
 6 A. th nk 've been c ear that 'm not --
 7 'm not say ng t's nformat on had at the t me.
 8 'm say ng the nformat on that we were co ect ng
 9 was through conversat ons that Just n's team was
 10 hav ng w th h s counterpart es. A was say ng s
 11 that the nformat on that you're try ng to extract
 12 from us that doesn't ex st s just conf rmed n th s
 13 graph on Exh b t 1E, page 12.
 14 **Q. (By Mr. Howell) So --**
 15 MR. GORE: Cou d -- cou d just get
 16 a c arf cat on for the record? You sa d page 12?
 17 THE W TNESS: Or 'm sorry, 1E, page
 18 three.
 19 MR. GORE: Thank you.
 20 THE W TNESS: Sorry.
 21 **Q. (By Mr. Howell) You mentioned**
 22 **conversations that Justin told you that he had with**
 23 **other people about production and potential**
 24 **production drops. Are you saying that you -- when**
 25 **you decided to issue the OFO, the factor you were**

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1 **considering with regard to production was your**
 2 **reliance on Justin's conversations about production**
 3 **drops that could occur in the future?**
 4 MR. GORE: 'm going to object,
 5 compound. You can answer.
 6 A. Yeah, think -- think 've been
 7 clear that it was the conversations that he was
 8 having about production drops that were taking place
 9 at the time and the fear of them getting worse, and
 10 then combined with the fact that NGPL, Enab e,
 11 Panhand e, Southern Star a issued OFOs. t was --
 12 yeah, it -- anybody in the market knew the situation
 13 was getting bad.
 14 **Q. (By Mr. Howell) Are you aware of any**
 15 **production drops that actually occurred as of**
 16 **February 9th?**
 17 A. Justin Powers wou d have to answer
 18 those questions.
 19 **Q. Are you aware of any production drops**
 20 **that occurred as of February 10th?**
 21 MR. GORE: So et me -- can just get
 22 a clarification of your question? When you're
 23 saying as of, are you saying as he sits here today
 24 does he know of production drops that occurred as of
 25 that date or are you saying -- you're not being

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1 clear as to whether you're asking him to go back in
 2 time or whether you're asking him present y.
 3 MR. HOWELL: We , 'm trying to
 4 determine not based on things that he knows about
 5 days or weeks or months ater, but what the
 6 information was in front of him when he made the
 7 decision, and 'm trying to determine with this
 8 question whether he had seen any information --
 9 otherwise received any information that production
 10 drops had actua y occurred, that there were
 11 production drops as of the February 9th or 10th.
 12 MR. GORE: So can we -- can we get a
 13 question that just specifies whether you want him to
 14 rely on present know edge or know edge he had at the
 15 time? That's the on y clarification want in the
 16 record.
 17 **Q. (By Mr. Howell) Sure. Mr. Godat,**
 18 **based on information that you had as of February --**
 19 **the morning of February 10th, 2021, had you seen or**
 20 **heard from Justin or anyone else information**
 21 **confirming that production drops had already begun?**
 22 A. Yeah, 'm confident -- 'm confident at
 23 the time that he was giving me rea word exam pes
 24 of issues that he was hearing about. To say that
 25 know exact y what each of those are, no, but can

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1 te you t was a rea word conversat on about the
 2 ssues he was -- that he was see ng.
 3 You know, u t mate y -- mean, he --
 4 Just n s -- s respons b e for gas supp y. th nk
 5 we've sa d that mu t p e t mes. 've got 1100
 6 emp oyees under me, so 'm not n the deta s of
 7 those nd v dua conversat ons, but he kept me fu y
 8 appr sed of -- of the s tuat on that he was see ng.
 9 And then -- and then those were a --
 10 ke say, those were a -- they were a
 11 conf rmed w th a of the OFOs that were be ng
 12 ssued by a the p pe nes.
 13 **Q. The next thing you mentioned was**
 14 **storage levels. You said -- you said something to**
 15 **the effect that you thought Spire had a conservative**
 16 **storage level, but you thought other people did not.**
 17 **Was there any data or report or documents, e-mails,**
 18 **anything tangible that you reviewed regarding the**
 19 **status of storage levels?**
 20 A. L ke say, was re y ng on
 21 nformat on that was get ng from Just n.
 22 **Q. And what information did Justin provide**
 23 **to you regarding the status of storage levels up to**
 24 **and including February 9th and 10th when you made**
 25 **this OFO decision?**

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1 A. Yeah, don't know that reca
 2 specific information on the day that we made the
 3 decision.
 4 **Q. Other than Justin and I believe you**
 5 **also mentioned Scott Carter, that you had a**
 6 **conversation with both of them about the decision to**
 7 **issue the OFO before it was issued, was there anyone**
 8 **else that you spoke with that informed your decision**
 9 **of whether or not to issue an OFO --**
 10 MR. GORE: 'm going to object --
 11 **Q. (By Mr. Howell) -- for the Spire**
 12 **Missouri system?**
 13 MR. GORE: 'm going to object,
 14 compound, misstates prior testimony, misstates what
 15 this witness has testified about about Scott
 16 Carter's ro e in this who e thing. You can -- you
 17 can answer the question if you understand it.
 18 A. Yeah, ike said, Justin and were
 19 the ones that had the conversation, and then --
 20 informed my boss, Mr. Carter, before we actua y
 21 issued the OFO.
 22 **Q. (By Mr. Howell) Was there anyone else**
 23 **that you consulted with prior to making the**
 24 **decision, the determination that you would -- that**
 25 **Spire would issue an OFO for the Spire Missouri West**

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1 system?
 2 A. Not that recall.
 3 **Q. Did you discuss with mister -- is it**
 4 **Weinstral?**
 5 A. We tze.
 6 **Q. -- regarding whether implementing the**
 7 **OFO was in compliance with the tariff provisions?**
 8 MR. GORE: 'm going to object. It's
 9 unclear of who you're talking about in the record.
 10 I think you may have mispronounced his name, but 'm
 11 not sure.
 12 **Q. (By Mr. Howell) You mentioned an**
 13 **individual mister I believe it's Weinstral or --**
 14 A. We tze.
 15 **Q. Weitzel. So -- yeah, my notes were off**
 16 **there. Thank you, Mr. Gore and Mr. Godat. Did you**
 17 **discuss with Mr. Weitzel whether implementing the**
 18 **OFO was in compliance with the tariff provisions?**
 19 A. do not recall having that
 20 conversation with Mr. We tze.
 21 **Q. Did you have a discussion with**
 22 **Mr. Weitzel at any time during the winter storm**
 23 **regarding whether implementing or maintaining the**
 24 **OFO was in compliance with the tariff provisions?**
 25 A. did not recall having any

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1 conversations whether they were in compliance with
 2 the tariff.
 3 MR. GORE: Mr. Howell, we're coming up
 4 on an hour and a half in the afternoon here. I've
 5 been trying to let you get through this part of your
 6 questioning, but we're going to need to take a break
 7 here in the next five minutes or so.
 8 MR. HOWELL: A right. probably
 9 have --
 10 A. To follow up -- to follow up on your
 11 question because I know it was a two-part, if
 12 recall, it was one --
 13 MR. GORE: Right now the record is too
 14 unclear unless we're going to have a question read
 15 back. I just don't know what you're testifying
 16 about at this point.
 17 THE WITNESS: Okay. Go ahead. 'm
 18 sorry.
 19 **Q. (By Mr. Howell) Just so that I'm**
 20 **clear, did you -- during the winter storm, did you**
 21 **ever speak with Mr. Weitzel about the OFO?**
 22 A. 'm sure we had conversations once we
 23 notified everyone that we were in the OFO, but your
 24 specific question around whether we had any
 25 conversations about whether we should maintain the

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1 OFO, do not recall having that conversation.
 2 **Q. Other than Mr. Weitzel, did you consult**
 3 **with the regulatory group at Spire before making the**
 4 **decision to issue it?**
 5 MR. GORE: Now, 'm going to -- 'm
 6 going to object to the extent the way the question
 7 was just asked would suggest that Mr. We tze was
 8 consulted, which I think the testimony suggests he
 9 was not. I don't know if you meant to do that, but
 10 to me that question was misleading the record.
 11 **Q. (By Mr. Howell) That was not my**
 12 **intent. I'm just trying to figure out whether he**
 13 **was or he wasn't. The testimony is what it is, and**
 14 **I'm trying to figure out whether there was anyone**
 15 **else that you spoke with other -- was there someone**
 16 **you spoke with other than Mr. Weitzel, which you**
 17 **said you did not, regarding the decision to issue**
 18 **the OFO?**
 19 A. Any conversation would have had with
 20 regulatory would have been with Mr. We tze.
 21 **Q. And force majeure was not a concern**
 22 **that led -- that played any decision to issue or**
 23 **maintain the OFO, correct?**
 24 MR. GORE: 'm going to -- 'm going to
 25 object, lack of foundation.

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1 **Q. (By Mr. Howell) You can answer.**
 2 A. don't understand your -- you didn't
 3 say what you were referencing as being force
 4 majeure'd.
 5 **Q. Okay. Wonderful point. You had**
 6 **mentioned in questioning of Mr. Bauer -- or**
 7 **questioning by Mr. Bauer of you that there was a**
 8 **force majeure issue that affected the Alabama**
 9 **pipeline. Do you recall that?**
 10 A. do.
 11 **Q. Okay. With respect to the Missouri**
 12 **West system, was there any force majeure issue that**
 13 **played any role in the decision to issue or maintain**
 14 **the OFO?**
 15 MR. GORE: 'm going to -- 'm going to
 16 object, lack of foundation, call for a
 17 conclusion, vague.
 18 A. don't recall having -- any force
 19 majeure conversations on the MO West side during
 20 Winter Storm Uri.
 21 MR. HOWELL: A right. Let's take a
 22 break now, and then probably have 30 minutes of
 23 questions left.
 24 V DEOGRAPHER: Off the record,
 25 4:23 p.m.

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1 (WHERE N, a recess was taken.)
 2 V DEOGRAPHER: On the record, 4:38 p.m.
 3 MR. HOWELL: Mr. Godat, 'm go ng to
 4 mark another document as Exh b t 13. Th s s --
 5 exh b t s the ent re Sp re tar ff for the Sp re
 6 M ssour West system. be eve Ryan the
 7 v deographer s mark ng that and w put a port on
 8 of t on the screen.
 9 (WHERE N, Exh b t 13, Sp re M ssour
 10 Schedu e of Rates and Charges, was marked for
 11 dent f cat on by the Court Reporter.)
 12 **Q. (By Mr. Howell) What is -- what is**
 13 **shown on the screen now is page 69 of Exhibit 13,**
 14 **and this section addresses operational flow orders**
 15 **in 16.8. What I want to look at is the last**
 16 **sentence. If we put that up, that would be great.**
 17 MR. GORE: have a hard copy of t
 18 here. Can he take a ook at that? Eas er on h s
 19 eyes.
 20 MR. HOWELL: Wonderfu . That's f ne.
 21 THE W TNESS: What page?
 22 **Q. (By Mr. Howell) It's page 69 of the**
 23 **document. It's section 16.8 of the tariff, and it's**
 24 **in the section titled operational flow orders.**
 25 MR. GORE: Th s s Exh b t 13. 've

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1 got a quest on about what was -- what was marked.
 2 And f you don't m nd, we w mark a hard copy of
 3 t as 13 and have the court reporter take t here
 4 phys ca y.
 5 MR. HOWELL: Perfect y f ne w th me.
 6 **Q. (By Mr. Howell) Mr. Godat, have you**
 7 **been able to read the sentence that's brought up on**
 8 **the screen before issuing an OFO?**
 9 A. Was the quest on -- you're ask ng f
 10 read th s part cu ar sentence just now?
 11 **Q. Yes, sir. Whenever -- whether you read**
 12 **it just now or whether you've read it, you know,**
 13 **studied it intensely --**
 14 A. Yeah.
 15 **Q. -- before now, I'm going to ask you**
 16 **some questions about it. I just want to make sure**
 17 **you've read it before I ask you about it.**
 18 A. Okay. 've read t.
 19 **Q. Great. This sentence that I'm focusing**
 20 **on says the following (quote as read):**
 21 **Before issuing an OFO, Spire West will**
 22 **attempt to identify specific customers**
 23 **causing the conditions that give rise**
 24 **to the need for the OFO, and attempt to**
 25 **remedy those problems through requests**

