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1	BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI	1	Exhibit 13 Spire Missouri Schedule of 261
2		2	Rates and Charges
3	Constellation NewEnergy-Gas ) Division, LLC, )	3	Exhibit 14 Clearwater notice of 283
4	Complainants, )	4	deposition
5	vs. ) Case No. GC-2021-0315	5	Exhibit 15 Clearwater complaint 322
6	Spire Missouri, Inc. and its ) operating unit Spire Missouri West,)	6	
7	Respondents. )	7	(The original exhibits were retained by the court
8	Symmetry Energy Solutions, LLC. )	8	reporter to be attached to the original and copies
9	Complainants, )	9	of the transcript.)
10	vs. ) Case No. GC-2021-0316	10	
11	Spire Missouri, Inc. and its ) operating unit Spire Missouri West,)	11	
12	Respondents. )	12	
13	Clearwater Enterprises, LLC. )	13	
14	Complainants, )	14	
15	vs. ) Case No. GC-2021-0353	15	
16	Spire Missouri, Inc. and its ) operating unit Spire Missouri West,)	16	
17	Respondents. )	17	
18	VIDEO-RECORDED DEPOSITION OF GEORGE E. GODAT	18	
19	(Corporate Representative of Spire Missouri, Inc. and its operating unit Spire Missouri West)	19	
20	TAKEN ON BEHALF OF THE COMPLAINANTS	20	
21	DECEMBER 13, 2021	21	
22	(Starting time of the deposition: 8:08 a.m.)	22	
23		23	
24		24	
25		25	

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1	I N D E X	1	VIDEO-RECORDED DEPOSITION OF GEORGE E. GODAT
2	QUESTIONS BY: PAGE	2	as the Corporate Representative of Spire Missouri,
3	MR. BAUER 13	3	Inc. and its operating unit Spire Missouri West,
4	MR. HOWELL 146	4	produced, sworn and examined on December 13, 2021,
5	MS. BELL 284	5	between the hours of eight o'clock in the forenoon
6	MR. BAUER 337	6	and eight o'clock in the evening of that day, at the
7		7	offices of Dowd Bennett LLP, 7733 Forsyth Blvd.,
8	E X H I B I T S	8	19th Floor, St. Louis, Missouri 63105, before
9	EXHIBIT PAGE	9	William L. DeVries, a Certified Court Reporter (MO),
10	Exhibit 1 Notice of deposition 16	10	Registered Diplomate Reporter, and Certified
11	Exhibit 2A Binder 1 of materials 93	11	Realtime Reporter, in certain causes now pending
12	Exhibit 2B Binder 2 of materials 93	12	before the Public Service Commission of the State of
13	Exhibit 3 2-17-21 Spire correspondence 112	13	Missouri, between Constellation NewEnergy-Gas
14	Exhibit 4 PowerPoint presentation 129	14	Division, LLC; Symmetry Energy Solutions, LLC;
15	Exhibit 5 Murray & Trettel document 130	15	and Clearwater Enterprises, LLC, Complainants, vs.
16	Exhibit 6 9-9-21 e-mail chain 131	16	Spire Missouri, Inc. and its operating unit Spire
17	Exhibit 7 2-29-21 e-mail chain 135	17	Missouri West, Respondents; taken on behalf of the
18	Exhibit 8 MOW Transportation Comms 136	18	Complainants.
19	2-17-21	19	
20	Exhibit 9 2-10-21 Payne e-mail 138	20	
21	Exhibit 10 2-17-21 e-mail chain 139	21	
22	Exhibit 11 2-24-21 Spire letter to 140	22	
23	Symmetry	23	
24	Exhibit 12 Constellation notice of 226	24	
25	deposition	25	

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1 IT IS HEREBY STIPULATED AND AGREED by  
 2 and between all counsel that this deposition may be  
 3 taken in shorthand by William L. DeVries, RDR/CRR, a  
 4 Certified Court Reporter and Certified Shorthand  
 5 Reporter, and afterwards transcribed into  
 6 typewriting; and the signature of the witness is  
 7 expressly reserved.  
 8 \* \* \* \* \*  
 9 GEORGE E. GODAT,  
 10 of lawful age, produced, sworn and examined on  
 11 behalf of the Complainants, deposes and says:  
 12 (Starting time of the deposition: 8:08 a.m.)  
 13 VIDEOGRAPHER: We are on the record.  
 14 Today's date is December 13th, 2021 and the time is  
 15 8:08 a.m. This is the video-recorded deposition of  
 16 corporate representative George Godat in the matter  
 17 of Symmetry Energy Solutions, LLC, versus Spire  
 18 Missouri Incorporated, et al., Case  
 19 Number GC-2021-0316, before the Public Service  
 20 Commission of the State of Missouri.  
 21 This deposition is being held at Dowd  
 22 Bennett. The reporter's name is Bill DeVries. My  
 23 name is Ryan Gray. I'm the legal videographer. We  
 24 are with Alaris Litigation Services.  
 25 Will the attorneys present please

