

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, Symmetry Energy Solutions, LLC 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, Symmetry Energy Solutions, LLC’s Amended Notice of Videotaped Deposition, a copy of which is attached.

Respectfully submitted,

HEALY LAW OFFICES, LLC

/s/ Peggy A. Whipple

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/s/ Steven M. Bauer

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Symmetry Energy Solutions, LLC*

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Symmetry Energy Solutions, LLC,)	
)	
Complainants,)	
)	
v.)	Case No. GC-2021-0316
)	
Spire Missouri, Inc. and its operating unit)	
Spire Missouri West,)	
)	
Respondents.)	

**SYMMETRY ENERGY SOLUTIONS, LLC’S AMENDED 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 Symmetry Energy Solutions, LLC (“Symmetry”) 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. 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. Symmetry 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, MO 63105

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
(314) 644-2191

VIDEOGRAPHER: Arranged by Alaris Litigation Services
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Dated: November 15, 2021

HEALY LAW OFFICES, LLC

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*Attorneys for Complainant
Symmetry Energy Solutions, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November 2021, a copy of the foregoing **Symmetry Energy Solutions, LLC's Amended 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/ Peggy A. Whipple
Peggy A. Whipple

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, 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).

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.”

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.

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.

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

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.

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

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.

9. Spire's document retention policies.

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.