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1 **for voluntary action; provided,**
 2 **however, exigent circumstances may**
 3 **exists -- may exist which require**
 4 **immediate issuance of an OFO.**
 5 **Did I read that correctly?**
 6 A. Yes, s r.
 7 **Q. All right. Did you deem there to be an**
 8 **exigent circumstance existing at the time before**
 9 **Spire issued the OFO that required the issuance of**
 10 **the OFO?**
 11 A. Yeah, ke ment oned, the -- the
 12 product on that was be ng cut n comb nat on w th
 13 the Southern Star OFO was ex -- yeah, ex gent
 14 c rcumstance that -- that requ red us to go nto t
 15 mmed ate y.
 16 **Q. And what is your understanding of the**
 17 **phrase exigent circumstances in this tariff?**
 18 A. Yeah, my -- my understand ng of read ng
 19 t s that t's not someth ng that -- that try ng to
 20 do t on an nd v dua customer bas s was go ng to
 21 be effect ve. L ke sad mu t p e t mes, t was a
 22 supp y ssue n comb nat on w th Southern Star be ng
 23 an OFO. So we needed -- we needed -- we needed a
 24 of the marketers to stay n ba nce.
 25 **Q. I understand -- that's a confusing**

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1 **answer to me, and I need to follow up on that. Are**
 2 **you saying that you -- that Spire issued the OFO as**
 3 **a preventative measure to keep the marketers in**
 4 **balance?**
 5 MR. GORE: 'm going to object to the
 6 commentary on his prior answer and move that that be
 7 struck, and 'm going to object to the current
 8 question as vague as to the term preventative and to
 9 the extent it misstates the witness's prior
 10 testimony. You can answer.
 11 A. Yeah, mean, -- yeah, it was --
 12 mean, consistent with what 've been saying, it
 13 was -- it was the overa fear of avai abi ty of
 14 supp y in conjunction with the fact that Southern
 15 Star was in an OFO, those two things combined
 16 were -- were the main drivers in why we went into
 17 the OFO. So that -- that wou dn't have been -- that
 18 wou dn't have been on a specific marketer basis.
 19 A the marketers were in the same situation at that
 20 point.
 21 **Q. (By Mr. Howell) As of February 9 --**
 22 MR. GORE: Were you -- don't know if
 23 the witness was finished testifying. Were you
 24 finished?
 25 THE W TNESS: Yeah, 'm fine. Go

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1 ahead.

2 MR. GORE: Okay.

3 **Q. (By Mr. Howell) As of February 9th and**

4 **the morning of February 10th, what reason did you**

5 **have to believe that the marketing companies were**

6 **not going to deliver the nominated volumes?**

7 MR. GORE: 'm going to object to the

8 extent the question either misstates prior testimony

9 or assumes testimony that has not occurred. You can

10 answer.

11 A. When -- when supply gets limited --

12 've been in the market for a long time and Justin's

13 been in the market for a long time. It's -- the

14 company that has -- that doesn't have restrictions

15 typically ends up being the swing for everybody.

16 So the fact that Enbridge was in an OFO,

17 NGPL was in an OFO, Southern Star was in an OFO,

18 Panhandle was in an OFO. If -- if Spire Missouri

19 was not in an OFO why would there be any incentive

20 for -- for marketers to continue to bring gas to us

21 when they could take it to those other markets? So

22 it's -- like say, it's a combination of Southern

23 Star being in an OFO.

24 But guess the other thing haven't

25 talked about yet was just -- Justin had voiced

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1 concern to me even early winter about the fact that

2 he felt that marketers weren't necessarily planning

3 appropriately and weren't taking out -- weren't

4 taking out capacity to serve their markets and

5 didn't necessarily have -- have a handle on what the

6 demands were going to be.

7 So mean, that was an underlying

8 factor as well. So it's not -- mean, at that

9 point when we issued it, it wasn't something that

10 targeting an individual marketer was going to -- was

11 going to solve our issue.

12 **Q. (By Mr. Howell) Did you communicate**

13 **with any of the marketers? Did you communicate with**

14 **Constellation regarding those concerns that you just**

15 **expressed?**

16 A. 'm not exactly sure which companies

17 that Justin had the conversations with. He would

18 have to answer that question.

19 **Q. Okay. Did you, Mr. Godat, have any**

20 **communications with -- with any of the marketers --**

21 A. did not --

22 **Q. -- to address those concerns that you**

23 **just mentioned?**

24 A. did not personally relied on

25 Justin.

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1 **Q. Did you have any reason to believe that**

2 **there would be a problem with any specific marketer**

3 **or all of the marketers in general that would --**

4 **that you believe would justify issuing an OFO for**

5 **the system?**

6 A. At the time we issued it, the

7 mentoned, it was -- we just needed a of the

8 marketers to be in balance given the situation that

9 we were in.

10 **Q. So did you issue the OFO as a**

11 **preventative measure to keep the marketers in**

12 **balance?**

13 A. think 've said to me and time again

14 it wasn't about -- just about being in balance. It

15 was -- we needed -- we needed to make sure that we

16 were able to serve the customers that we're

17 responsible for serving. So we needed to make sure

18 supply was going to come to the system for -- for

19 the customers that we weren't bringing -- weren't

20 typically bringing gas in for.

21 **Q. And so did you issue the OFO to make**

22 **sure that the marketers delivered the gas that they**

23 **were responsible for delivering?**

24 MR. GORE: 'm going to object, asked

25 and answered. You can answer that again.

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1 A. The -- mean, a basic premise of an

2 OFO is that you bring in enough supply to serve your

3 customer needs. If you don't, you get a penalty.

4 So mean, think -- think that's the basic

5 premise of an OFO is you need -- you need the

6 marketers to bring in the gas that the customers

7 are going to burn. Think that -- that was -- our

8 fear was that that was what was not going to happen

9 and that came to fruition pretty quick once we got

10 into the vortex.

11 **Q. (By Mr. Howell) You mentioned I**

12 **believe -- I'll move on.**

13 **Mr. Godat, were you the person**

14 **responsible for making the determination to leave**

15 **the OFO in place on gas day 11? Or sorry. Sorry.**

16 **Let me -- the OFO was implemented to begin on gas**

17 **day 12, correct?**

18 A. That's correct.

19 **Q. Were you the person responsible for the**

20 **decision to keep the OFO in place on gas day 13?**

21 A. Yeah, when you -- when you say was

22 responsible, that -- given the situation that we

23 were under, that's not a conversation that took

24 place.

25 **Q. I'm sorry. Could you explain what you**

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1 mean by that answer?

2 A. I mean, the situation that we were

3 going through was bad enough every day, and the

4 underperformance by -- by the marketers were so bad

5 that there wasn't even reason to have a conversation

6 about that until closer to the time we lifted it.

7 **Q. Did you have any conversation or**

8 **conduct any analysis about lifting the OFO on gas**

9 **day 13?**

10 A. We did not have any formal analysis

11 on -- and conversation around lifting it at that

12 point.

13 **Q. Okay. Did you conduct any analysis or**

14 **have any conversations about lifting the OFO on gas**

15 **day 14?**

16 A. I'm not aware of any analysis. I mean,

17 if Justin and his team had that and didn't raise it to

18 my eye -- can't speak for them, but I believe say,

19 the situation was bad enough at the way through the

20 18th that that didn't even warrant a conversation.

21 **Q. Are you aware of any analysis or did**

22 **you have any conversations about lifting the OFO on**

23 **gas day 15?**

24 MR. GORE: I'm going to object, asked

25 and answered.

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1 A. Yeah, I mean, I give my same answer.

2 never had a conversation with Justin, but not to

3 say that he didn't have that conversation with his

4 team.

5 **Q. (By Mr. Howell) Justin has -- does not**

6 **have the authority to issue or to terminate an OFO,**

7 **correct?**

8 A. He would have -- he would have brought

9 that to my attention before he changed --

10 **Q. Does Justin Powers have the authority**

11 **to issue or terminate an OFO for the Spire Missouri**

12 **West system?**

13 MR. GORE: I'm going to object to the

14 extent it calls for a legal conclusion. And

15 Mr. Howell, I will just remind you, know we're

16 doing this remotely, but George doesn't speak super

17 fast and I think you're cutting him off a few times

18 here, which I just would ask you to be careful of.

19 A. There's not a particular restriction

20 that I'm aware of in the company that would prevent

21 Justin from making that decision. Having said that,

22 he and I consulted each other and I was the one

23 ultimately made that decision in this case.

24 **Q. (By Mr. Howell) And you were also**

25 **ultimately the person who made the decision not only**

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1 to issue it, but also the decision to terminate it,

2 correct?

3 A. That's correct.

4 **Q. When was the first gas day that you**

5 **considered terminating the OFO?**

6 A. I personally, I don't recall having a

7 conversation about it until I guess the 19th when we

8 had terminated it effective the 20th. We found out

9 Southern Star was lifting the rates as well.

10 **Q. And was Southern Star's decision to**

11 **lift their OFO the impetus for Spire Missouri to**

12 **consider lifting and then ultimately decide to lift**

13 **its OFO?**

14 A. That was a factor that went into our

15 decision.

16 **Q. What other factors went into your**

17 **decision?**

18 A. Looking at the -- kind of the projected

19 forecast and, you know, based on conversation that

20 Justin was having with the suppliers on -- on the

21 return of the production that was frozen off.

22 MR. GORE: I would just ask for

23 clarification. When you say projected forecast,

24 could you just say what you mean by that?

25 A. The temperature forecast warming up in

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1 combination with -- like I say, conversations that

2 he was having about the production situation getting

3 better. I think -- you know, he wanted to -- he

4 wanted to caveat it with the fact that if that

5 didn't happen he wanted to put people -- the

6 marketers on notice that he would turn around and

7 issue that again over the weekend. So he put that

8 notice in his -- in his e-mail when he lifted the

9 OFO.

10 **Q. (By Mr. Howell) All right. I have**

11 **two -- two more kind of short things I want to go**

12 **over with you. First I want to ask you about**

13 **storage. You indicated earlier with mister -- in**

14 **response to Mr. Bauer's questioning that there was**

15 **approximately 8.9 BCF of gas that Spire had in**

16 **storage, correct?**

17 A. That's correct, going into the month of

18 February.

19 **Q. And that storage gas was subject to two**

20 **restrictions. It was subject to an MDQ, which is**

21 **the maximum daily quantity of gas that you could**

22 **draw out of storage each day, and second, it was**

23 **subject to a restriction that no more than**

24 **two-thirds of your gas on the Southern Star system**

25 **could be from storage; is that correct?**

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1 A. That's correct.

2 **Q. Did Spire ever during February 2021**

3 **reach or attempt to reach the MDQ?**

4 MR. GORE: 'm go ng to object, vague,

5 foundat on. You can answer.

6 A. What t me per od d d you ask about?

7 **Q. (By Mr. Howell) Yeah. So I'm trying**

8 **to figure out, you have all this gas in storage.**

9 **You say that it's really conservative that you have**

10 **all this gas that's just sitting there to protect**

11 **your system. What I'm trying to find out is if you**

12 **have the gas sitting there and obviously you sold**

13 **some of it to Atmos, but did you try to draw out the**

14 **gas, did you try to remove the gas, the physical**

15 **molecules from storage so that it could come onto**

16 **your system and protect your system integrity? So**

17 **with that kind of background, what I'm trying to**

18 **find out is did Spire at any time during**

19 **February 2021 attempt to use its full MDQ for any**

20 **day from storage?**

21 MR. GORE: 'm go ng to object, move to

22 str ke the commentary that preceded the quest on and

23 object to the quest on as compound.

24 A. Just n was the one actua y determ ng

25 the actua da y vo umes. You know, what gathered

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1 from him in conversations was that from a p anning

2 perspective, storage -- storage is the one buffer

3 that keeps us from being short on Southern Star. So

4 from a p anning perspective he -- he fe t like he

5 maximized his storage withdrawa s to the fu est

6 extent possib e through that who e period of time.

7 That's where got back ta king to

8 Mr. Bauer that if you -- if you ook with perfect

9 hindsight, you know, wou d it say that you maximized

10 every dekatherm, you know, the question is -- the

11 answer is probab y no, but think the team was

12 confident that they were maximizing that to the

13 fu est extent possib e to -- to minimize the amount

14 of gas that our firm customers were having to buy.

15 **Q. (By Mr. Howell) Okay. So your team**

16 **felt that they were maximizing that asset. I'm**

17 **asking kind of a different question about**

18 **quantitatively did you actually maximize use of**

19 **those physical molecules. Was there ever even one**

20 **single day that you used the MDQ that you were**

21 **allowed under the Spire agreement?**

22 MR. GORE: 'm going to object, vague.

23 A. Yeah, cou dn't te you if we

24 actua y reached the MDQ on any given day.

25 **Q. (By Mr. Howell) I know you're saying**

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1 **that you couldn't tell me, but sitting here today**

2 **are you aware of any day on which Spire either --**

3 A. Let me -- mean, to answer that we --

4 MR. GORE: don't know f there's a

5 quest on pend ng.