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<p>1 introduce themselves and the parties they represent?  2 MR. BAUER: Okay. So good morning.  3 This is Steve Bauer and Rachel Bosley. We are from  4 Latham &amp; Watkins, and we represent Symmetry Energy  5 Solutions.  6 MR. HOWELL: This is Richard Howell via  7 Zoom. Also here with me for Constellation is Amy  8 Baird and Josh Harden, as well as an expert witness  9 Jim Cantwell.  10 MS. WHIPPLE: Peggy Whipple and Doug  11 Healy from Healy Law Offices for Symmetry.  12 MS. BELL: Okay. Stephanie Bell with  13 Ellinger &amp; Associates on behalf of Clearwater.  14 MR. GORE: We got all the complainants?  15 This is Gabe Gore and Becky McLaughlin here on  16 behalf of Dowd Bennett, LLP. Dean, I'll let you  17 announce.  18 MR. COOPER: Dean Cooper from the law  19 firm of Brydon, Swearingen &amp; England, PC on behalf  20 of Spire Missouri, Inc.  21 MR. APLINGTON: This is Matt Aplington  22 from Spire Missouri, Inc.  23 COURT REPORTER: Hold on, Ryan.  24 Anybody else on the Zoom that has not introduced  25 themselves?</p>	<p>1 following Constellation's topics.  2 To the extent there were topics from  3 others' notices that we felt weren't covered within  4 those 20 Constellation topics, we added a couple at  5 the end, but we think it covers everyone's topics  6 and that's -- these are the documents that he  7 reviewed in his preparation for today's testimony.  8 We provided these documents  9 electronically, so I hope everyone who is on video  10 got the documents. If you did not get them, you can  11 shoot Becky McLaughlin an e-mail. She'll shoot a  12 zip file out to you. And I think that is all we  13 have.  14 MR. BAUER: Okay. Great. So can I ask  15 you a question or two which you're not being  16 deposed, so I -- you don't have to answer the  17 questions, but one question I have is are all of  18 these documents in these two binders things that  19 have been previously disclosed in this litigation?  20 MR. GORE: I believe so. Can we  21 confirm that? There may be a couple -- I'm thinking  22 of one publicly available document that you guys may  23 not have, but I think by and large, 99 percent of  24 it -- it will be -- I think we have a notice from  25 the Southern Star that's publicly available that we</p>
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<p>1 MR. STOKES: On behalf of the Public  2 Service Commission staff, this is Curt Stokes  3 appearing telephonically.  4 MS. NIEMEIER: On behalf of Spire this  5 is Rachel Niemeier, appearing telephonically.  6 MS. MILLER: On behalf of Clearwater,  7 outside counsel from Hall Estill, this is Sarah  8 Miller.  9 VIDEOGRAPHER: Would the court reporter  10 please swear in the witness?  11 COURT REPORTER: Do you swear or affirm  12 that the testimony you are about to give in this  13 proceeding will be the truth, the whole truth, and  14 nothing but the truth?  15 THE WITNESS: Yes, sir.  16 MR. BAUER: Okay. So Mr. Gore, you  17 want to start us off?  18 MR. GORE: Yeah. So good morning  19 everyone. At the outset of the deposition today I  20 just wanted to point out that Mr. Godat has in front  21 of him two binders that reflects the documents that  22 he used to prepare to provide testimony on each of  23 the topics. We thought the most comprehensive list  24 of topics was Constellation, so that is how the  25 binders are organized. They're organized by tab</p>	<p>1 put in there. Maybe some weather reports. I don't  2 know -- those were probably produced weren't they or  3 maybe they weren't. So there's things like that  4 that we pulled, but it be will obvious to you.  5 But all the documents I think have been  6 produced. If not, let us know if you think they  7 haven't been produced but to the extent they haven't  8 been produced, we're producing them today. I don't  9 think anybody is going to see anything in there  10 that's unfamiliar to them.  11 MR. BAUER: Is there any way -- are  12 these Bates marked or marked in any way that we can  13 track them?  14 MR. GORE: They're marked just like  15 they were when they were produced and as I  16 understand it we didn't produce anything but Bates  17 labels.  18 MR. BAUER: Okay. All right.  19 MS. BELL: Can I state for the record  20 that Jennifer Thompson from Clearwater is also on  21 the Zoom.  22 MR. BAUER: All right. Well, let's get  23 started.  24 MR. GORE: You guys know -- before we  25 get started here, let me do one more thing. I meant</p>

3 (Pages 9 to 12)

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<p>1 to do this earlier. I think this goes better with 2 this down. Less distractions. 3 EXAMINATION 4 QUESTIONS BY MR. BAUER: 5 <b>Q. Okay. Good morning, sir.</b> 6 A. Good morning. 7 <b>Q. Could you pronounce your last name</b> 8 <b>again for me because I think I've been getting it</b> 9 <b>wrong all this time.</b> 10 A. Yeah, George Godat. 11 <b>Q. Godat?</b> 12 A. Yes. 13 <b>Q. Okay. Thank you. Nice to meet you.</b> 14 A. Uh-huh. Nice to meet you. 15 <b>Q. What is your current position at Spire?</b> 16 A. Vice president of gas supply and 17 general manager for Missouri East. So I have 18 responsibility for gas supply for all of our 19 utilities, gas control for all of our utilities, and 20 then I also have field operations for St. Louis. So 21 about a thousand field employees. 22 (Court reporter interruption.) 23 <b>Q. (By Mr. Bauer) And you say is that</b> 24 <b>just for Spire East or is it for the entire Spire</b> 25 <b>group of companies?</b></p>	<p>1 that entity to Houston, I came back to the utility 2 in 2018 and I took over gas supply and gas control 3 and then this past October when Tim Goodson retired, 4 they added the responsibility of field operations to 5 me. 6 <b>Q. And currently who do you report to?</b> 7 <b>Who is above you in the chain of command?</b> 8 A. I report directly to Scott Carter, the 9 president of Spire Missouri. 10 <b>Q. And who are your direct reports?</b> 11 A. On the gas supply side, Justin Powers 12 runs gas supply for all the utilities. Alex Grewach 13 runs gas control. I have three directors on the 14 field operations side. I don't know if you want me 15 to name those. 16 <b>Q. Sure.</b> 17 A. Rob Atkinson, Todd Gibson, and David 18 Williams. And then I have -- I have a manager of 19 op support that's Ray Wilson that reports directly 20 to me. I have an admin Theresa Payne that reports 21 to me, and then an accountant, Michelle Beaver, that 22 reports directly to me. 23 <b>Q. Thank you. Is there any reason that</b> 24 <b>you cannot testify today truthfully and accurately?</b> 25 A. There is not.</p>
<p>1 A. My gas supply and gas control 2 responsibilities are for all of Spire utilities. My 3 field operations is just for Missouri East. 4 <b>Q. How long have you been in that</b> 5 <b>position?</b> 6 A. I've had gas supply and gas control 7 since 2018. I took over field operations last 8 October. 9 <b>Q. Who did you take field operations over</b> 10 <b>from?</b> 11 A. Tim Goodson. 12 <b>Q. Can you just run us quickly through</b> 13 <b>your education and your past employment positions?</b> 14 A. Sure. I have a mechanical engineering 15 degree from University of Missouri Rolla, which is 16 now Missouri S&amp;T. Came to work for Spire right out 17 of college. So been here 30 years in January. I 18 was -- held various positions on the operations side 19 for my first four years. In 1996 I moved into gas 20 supply for Laclede Gas Company. And I held -- I was 21 then -- held various roles in gas supply for Laclede 22 Gas for about 14 years. 23 And then 2008 I moved to Spire 24 marketing, which was Laclede Energy Resources at the 25 time. I spent ten years there. And when they moved</p>	<p>1 <b>Q. Have you had your deposition taken</b> 2 <b>before?</b> 3 A. I did in a Missouri PSC case when I was 4 in gas supply for the utility, so probably 20 years 5 ago. 6 <b>Q. And that's the only one?</b> 7 A. It is. 8 MR. BAUER: Okay. Can we mark the 9 deposition notice as the first exhibit, please? 10 (WHEREIN, Exhibit 1, Notice of 11 deposition, was marked for identification by the 12 Court Reporter.) 13 <b>Q. (By Mr. Bauer) So we put Exhibit 1</b> 14 <b>before you, and that's the deposition notice in this</b> 15 <b>case for your deposition as an attachment. You've</b> 16 <b>seen it before I take it?</b> 17 A. I have. 18 <b>Q. Okay. And so you're the person who's</b> 19 <b>testifying as the corporate representative for</b> 20 <b>Spire?</b> 21 A. Yes, sir. 22 <b>Q. And that means that you've been</b> 23 <b>designated by the company as its representative for</b> 24 <b>each of these topics, true?</b> 25 A. Correct.</p>

4 (Pages 13 to 16)

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1 listed before?

