

**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
CONSTELATTION NEWENERGY GAS DIVISION, LLC’S NOTICE
OF VIDEOTAPED DEPOSTION**

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 Constellation NewEnergy Gas Division LLC’s Notice of Videotaped Deposition.

RESPONSES AND OBJECTIONS

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.

RESPONSE: Spire objects to this topic as overbroad and unduly burdensome in that it seeks information concerning the “collection and production” of all the produced documents, as well as information regarding “the factual allegations in or factual basis of” all of those documents. As drafted, this topic improperly seeks to have Spire incur the undue burden of identifying and preparing a corporate representative on all of the “factual allegations and factual bas[es]” for the hundreds of pages of produced documents which is unreasonable.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 this matter and the factual basis for the damages calculation spreadsheets that were produced.

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

RESPONSE: Spire objects to this topic as overbroad and unduly burdensome in that it seeks information concerning the “factual basis” of all of Spire’s responses to Constellation’s data

¹ Constellation served its deposition notice on Spire on November 15th, 2021. Constellation, 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. Constellation and Clearwater further sought Spire’s corporate representative to be ready to testify to all of the written responses to their data requests.

requests. As drafted, this topic improperly seeks to have Spire incur the undue burden of identifying and preparing a corporate representative to testify regarding “the factual basis” for every written response to Constellation’s multiple sets of data requests which is unreasonable.²

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 process by which the data request responses were prepared.

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

RESPONSE: Spire objects to this topic as vague as to the phrase “this docket”; it is unclear whether Constellation is requesting information pertaining to Spire’s pleadings in the entire consolidated case or just those pleadings directed at or responding to Constellation.

Spire further objects to the topic as overbroad and unduly burdensome in that it seeks information concerning the “factual allegations” of all of Spire’s pleadings. As drafted, this topic improperly seeks to have Spire incur the undue burden of identifying and preparing a corporate representative to testify regarding “the factual allegations” for every pleading in this matter which is unreasonable.³

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.

² See *supra* n.1.

³ See *supra* n.1.

Subject to its objection, Spire will produce a corporate representative who can testify regarding the process by which the pleadings in this “docket” were prepared.

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.

RESPONSE: Spire objects to this topic as irrelevant, as the presentation identified in this topic was prepared for and presented in a separate matter in front of the PSC that has no relation to this case.

Spire further objects to this topic as overbroad and unduly burdensome in that it seeks information concerning all of the “factual allegations” contained within the PowerPoint, as well as “oral comments” made during the PowerPoint’s presentation. As drafted, this topic improperly seeks to have Spire incur the undue burden of identifying and preparing a corporate representative to testify regarding “the factual allegations” within the entire 27 page PowerPoint, in addition to all “oral comments” which occurred during the presentation. The topic is overbroad and imposes an undue burden.⁴

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 to the accuracy of the factual allegations reflected in the report and the oral comments made at the presentation.

⁴ See *supra* n.1.

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

RESPONSE: Spire objects to Constellation’s request for *Spire Missouri Inc.* to produce a corporate representative to testify as to the “factual allegations” contained in a document prepared by non-party, Spire Inc.

Spire further objects to the request as overbroad and irrelevant, as the report concerns financial information for all of Spire Inc. The report is not limited to information about utilities, nor specifically limited to Spire (which is only one of Spire Inc.’s gas utilities). The financial performance of entities other than Spire is irrelevant and beyond the scope of the subject matter involved in this action.

Subject to its objection, Spire will produce a witness who can testify as to Spire Missouri Inc.’s knowledge of Spire Inc.’s earnings release.

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

RESPONSE: Spire objects to Constellation’s request for *Spire Missouri Inc.*, to produce a corporate representative to testify as to the “factual allegations” contained in a document prepared by non-party, Spire Inc.

Spire further objects to the request as overbroad and irrelevant, as the presentation concerns financial information for all of Spire Inc. The report is not limited to information about utilities, nor specifically limited to Spire (which is only one of Spire Inc.’s gas utilities). The financial performance of entities other than Spire is irrelevant and beyond the scope of the subject matter involved in this action.

Subject to its objection, Spire will produce a corporate representative who can testify as to Spire Missouri Inc.’s knowledge of Spire Inc.’s earning presentation.

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

RESPONSE: No objection.

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.**

RESPONSE: No objection.

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.**

RESPONSE: No objection.

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.**

RESPONSE: No objection.

11. **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.

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.**

RESPONSE: No objection.

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

RESPONSE: No objection.

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

RESPONSE: No objection

- 15. Spire's document retention policies.**

RESPONSE: No objection.

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

RESPONSE: No objection.

- 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.**

RESPONSE: Spire objects to this topic as overbroad and irrelevant in that the topic seeks information concerning the “[d]etails of line pack management” and for “(MAOP) by segment,” even though Spire does not have line segments. The topic is further overbroad and irrelevant to the subject matter of this action in that it seeks operational information concerning the pressure that Spire experienced on its system, even though Spire has previously offered to stipulate that it did not lose pressure on any part of its system during Winter Storm Uri because Spire sourced the necessary cover gas.

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 to testify.

- 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.**

RESPONSE: Spire objects that this topic is vague, ambiguous, and overbroad in that it seeks “evaluation and related decisions for issuing or implementing, maintaining, and terminating each/all” of the listed actions during the month of February 2021, regardless of whether such information is relevant to the subject matter of this lawsuit. For example, Constellation seeks information regarding “Contract demand delivered volumes and notices by Customer,” regardless if such delivered volumes have any impact or relevance to Constellation’s complaint.

Spire further objects that the phrases “[r]equests for voluntary actions” and “[u]nauthorized overrun notices” are vague.

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 also objects to the extent this topic seeks information protected by the attorney client privilege, work product doctrine, or other applicable privileges.

Spire will need additional clarification in order to even attempt to undertake to prepare a corporate representative on this topic.

- 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.**

RESPONSE: No objection.

- 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.**

RESPONSE: No objection.

Dated: November 26, 2021

Respectfully submitted,

By: /s/ Dean Cooper
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