6 THE W TNNESS: A r ght.

7 **Q. (By Mr. Howell) Yeah, yeah, yeah.**

8 **Okay. I think I have one or two other questions**

9 **about storage. With respect to the 500,000**

10 **dekatherms that were sold to Atmos, you mentioned**

11 **that in response to questioning from Mr. Bauer,**

12 **correct?**

13 A. That's correct.

14 **Q. And you sold 500,000 dekatherms at a**

15 **price of \$200 per dekatherm, correct?**

16 A. That's correct.

17 **Q. That's \$100 million?**

18 A. That's correct.

19 **Q. Did Spire credit its rate base from the**

20 **profit made from the Atmos sale?**

21 MR. GORE: 'm go ng to object --

22 object, ack of foundat on. You can answer.

23 A. We -- we hand ed t through our

24 off-system sa es mechan sm that's n the tar ff.

25 **Q. (By Mr. Howell) Could you explain that**

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1 **answer?**

2 A. Yeah, there's -- there's a sharing

3 mechanism for that activity. Yeah, don't --

4 don't reca the exact sharing under that agreement.

5 So the do ars were shared -- the majority of the

6 do ars go to the ratepayers and then Spire gets a

7 portion of that.

8 **Q. And what day of the winter storm did**

9 **that occur on?**

10 A. The transfer took p ace on

11 February 15th if reca .

12 **Q. And so that was three days after the --**

13 **the OFO was issued and, what, another four days**

14 **before you could even consider terminating the OFO,**

15 **correct?**

16 A. That's correct.

17 **Q. And so at that point in time during the**

18 **winter storm Spire determined that rather than using**

19 **that 500,000 dekatherms of gas for its own system**

20 **and its own customers, that it was a better decision**

21 **to sell that gas to a third party so that third**

22 **party could use it?**

23 MR. GORE: 'm going to object,

24 foundation, misstates prior testimony, assumes facts

25 not in evidence, compound if didn't say that. You

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1 can answer the quest on.
 2 A. Yeah. Like mentioned, given our
 3 overall inventory event and the fact that that had
 4 no bearing on what our day's transactions were,
 5 Just in case -- Just in and his team determined that he
 6 was not going to be able to use the 500,000
 7 dekatherms of inventory during the cold period.
 8 Atmos was in a dire situation because
 9 from what we understood the marketer had
 10 managed the -- the storage capacity and, you
 11 know, had not only run out of storage, but actually
 12 overran it.
 13 So them being a situation, we kind
 14 of resorted to the call and thought we'd draw a win-win
 15 deal for them when it was an asset that we weren't
 16 going to be able to use anyway. So we went ahead
 17 and executed the transaction.
 18 **Q. (By Mr. Howell) All right. Do you**
 19 **know what Atmos did with the gas?**
 20 MR. GORE: I'm going to -- I'm going to
 21 object as beyond the scope of the 30(b)(6) -- of the
 22 corporate representative notice. As so, it's a
 23 question about a subject matter that this witness
 24 isn't qualified to answer. That being said, you
 25 can -- you can answer if you know.

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1 A. I don't know anything beyond the -- the
 2 transaction where the inventory was transferred on
 3 paper from our account to Atmos's account.
 4 **Q. (By Mr. Howell) You mentioned a minute**
 5 **ago that there was a -- a tariff mechanism for**
 6 **splitting the hundred million dollar revenue event**
 7 **between ratepayers and Spire Missouri. What share**
 8 **of that hundred million dollars did Spire get?**
 9 A. I'm pretty sure it's 25 percent.
 10 **Q. 25 percent plus -- 25 plus on the**
 11 **profit plus the return of its cost basis?**
 12 A. It's 25 percent of the net margin on
 13 the deal. So that would be a sales cost. Excuse
 14 me.
 15 MR. HOWELL: I can just go on mute
 16 for one second, I'm going to check my notes really
 17 fast and think I can be done.
 18 (WHEREIN, a discussion was held off the
 19 record.)
 20 MR. HOWELL: All right. Are you ready?
 21 There's one other document I need to ask about.
 22 Ryan, there was an e-mail that Mr. Bauer used that
 23 I sent to the customers. I do not have the
 24 exact number. I think it might have been 6 or 7.
 25 If you can locate that quickly and bring it up, that

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1 would be great.
 2 THE WITNESS: Seven? Tab seven?
 3 MR. HOWELL: Mr. Godat, this was an
 4 exhibit that Mr. Bauer offered during his
 5 examination.
 6 MR. APLINGTON: Thank it's 8.
 7 MR. HOWELL: There was an e-mail that
 8 I sent to all the customers.
 9 MR. GORE: Can you say what's at the --
 10 at the top of the document? Is it MOW
 11 Transportation Comms 2-17-21, is that the document
 12 you're referring to? What's at the top of the
 13 document?
 14 MR. HOWELL: Yes, sir. --
 15 MR. GORE: Okay.
 16 MR. HOWELL: -- apologize. I'm trying
 17 to put it up and confirm that with you.
 18 THE WITNESS: See the document.
 19 **Q. (By Mr. Howell) During the questioning**
 20 **you were asked if this e-mail was sent to -- to**
 21 **Symmetry customers. Did a -- did this letter or**
 22 **e-mail also go to Constellation customers as well?**
 23 MR. GORE: What? I'm not sure it's
 24 clear in the record what we're looking at. We've
 25 got -- we've got Exhibit 8, but I'm not at all sure

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1 that you're referencing Exhibit 8.
 2 THE WITNESS: Do you know if this is in
 3 our binder?
 4 MR. HOWELL: I'd like to pass the
 5 witness.
 6 THE WITNESS: Okay.
 7 MR. GORE: Are you referencing the
 8 document that's at tab 17, whatever binder? 18 --
 9 so we think you're referencing a document that's at
 10 18M of our binder. That's a different e-mail than
 11 this one.
 12 THE WITNESS: This may have just went
 13 to Symmetry customers.
 14 MR. GORE: Actually, scratch that. The
 15 Exhibit 8 used today in Bauer's -- Mr. Bauer's
 16 questioning is not the same as 18M, so we were wrong
 17 about that. So I'm not sure whether we're using
 18 Exhibit 8 from Mr. Bauer's questioning or something
 19 else.
 20 MR. HOWELL: Well, with respect to
 21 Exhibit 8 from Mr. Bauer's questioning, if Ryan can
 22 put that up on the screen, I think that can resolve
 23 this immediately. Yes, this was the document that
 24 was referring to.
 25 **Q. (By Mr. Howell) I believe you**

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1 indicated during Mr. Bauer's questioning that this
 2 was an e-mail -- an e-mail that starts in the middle
 3 of page one of Exhibit 8 and runs to the middle of
 4 page two, that this was an e-mail that was sent to
 5 Symmetry customers. Is that -- do you know if
 6 that's correct?
 7 A. I think that that'd indicated was that
 8 this was sent by the business development team at
 9 Spire, but this is not a document that I recall
 10 reviewing for my deposition, so they would have to
 11 consult with the business development group on who
 12 that actually went to.
 13 Q. Sitting here today, do you know whether
 14 or not this e-mail was sent to Constellation
 15 customers?
 16 A. I do not.
 17 Q. And do you know whether Spire told any
 18 Constellation customers what is stated here on page
 19 two of Exhibit 8, that Spire strongly recommends
 20 that those customers reduce their natural gas usage
 21 to avoid exposure to historically high prices?
 22 MR. GORE: I'm sorry. I missed the
 23 first part of the question. Can I hear the question
 24 again?
 25 Q. (By Mr. Howell) Yes, sir. I was

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1 asking whether you -- whether you knew whether or
 2 not Spire had informed Constellation customers that
 3 it strongly recommended that they reduce their
 4 natural gas usage to avoid exposure to historically
 5 high prices.
 6 A. I cannot confirm that. I can say,
 7 I didn't review this document.
 8 MR. GORE: Well, okay. I'm going to --
 9 just to get clarification in the record, Mr. Godat
 10 testified that he did not have knowledge of this
 11 document. Your question then asked him about the
 12 document that he said he did not have knowledge of,
 13 so it's unclear to me whether you were asking your
 14 question as it related to the document or just
 15 generally. If you're asking that it relates to the
 16 document, I'm going to say object, lack of
 17 foundation.
 18 MR. HOWELL: It sounds like he's not
 19 aware of this document specifically and also that he
 20 is not aware of whether Constellation customers were
 21 told that they may be responsible either for gas
 22 costs or for other penalties, and so I'm just going
 23 to leave it there because it just sounds like maybe
 24 this is a question for someone else.
 25 MR. GORE: Okay.

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1 MR. HOWELL: Again, apologize for the
 2 confusion about this Exhibit 8, and thank you
 3 that I can pass the witness.
 4 MR. GORE: Okay. I'm just going to
 5 make my objection that how you just characterized
 6 his testimony is not how I understood it because I
 7 was confusing to me whether the questioning was
 8 related to the document that no foundation was laid
 9 for or whether it was a question stated more
 10 generally.
 11 MR. HOWELL: Understand. Thank you,
 12 Mr. Godat, for your time. Really appreciate it.
 13 THE WITNESS: Yeah. Thank you.
 14 MS. BELL: To confirm, what are we on,
 15 14? 13.
 16 MR. GORE: And I just state at this
 17 point it's getting pretty late in the evening.
 18 MS. BELL: Uh-huh.
 19 MR. GORE: So we are going to need to
 20 take a break on the hour. By my count we started at
 21 4:35 in this session, so I'm going to want to take a
 22 break by 5:35. I mean -- yeah, 5:35.
 23 MS. BELL: Okay. I'm handing you that.
 24 (WHEREIN, Exhibit 14, Clearwater not ce
 25 of deposition, was marked for identification by the

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1 Court Reporter.)
 2 EXAMINATION
 3 QUESTIONS BY MS. BELL:
 4 Q. My name is Stephanie Bell and I'm
 5 appearing today on behalf of Clearwater. I'm
 6 handing you what's been marked as Exhibit 14. Are
 7 you familiar with this deposition notice from
 8 Clearwater?
 9 A. I am.
 10 Q. And you understand you're appearing
 11 pursuant to that deposition notice today?
 12 A. I am.
 13 Q. Okay. I believe you were just asked
 14 about communications to the end users. Is it your
 15 understanding that one of the -- that the documents
 16 produced included a question regarding
 17 communications to end users?
 18 A. I was aware of that, and the one -- the
 19 ones that I had referenced -- the ones that I knew
 20 that had been turned over were included in these
 21 documents.
 22 Q. Okay.
 23 MR. GORE: Can you reference -- just
 24 for the record, when you say these documents, you're
 25 pointing to a binder. I just need you to give me a

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1 tab, specific tab you're referencing.
 2 THE W TNESS: Yeah, ' have -- '
 3 have to find them. know they were --
 4 MS. BELL: Can you direct the witness
 5 to the tab that -- of the communications?
 6 MS. MCLAUGHLIN: t would be tab 18.
 7 MS. BELL: Tab 18.
 8 THE W TNESS: Yeah.
 9 **Q. (By Ms. Bell) Okay. You had talked**
 10 **earlier about talking with what you said I think**
 11 **upstream people, and you had said you spent a lot of**
 12 **time on the phone -- on phone conversations, not**
 13 **just -- I think you were being asked about**
 14 **documents. Do you recall saying you spent a lot of**
 15 **time on the phone?**
 16 MR. GORE: 'm going to -- 'm going to
 17 object. think that misstates prior testimony,
 18 vague.
 19 **Q. (By Ms. Bell) Okay. Did you spend --**
 20 **that's fine. Did you spend any time on the phone**
 21 **with Clearwater prior to February 10th regarding the**
 22 **issues we've been talking about today?**
 23 A. did not personally spend time on the
 24 phone with Clearwater. don't know if -- 'm not
 25 sure if Justin and his team did.