2 A. That's correct.

3 **Q. Anything else have you done -- have you**

4 **done anything else to prepare for the deposition**

5 **other than what we just described here?**

6 A. The majority of my time was just spent

7 getting myself familiar with these documents.

8 **Q. Do you know how those documents came to**

9 **be a set that were given to you?**

10 A. It was -- it was information that

11 counsel pulled that thought -- they thought was

12 representative of the questions that had been asked

13 in the deposition.

14 **Q. Did you review any documents other than**

15 **the ones that are in these binders in preparation**

16 **for this deposition?**

17 A. Yeah, none that I can think of.

18 MR. GORE: For the record, Steve, I'd

19 just point out he did forget one name of a person he

20 spoke with in preparation. If you want me to remind

21 him I can or just --

22 MR. BAUER: Sure. Let's just get it

23 out.

24 MR. GORE: Bob McKee.

25 A. Oh, Bob McKee. Yeah, I'm sorry. He's

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1 **our records retention coordinator or manager.**

2 **Q. (By Mr. Bauer) At Spire?**

3 A. At Spire.

4 **Q. Bob McKee?**

5 A. Bob McKee, correct.

6 **Q. Okay. Thank you. Okay. Take a look,**

7 **if you would, at Exhibit 1. It's on page four,**

8 **examination topic number one. Just for keeping**

9 **yourself organized there, as a general rule I'm just**

10 **going to plow through these topics one after the**

11 **next. I may skip around a little bit, but not too**

12 **much. So you probably want to just keep Exhibit 1**

13 **in front of you.**

14 **So topic one is (quote as read):**

15 **Spire's collection and production of**

16 **documents in this matter, including the**

17 **basis for stating that, quote, Spire**

18 **has no additional responsive documents**

19 **to produce at this time, end quote, in**

20 **Spire's September 17th, 2021 letter.**

21 **Which is attached as attachment A. Go**

22 **ahead and turn to attachment A, if you would. It's**

23 **the letter from Mr. Aplington to me. The fourth**

24 **paragraph says (quote as read):**

25 **Your letter seems to imply that,**

Page 23

1 **because the damages Spire seeks are**

2 **large, there must be a concomitant**

3 **volume of documents to substantiate the**

4 **claim. There are not, and Spire has no**

5 **additional responsive documents to**

6 **produce at this time.**

7 **Do you see that?**

8 A. Yes, sir.

9 **Q. Do you -- do you know -- or let me ask**

10 **you this: What does it mean when it says there that**

11 **Spire has no additional responsive documents to**

12 **produce at this time? Can you explain that to me?**

13 MR. GORE: At this point I'm just going

14 to point out that I submitted written objections to

15 topic one, and after the objections what I stated

16 the witness would be prepared to testify about is

17 that we would produce the corporate representative

18 who would be capable of testifying regarding the

19 collection and production of documents in response

20 to Symmetry's data requests. And I think the

21 question you just asked goes beyond that in terms of

22 asking what was Matt Aplington's thought process

23 when he wrote a sentence in a letter.

24 MR. BAUER: Okay. But I'm asking what

25 Spire -- does Spire have any understanding of what

Page 24

1 that means and what does that mean to us in this

2 litigation. So I take your objection. There's some

3 discussion on our side of the aisle here about

4 whether those objections were late, and that's

5 something we can talk about later. We don't need to

6 burn time on this now.

7 MR. GORE: I'm pretty sure under

8 Missouri law they were not late.

9 MR. BAUER: I didn't -- it wouldn't

10 surprise me that we might disagree on that. But so

11 I take -- I take your objection, but can he just

12 answer the question or are you going to instruct him

13 not to answer?

14 MR. GORE: No, you can answer if you're

15 able.

16 **Q. (By Mr. Bauer) Okay.**

17 A. Yeah, I mean, you know, as you

18 mentioned, I wasn't directly responsible for

19 producing the documents that were turned over. I

20 went through and reviewed all the documents. You

21 know, based -- based on my information on the

22 matter, you know, I think all of the documents that

23 are needed to -- to calculate damages in this case

24 are in this -- in these binders.

