

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Constellation NewEnergy – Gas Division, LLC,)	
Complainant,)	
)	
v.)	File No. GC-2021-0315
)	
Spire Missouri, Inc. d/b/a Spire,)	
Respondent,)	
)	
Symmetry Energy Solutions, LLC,)	
Complainant,)	
)	
v.)	File No. GC-2021-0316
)	
Spire Missouri, Inc. and its operating unit)	
Spire Missouri West,)	
Respondent,)	
)	
Clearwater Enterprises, L.L.C.,)	
Complainant,)	
)	
v.)	File No. GC-2021-0353
)	
Spire Missouri, Inc. d/b/a Spire and its)	
Operating Unit Spire Missouri West,)	
Respondent,)	

CERTIFICATE OF SERVICE

This is to certify that on the 15th day of November 2021, Complainant, Constellation NewEnergy-Gas Division, LLC (“Constellation”) caused to be served on all parties on the official service list for this matter via filing in the Commission’s EFIS system and/or email, Constellation’s Notice of Videotaped Deposition, a copy of which is attached.

Respectfully submitted,

By: /s/ Joshua Harden

Joshua Harden

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Constellation NewEnergy-Gas Division, LLC

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Constellation NewEnergy-Gas Division, LLC,)	
Complainants,)	
)	
v.)	File No. GC-2021-0315
)	
Spire Missouri, Inc. and its operating unit)	
Spire Missouri West,)	
Respondents.)	

**CONSTELLATION NEWENERGY-GAS DIVISION, LLC’S NOTICE OF
VIDEOTAPED DEPOSITION**

PLEASE TAKE NOTICE that pursuant to Missouri Rule of Civil Procedure 57.03(b)(4) and 20 CSR 4240-2.090, Complainant Constellation NewEnergy-Gas Division, LLC (“Constellation”) shall take the videotaped deposition by oral examination of Respondents Spire Missouri, Inc. and its Operating Unit Spire Missouri West (“Spire”).

Spire shall designate one or more officers, agents, or other persons as specified in Missouri Rule of Civil Procedure 57.03(b)(4) to testify on its behalf as to the topics set forth below, and on the date and at the time and place indicated below. The videotaped deposition will be recorded by stenographic means and will take place before a certified court reporter by a person authorized by law to administer oaths. Constellation’s attorney for the deposition plans to take the deposition in-person; however, participants or parties other than the Spire representative may attend the deposition by remote technology, such as Zoom. Constellation gives notice that representatives of Constellation and expert witnesses for Constellation may attend the deposition via remote technology.

The videotaped deposition will continue from business day to business day until completed. The videotaped deposition is being taken for the purposes of discovery, for use at hearings or trial, and for other purposes permitted under the Missouri Code of State Regulations, Division 4240,

Chapter 2 and the Missouri Rules of Civil Procedure. Constellation expressly reserves all rights to serve additional Notices of (Videotaped) Deposition pursuant to Rule 57.03 and/or to designate additional topics for examination.

DATE: November 30, 2021

TIME: 9:00 am CST

PLACE: Dowd Bennett LLP
7733 Forsyth Blvd., Suite 1900
St. Louis, Missouri 63105
Or another mutually agreeable location

DEPONENT: Spire Missouri, Inc. and its operating unit
Spire Missouri West

COURT REPORTER: Arranged by Alaris Litigation Services
711 North 11th Street
St. Louis, MO 63101
(800) 280-3376

VIDEOGRAPHER: Arranged by Alaris Litigation Services
711 North 11th Street
St. Louis, MO 63101
(800) 280-3376

Dated: November 15, 2021

Respectfully submitted,

By: /s/ Joshua Harden

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*Attorneys for Complainant
Constellation NewEnergy-Gas Division, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November 2021, a copy of the foregoing **Constellation NewEnergy-Gas Division, LLC's Notice of Videotaped Deposition** has been served on all parties on the official service list for this matter via filing in the Commission's EFIS system and/or email.

/s/ Joshua Harden

Joshua Harden

DEPOSITION TOPICS

I. DEFINITIONS

1. The terms “Spire,” “you,” and “yours” mean and refer to Spire Missouri, Inc. and its operating unit Spire Missouri West, and their employees, agents, officers, directors, representatives, and, when applicable, its employees, agents, officers, directors, representatives, and any other person or persons acting in concert with it or under its control, whether directly or indirectly.