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1 **Q. Okay. Mr. Bauer had previously asked**
 2 **you about any documents indicating that Spire**
 3 **thought the OFO was unnecessary. Do you recall that**
 4 **question?**
 5 A. You know, don't recall. 've been
 6 asked so many questions don't recall that recall
 7 a specific question.
 8 **Q. I believe his question was limited to**
 9 **documents. My question is about conversations. Do**
 10 **you recall any conversations or any individual**
 11 **statements regarding thoughts about whether the OFO**
 12 **was unnecessary?**
 13 MR. GORE: 'm going to object, vague.
 14 A. Yeah, don't -- not to say that --
 15 that we didn't have the conversation over the course
 16 of that week. think there was -- by the time we
 17 got to the 9th or 10th it was very obvious that
 18 there was no doubt that we were going into the OFO
 19 given -- given where the production was sitting and
 20 the fact that, you know, Southern Star along with
 21 a the other pipe lines were in OFO, there -- there
 22 was never -- at that point there was no doubt that
 23 we were going to the OFO.
 24 **Q. (By Ms. Bell) So did you have a**
 25 **conversation on the 8th and the determination was**

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1 **not yet?**
 2 MR. GORE: 'm going to object to the
 3 extent that assumes testimony that doesn't exist.
 4 You can answer.
 5 A. Yeah, mean, that was long enough ago
 6 and there's been so much that's happened since then
 7 would be speculating as to what day we actually
 8 initially had the conversation.
 9 **Q. (By Ms. Bell) So was there any**
 10 **suggestion prior to February 10th that you should**
 11 **wait and see what Southern Star does before you make**
 12 **a decision on the OFO?**
 13 MR. GORE: 'm going to object, lack of
 14 foundation, vague.
 15 A. do not recall having that
 16 conversation.
 17 **Q. (By Ms. Bell) When you were**
 18 **determining whether to issue the OFO, the**
 19 **determination under the tariff is in regard to a**
 20 **threat to the system; is that your understanding?**
 21 MR. GORE: 'm going to object, vague,
 22 casual for legal conclusion.
 23 A. Yeah, it's not just limited to --
 24 there's a couple triggers. One is -- can put --
 25 prefer just to refer to the tariff.

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1 MS. BELL: He wants to refer to the
 2 tariff, which is a separately marked exhibit.
 3 MR. GORE: The page he's referring to
 4 is a tab in the binder. believe it's probably tab
 5 ten.
 6 MR. APLINGTON: The page we looked at
 7 before was Exhibit 13.
 8 MR. GORE: Is that what it is?
 9 MS. MCLAUGHLIN: think we need to --
 10 it's 16A in this.
 11 THE W TNESS: 16?
 12 MR. GORE: All right. Why don't we --
 13 why don't we go back to Exhibit 13. You can confirm
 14 that this is what you're referencing. Let's go to
 15 Exhibit 13, page --
 16 MS. BELL: It's in your stack over
 17 here.
 18 MR. GORE: 16A, okay. Take a look at
 19 Exhibit 13, page 16A. You can tell us whether
 20 that's what you were looking for.
 21 THE W TNESS: Yeah, it's actually on
 22 this exhibit, page 16.7, sheet number 16.7.
 23 **Q. (By Ms. Bell) So when you're making**
 24 **that analysis, are you doing that by --**
 25 MR. GORE: 'm not -- didn't think he

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1 was finished testifying about that page, were you?
 2 A. Yeah, was just going to read --
 3 **Q. (By Ms. Bell) Go ahead.**
 4 A. -- the requirement (quote as read):
 5 Notice of operation floors and
 6 periods of curtailment shall be
 7 provided as far in advance as practicable
 8 and prospectively may be changed by
 9 company upon reasonable advanced notice as
 10 contained in warrant. Where
 11 practicable --
 12 (Court reporter interrupt on.)
 13 A. (Quote as read):
 14 May be changed by company upon
 15 reasonable advanced notice as
 16 contained in warrant. Where practicable,
 17 OFOs will be issued by 12 noon Central
 18 time and will be effective the second
 19 day after issuance, thereby providing
 20 time for customers to adjust
 21 nominations. Company may make OFOs
 22 effective with a shorter notice if
 23 necessary to protect the integrity of
 24 the system and/or where such actions
 25 are necessary to ensure compliance with

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1 the document? Can take a look at yours?
 2 THE WITNESS: Yeah.
 3 MR. GORE: Okay. I've got it. Thank
 4 you. If you could ask the question again.
 5 **Q. (By Ms. Bell) Sure. You had suggested**
 6 **that it went beyond protecting the integrity of our**
 7 **system and had something to do with -- something to**
 8 **do with complying with upstream, like Southern Star**
 9 **requirements. Does this A9 e-mail, the OFO notice**
 10 **say anything about upstream requirements?**
 11 MR. GORE: I'm going to object to the
 12 commentary that preceded the question and I'm going
 13 to object to the question as vague.
 14 A. It does not mention the upstream OFOs,
 15 but the question that you asked me was does it --
 16 does it require -- does Spire have to be in a
 17 position where it's afraid about the integrity of
 18 its system to issue an OFO.
 19 And was clarifying that it could be
 20 that or it could be that the upstream pipeline
 21 issues an OFO, and confirmed that we had both.
 22 This -- even though this only mentions one, either
 23 one fulfills that requirement.
 24 **Q. (By Ms. Bell) Okay. With respect to**
 25 **the notice provisions of the OFO notice, the tariff**

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1 the requirements of upstream pipeline
 2 companies and shall permit customers --
 3 transportation customers to adjust
 4 nominations as necessary to reasonably
 5 comply with the OFO
 6 So think that it's not just bound by
 7 the integrity of the system it's -- it's the
 8 integrity of the system or abide the -- to abide by
 9 the requirements of the upstream pipelines. And
 10 think both of those requirements were met
 11 MR. GORE: We were looking for this in
 12 the binder in Exhibit 2 it's tab 9A
 13 **Q. (By Ms. Bell) Okay. Turn to A9, which**
 14 **is in your stack of exhibits -- I'm sorry. I said**
 15 **A9, but 9 from Mr. Bauer's questioning.**
 16 A. Okay
 17 **Q. And if we start with that second**
 18 **sentence, it says (quote as read):**
 19 **In order to maintain and protect the**
 20 **integrity of our distribution system.**
 21 **Do you see that?**
 22 A. Do
 23 **Q. Does it say anything about keeping**
 24 **compliance with upstream producers?**
 25 MR. GORE: Can have one moment to get

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1 **requires that you identify the nature of the**
 2 **problem. What was identified as the nature of the**
 3 **problem in the OFO notice?**
 4 MR. GORE: I'm going to object as vague
 5 as to exactly which tariff provisions you're
 6 referring to.
 7 **Q. (By Ms. Bell) Okay. If you turn to --**
 8 **I think it's exhibit -- the tariff, Exhibit 13 I**
 9 **believe, and you go to sheet 16.8. Do you see that**
 10 **first paragraph? And I'll read it for you (quote as**
 11 **read):**
 12 **Notice of an OFO shall specify the**
 13 **nature of the problems sought to be**
 14 **addressed.**
 15 **What was the nature of the problem**
 16 **sought to be addressed in the notice?**
 17 A. Think it was pretty simple that we
 18 were going to try to maintain the integrity of our
 19 distribution system.
 20 **Q. Okay. Moving on to the next sentence**
 21 **in the tariff, it says (quote as read):**
 22 **Notice of an OFO shall specify the**
 23 **anticipated duration.**
 24 **In the notice what is the anticipated**
 25 **duration of the OFO?**

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1 A. Unt further not ce.
 2 **Q. The next part of the tariff says (quote**
 3 **as read):**
 4 **The notice must also specify the**
 5 **parameters of such compliance.**
 6 **What parameters are identified in the**
 7 **notice?**
 8 MR. GORE: 'm go ng to object, vague.
 9 Make sure you're read ng the prov s on that she's
 10 read ng from, the fu context.
 11 A. Yeah, mean, to me the e-ma says t.
 12 t says end users contro the r usage to avo d any
 13 underde ver es.
 14 **Q. (By Ms. Bell) So how was --**
 15 A. That's pretty spec f c that -- that we
 16 d dn't want you underde ver ng for your customers
 17 dur ng the OFO per od.
 18 **Q. So how were customers to know how much**
 19 **to curtail or to -- to curtail and for how long?**
 20 MR. GORE: 'm go ng to object,
 21 m sstates the document. The document w speak for
 22 tse f.
 23 A. The OFO --
 24 MR. GORE: Object, ack of foundat on.
 25 THE W TNESS: 'm sorry.

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1 MR. GORE: You can answer.
 2 A. The OFO doesn't force customers to
 3 curtai . t -- it's a requirement for the marketers
 4 to bring in as much vo ume as the customers are
 5 burning. So to the extent the marketer brings in
 6 a the vo ume that a customer wou d burn on any
 7 given day, there's no reason for that customer to
 8 curtai .
 9 **Q. (By Ms. Bell) Okay. Let's go back to**
 10 **the decision to issue the OFO. You had named**
 11 **previously a number of other -- I think you said**
 12 **NG --**
 13 A. NGPL.
 14 **Q. NGPL, a number of other people who had**
 15 **issued an OFO. At the time that you were making the**
 16 **decision to issue the OFO, were you talking to other**
 17 **utilities about what they were doing?**
 18 MR. GORE: 'm going to -- 'm going to
 19 object, vague and to the extent there's an attempt
 20 to state what prior testimony was it misstates it.
 21 don't think there's been any testimony that any
 22 uti lity issued an OFO that was part of the Spire
 23 decision. You can answer.
 24 A. 'm not sure a the conversation
 25 Justin and his team were having with the other

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1 uti lities. There was -- there was at no point in
 2 our conversations around an OFO where we -- we
 3 contemp ated or even questioned what actions the
 4 other uti lities were taking.
 5 **Q. (By Ms. Bell) Were you aware that**
 6 **there were other utilities that didn't issue an OFO?**
 7 MR. GORE: 'm going to object, vague
 8 as to time period and as to geographic scope of the
 9 question.
 10 A. Like said, at that time we did not
 11 even have a conversation about it.
 12 **Q. (By Ms. Bell) You had previously --**
 13 **let's see. You previously stated you had concerns**
 14 **prior to issuing the OFO. Do you know whether those**
 15 **concerns were ever communicated to Clearwater before**
 16 **the OFO notice?**
 17 MR. GORE: 'm going to object, vague
 18 as to what prior testimony is being referenced,
 19 therefore vague as to the time concerns.
 20 A. Yeah, think it's the same question
 21 you asked me before. said didn't -- don't
 22 reca any specific conversations with Clearwater,
 23 but can't speak for conversations the gas supply
 24 team may have had.
 25 **Q. (By Ms. Bell) When making the**

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1 **determination whether to issue the OFO, did you**
 2 **research the history of the last time Spire issued**
 3 **an OFO?**
 4 A. did not reca researching that
 5 information.
 6 **Q. Did you have any conversations about --**
 7 **with anyone at Spire about the last time Spire**
 8 **issued an OFO?**
 9 A. No. To say there wasn't conversations
 10 at some point afterwards just as we were reminiscing
 11 about what happened maybe. don't reca any
 12 conversation about that prior to initiating the OFO.
 13 **Q. Okay. Do you know the last time that**
 14 **Spire issued an OFO?**
 15 A. cou d not te you off the top of my
 16 head.
 17 **Q. Do you know if Spire's ever issued OFO**
 18 **penalties before? Before 2021?**
 19 MR. GORE: 'm going to object as
 20 beyond the scope of the notice. You can answer.
 21 A. am not aware if we have issued
 22 pena ties before, OFO pena ties.
 23 **Q. (By Ms. Bell) You had previously**
 24 **talked about storage and had said there was a**
 25 **limitation on the daily withdrawal of storage, and**

1 that limitation was specific to Southern Star; is
 2 that correct?
 3 MR. GORE: 'm going to object to that
 4 restatement of his testimony. The record will speak
 5 for itself.
 6 A. The contract that was in question
 7 around the Atmos transaction was the Southern Star
 8 storage contract.
 9 **Q. (By Ms. Bell) Uh-huh.**
 10 A. So my reference to the limitation was
 11 tied to the Southern Star contract that was involved
 12 in the Atmos transaction.
 13 **Q. Okay. So you offered storage gas to**
 14 **Atmos as part of that transaction, correct?**
 15 A. We did an inventory transfer with
 16 Atmos.
 17 **Q. Did you offer that storage gas to any**
 18 **of the gas marketers when you understood they were**
 19 **unable to meet supply?**
 20 A. Couldn't tell you if Justin had
 21 conversations with marketers about that. Don't --
 22 'm not sure -- yeah, 'm not sure if marketers even
 23 had storage contracts.
 24 **Q. Did you --**
 25 A. The conversation -- yeah, like say,

1 it was -- it was the utility that had come to us
 2 because the marketer had managed the storage
 3 and they were restricted and inquired about the
 4 transaction for -- with us, so it wasn't -- it
 5 wasn't something that we were out soliciting at the
 6 time.
 7 **Q. So you were aware that Atmos was low on**
 8 **supply, correct?**
 9 A. They had reached out to Justin
 10 concerned that they were -- the storage inventory
 11 was depleted and they were going to be susceptible
 12 to OFO penalties.
 13 **Q. And were you also aware that the gas**
 14 **marketers were potentially short on supply?**
 15 A. At that time we did not know -- we did
 16 not know the inventory levels of anybody else that
 17 held storage on the Southern Star system on an
 18 individual basis.
 19 **Q. Okay. And the two-thirds, one-third**
 20 **rule, does that apply to storage on Southern Star**
 21 **only?**
 22 MR. GORE: 'm going to object, vague.
 23 A. It definitely applies to Southern Star.
 24 Southern Star is the only one -- is the only tariff
 25 that 'm aware of that has that requirement.