25 **Q. Does that mean that Spire has produced**

Page 25	Page 27
<p>1 <b>all of the documents that Symmetry has requested?</b></p> <p>2 A. Yeah, I mean, it's my understanding</p> <p>3 based on this letter that Spire's produced all the</p> <p>4 documents that Symmetry has requested. Like I say,</p> <p>5 I haven't -- I haven't personally been responsible</p> <p>6 for collecting all the documents, so I would say</p> <p>7 it's Spire's position that the documents that</p> <p>8 Symmetry has requested have been collected and</p> <p>9 turned over.</p> <p>10 MR. GORE: And I'm -- and I'm going to</p> <p>11 object to the questioning as vague and calls for</p> <p>12 legal conclusion. You switched terms. You switched</p> <p>13 from responsive to requested, which are two</p> <p>14 different things legally, which this witness is not</p> <p>15 a lawyer.</p> <p>16 <b>Q. (By Mr. Bauer) Do you have an</b></p> <p>17 <b>understanding of the difference between responsive</b></p> <p>18 <b>and requested? I'm not sure your counsel and I are</b></p> <p>19 <b>thinking about the same words.</b></p> <p>20 A. Yeah. Could you explain what you're</p> <p>21 talking about in context of?</p> <p>22 <b>Q. Yeah, sure. I mean, my question is --</b></p> <p>23 <b>I'll take a step back. Symmetry requested a bunch</b></p> <p>24 <b>of documents from Spire in this case. My question</b></p> <p>25 <b>to -- to you is after seeing this letter, it says</b></p>	<p>1 process and goes above and beyond to try to be</p> <p>2 responsive to data requests as they come in.</p> <p>3 <b>Q. (By Mr. Bauer) Who is the person who's</b></p> <p>4 <b>in charge of the data response -- the data responses</b></p> <p>5 <b>at Spire?</b></p> <p>6 MR. GORE: I'm going to object, vague.</p> <p>7 Are you talking about this case?</p> <p>8 MR. BAUER: Yes.</p> <p>9 A. It just depends on the topic. You</p> <p>10 know, the folks that I mentioned that I had spoken</p> <p>11 to I think provided information to the various</p> <p>12 topics that were included in the questioning from --</p> <p>13 from Symmetry.</p> <p>14 <b>Q. (By Mr. Bauer) Are you aware of any</b></p> <p>15 <b>documents that were requested by Symmetry but have</b></p> <p>16 <b>been withheld by Spire?</b></p> <p>17 A. I am not.</p> <p>18 <b>Q. Have you made any inquiry to -- to --</b></p> <p>19 <b>within Spire to know whether there were documents</b></p> <p>20 <b>that were requested by Symmetry that Spire is</b></p> <p>21 <b>withholding?</b></p> <p>22 A. I have not specifically asked that</p> <p>23 question.</p> <p>24 <b>Q. What did you do specifically to prepare</b></p> <p>25 <b>yourself to testify about this topic number one?</b></p>
<p>Page 26</p> <p>1 (quote as read):</p> <p>2 <b>Spire has no additional responsive</b></p> <p>3 <b>documents to produce at this time.</b></p> <p>4 <b>And my question is have you guys</b></p> <p>5 <b>produced all the documents that we requested or do</b></p> <p>6 <b>you know? And that's all I'm trying to find out</b></p> <p>7 <b>here.</b></p> <p>8 MR. GORE: I'm going to object, vague,</p> <p>9 calls for legal conclusion. If you want me to say</p> <p>10 more, I will. Go ahead. You can answer.</p> <p>11 A. Yeah, to the best of my knowledge based</p> <p>12 on everything I reviewed here, Spire's position is</p> <p>13 that they've turned over all the documents that --</p> <p>14 that Symmetry has requested and have been responsive</p> <p>15 to the questions that Symmetry has asked.</p> <p>16 <b>Q. (By Mr. Bauer) And your basis for that</b></p> <p>17 <b>testimony is -- is Mr. Aplington's letter. Anything</b></p> <p>18 <b>else?</b></p> <p>19 MR. GORE: I'm going to object, calls</p> <p>20 for legal conclusion. You can answer.</p> <p>21 A. Yeah, I would say -- I mean, based on</p> <p>22 the letter and then just based on the data request</p> <p>23 process is something that's -- that's something that</p> <p>24 our -- Spire as a utility has to do a lot. So I</p> <p>25 think the company in general is familiar with that</p>	<p>Page 28</p> <p>1 A. I reviewed the information that's in</p> <p>2 the binder. I could run through -- it's all of the</p> <p>3 information that was used to calculate the OFO</p> <p>4 penalties. It was -- it was the invoices that</p> <p>5 showed what our cost to gas was. It was the</p> <p>6 imbalance calculations on the spreadsheets that</p> <p>7 showed the nominated volumes versus actual volumes.</p> <p>8 (Court reporter interruption.)</p> <p>9 A. I reviewed all the Gas Daily pricing,</p> <p>10 which is the -- the number that gets calculated in</p> <p>11 the OFO penalty calculation. So I mean, I could --</p> <p>12 I could go through every document here, but</p> <p>13 basically reviewed the information that had been</p> <p>14 turned over that was used to calculate the damage</p> <p>15 calculations.</p> <p>16 <b>Q. (By Mr. Bauer) Was there a time</b></p> <p>17 <b>related to the winter storm event that Spire sent a</b></p> <p>18 <b>request to its employees that they preserve any</b></p> <p>19 <b>documents related to the winter storm?</b></p> <p>20 A. Yes, I believe we had a retention</p> <p>21 request from -- from inside counsel.</p> <p>22 <b>Q. And when was that sent out?</b></p> <p>23 MR. GORE: I'm going to object, beyond</p> <p>24 the scope of the notice. You can answer if you</p> <p>25 know.</p>

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 A. Yeah, I don't know it off the top of my 2 head. 3 <b>Q. (By Mr. Bauer) Do you know, was it 4 sent before or after Spire brought a lawsuit against 5 Symmetry?</b> 6 MR. GORE: I'm going to object, 7 foundation. I will instruct the witness not to 8 speculate if you don't know. 9 A. Yeah, I don't have that date off the 10 top of my head. 11 <b>Q. (By Mr. Bauer) Who sent it?</b> 12 A. Yeah, I don't recall that off the top 13 of my head either. 14 <b>Q. Do you know who it was sent to?</b> 15 A. I do not. I would have to find out who 16 sent it and see who the list was on that 17 distribution. 18 <b>Q. So there's one of those occasions where 19 I'm going to ask you personally because it relates 20 to that exact issue, but did you receive a -- a 21 document preservation order in this -- related to 22 the winter storm?</b> 23 A. I do recall receiving that. 24 <b>Q. And what form was that in?</b> 25 A. I believe it was an e-mail.</p>	<p style="text-align: right;">Page 31</p> <p>1 <b>would I ask?</b> 2 A. I would say Scott Weitzel and then our 3 inside and outside counsel. 4 MR. GORE: And Steve, I'll just say the 5 witness is prepared to talk about the document 6 collection process in general. 7 <b>Q. (By Mr. Bauer) Well, I want to get 8 whatever information you have. So I guess your 9 counsel would like me to ask you tell me about the 10 document collection process at Spire in general.</b> 11 A. Yeah, in general whenever we get a data 12 request -- 13 MR. GORE: Well, can I -- can you tell 14 him your general understanding of the process in 15 this case? 16 A. Yeah, my general understanding of the 17 process is those requests flow through legal and 18 regulatory and as they look at that they -- they 19 understand who at Spire would be the party that 20 would have the information responsive to that topic, 21 and that's who they collect the information from. 22 <b>Q. (By Mr. Bauer) So the -- the folks 23 that you mentioned earlier in legal and regulatory 24 made the decisions of -- from whom to collect 25 documents in this case?</b></p>
<p style="text-align: right;">Page 30</p> <p>1 <b>Q. What do you recall of the scope or -- 2 of -- or what the document retention request asked 3 you to preserve?</b> 4 MR. GORE: I'm going to object that 5 this is beyond the scope, but you can answer. 6 A. Yeah. From what I recall when I read 7 it, I knew it was clearly anything that I had, any 8 information that I had that was related to the 9 Winter Storm Uri that I needed to keep it. 10 <b>Q. (By Mr. Bauer) Did you ever -- did you 11 ever receive any amendment or follow-up to that 12 preservation request?</b> 13 MR. GORE: I'll object again beyond the 14 scope of the notice, but you can answer. 15 A. Yeah, I don't recall receiving an 16 update. 17 (Court reporter interruption.) 18 <b>Q. (By Mr. Bauer) What did Spire do to 19 collect documents related to this case?</b> 20 A. I would have to -- I wasn't the one 21 specifically collecting them, so that would -- that 22 would have to be asked by our regulatory team that 23 runs that process. 24 <b>Q. So if I wanted to ask questions about 25 Spire's collection of documents in this matter, who</b></p>	<p style="text-align: right;">Page 32</p> <p>1 A. That's my understanding of the process. 2 <b>Q. Do you have -- do you know specifically 3 who made the decisions in this case?</b> 4 A. I do not know specifically. 5 <b>Q. Now, after the documents are collected 6 they are reviewed and then either produced or not 7 produced to the party that requested them in this 8 case. Did you have any involvement with deciding 9 what was going to be disclosed to Symmetry from the 10 documents that were collected within Spire?</b> 11 A. I do not recall having any 12 conversations deciding what information was going to 13 go. 14 <b>Q. So let me ask you as Spire's 15 representative, can you tell me any details about 16 how that procedure worked in this case? Who did 17 what?</b> 18 A. Well, based on reviewing the documents, 19 pretty much anything from -- from the gas supply 20 damage calculation process was collected through gas 21 supply. The presentations that were provided to the 22 Missouri Public Service Commission were provided by 23 Scott Weitzel. The individual customer contacts 24 that took place were by Patty Reardon. <b>Records</b> 25 <b>retention questions go to Bob McKee.</b> So I would say</p>