2. Unless stated otherwise, the time period for the Examination Topics is February 1, 2021 through February 28, 2021.

II. EXAMINATION TOPICS

1. Spire’s collection and production of documents in this matter in response to Constellation’s data requests, including a discussion of the factual allegations in or factual basis of the spreadsheets, documents, and reports produced by Spire to Constellation in this docket.

2. The factual basis for each of Spire’s responses to Constellation’s data requests.

3. Factual allegations in Spire’s pleadings in this docket.

4. Factual allegations in Spire’s March 23, 2021, PowerPoint presentation in Missouri Public Service Commission docket AO-2021-0264 and in Spire’s oral comments during that presentation.

5. Factual allegations in Spire’s publicly filed earnings release titled, “Spire Reports Second Quarter Results” dated May 7, 2021.

6. Factual allegations in Spire’s published earning presentation titled, “Stepping Forward: Second Quarter Fiscal 2021 Update,” dated May 7, 2021.

7. The factual bases for each of the statements in Spire’s letter to Constellation titled, “OFO Penalties” dated February 14, 2021.

8. The factual bases for each of the statements in Spire’s letter and attachment sent to Constellation – the “NEW Constellation Energy Volume and Pricing 02.21” spreadsheet – dated March 17, 2021.

9. Any analysis Spire engaged in concerning the issuance of the Operational Flow Order (“OFO”) Spire issued on February 10, 2021, including why it was necessary, when it should be issued, and any internal discussions or communications with third parties about this topic.

10. Any analysis Spire engaged in concerning the lifting the OFO, including why it was lifted on February 20, 2021, why it was not lifted earlier, and any internal discussions or communications with third parties about this topic.

11. Communications between employees of Spire Missouri Inc. and Spire Marketing Inc. concerning Winter Storm Uri or Constellation during February or March 2021.

12. The availability and use of storage gas by Spire in February 2021, including any decisions to draw from storage or to sell gas to third parties.

13. Spire’s sales of gas to Atmos Energy Corporation in February 2021, including any discussions, communication, or analysis concerning this topic.

14. The process by which Spire engages in month-end balancing with Constellation regarding monthly invoicing.

15. Spire’s document retention policies.

16. The identities of the persons who provided the factual information supporting the responses to Constellation’s data requests.

17. Spire Missouri West gas distribution system’s integrity and operating parameters for the period February 1, 2021 through March 10, 2021, including: (a) Details of line pack management; (b) Storage withdraws and injections on the Spire and Southern Star systems; (c)

Maximum Allowable Operating Pressure (MAOP) by segment; (d) Actual operating pressures by segment by hour; (e) Actual daily average operating pressures by delivery point, by receipt point; (f) Actual total receipt volumes into the Spire Missouri West gas distribution system; (g) Actual deliveries out of the Spire Missouri West gas distribution system; and (h) Daily balance/imbalance tracking on the Spire Missouri West gas distribution system.

18. Spire's evaluation and related decisions for issuing or implementing, maintaining, and terminating each/all of the following actions with regard to any/all Spire Customers, affiliates, shippers, pool managers, aggregators and other parties affecting the Spire Missouri West gas distribution system, by segment, during the month of February 2021: (a) Requests for voluntary actions; (b) Unauthorized overrun notices; (c) Contract Demand delivered volumes and notices by Customer; (d) OBA notices to any/all parties for any action; (e) Advance notice of any OFO or curtailments; (f) Notice of OFOs and curtailment orders or requests; (g) Notice of any Emergency OFOs, and if none, details of the evaluation supporting the decision not to issue same; and (h) Emergency Gas Sales and if none, details of the evaluation supporting the decision not to implement same.

19. All gas sales and/or deliveries by Spire of gas supplied directly by Spire, to any party on its system who was a customer of a third party.

20. All gas purchases and all gas sales made by Spire on its system, and for volumes on, into and out of the Southern Star system, including: (a) Affiliated transactions, including transactions with Spire Marketing, Inc.; (b) Upstream and downstream pipelines; and (c) Storage injections, withdraws, and intra-storage purchases, sales and exchanges.