1 **Q. (By Ms. Bell) Did you have access to**
 2 **any other storage?**
 3 A. We do have a small piece of storage on
 4 Panhandle Eastern that's used to balance those --
 5 think had taken through earlier that we had a
 6 small delivery point off of Panhandle and that
 7 volume is used to balance deliveries that are
 8 directly connected to the Panhandle system.
 9 **Q. Mr. Bauer had asked you about any other**
 10 **sales of gas, and I believe you had said there may**
 11 **have been a day on the weekend where you sold some.**
 12 **Can you say more about that?**
 13 MR. GORE: 'm going to object, vague
 14 as to the reference to the prior testimony. You can
 15 answer to the extent you follow the question.
 16 A. Yeah, don't -- don't recall
 17 reviewing any transactions in here. Just vaguely
 18 remember Justin saying that -- that there were a
 19 couple days where in order to -- 'm pretty sure it
 20 was over the long weekend where he was having to
 21 transact for four days where when the demand was
 22 down he was just trying to recoup some of the costs
 23 of the supply that he had bought -- he had bought on
 24 a day when he may not need it.
 25 And think at that time there --

1 don't know if it was one of the counterparties that
 2 he was working with that had helped him out on the
 3 supply side where he sold them gas a couple
 4 different ways.
 5 **Q. (By Ms. Bell) So who would those --**
 6 **who would he have been selling to?**
 7 A. Would have to get the details
 8 recall, though 'm pretty sure it was Tenaska.
 9 **Q. And do you have any idea what the**
 10 **volume of those sales would be?**
 11 A. Do not recall off the top of my head.
 12 **Q. You had indicated that -- sorry.**
 13 MR. GORE: Ms. Bell, we really are
 14 going to need to take a break. We've been going
 15 about an hour and it's, you know, 5:30. As you get
 16 later in the evening think an hour is the
 17 reasonable amount of time to go without a break.
 18 MS. BELL: Sure. Think have two
 19 more questions on storage. Could finish those and
 20 then --
 21 MR. GORE: Sure.
 22 MS. BELL: Thank you.
 23 **Q. (By Ms. Bell) You had said that Atmos**
 24 **had come to you because the marketer had mismanaged**
 25 **their storage. Who is this marketer for Atmos?**

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1 A. t's our understanding it was Symmetry.
 2 MS. BELL: Okay. We can go ahead and
 3 take a break.
 4 V DEOGRAPHER: Off the record,
 5 5:40 p.m.
 6 (WHERE N, a recess was taken.)
 7 V DEOGRAPHER: On the record, 5:56 p.m.
 8 **Q. (By Ms. Bell) All right. I'd like to**
 9 **go back to the binders, which is Exhibit 2, and**
 10 **let's go to Exhibit 10D.**
 11 A. Okay.
 12 **Q. Do you see that e-mail? And if we flip**
 13 **to page two, it talks about -- it looks like a**
 14 **meeting with a conference bridge.**
 15 A. Uh-huh.
 16 **Q. Do you know if that call was recorded?**
 17 A. 'm not aware of any of those type of
 18 conversations that are recorded interna y.
 19 **Q. Okay. Do you know if there was a**
 20 **presentation given during that call?**
 21 A. There was not.
 22 **Q. Do you have any notes from that call?**
 23 A. Not that reca that wou d have
 24 kept. t was -- rea y we just kept that ine open
 25 when we were having -- having the supp y issues. So

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1 it was -- it was more just to make sure peop e were
 2 in the oop of the potentia situation that may --
 3 may transpire down in Southwest MO.
 4 **Q. Okay. Can you flip to I think 10G?**
 5 MR. GORE: Exhibit 2, tab 10G?
 6 MS. BELL: Correct.
 7 MR. GORE: Thank you.
 8 **Q. (By Ms. Bell) Okay. What is this?**
 9 **Can you identify it?**
 10 A. This was an actua M conversation that
 11 Justin captured between him and the Symmetry trader.
 12 **Q. Okay. So Shon Purcell is the Symmetry**
 13 **trader?**
 14 A. That's correct.
 15 **Q. Okay. There's no dates on here. Do**
 16 **you know when this conversation was occurring?**
 17 A. Yeah, know when was looking at it
 18 here it was over the course of a coup e days. 'm
 19 sure cou d back into it when it's ta king about
 20 the D 2 nom for gas day 17 --
 21 (Court reporter interruption.)
 22 A. The D 2 nom for gas day 17. At three
 23 o'clock basica y Justin was showing that -- that
 24 there was no nomination from Symmetry on -- ate in
 25 the day on the 17th. So wou d have to back up and

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1 try to ook at the chron -- the time frame on when
 2 those conversations were happening.
 3 **Q. (By Ms. Bell) But given that some of**
 4 **them are in the morning and in the afternoon and in**
 5 **the morning again and then the afternoon, this**
 6 **conversation occurred over several days?**
 7 A. Over a coup e days, yeah.
 8 **Q. And this was during the OFO period?**
 9 A. assume that that's the case, yes.
 10 **Q. Do you know if there were any similar**
 11 **conversations with Clearwater?**
 12 MR. GORE: 'm going to object, vague
 13 as to the term simi ar.
 14 A. 'm not aware if he had a simi ar
 15 conversation or not.
 16 **Q. (By Ms. Bell) You would agree that if**
 17 **there was --**
 18 MR. GORE: don't think the witness
 19 was finished answering.
 20 MS. BELL: Okay.
 21 A. Yeah, think it was -- yeah. think
 22 it was the magnitude of the conversation that was
 23 being -- that was taking p ace and the attitude of
 24 the -- the trader that kind of prompted him to do a
 25 snapshot of that conversation.

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1 **Q. (By Ms. Bell) So if there were**
 2 **real-time conversations with Clearwater, they would**
 3 **have been produced?**
 4 A. They on y wou d have been produced if
 5 Justin had taken a screen shot ike he did on this
 6 one.
 7 **Q. Okay. Are you aware if there were**
 8 **real-time conversations with Clearwater?**
 9 A. cou d not answer that question. 'd
 10 have to check with Justin.
 11 **Q. Is it the regular practice of Spire to**
 12 **communicate in real time to the marketers like**
 13 **Justin was doing here?**
 14 MR. GORE: object, vague, ack of
 15 foundation.
 16 A. When you're saying norma , norma
 17 procedure as far as -- don't know if fo ow your
 18 question.
 19 **Q. (By Ms. Bell) Is it part of Justin's**
 20 **regular practice to be in touch with the schedulers**
 21 **for the marketers?**
 22 A. You know, 'm not sure what
 23 conversation he has with them on a regu ar basis.
 24 **Q. Okay. Let's flip to Exhibit 2,**
 25 **tab 18B.**

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1 (Court reporter interruption.)
 2 **Q. (By Ms. Bell) Are you there?**
 3 A. am.
 4 **Q. Okay. And you see this appears to be a**
 5 **staff data request. Is your understanding that this**
 6 **encompasses communications to both end users and the**
 7 **gas marketers?**
 8 MR. GORE: And would just instruct
 9 you to take a moment and familiarize yourself with
 10 the document.
 11 A. This appears to me to be in response to
 12 communications specifically with public customers
 13 and not necessarily the marketers.
 14 **Q. (By Ms. Bell) Okay. If we flip to the**
 15 **second page, this --**
 16 MR. HOWELL: Hey, Stephanie, would you
 17 mind just to speak up a little bit?
 18 **Q. (By Ms. Bell) Sure. If we flip to the**
 19 **second page, this appears to be a summary of what**
 20 **communications did take place with the**
 21 **transportation customers which I've been referring**
 22 **to as the marketers. Is that your understanding of**
 23 **that paragraph?**
 24 MR. GORE: And you're referencing the
 25 paragraph that starts with customer communications?

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1 MS. BELL: No. I am referencing the
 2 paragraph that says initial notification under
 3 transportation customers.
 4 A. Yeah, it's my understanding that this
 5 was the communication that was taking place around
 6 the potential outage issue in Southwest Missouri.
 7 **Q. This says Western Missouri.**
 8 A. See that. See that that's how this
 9 is documented here, but from -- from the documents
 10 that I've reviewed, the -- the information that
 11 Scott has summarized is referencing the curtailment
 12 instructions that were sent out in regards to the
 13 pressure issue that was occurring in Southwest
 14 Missouri.
 15 **Q. Okay. If you flip back to the first**
 16 **page and you see the question, does it have any**
 17 **limitation as to the region of the customers?**
 18 A. You're asking me if the question has?
 19 **Q. Yes.**
 20 A. I don't see where there's a designation
 21 for the region.
 22 **Q. Okay. If we go back to page two, it**
 23 **talks about initial notification.**
 24 A. Page -- where are we going back to?
 25 **Q. The back page of this same document.**

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1 A. Okay.
 2 **Q. It talks about initial notification.**
 3 **Do you know what form that took? Was it e-mail or**
 4 **phone?**
 5 A. I would have to go back and review the
 6 letters that we provided. I know there were several
 7 letters that we had -- that I had reviewed around --
 8 around the issue in Southwest Missouri.
 9 **Q. Okay. And if you take a look back at**
 10 **A8 -- correct?**
 11 A. A8? Yeah, that was a document I said
 12 wasn't familiar with.
 13 **Q. Right. It appears to be -- in my mind**
 14 **it looks like a Word document with draft language.**
 15 **If you would have actually sent this e-mail, would**
 16 **it not have been responsive to DR 0183?**
 17 MR. GORE: Can we -- can we for the
 18 record -- believe what you're referring to as A8
 19 is --
 20 MS. BELL: Sorry, 8.
 21 MR. GORE: -- is -- is actually
 22 Exhibit 8?
 23 MS. BELL: Exhibit 8, correct.
 24 MR. GORE: Okay. And -- okay. And
 25 this is a document the witness has previous y

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1 testified about, correct?
 2 MS. BELL: Correct.
 3 MR. GORE: Okay. If you could re-ask
 4 the question.
 5 **Q. (By Ms. Bell) Sure. Exhibit 8 appears**
 6 **to be draft language of an e-mail sent to**
 7 **transportation customers. You have previously**
 8 **testified you were unsure of whether that e-mail was**
 9 **actually sent. If the e-mail was sent, would it not**
 10 **be responsive to data request 0183 under tab 18?**
 11 MR. GORE: I'm going to -- I'm going to
 12 object, lacks foundation, I states prior testimony.
 13 The witness's testimony actually was that he had no
 14 knowledge of this document. Compound question,
 15 improper hypotheticals, calls for legal conclusion.
 16 MR. BAUER: Bongo.
 17 MR. GORE: Can you answer the question?
 18 A. Oh, -- thought she was waiting to
 19 ask me another question. What was the question?
 20 **Q. (By Ms. Bell) Well, let's look at**
 21 **Exhibit 181, how about that. And this is Exhibit 2,**
 22 **tab 18, tab I. And you see the header. The green**
 23 **sheet in front of that says conserve residential**
 24 **e-mail, and the following page looks like an e-mail**
 25 **that was sent to residential customers.**

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1 A. Yeah, Christopher Gagnano's over our
 2 customer experience team. So I'm sure this document
 3 went to -- went to a -- would say to a
 4 customers. I'm not sure if it went to a customers
 5 or just the resident customers.

6 **Q. Okay. Let's go in the other volume**
 7 **to -- let's --**

8 A. In the first book?

9 **Q. Yeah. Let's look at -- let's see. 1C.**

10 A. Okay.

11 **Q. Okay. And I'm looking at the first**
 12 **page at the bottom under February 15th. That's the**
 13 **date that you made the Atmos transaction, correct?**

14 A. That -- yeah, that's the date that was
 15 on the confirmation.

16 **Q. Okay. Did that transaction, was it**
 17 **agreed to at a different time than the 15th?**

18 A. It would have been -- it would have
 19 been right around that time. Just recall that the
 20 confirmation itself and the storage transfer
 21 happened on the 15th, and just given the urgency of
 22 the transaction it would have been right around that
 23 time.

24 **Q. Sure. My understanding was that gas**
 25 **was being traded on day 12 for day 13 to 16, but**

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1 A. I'm sorry, which page?

2 **Q. The second page under tab C. Yep. So**
 3 **the next page, and it's that first transaction,**
 4 **1008929.**

5 A. Spire Missouri transaction --

6 **Q. Correct.**

7 A. -- on the GSC schedule? Yes.

8 **Q. How did you describe that 14.925?**

9 A. That was -- that was a sale that Spire
 10 Missouri -- the Spire Missouri unit on the east
 11 side of the state sold gas to Spire Missouri unit
 12 on the west side of the state.