8 (Pages 29 to 32)

<p>Page 41</p> <p>1 and gas control. So Alex and his staff.                  2 <b>Q. How do -- how do those groups</b>                  3 <b>communicate with each other within Spire?</b>                  4 MR. GORE: I'm going to object, vague.                  5 You can answer.                  6 A. Gas control actually sends the forecast                  7 over showing what our -- excuse me -- based on the                  8 temperature forecast what our system demand is going                  9 to be, but in general they spend a lot of time on                  10 phone conversations and situations like this.                  11 <b>Q. (By Mr. Bauer) Were their documents</b>                  12 <b>collected for this case?</b>                  13 MR. GORE: I'm going to object, vague.                  14 A. Yeah, I think that's a given.                  15 <b>Q. (By Mr. Bauer) Meaning that -- I'll</b>                  16 <b>respond. It was a vague question. I'll make it a</b>                  17 <b>little tighter.</b>                  18 <b>Were documents related to the winter</b>                  19 <b>storm collected from the persons who were involved</b>                  20 <b>in monitoring the gas market forecasts for Spire?</b>                  21 A. They were.                  22 MR. GORE: I'm going to object. I'll                  23 object, vague. You can answer.                  24 A. Okay. Yeah, they were.                  25 <b>Q. (By Mr. Bauer) And were all the</b></p>	<p>Page 43</p> <p>1 MR. GORE: And George, I just instruct                  2 you look at the letter and read it --                  3 THE WITNESS: Yeah.                  4 MR. GORE: -- in context of the letter                  5 before you answer. Thank you.                  6 A. Yeah. It's giving notice to the                  7 marketers that we're in an OFO situation.                  8 <b>Q. (By Mr. Bauer) And what is the purpose</b>                  9 <b>of an OFO?</b>                  10 A. It is to protect the integrity of our                  11 system and it is to make sure that we stay in                  12 compliance with our upstream pipelines.                  13 <b>Q. Any other purposes?</b>                  14 A. Yeah, it's basically since the utility                  15 has no control over the supply that's -- that's                  16 brought in to serve the marketers, it's to make sure                  17 that the marketers are doing their part to bring                  18 that supply in.                  19 MS. BAIRD: I'm sorry, Steve, to                  20 interrupt. This is Amy. I'm having a little                  21 trouble hearing the witness. He keeps dropping his                  22 voice a little. Can you guys make an effort,                  23 please, to either get him closer or have him speak                  24 up?                  25 THE WITNESS: I'll try to speak up. I</p>
<p>Page 42</p> <p>1 <b>responsive documents from those groups produced to</b>                  2 <b>us in this case?</b>                  3 A. Like I mentioned before, it's my                  4 understanding that if someone was asked to produce                  5 documents, they produced the documents.                  6 <b>Q. Now, do these folks in gas control, do</b>                  7 <b>they have any means for communicating with each</b>                  8 <b>other other than by telephone?</b>                  9 A. They do. The forecasts that they send                  10 out to gas supply, the forecast was actually one of                  11 the documents that's included in this binder.                  12 <b>Q. And do they communicate by -- by e-mail</b>                  13 <b>or by some other way?</b>                  14 A. Typically by e-mail.                  15 <b>Q. In February 2021, were those folks</b>                  16 <b>working remotely or were they on-site here at Spire?</b>                  17 A. The controllers themselves were                  18 on-site.                  19 <b>Q. All right. Let's go to topic 2B,</b>                  20 <b>please. Here it says (quote as read):</b>                  21 <b>Spire reacted by initiating an OFO to</b>                  22 <b>all marketers for the projected start</b>                  23 <b>of the storm and short market.</b>                  24 <b>It says initiating an OFO. What does</b>                  25 <b>that entail?</b></p>	<p>Page 44</p> <p>1 apologize.                  2 MS. BAIRD: Thank you.                  3 <b>Q. (By Mr. Bauer) Okay. So are there</b>                  4 <b>procedures in place for Spire on when to declare an</b>                  5 <b>OFO and when not to?</b>                  6 A. Procedure-wise, I mean, there's a lot                  7 of things that the utilities have to do to stay in                  8 compliance with their tariff, and not everything is                  9 written down in a formal procedure. So the tariff                  10 itself is the guidepost for gas supply making the                  11 decision to go into an OFO.                  12 <b>Q. So Spire does not have any other</b>                  13 <b>internal procedures related to whether or not to go</b>                  14 <b>into an OFO; is that true?</b>                  15 A. Yeah, we don't have a formal procedure                  16 for that, correct.                  17 <b>Q. Okay. So who was involved in the</b>                  18 <b>decision whether to declare an OFO?</b>                  19 MR. GORE: I'm going to object. Are                  20 you -- vague. And I would just ask you to specify                  21 whether you're talking about the present matter.                  22 MR. BAUER: Absolutely right.                  23 <b>Q. (By Mr. Bauer) Who was involved at --</b>                  24 <b>at Spire in February of 2021 in deciding when and</b>                  25 <b>whether to have an OFO?</b></p>

11 (Pages 41 to 44)



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1 A. It was primarily Justin Powers who  
 2 oversees gas supply and myself. I did -- I did  
 3 consult with Scott Carter, my boss, but ultimately I  
 4 was the one that made the decision.

