

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Spire Missouri, Inc. d/b/a)
Spire’s Request for Authority to Implement a) File No.GR-2022-0179
General Rate Increase for Natural Gas Service) Tracking No.YG-2022-0244
Provided in the Company’s Missouri)
Service Areas)

APPLICATION TO INTERVENE AND
RESPONSE TO SPIRE’S TARIFF SUSPENSION REQUEST OF
CONSTELLATION NEWENERGY-GAS DIVISION, LLC

COMES NOW, Constellation NewEnergy-Gas Division, LLC (“CNEG”), pursuant to Rule 20 CSR 4240-2.075 of the Missouri Public Service Commission (“Commission”), to apply for intervention in the above referenced case and respond to Spire’s tariff suspension request. In support thereof, CNEG states:

1. CNEG is a leading retail natural gas supplier providing over seven hundred billion cubic feet of natural gas per year to approximately one hundred twenty-five thousand (125,000) customers in thirty-six states, including Missouri, where CNEG is a marketer on the Spire Missouri Inc. d/b/a Spire (“Spire”) natural gas distribution system. CNEG sells natural gas commodity to customers subject to the Spire gas transportation tariff. CNEG’s corporate address is 9400 Bunsen Parkway, Suite 100, Louisville, Kentucky 40220.

2. On April 1, 2022, Spire submitted direct testimony and tariff sheets to support an increase in gas revenues of approximately \$151.9 million. Along with the rate review, Spire is proposing extensive revisions to its gas transportation tariffs that apply to the customers served by CNEG and other retail gas marketers. The tariff sheets bear an effective date of May 1, 2022.

3. On April 4, 2022, the Commission issued its Order Giving Notice, Setting a Deadline to Intervene, Setting a Deadline to Respond to the Test Year, Setting a Deadline to

Respond to Spire's Tariff Suspension Request, and Directing a Proposed Schedule. This Order sets deadlines of April 15, 2022 for responses to Spire's tariff suspension request and April 25, 2022 for applications for intervention.

CNEG Application to Intervene

4. In its application, Spire proposes changes to its current tariff that would, *inter alia*, (1) modify the eligibility requirement for many of CNEG's customers making them no longer eligible for gas transportation service; (2) make certain CNEG customers that are classified as Human Needs subject to additional eligibility requirements and limitations; (3) establish new rules in the tariff for CNEG's creditworthiness; (4) require CNEG to submit to the jurisdiction and supervision of the Commission; (5) result in increase of certain charges and penalties to CNEG and its customers; (6) introduce demand charges to certain CNEG customers and (7) demand full payment of penalties from CNEG as a Condition Precedent to Challenge preventing CNEG from taking any regulatory or legal action to dispute charges until it had paid said charges in full.

5. As described in Paragraph 4 above, CNEG and its customers have a direct and immediate interest in these proceedings that is different from that of the general public and these interests are currently not represented by any other party to this case, nor are they likely to be. CNEG's and its customers' interests in the proposed Spire tariff changes are significant and may be adversely affected by a final order from this Commission in this case.

6. CNEG's preliminary response to certain Spire's proposed tariff changes is not favorable but at this time CNEG does not have sufficient information to take a final position on this case. After CNEG has adequate opportunity to examine the record and documents it expects to develop its position on the issues that affect it and its customers.

7. Granting intervention to CNEG would serve the public interest by allowing it to examine issues of significant to it and its customers to assist the Commission in the development of a full and complete record for it to issue its decision in this case.

8. Pleadings, notices and other correspondence and communications, in this case should be addressed to the undersigned counsel for CNEG.

CNEG Response to Spire’s Tariff Suspension Request

9. Because of the significance to CNEG and its customers of the tariff revisions proposed by Spire, including those identified in Paragraph No. 4 above, CNEG files its Application to Intervene coincident with its Response to Spire’s Tariff Suspension.

10. In its Order dated April 4, 2022, the Commission acknowledges that “Spire asks that the Commission not suspend the tariff for the six months beyond the 120 days provided for in section 393.150.1 RSMo. In support of its position, Spire asserts that there will be a limited number of contested issues,” for which the Commission established a deadline of April 15, 2022 for “any responses to Spire’s request to not suspend its tariff sheets an additional six months beyond August 28, 2022.”

11. Spire has proposed extensive revisions to its gas transportation tariff and, as detailed in Paragraph 5 above, CNEG’s and its customers’ interests are significant. Thus, Spire’s changes are likely to be contested issues in this case. CNEG and its customers should be afforded adequate opportunity to evaluate and assess the impact of these proposed tariff changes.

12. Therefore, CNEG anticipates that multiple issues will be contested in this case and that it will not be possible to conduct discovery and submit testimony within the 120-day period of suspension requested by Spire. CNEG requests this Commission deny Spire’s request and exercise its discretion under §393.150.2 RSMo. to extend the time of suspension for a further

period of six months beyond the 120-day suspension period.

WHEREFORE, CNEG prays that this Commission issue orders granting its application to intervene in this proceeding and granting the full statutory suspension period of eleven months in this case and for such other orders and relief as may be appropriate in the circumstances.

Respectfully,

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Certificate of Service

I hereby certify that on this 15th day of April, 2022, a copy of the foregoing **Application to Intervene and Response to Spire's Tariff Suspension Request of Constellation NewEnergy – Gas Division, LLC** 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