13 **Q. And you suggested that number was**
 14 **potentially the cost that you had initially paid for**
 15 **that?**

16 A. Not that we negotiated. It was --
 17 it was the cost that it took for us to replace that
 18 on the east side of the state.

19 **Q. Okay. Is the \$200 with Atmos, is that**
 20 **a cost-based rate?**

21 A. It's not.

22 **Q. Can you tell me what went into that**
 23 **rate?**

24 A. It was just a negotiated price at the
 25 time based on -- we had factors like the \$300 that

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1 **that sometimes you could actually do the transaction**
 2 **on the 16th and it would be retroactive. So do you**
 3 **know if this occurred after the 15th or before the**
 4 **15th?**

5 A. The actual storage transfer?

6 **Q. When the transaction was agreed to.**

7 A. Like say, recall reviewing the
 8 confirmation where it took place on the 15th. Yeah,
 9 whether there was verbal agreement on the 14th
 10 would have to check with Justin.

11 **Q. If you look at -- so I think you said**
 12 **that the price was \$200?**

13 A. That's correct.

14 **Q. And the price on February 15th you**
 15 **would agree is in the 330 ranges on Exhibit 2,**
 16 **tab 1C?**

17 A. That was -- that was the prices that
 18 were posted for that weekend, that's correct.

19 **Q. Okay. And if we flip to the next page,**
 20 **I will not testify about what you said. I will**
 21 **testify about what I thought you said. And that --**
 22 **or what I will ask you about -- let's see if I can**
 23 **do this right. Okay.**

24 I believe you previously said that the
 25 **14.925 in the first line, the unit price --**

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1 were in play, you know, not knowing -- there wasn't
 2 a crystal ball as to where -- where that was going
 3 to trade later in the month. So it was agreed-upon
 4 price that both parties felt was fair to each other
 5 given the circumstances.

6 **Q. Okay. If we flip to 1M, Exhibit 2,**
 7 **tab 1M. Are you familiar with this spreadsheet?**

8 A. Am.

9 **Q. Okay. How did Spire calculate the cost**
 10 **of gas sourced by Spire to make up for the**
 11 **underdeliveries?**

12 A. We shared --

13 MR. GORE: I'm going to object, vague.
 14 You can answer.

15 A. Yeah. I guess just a caveat, these
 16 were -- these were costs that we put together
 17 think just -- just so people understood what our
 18 cover costs were.

19 **Q. (By Ms. Bell) Okay.**

20 A. The details of the supply that was
 21 picked is depicted on the GSC schedules that you're
 22 referring to under 1C.

23 **Q. Okay.**

24 A. So -- yeah, we basically assign the
 25 highest price gas on each day that we had bought to

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1 the -- to the cover cost.

2 **Q. So if I'm looking at cover cost, you**

3 **assigned the highest price gas in that column?**

4 A. Yeah, we picked the highest price gas

5 on each day and assigned that to the transaction.

6 **Q. Okay. And why did you do that?**

7 A. It was generally in the Southern Star

8 index price, which was the majority of the gas we

9 bought was around the Southern Star index. You

10 know, from what we understand from the marketers the

11 supply that was trying to be purchased that wasn't

12 physically flowing was a so bought at the Southern

13 Star price. So we thought from a settlement

14 perspective that this was a fair cover number to

15 pass on to the marketers.

16 **Q. If -- in the cold weather workshop you**

17 **had -- Spire had represented that it plans its**

18 **sources of supply for firm customers and with**

19 **respect to that 20 to 27 percent of that floated**

20 **with the daily market. Do you recall that?**

21 A. Uh-huh.

22 **Q. Was that Spire's plan for February of**

23 **2021 as of the first of February?**

24 A. We typically a ways had some -- some

25 spot purchases, that's correct.

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1 **Q. Okay. So if you intended to purchase**

2 **20 to 27 percent of your February gas, February 2021**

3 **gas at current spot prices, then did you -- didn't**

4 **you always expect that price -- or the cost to --**

5 **sorry.**

6 **Didn't you always expect the costs of**

7 **the gas to reflect the daily spot prices?**

8 MR. GORE: I'm going to object,

9 foundation, improper hypotheticals. You can answer.

10 A. Yeah, so our -- mean, kind of high

11 even we -- we kept our costs tied to Southern Star

12 since that's where marketer deliveries were being

13 made. The fact that we had a alternative transport

14 options that we contract for to provide gas for our

15 firm customers, we didn't feel like it was fair to

16 the firm customers to take other alternatives that

17 the company contracts for and assign those costs to

18 the marketer shortfalls since the shortfalls --

19 those shortfalls were taking place with

20 non-deliveries on the Southern Star system. So

21 that's why we restricted those purchases to Southern

22 Star at roughly the daily price.

23 **Q. (By Ms. Bell) Did your firm customers**

24 **use more gas in February 2021 than you had planned**

25 **for and sourced at the first of February?**

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1 A. You know, have not went back to look

2 to see what our overall supply even was versus

3 normal.

4 **Q. Was all of the gas you had contracted**

5 **for delivery in February as of the first of the**

6 **month delivered as expected?**

7 A. Yeah, we had very little issues around

8 our first of the month supply flowing.

9 **Q. What about throughout the month?**

10 A. Yeah, mean, think our -- our

11 suppliers performed very well throughout the course

12 of February.

13 **Q. Was any -- any supply not delivered?**

14 A. I'm sure there's instances where some

15 volumes were -- were cut. I'd have to go through on

16 a transaction-by-transaction basis. I mean, given

17 the fact that the first of the month gas never comes

18 into play here, that's not something that I focused

19 on for this deposition.

20 **Q. Okay. And you mentioned storage. When**

21 **we're looking at Exhibit 2M -- 2, 1M, this cover**

22 **cost spreadsheet --**

23 A. Okay.

24 **Q. -- was the fact that you had so much**

25 **storage on hand factored into your cover cost?**

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1 A. It was not. That's not a service that

2 the transport customers pay for. So we -- we gave

3 the benefit of the storage gas -- assigned the

4 benefit of the storage gas to the firm customers

5 that pay for that service.

6 **Q. And who are those customers?**

7 A. It's everybody but the transport

8 customers. They rely on third parties.

9 **Q. Does Atmos pay you for storage costs?**

10 A. They paid us for storage inventory on

11 that transaction.

12 **Q. But previous to that --**

13 MS. BARRD: Apologize for

14 interrupting. Can't hear the witness at a .

15 Would you mind speaking up? I know everybody's

16 getting tired, but --

17 THE WITNESS: Sorry about that.

18 MS. BARRD: Thank you so much.

19 THE WITNESS: Uh-huh.

20 **Q. (By Ms. Bell) I'll clarify. So what**

21 **you're saying is residential customers as part of**

22 **their tariff, a storage cost is built into their**

23 **rates; is that correct?**

24 A. We -- yeah, we recoup the cost of our

25 storage contracts from our firm customers.

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1 **Q. Okay. Did -- does Atmos pay anything**
 2 **for storage?**
 3 MR. GORE: 'm going to object, beyond
 4 the scope of the 30(b)(6) notice. He's a corporate
 5 representative on beha f of Spire Missouri.
 6 A. You're asking if they pay -- if they
 7 pay Spire Missouri anything for storage?
 8 **Q. (By Ms. Bell) Correct.**
 9 A. They have a storage contract on
 10 Southern Star. The on y transaction between Spire
 11 Missouri and Atmos was the storage transfer that we
 12 did.
 13 (Court reporter interruption.)
 14 A. The storage transfer that we did in
 15 February.
 16 **Q. (By Ms. Bell) Okay. Was gas purchased**
 17 **by Spire after February 1st for use during the month**
 18 **of February intended for and delivered to Spire's**
 19 **firm customers?**
 20 MR. GORE: 'm going to object, vague.
 21 Vague as to time period.
 22 A. Yeah, what time frame are you referring
 23 to?
 24 **Q. In February 2021.**
 25 A. The who e month of February or you're

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1 **costs, why did you not use a weighted average cost**
 2 **for all incremental gas sources?**
 3 MR. GORE: 'm going to object to form
 4 and just state for the record that this witness --
 5 when you say you, you're referring to Spire,
 6 correct?
 7 MS. BELL: Correct.
 8 MR. GORE: assume.
 9 MS. BELL: Thank you.
 10 A. Yeah, we were -- mean, we were --
 11 Justin and his team were making incrementa
 12 purchases to cover -- to cover the marketers'
 13 shortfa s, and ike had said, we -- if we had
 14 ways -- if we had too s in our portfo io to manage
 15 the cost of those spot purchases during the winter
 16 by ho ding capacities on Ta grass that the firm
 17 customers pay for, we did not fee ike the
 18 marketers shou d get the benefit of those other
 19 assets that the customers were paying for.
 20 **Q. (By Ms. Bell) Okay. I'm going to go**
 21 **back to something that we were talking about before.**
 22 **As of February 1 you intended firm customers to pay**
 23 **spot prices; is that right?**
 24 MR. GORE: 'm going to object, vague.
 25 You can answer. Lack of foundation.

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1 referring to a specific day?
 2 **Q. The whole month of February.**
 3 A. don't know that fo ow your
 4 question. apo ogize.
 5 **Q. I think you said that you applied the**
 6 **highest price incremental cost to the gas marketer's**
 7 **cover cost. Were you purchasing gas that was then**
 8 **not going to the gas marketers, but instead going to**
 9 **Spire's own firm customers or do you know?**
 10 MR. GORE: 'm going to object,
 11 foundation, compound.
 12 A. think 've indicated a of the --
 13 a of the transaction on these sheet appear to be
 14 spot purchases that were made during -- during the
 15 OFO period.
 16 **Q. (By Ms. Bell) Okay. What percentage**
 17 **of Spire's incremental sources of gas in**
 18 **February 2021 were from purchases versus from**
 19 **storage?**
 20 A. don't have that number off the top of
 21 my head.
 22 **Q. Who would have that number?**
 23 A. Justin Powers and his team cou d
 24 ca cu ate that number 'm sure.
 25 **Q. Why did you -- when calculating cover**

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1 A. There s typ ca y a port on of the
 2 portfo o that's based on da y pr ces, correct.
 3 **Q. (By Ms. Bell) Okay. And then after**
 4 **February 1st, 2021, did you transact to purchase gas**
 5 **during February that was delivered to firm**
 6 **customers?**
 7 A. th nk n response to the -- your
 8 pr or quest on, sa d these were a spot purchases
 9 that were made by Sp re dur ng -- dur ng the OFO
 10 per od.
 11 MR. GORE: Cou d you spec fy when
 12 you're say ng these what you're referr ng to?
 13 A. The ones that are shown on the GSC
 14 schedu e on tab 1C, start ng on page three.
 15 **Q. (By Ms. Bell) Okay. And with respect**
 16 **to the same purchases, you can't be sure whether**
 17 **those -- that gas was delivered to Clearwater's**
 18 **customers or to your own firm customers, correct?**
 19 A. We do not ass gn phys ca mo ecu es.
 20 **Q. Okay.**
 21 A. t's -- t's our pos t on that -- that
 22 ncrementa purchases that we had to make to cover
 23 the marketers are what's dep cted n these schedu es
 24 that we prov ded.
 25 **Q. I'm trying to reconcile those two**

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1 statements. So you said you don't assign molecules,
 2 but that you have assigned these purchases to the
 3 gas marketers. Can you help me with that?
 4 A. Yeah, the first question was you asked
 5 me if I could tell whether these molecules
 6 physically flow to the marketers' customers that
 7 used our supply. Said can't track the physical
 8 molecules, but the actual purchases, we feel these
 9 are reflective of the costs that we incurred to
 10 cover the marketers' shortfalls.
 11 **Q. The -- the -- let's see. Spire**
 12 **indicated in its letter to Clearwater that it would**
 13 **need to bill the OFO penalties directly to each of**
 14 **the transportation customers and stated they**
 15 **ultimately retain financial responsibility under the**
 16 **tariff. Did that actually happen?**
 17 A. Let me make sure I understand the --
 18 you know, which --
 19 MR. APLINGTON: Exhibit 11.
 20 THE WITNESS: Exhibit -- oh. Sorry, my
 21 exhibits are a bit out of order.
 22 MS. BELL: And you can mark -- thank
 23 you on here. Yeah, you can mark this one. Thank
 24 you're on 15. And this is the letter attached to our
 25 complaint.