5 Q. That was my next question. Did you  
 6 need approval from anyone above you for that  
 7 decision or does the buck stop with you?

8 A. It stops with me.

9 Q. Was there any debate within Spire about  
 10 when to initiate an OFO?

11 MR. GORE: I'm going to object to the  
 12 term debate as vague. Go ahead and answer.

13 A. Yeah, it was actually -- the timing  
 14 fell in to where it didn't even require a lot of  
 15 debate. You know, on that Monday and Tuesday we  
 16 were seeing -- we were seeing the supply situation  
 17 deteriorate.

18 We were starting to see -- we were  
 19 starting to have concern that supply was going to  
 20 disappear and then Southern Star issued their OFO on  
 21 the 9th. So after reviewing that we -- we moved in  
 22 lockstep and issued ours on the 10th, effective for  
 23 the same gas date, nine a.m. on the 12th.

24 Q. (By Mr. Bauer) How did Southern Star's  
 25 OFO factor into Spire's decision whether or not to

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1 declare an OFO?

2 A. It just reinforced to us that it was  
 3 absolutely necessary to do.

4 Q. Are there any documents at Spire  
 5 indicating that anyone believed that the OFO was  
 6 unnecessary?

7 A. I'm not aware of any of those  
 8 documents.

9 Q. Are there any documents within Spire  
 10 indicating that Spire's system integrity was not at  
 11 risk at the time that the OFO was declared?

12 A. I'm not aware of those documents.

13 Q. Are there any documents in Spire  
 14 indicating that anyone believed that the system  
 15 integrity was not at risk during any time during  
 16 which the OFO was in place?

17 MR. GORE: I'm going to object, vague  
 18 and compound.

19 A. Yeah, I mean, to the contrary, there  
 20 was -- there was actually a lot of concern during  
 21 Winter Storm Uri about the integrity of the system  
 22 in Kansas City.

23 Q. (By Mr. Bauer) And since I'm asking  
 24 you about documents on this line of questions, who  
 25 were -- do any of those people communicate by

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1 e-mail?

2 MR. GORE: I'm going to -- I'm going to  
 3 object, calls for speculation. You can answer.

4 A. Yeah, I mean, there's documents in here  
 5 that talk about specifically the issues that we were  
 6 having in Southwest Missouri where we were losing  
 7 supply on the Southern Star system. We initiated  
 8 our incident support team because we were preparing  
 9 for outages in Southwest Missouri. There was a  
 10 media campaign.

11 We provided the pressure profile on the  
 12 Southern Star system in Southwest Missouri where you  
 13 could see we were -- we were dramatically losing  
 14 pressure over a short amount of time. So that  
 15 information has been provided.

16 MR. GORE: And Mr. Godat, I would just  
 17 ask just for the record, when you reference the  
 18 binder, could you be specific? Rather than say  
 19 here, say in the binders that I -- that have been  
 20 produced at the deposition today just to make clear  
 21 on the record what you're referring to.

22 THE WITNESS: Yes, sir. Thanks.

23 Q. (By Mr. Bauer) What actions, if any,  
 24 did Spire take to prepare for the winter storm other  
 25 than issuing the OFO?

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1 A. You know, that's one thing I think --  
 2 you know, the utility -- Spire as a whole, you know,  
 3 especially our gas supply team prides their self on  
 4 as far as preparedness. We run a lot of regression  
 5 analysis to -- where we have, you know, a very firm  
 6 grasp on what our firm requirements are going to be.

7 You know, we clearly understand the  
 8 limitations of our transportation agreements that we  
 9 have, you know, specifically the Southern Star  
 10 system has -- has a flowing gas requirement that's  
 11 tied to its storage agreements, you know, so yeah,  
 12 there's a lot of preparation. The firm gas supply  
 13 contracts that the utility enters into ahead of the  
 14 winter. So yeah, there's -- as a utility that's  
 15 probably the main focus for the company is just  
 16 winter preparedness.

17 Q. So you mentioned regression analyses.  
 18 What are those?

19 A. That's where we would look at  
 20 historical usage information as compared to -- and  
 21 see how that relationship ties to forecasted  
 22 temperatures. And then we can estimate what our  
 23 demand is going to be based on that -- the forecasts  
 24 that we get.

