

**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,)	

**RESPONDENT SPIRE MISSOURI INC’S RESPONSE TO COMPLAINANT
SYMMETRY ENERGY SOLUTIONS, LLC’S NOTICE OF VIDEOTAPED DEPOSITION**

Pursuant to Missouri Supreme Court Rules 56.01 and 57.03 and 20 CSR 4240-2.090, Respondent Spire Missouri Inc. (“Spire”) submits its response and objections to Complainant Symmetry Energy Solutions, LLC’s Notice of Videotaped Deposition.

RESPONSES AND OBJECTIONS

1. **Spire's collection and production of documents in this matter, including the basis for stating that "Spire has no additional responsive documents to produce at this time" in Spire's September 17, 2021 letter (Attachment A).**

RESPONSE: Spire objects to this topic as vague as to the phrase "this matter"; it is unclear whether Symmetry is requesting information pertaining to Spire's production of documents in the entire consolidated case or just those documents that were produced in response to Symmetry's data requests.

Spire further objects to this topic as vague in that it is unclear if Symmetry is seeking to have Spire produce a corporate representative to testify just to the process by which documents were collected and produced, or whether Symmetry is also seeking testimony regarding the substance of the entire document production. To the extent Symmetry is seeking information regarding the substance of all of the documents it received in response to its data requests, Spire objects to this topic as overbroad and unduly burdensome.¹

Spire further objects to this topic to the extent the representative may be called upon to provide legal conclusions or testify on matters that are the subject of expert testimony. Spire objects to the extent this topic seeks information protected by the attorney client privilege, work product doctrine, or other applicable privileges.

Subject to its objection, Spire will produce a corporate representative who can testify regarding the collection and production of the documents in response to Symmetry's data requests.

¹ Symmetry served its amended notice on Spire on November 15th, 2021. Symmetry, along with two other complainants in this matter, sought a deposition of Spire's corporate representative before the December 3, 2021 direct testimony deadline. Spire agreed to accommodate the complainants' short time frame, even with the interceding holiday. All three complainants noticed topics that would seemingly require Spire's corporate representative to be ready to testify as to all the documents produced to them. The other two complainants further sought Spire's corporate representative to be ready to testify to all of the written responses to their data requests.

2. The full factual bases, including details and the supporting documentation, for each of the following statements in Spire's September 17, 2021 letter (Attachment A):
- a. **“(3) As a result, gas markets were forecast to become very short.”**
 - b. **“(4) Spire reacted by initiating an OFO to all marketers for the projected start of the storm and short market.”**
 - c. **“(5) The purpose of the OFO was to ensure adequate natural gas supply to Western Missouri for the duration of the event.”**
 - d. **“(6) A severe winter storm in fact occurred, resulting in supply disruption and an extraordinarily tight natural gas market in the midcontinent for a particular week in February.”**
 - e. **“(7) Symmetry apparently did not communicate these facts to its customers behind Spire's city gate.”**
 - f. **“(8) As a result, Symmetry customers largely did not conserve natural gas during this period.”**
 - g. **“(9) Symmetry did not deliver as much natural gas to Spire's city gate as its customers were using during that week.”**
 - h. **“(10) On certain days of the event, Symmetry delivered no gas to Spire's city gate.”**
 - i. **“(11) Symmetry apparently held insufficient firm capacity, supply or storage positions to adequately serve its customers, and didn't bother purchasing any in the daily spot market.”**
 - j. **“(12) When called out by Spire, Symmetry's representative told Spire the situation ‘could be worse.’”**
 - k. **“(13) Spire was faced with the choice of either shutting off natural gas to all of Symmetry's customers or buying additional gas to maintain their gas service.”**

- l. “(14) Spire elected to do the right thing for the community by purchasing and delivering enough natural gas to cover for Symmetry’s failure.”**

- m. “(16) Symmetry is charging its customers for gas Spire bought for them during the OFO period.”**

RESPONSE: Spire objects to this topic to the extent the representative may be called upon to provide legal conclusions or testify on matters that are the subject of expert testimony. Spire objects to the extent this topic seeks information protected by the attorney client privilege, work product doctrine, or other applicable privileges.

Subject to its objection, Spire will produce a corporate representative to testify.

- 3. 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.**

RESPONSE: No objection.

- 4. 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.**

RESPONSE: No objection.

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

RESPONSE: No objection.

- 6. 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.**

RESPONSE: No objection.

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

RESPONSE: No objection.

8. **The process by which Spire engages in month-end balancing with Symmetry regarding monthly invoicing, including but not limited to the process as applied since November 2020.**

RESPONSE: No objection

9. **Spire's document retention policies.**

RESPONSE: No objection.

10. **The identities of the persons who provided the factual information supporting the responses to Symmetry's data requests served on March 26, 2021. Note that Symmetry does not seek privileged information but rather seeks to identify whoever has knowledge of those facts and is prepared to testify about their accuracy and completeness.**

RESPONSE: No objection.

Dated: November 26, 2021

Respectfully submitted,

By: /s/ Dean Cooper
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