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1 THE WITNESS Okay
 2 MS BELL For those following along
 3 that's my Exhibit 3C
 4 MR GORE Do you have any paper
 5 copies?
 6 MS BELL Yeah do This one has
 7 some writing on it Sorry
 8 MR GORE Thanks
 9 (WHEREIN Exhibit 15 Clearwater
 10 complaint was marked for identification by the
 11 Court Reporter)
 12 **Q. (By Ms. Bell) So if you flip to the**
 13 **exhibit that's attached to the complaint and you**
 14 **look in that last paragraph, it says (quote as**
 15 **read):**
 16 **Spire will need to bill these OFO**
 17 **penalties directly to each of your**
 18 **transportation customers.**
 19 **Do you see that?**
 20 A do
 21 **Q. Okay. And you were later notified by**
 22 **Clearwater that they disputed the penalties,**
 23 **correct?**
 24 A Yes my understanding that Clearwater
 25 disputed the penalties

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1 **Q. And then at some time after that you**
 2 **had to decide -- Spire decided whether to bill the**
 3 **OFO penalties directly to the customers as it stated**
 4 **in the letter or to Clearwater. Can you tell me**
 5 **about those conversations, how that decision was**
 6 **made?**
 7 A. That -- that was not a decision that
 8 made. Thank -- don't have a copy at my
 9 fingertips of our response to -- to Clearwater on
 10 the deposition, but thank from reviewing the
 11 document, we addressed that.
 12 Thank you has taken the position at
 13 this time that even though that comment was made in
 14 this letter to Clearwater that we're currently
 15 continuing to seek these cover costs or OFO penalty
 16 costs from the marketers and we're not billing
 17 transportation customers at this time.
 18 **Q. Okay. Is it -- is it your position**
 19 **that end users could have conserved to mitigate the**
 20 **issues in this case?**
 21 MR. GORE: Object on to form, vague.
 22 A. Purely -- purely a mathematical
 23 computation -- computation where if your nominal
 24 had stayed what they were and your usage was less,
 25 mathematical that would have resulted in a lower

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1 OFO penalty.
 2 **Q. (By Ms. Bell) So what are you**
 3 **suggesting that Clearwater could have done**
 4 **differently?**
 5 MR. GORE: Objection, beyond the scope
 6 of this 30(b)(6) -- or I'm sorry, corporate
 7 representative notice. This witness isn't here to
 8 testify on behalf of Clearwater. Can only testify
 9 as to the things that are within his knowledge as
 10 the corporate representative for Spire Missouri and
 11 that's all he's qualified to testify to.
 12 A. Like I say, back to the simple math
 13 where if Clearwater had delivered enough volume to
 14 cover the customers' usage, which is what the
 15 obligation that the marketers have, the OFO penalty
 16 wouldn't be an issue.
 17 **Q. (By Ms. Bell) You would agree that**
 18 **Clearwater was nominating and attempting to purchase**
 19 **gas during the OFO?**
 20 MR. GORE: Object, vague.
 21 A. Clearwater's -- Clearwater's volumes
 22 never went to zero, so some volume was being
 23 nominated. It just wasn't at the level to cover the
 24 usage of the customers that they sold the firm
 25 service to.

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1 **Q. (By Ms. Bell) Okay.**
 2 A. Like say, the simple math of the
 3 nominations versus usage – what calculates the OFO
 4 penalty.
 5 **Q. Early in the OFO –**
 6 A. Excuse me.
 7 **Q. – there was a transaction between**
 8 **Spire East and West, correct? Is that right, yeah.**
 9 **East. You had said that Spire East had provided gas**
 10 **to Spire West.**
 11 MR. GORE: I'm going to object to the
 12 characterization of this early in the OFO.
 13 A. You refer to transaction -- on
 14 schedule 1C, page three referred to transaction
 15 1008929.
 16 **Q. (By Ms. Bell) Yes.**
 17 A. That's correct. That was a sale from
 18 Spire Missouri East to Spire Missouri West.
 19 **Q. Was that from Spire Missouri East's**
 20 **storage?**
 21 A. It was not.
 22 **Q. Okay. Were there any other Spire**
 23 **Missouri East transactions during the OFO to Spire**
 24 **Missouri West?**
 25 A. If they are, they would be depicted on

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1 this schedule.
 2 **Q. Do you know – do you know if there**
 3 **were conversations about additional purchases from**
 4 **Spire Missouri East during the OFO?**
 5 A. I'm not aware of any other transactions
 6 other than ones, excuse me, that are -- that show up
 7 on this GSC schedule.
 8 **Q. Are you aware if Spire Missouri East**
 9 **had available supply to complete additional**
 10 **transactions with Spire Missouri West during the**
 11 **OFO?**
 12 A. Yeah, mean, that's -- that's a -- too
 13 vague a question given the complexity of the two
 14 portfolios that wouldn't have an answer for that
 15 right now.
 16 **Q. How did transaction 1008929 come about?**
 17 A. Justin -- Justin oversees the east and
 18 the west. In recognition of a lot of the supply
 19 changes that West was having he had some spot
 20 connected supply that -- that West -- that he had
 21 West's supply situation, and from conversations
 22 through him he opted to -- to see that supply to --
 23 from MO East to West because he was able to replicate
 24 that with another purchase on the east side of our
 25 system.

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1 **Q. So he would -- Justin would know**
 2 **whether there's additional supply in the East market**
 3 **that could have been purchased by West?**
 4 A. He -- he would -- if anybody had the
 5 ability to do that, it would be Justin and his team.
 6 **Q. Let's look at Exhibit 2, tab 4B.**
 7 A. You said 4B?
 8 **Q. Yeah, should be the transcript.**
 9 A. Okay.
 10 **Q. Okay. If we turn to page 11.**
 11 A. Okay.
 12 **Q. Okay. Spire said -- and I think who**
 13 **was speaking here, Mr. Weitzel, on behalf of Spire?**
 14 **Who presented at the cold weather docket?**
 15 A. Yeah, there were -- I'm just verifying.
 16 There was multiple parties that were ...
 17 MR. HEALY: Mr. Weitzel.
 18 **Q. (By Ms. Bell) So on page 11 it says**
 19 **(quote as read):**
 20 **So I think these aren't once in a**
 21 **lifetime events. These are once in**
 22 **every five to seven year events.**
 23 **Would you agree with that?**
 24 MR. GORE: Take a look at the -- enough
 25 to get the context of what she's referencing there.

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1 A. Are you saying do agree that it's a
 2 once in every five to seven year event? Is that the
 3 question?
 4 **Q. (By Ms. Bell) Yes.**
 5 A. Not to the magnitude that we
 6 experienced in Winter Storm Uri.
 7 **Q. And why do you say that?**
 8 A. It was a perfect storm of cold -- cold
 9 weather, late into February, some of the coldest
 10 late temperatures we've ever seen, combined with the
 11 widespread cold that -- the other big thing in that
 12 -- he probably mentioned in this document was
 13 that the issues that the electric -- electric --
 14 electric utilities were having with the ir renewable
 15 generation.
 16 The windmills were a down. So at
 17 times there was three or four percent of the -- of
 18 the wind generation available was a that was
 19 flowing. So it was the perfect storm of late
 20 season, cold temperatures, production freeze-offs,
 21 and then the power generation was off as well.
 22 So they were competing out in the
 23 market, competing for megawatts against the
 24 utilities. So don't see this -- what we
 25 experienced in -- in Winter Storm Uri as a once in

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1 every five year -- five to seven. You may have a
 2 po ar vortex event, but just not to the extent that
 3 we experienced this year.
 4 **Q. Okay. So -- and I believe when he was**
 5 **asked about this he was referencing the five to**
 6 **seven years about a previous polar vortex. Do you**
 7 **recall what year that was?**
 8 MR. GORE: 'm going to object, vague,
 9 and take a ook at the testimony before you
 10 specu ate.
 11 A. Yeah, 'm not sure specifica y which
 12 event he was referencing.
 13 **Q. (By Ms. Bell) You said you -- how long**
 14 **have you been in this industry?**
 15 A. 've been with Spire for 30 years.
 16 **Q. And so before Winter Storm Uri have you**
 17 **ever experienced anything of the magnitude of this**
 18 **event?**
 19 A. A magnitude of this one, wou d say
 20 no.
 21 **Q. If you flip to page 19, Mr. Weitzel**
 22 **testified on lines 23 to 25, I think it's a**
 23 **little -- I will recharacterize. I don't think he**
 24 **was testifying, but presented. (Quote as read):**
 25 **I think it's a little too early right**

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1 **now for us to know if we're going to**
 2 **get billed penalties from the gas**
 3 **pipelines.**
 4 **You know that answer today, right?**
 5 A. Yeah, are you -- assume you're just
 6 referenc ng Southern Star?
 7 (Court reporter interrupt on.)
 8 **Q. (By Ms. Bell) Yes. We'll start there.**
 9 **Are you going to be billed penalties, and if so, how**
 10 **much from Southern Star?**
 11 A. Sp re M ssour , we -- we u t mate y d d
 12 not get b ed. Sp re M ssour was n comp ance
 13 dur ng the OFO so d d not get b ed pena tes.
 14 **Q. Did you get billed penalties from**
 15 **anyone else?**
 16 A. Yeah, wou d have to -- wou d have
 17 to check w th Just n to see. The ones that we had
 18 d scuss ons around were the Southern Star.
 19 **Q. Okay. I'd like to go back to exhibit I**
 20 **believe 13, which is the tariff.**
 21 A. Oh, Exh b t 13?
 22 **Q. Uh-huh.**
 23 A. Okay.
 24 **Q. Was there -- if we look at -- let's**
 25 **see. I'm on sheet 16.9, and I'm looking at the TRPR**

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1 **provisions specifically under VB.**
 2 A. Under wh ch number?
 3 **Q. B2.**
 4 MR. GORE: Can you g ve me a page?
 5 Sheet number?
 6 MS. BELL: Sheet number 16.9.
 7 MS. MCLAUGHL N: t's page 71.
 8 **Q. (By Ms. Bell) Do you believe that**
 9 **Spire should have curtailed transportation customer**
 10 **receipts to retain the adjusted nomination volume?**
 11 MR. GORE: 'm go ng to object,
 12 foundat on, mproper hypothet ca , beyond the scope
 13 of not ce.
 14 A. 'm sorry. Cou d you rephrase the
 15 quest on aga n?
 16 **Q. (By Ms. Bell) Do you believe it should**
 17 **have curtailed transportation customers under these**
 18 **provisions to retain adjusted nomination volumes?**
 19 MR. GORE: 'm go ng to object, ack of
 20 foundat on, beyond the scope of the not ce. And are
 21 you referenc ng a part cu ar prov s on of the
 22 tar ff?
 23 MS. BELL: 'm ook ng at B2, C, D, and
 24 F.
 25 MR. GORE: 'm a so go ng to object,

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1 mproper hypothet ca .
 2 A. B doesn't app y because we weren't n
 3 an emergency. Our pos t on has been that to the
 4 extent we can f nd the mo ecu es to cover the
 5 shortfa then we d dn't phys ca y curta .
 6 Had we got to the po nt where we
 7 cou dn't ma nta n the ntegr ty of our system, then
 8 we wou d have had to phys ca y curta rtransport
 9 customers, but we never reached that po nt.
 10 **Q. (By Ms. Bell) If you had curtailed**
 11 **would there have been additional supply for**
 12 **Clearwater?**
 13 MR. GORE: 'm go ng to object, ack of
 14 foundat on, mproper hypothet ca , compound.
 15 A. Who are you ask ng who curta ?
 16 (Court reporter interrupt on.)
 17 A. Who are you ask ng who curta ?
 18 **Q. (By Ms. Bell) Anybody but Clearwater.**
 19 **If you would have curtailed anyone else, wouldn't**
 20 **there not have been additional supply on the system**
 21 **for Clearwater?**
 22 MR. GORE: 'm go ng to object,
 23 mproper hypothet ca , compound, vague.
 24 A. C earwater's nom nat on st wou d not
 25 have equa ed the r usage un ess C earwater's

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1 customers were the ones that curtailed, so that
 2 wouldn't have had any impact on Clearwater.
 3 MS. BELL: If we can take --
 4 MS. BARBER: I'm so sorry, Stephanie.
 5 I'm having a huge amount of trouble hearing the
 6 witness again.
 7 MS. BELL: Can you repeat your last
 8 answer?
 9 MR. GORE: Maybe we can just have that
 10 read back.
 11 COURT REPORTER: Answer: Clearwater's
 12 nomination should not have equaled the usage
 13 unless Clearwater's customers were the ones that
 14 curtailed, so that wouldn't have had any impact on
 15 Clearwater.
 16 MS. BELL: Can we just take a
 17 five-minute break?
 18 COURT REPORTER: Ryan, going off the
 19 record.
 20 VIDEOGRAPHER: Off the record,
 21 6:50 p.m.
 22 (WHEREIN, a recess was taken.)
 23 VIDEOGRAPHER: On the record, 6:53 p.m.
 24 **Q. (By Ms. Bell) Okay. Can you say more**
 25 **about why Spire chose not to curtail any of the**