25 Q. And so those are computer models that

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<p>1 <b>Q. (By Mr. Bauer) All right. So --</b></p> <p>2 A. Is that --</p> <p>3 <b>Q. So to prepare to testify as the</b></p> <p>4 <b>representative of Spire on topic number six, you</b></p> <p>5 <b>looked at the documents that were behind tab 12 of</b></p> <p>6 <b>the binders that have been prepared by Spire's</b></p> <p>7 <b>attorneys; is that accurate?</b></p> <p>8 A. That's correct.</p> <p>9 <b>Q. And did you do anything else?</b></p> <p>10 A. Yeah, there really wasn't any other</p> <p>11 information to -- that I needed to understand that</p> <p>12 topic.</p> <p>13 <b>Q. So now I think we might have taken a</b></p> <p>14 <b>slight detour when I was asking about the questions</b></p> <p>15 <b>about the release of the capacity by Spire to the</b></p> <p>16 <b>market during the winter storm. I think you told me</b></p> <p>17 <b>you didn't know -- you didn't know the details of</b></p> <p>18 <b>when it happened and I think you said you don't know</b></p> <p>19 <b>to whom the capacity was released. Is that true?</b></p> <p>20 A. Yeah, I don't recall those off the top</p> <p>21 of my head.</p> <p>22 <b>Q. Okay. Do you know why it was released?</b></p> <p>23 A. It's a common practice. Utilities</p> <p>24 typically hold the majority of the firm in the</p> <p>25 market, and marketers take release capacity from --</p>	<p>1 pipeline?</p> <p>2 A. It is.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. Not supply.</p> <p>5 <b>Q. Okay. So that's -- so that is not</b></p> <p>6 <b>related to the availability and use of storage gas.</b></p> <p>7 <b>That's a totally different topic?</b></p> <p>8 A. That's correct.</p> <p>9 <b>Q. So for releasing capacity, on that</b></p> <p>10 <b>topic, who made the decisions to release capacity to</b></p> <p>11 <b>third parties during the February storm?</b></p> <p>12 MR. GORE: I'm going to object, beyond</p> <p>13 the scope of the notice and beyond the scope of</p> <p>14 topic six, which is where I understand we are.</p> <p>15 <b>Q. (By Mr. Bauer) Do you know?</b></p> <p>16 A. Justin Powers and his team.</p> <p>17 <b>Q. All right. So now let's look at --</b></p> <p>18 <b>let's look at topic six and talk about drawing from</b></p> <p>19 <b>storage or selling gas to third parties. Did -- did</b></p> <p>20 <b>Spire draw from storage and sell gas to any third</b></p> <p>21 <b>parties during February 2021?</b></p> <p>22 MR. GORE: I object, compound, vague.</p> <p>23 A. We -- we had a storage transaction</p> <p>24 where we sold some inventory to another party.</p> <p>25 <b>Q. (By Mr. Bauer) And when did that</b></p>
<p>Page 74</p> <p>1 from the utility to serve other markets. It's</p> <p>2 always on a recallable basis, so we always have the</p> <p>3 ability to recall that capacity if we need it.</p> <p>4 <b>Q. But for this particular event you don't</b></p> <p>5 <b>know why?</b></p> <p>6 MR. GORE: I'm going to object, vague.</p> <p>7 Are we -- are we on topic six?</p> <p>8 MR. BAUER: Yes.</p> <p>9 MR. GORE: Okay. I'm going to object,</p> <p>10 beyond the scope of topic six, and I'm going to</p> <p>11 object, vague as to the term release capacity. I'm</p> <p>12 not sure you and the witness are in agreement on</p> <p>13 that term.</p> <p>14 MR. BAUER: Okay. I was just trying to</p> <p>15 use his word.</p> <p>16 <b>Q. (By Mr. Bauer) What do you mean by</b></p> <p>17 <b>release capacity?</b></p> <p>18 A. Transportation capacity that we hold on</p> <p>19 the pipelines can be -- if -- during times if we're</p> <p>20 not going to necessarily need all of it, we can put</p> <p>21 that in the market and other parties can use that</p> <p>22 capacity on a temporary basis. Like I say, it's</p> <p>23 always recallable, so in the event the utility needs</p> <p>24 it, they can recall that capacity.</p> <p>25 <b>Q. So that's just capacity on the</b></p>	<p>Page 76</p> <p>1 <b>happen?</b></p> <p>2 A. On February 15th if I recall.</p> <p>3 <b>Q. And who was involved in that decision?</b></p> <p>4 A. Justin Powers and I.</p> <p>5 <b>Q. Anyone else?</b></p> <p>6 A. I had a conversation with my boss Scott</p> <p>7 Carter to make sure he was aware of it.</p> <p>8 <b>Q. And how much natural gas was involved</b></p> <p>9 <b>in this?</b></p> <p>10 A. 500,000 dekatherms.</p> <p>11 MR. GORE: And Mr. Godat, I would just</p> <p>12 instruct you if you recall these terms specifically,</p> <p>13 that's fine, but if you feel the need reference to</p> <p>14 refresh your recollection, do so.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. GORE: I'm impressed that you</p> <p>17 remember them.</p> <p>18 <b>Q. (By Mr. Bauer) And so that was 500</b></p> <p>19 <b>dekatherms?</b></p> <p>20 A. 500,000 dekatherms.</p> <p>21 <b>Q. 500,000 dekatherms, sorry, on</b></p> <p>22 <b>February 15th. To whom was that sold?</b></p> <p>23 A. Atmos.</p> <p>24 <b>Q. Do you know the price?</b></p> <p>25 A. \$200 per dekatherm.</p>

19 (Pages 73 to 76)

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1 A. I would -- I would have to actually  
 2 look back at the actual notice.  
 3 **Q. Okay. And do you have that with you?**  
 4 A. Not that I recall.  
 5 **Q. Okay. Did you look at the notice in**  
 6 **preparation for testifying for any of the**  
 7 **depositions today?**  
 8 A. I don't recall looking at that.  
 9 **Q. Okay. All right. Does Spire use -- I**  
 10 **want to ask you a little bit about document**  
 11 **collection process and let me just start with this:**  
 12 **What -- what types of -- are you issued a device by**  
 13 **Spire, like a computer?**  
 14 A. I am.  
 15 **Q. Okay. And what kind -- is it an Apple**  
 16 **computer or is it a Windows-based computer?**  
 17 A. It's a Windows-Based computer.  
 18 **Q. Okay. And do you guys use -- does**  
 19 **Spire use Microsoft Office 365?**  
 20 A. I believe that's -- that's the --  
 21 that's the system that we use.  
 22 **Q. Okay. And do you use Microsoft Teams**  
 23 **for internal meetings and chat?**  
 24 A. Yeah, we have several systems that we  
 25 use, and Teams is one of those.

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1 **Q. Okay. Do you use Microsoft Teams for**  
 2 **internal videoconferences or telephonic conferences?**  
 3 A. Yes, like I said, I use Teams in  
 4 addition to others.  
 5 **Q. Okay. Do you use Microsoft Teams for**  
 6 **chats?**  
 7 A. I will use team -- the chat feature at  
 8 times when I'm in the Teams meeting.  
 9 **Q. Okay. You mentioned a few times now**  
 10 **that you use other software as well. What other**  
 11 **software do you use?**  
 12 A. I know Skype is one that gets used from  
 13 time to time. I think Zoom for some external  
 14 meetings. Typically they're Skype or -- or Teams  
 15 for internal meetings.  
 16 **Q. Okay. Do you know whether Spire**  
 17 **records any of the Teams or Skype meetings that are**  
 18 **internal in the company?**  
 19 MR. GORE: I'm going to -- I'm going to  
 20 object, overbroad, beyond the scope of this  
 21 deposition notice. If you want to limit it to any  
 22 of the calls at issue.  
 23 **Q. (By Mr. Howell) You can answer.**  
 24 A. Yeah, I'm not aware if Spire records  
 25 those conversations.