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1 **marketing customers?**
 2 MR. GORE: I'm going to object, vague,
 3 lack of foundation.
 4 A. Yeah, to the extent we were able to
 5 source the modules to cover the shortfall we did
 6 not curtail the customers, and we were able to do
 7 that every day so we didn't curtail.
 8 **Q. (By Ms. Bell) Okay. If you would have**
 9 **curtailed to the nominations, would that not have**
 10 **prevented the OFO penalties?**
 11 MR. GORE: I'm going to object,
 12 improper hypothetical, foundation. You can answer.
 13 A so vague.
 14 A. Like say, keep going back to the
 15 simple math to where if -- if nominations -- if the
 16 nominations matched usage, there wouldn't be an OFO
 17 penalty, but given -- given that we were able to
 18 cover the volumes, we did not -- we did not
 19 physically curtail any customers because we were
 20 able to -- like say, we were able to cover the
 21 purchases and still maintain the integrity of our
 22 system.
 23 **Q. (By Ms. Bell) Okay. Is Clearwater**
 24 **able to physically curtail end users?**
 25 A. I'm not sure what your contractual

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1 relationship with your customers.
 2 **Q. Okay. Does Spire have the authority to**
 3 **curtail end users?**
 4 A. Think to the extent there's a system
 5 integrity issue we could -- we could so alert
 6 customers to prevent our former customers going
 7 without service, but otherwise we don't think there's
 8 any -- anything that would give us the right to
 9 physically curtail them.
 10 **Q. So what would give you the right?**
 11 A. If the -- if the integrity of our
 12 system was in jeopardy, meaning that if we
 13 weren't -- if we weren't able to physically cover
 14 the marketer shortfall, then think we'd have the
 15 ability to curtail.
 16 **Q. During the OFO period, did you have a**
 17 **conversation about potentially curtailing the**
 18 **marketers?**
 19 A. We did in Southwest Missouri when we
 20 were fearful of -- for the integrity of our system.
 21 Think that's the -- at the communications that
 22 you saw go out around -- around the issues that we
 23 had in Southwest Missouri.
 24 **Q. And I think on the tariff that you**
 25 **were -- we were looking at, the same place under F,**

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1 **you're allowed to curtail if the gas isn't**
 2 **delivered, not just if the system integrity is at**
 3 **issue?**
 4 A. What are you referring to?
 5 **Q. If you go back to 16.9.**
 6 MR. GORE: Which exhibit are we looking
 7 at?
 8 MS. BELL: I want to -- think we have
 9 one other question down here, and I want to give him
 10 time for that before we hit our seven o'clock, and
 11 this is my last question.
 12 MR. GORE: Was just saying what
 13 exhibit are we on?
 14 MS. BELL: We're on 13, back on
 15 sheet 16.
 16 MR. GORE: 16.9?
 17 MS. BELL: Correct.
 18 A. And which -- which -- which item on
 19 16.9?
 20 **Q. (By Ms. Bell) Well, F says that they**
 21 **shall not be required to curtail as long it's**
 22 **delivered and the system capacity is adequate to**
 23 **make deliveries.**
 24 A. So what's the question?
 25 **Q. Is Spire authorized to curtail if the**

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1 **gas is not delivered?**
 2 MR. GORE: 'm going to object, asked
 3 and answered, a so ca s for a ega conc usion.
 4 You can answer.
 5 A. To me, when read this, it's not
 6 addressing the issue of if the marketer's not
 7 de ivering. t's basica y saying to the extent the
 8 marketer is de ivering, we have the requirement to
 9 de iver that gas to the end user. To me it's not
 10 addressing an issue of when the marketer is not
 11 providing supp y.
 12 MS. BELL: Okay. No further questions.
 13 FURTHER EXAM NAT ON
 14 QUEST ONS BY MR. BAUER:
 15 **Q. Hello again.**
 16 A. Hey there.
 17 **Q. From whom did Spire collect documents**
 18 **when Spire was responding to the Symmetry data**
 19 **requests? I missed that question.**
 20 A. That -- that was a process that inside
 21 and outside counse worked the -- the ones that --
 22 the documents that reviewed, and the individua s
 23 that spoke to about the co ection of those
 24 documents were the ones that referred, which was
 25 Patty Reardon, Bob McKee, Scott Weitze . Was there

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1 any others? Just n Powers.
 2 **Q. Did Spire collect documents from anyone**
 3 **else other than those persons?**
 4 A. Those are the nd v dua s that had
 5 the conversat ons w th about the nd v dua
 6 documents that co ected. cou dn't say that
 7 that s the fu extent of anybody that was asked a
 8 quest on about the co ect on of the documents.
 9 **Q. And whom would I have to ask to get the**
 10 **answer to my question?**
 11 A. wou d say our ns de, outs de
 12 counse .
 13 MR. BAUER: Okay. And ' save my
 14 comment t everyone's done. Okay. Thank you.
 15 THE W TNESS: Uh-huh.
 16 MR. GORE: Are we -- you guys are done?
 17 No more -- noth ng e se from comp a nants?
 18 MS. BELL: don't know about
 19 Mr. Howe . Noth ng e se for me.
 20 MR. GORE: He shou d be done. t's
 21 seven o'c ock.
 22 MR. BAUER: No, not c os ng the
 23 depos t on. thought you were go ng to ask
 24 quest ons.
 25 MR. GORE: No, 'm ask ng f you have

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1 anyth ng e se. 'm ask ng f there's anyth ng e se
 2 before make my dec s on about whether have any
 3 more quest ons.
 4 MR. BAUER: Oh, okay. A r ght.
 5 Yeah. We , there s one th ng then. Wh e
 6 apprec ate you've been s tt ng n the cha r for ten
 7 hours, there are a number of top cs n wh ch
 8 Mr. Godat sa d need to ta k to somebody e se,
 9 don't know the answer.
 10 And so just -- for examp e,
 11 top cs 2A, 2B, 2F, 2K, 3, 6, 7, 8, and a those
 12 t mes he sa d that he'd have to ta k to Mr. Powers
 13 to get the answer, and we just had another one w th
 14 respect to top c one regard ng the documents. So
 15 'm not agree ng to c ose the depos t on. 'm --
 16 MR. GORE: Okay.
 17 MR. BAUER: don't want to have a
 18 f ght w th you, but 'm just not agree ng at th s
 19 po nt.
 20 MR. GORE: No, that's f ne. As to
 21 those -- s nce we're on that dea , as to that top c,
 22 -- we , as to top c one, we stated what our
 23 object ons were n wr t ng and exp a ned what we
 24 wou d produce a w tness to cover.
 25 w just say that to me n genera

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1 topic one was who y improper in that those are
 2 things that are typica y worked out between counse
 3 in terms of narrowing what the documents are to be
 4 discovered and what additiona co ection needs to
 5 take p ace and then it's sorted out in a motion to
 6 compe . So think it's improper to try to inject
 7 that into a 30(b)(6) deposition. So that's on topic
 8 one.
 9 On topic two, do be lieve that the
 10 witness testified on each topic as to the factua
 11 basis for the statements that were made. think
 12 the ones where he was saying you wou d have to ask
 13 other peop e think is when you were getting far
 14 afie d and getting into the inferences that were
 15 being drawn by the author of the etter that you
 16 were questioning the witness about.
 17 But wou d stand by the fact that in
 18 terms of the factua basis for each of the
 19 assertions that you questioned about, he gave
 20 testimony on that that represented the corporation's
 21 know edge of the factua basis for those statements
 22 as the corporate rep understood them.
 23 He was not going to try to step inside
 24 of Mr. Ap ington and testify as to everything
 25 Mr. Ap ington meant when he drafted the etter, and

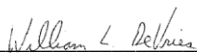
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1 don't think that would be proper 30(b)(6)
 2 corporate representative testimony don't think
 3 we're required to do that
 4 MR BAUER Okay We my comment
 5 stands
 6 MR GORE And with that being said we
 7 don't have any questions So understand
 8 Mr Bauer's point about not saying that this
 9 30(b)(6) -- or this corporate representative
 10 deposition is closed but we don't have any
 11 questions to ask today So guess we're done for
 12 now
 13 V DEOGRAPHER Off the record
 14 7 04 p m
 15 (WHEREIN the deposition was concluded
 16 at 7 04 p m)
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 Alaris Litigation Services
 2 711 North Eleventh Street
 3 St. Louis, Missouri 63101
 4 (314) 644-2191
 5
 6 December 14, 2021
 7 Mr. Gabriel Gore
 8 Dowd Bennett LLP
 9 7733 Forsyth Blvd., 19th Floor
 10 St. Louis, Missouri 63105
 11 (314) 889-7300
 12 ggore@dowdclaw.net
 13
 14 In Re: Constellation NewEnergy-Gas Division, LLC;
 15 Symmetry Energy Solutions, LLC;
 16 and Clearwater Enterprises, LLC, Complainants, vs.
 17 Spire Missouri, Inc. and its operating unit Spire
 18 Missouri West, Respondents
 19
 20 Dear Mr. Gore:
 21
 22 Please find enclosed your copy of the deposition of
 23 GEORGE E. GODAT taken on December 13, 2021 in the
 24 above-referenced case. Also enclosed is the
 25 original signature page and errata sheets.
 Please have the witness read your copy of the
 transcript, indicate any changes and/or corrections
 desired on the errata sheets, and sign the signature
 page before a notary public.
 Please return the errata sheets and notarized
 signature page to Alaris Litigation Services, 711
 North Eleventh Street, St. Louis, Missouri 63101 for
 filing prior to trial date.
 Thank you for your attention to this matter.
 Sincerely,
 William L. DeVries, CCR(MO)/RDR/CRR
 Enclosures

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1 CERTIFICATE OF REPORTER
 2
 3 , William L. DeVries, a Certified
 4 Court Reporter (MO), Registered Deposition Reporter,
 5 and a Certified Realtime Reporter, do hereby certify
 6 that the witness whose testimony appears in the
 7 foregoing deposition was duly sworn by me pursuant
 8 to Section 492.010 RSMo; that the testimony of said
 9 witness was taken by me to the best of my ability
 10 and thereafter reduced to typewriting under my
 11 direction; that I am neither counsel for, related
 12 to, nor employed by any of the parties to the action
 13 in which this deposition was taken, and further that
 14 I am not a relative or employee of any attorney or
 15 counsel employed by the parties thereto, nor
 16 financially or otherwise interested in the outcome
 17 of the action.
 18
 19
 20 
 21 Certified Court Reporter
 22 within and for the State of Missouri
 23
 24
 25

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1 WITNESS ERRATA SHEET
 2 Witness Name: GEORGE E. GODAT
 3 Case Name: Constellation NewEnergy-Gas Division,
 4 LLC; Symmetry Energy Solutions, LLC;
 5 and Clearwater Enterprises, LLC, Complainants, vs.
 6 Spire Missouri, Inc. and its operating unit Spire
 7 Missouri West, Respondents
 8 Date Taken: December 13, 2021
 9
 10 Page # _____ Line # _____
 11 Should Read: _____
 12 Reason for Change: _____
 13
 14 Page # _____ Line # _____
 15 Should Read: _____
 16 Reason for Change: _____
 17
 18 Page # _____ Line # _____
 19 Should Read: _____
 20 Reason for Change: _____
 21
 22 Page # _____ Line # _____
 23 Should Read: _____
 24 Reason for Change: _____
 25 Witness Signature: _____

1 STATE OF)

2 COUNTY OF)

3

, GEORGE E. GODAT, do hereby cert fy:

4 That have read the forego ng depos t on;
That have made such changes n form and/or
5 substance to the w th n depos t on as m ght be
necessary to render the same true and correct;

6 That hav ng made such changes thereon,
hereby subscr be my name to the depos t on.
7 dec are under pena ty of perjury that the
forego ng s true and correct.

8

9

GEORGE E. GODAT

10

11 Executed th s day of ,

12 20__, at

13

14

15 Notary Pub c:

16 My Comm ss on Exp res:

17

18

19

20

21

22

23

24

25

GEORGE E. GODAT 12/13/2021

A	343:13	98:8 149:2	105:16	45:12 48:13
a.m 1:25 8:12,15	absolutely	273:25	advance 289:7	49:19 61:3
45:23 53:2,4	44:22 46:3	302:10 310:5	advanced	78:21 91:24
57:13 58:15	accept 115:7	321:8	289:9,15	142:24 173:1
92:5,8 138:23	access 87:23	add 50:7 156:21	advocating	192:16 207:12
217:4 219:23	99:12,20	added 11:4 15:4	60:4	227:6 240:20
240:3 242:24	299:1	161:13 179:23	affect 55:3	258:17 265:1
243:16,24	account 80:13	addition 150:4	affiliate 115:23	277:16 289:3
244:6 251:21	80:14 155:23	additional	affiliated 116:4	301:2
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