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1 **Q. Okay. Have you ever attempted to**  
 2 **record any phone or video conversations either**  
 3 **related to the winter storm or related to this**  
 4 **proceeding?**  
 5 A. I have not.  
 6 **Q. Are you aware of whether any other**  
 7 **individual at Spire has attempted to record any**  
 8 **phone or video meeting related to the winter storm**  
 9 **or related to this regulatory proceeding?**  
 10 A. I'm not aware of any phone or video  
 11 conversations that have been recorded.  
 12 **Q. I'm sorry, you trailed off a little bit**  
 13 **at the end. You said you're not aware of any phone**  
 14 **or video recordings that were recorded?**  
 15 A. That's correct.  
 16 **Q. Understand. Other than Teams and Skype**  
 17 **for internal meetings, are there other internal chat**  
 18 **or instant communication services that you use?**  
 19 A. I'm not aware of any others that I use.  
 20 **Q. Okay. Are you aware of any that -- any**  
 21 **other chat or instant messaging systems that Spire**  
 22 **makes available to its -- its employees and**  
 23 **officers?**  
 24 A. I am not.  
 25 **Q. Okay. Do you -- does Spire use any**

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1 sort of shared server for storing information  
 2 related to the winter storm or for this regulatory  
 3 proceeding?  
 4 A. I'm not familiar with the structure for  
 5 how information that's been gathered is stored.  
 6 **Q. Well, fair enough. Who -- who would be**  
 7 **the best person to speak to or who would be the**  
 8 **person most knowledgeable with regard to how that**  
 9 **information is -- is stored or preserved?**  
 10 A. We work with both inside and outside  
 11 counsel, so since I don't specifically know who's --  
 12 who's in charge of that, I would have to follow up  
 13 to find out.  
 14 **Q. All right. Setting aside what may or**  
 15 **may not have been collected for litigation, I just**  
 16 **want to have a better understanding of how things**  
 17 **are -- operate on a day-to-day basis. You know,**  
 18 **with respect to, you know, documents that might be**  
 19 **generated in the ordinary course of business related**  
 20 **to gas purchases, are those, you know, types of**  
 21 **transactions, are they saved or recorded on any**  
 22 **particular part of a -- of the Spire system, are**  
 23 **they just saved on someone's individual hard drive,**  
 24 **are they put onto a shared file site or how else are**  
 25 **they maintained within Spire?**

<p style="text-align: right;">Page 153</p> <p>1 A. So could you repeat the information 2 that you're -- that you're addressing when you're 3 asking how it's stored? 4 <b>Q. Yes, sir. So what I'm trying to 5 understand is I'm trying to get a better picture of 6 Spire's systems with regard to data, okay? Just 7 that's the umbrella of what I'm looking at.</b> 8 A. Okay. 9 <b>Q. And what I am trying to figure out is 10 you told me about videoconferencing and chat stuff, 11 and what I -- what I am trying to find out now is 12 with regard to, you know, documents that might be 13 created in the ordinary course of business, like gas 14 purchase and sale documents or transaction 15 confirmations or nominations. Is all of that data, 16 is it stored on a server somewhere? Is it stored on 17 a shared file site? Where does that normally get 18 saved to?</b> 19 A. You know what, I have not personally 20 looked at that structure since -- since taking my 21 current role. There is a gas supply folder that I'm 22 aware of on our -- on our system that I would assume 23 houses most of those documents. 24 <b>Q. And is there also like an e-mail server 25 or multiple servers perhaps that maintain the Spire</b></p>	<p style="text-align: right;">Page 155</p> <p>1 <b>Q. Do you -- do you call it anything or is 2 that a report that you receive on a daily basis or 3 is it something just available to you?</b> 4 A. Yeah, it gets sent out, gas portfolio 5 maybe. Like I say, I don't recall the name off the 6 top of my head. 7 <b>Q. And you said it gets sent out? 8 (Court reporter interruption.)</b> 9 MR. GORE: I just instructed the 10 witness that when you can't recall, please don't 11 speculate. 12 THE WITNESS: Okay. 13 <b>Q. (By Mr. Howell) To whom is it sent 14 from and to who is it sent to?</b> 15 A. The scheduler for Spire Missouri sends 16 it -- I'd have to look at the distribution list. 17 It's for the Spire Missouri employees. 18 <b>Q. And who is the scheduler?</b> 19 A. Greg Hayes is the scheduler for Spire 20 Missouri West. 21 <b>Q. Do -- does Spire use the ICE platform 22 to purchase and sell gas, natural gas?</b> 23 A. Spire does have an account with ICE, 24 correct. 25 <b>Q. Okay. And during February 2021 did</b></p>
<p style="text-align: right;">Page 154</p> <p>1 <b>e-mail system?</b> 2 A. We do -- as far as I know, we're all 3 part of the same system. 4 <b>Q. Okay. Are there databases that you 5 either use or oversee with respect to the gas 6 purchasing and gas control arms of Spire?</b> 7 A. Yes. We have -- we have a database 8 that all of our purchase and sales are housed in, 9 and that -- my -- my group maintains those. 10 <b>Q. Anything else --</b> 11 A. It's basically -- 12 (Court reporter interruption.) 13 A. Yeah, I say it's basically a deal 14 capture system that's used for reconciliations and 15 for transaction confirmations. We do -- we do also 16 have a portfolio that's maintained on a daily basis 17 that's used to just manage our overall supply. 18 <b>Q. (By Mr. Howell) Could you explain?</b> 19 A. It's just a computation of what our 20 expected send-outs are and what the supplies are 21 coming into the gate and what the storage activity 22 would be. 23 <b>Q. And what's that called?</b> 24 A. You know, I don't know the exact name 25 for it off the top of my head.</p>	<p style="text-align: right;">Page 156</p> <p>1 <b>Spire purchase gas using the ICE platform?</b> 2 A. Yeah, it was a combination of ICE and 3 then physical transactions, you know, phone-to-phone 4 transactions. 5 MR. GORE: And if I can just interject 6 for the record, I think this is clear, but when 7 we're using the term Spire, we're referring to Spire 8 Missouri, Inc. I assume, and that if you're going to 9 refer to a different Spire entity you would specify 10 that. 11 MR. HOWELL: Okay. I think that's a 12 great point, Mr. Gore. 13 <b>Q. (By Mr. Howell) Whenever I use the 14 term Spire, Mr. Godat, I am intending to refer to 15 Spire Missouri. You are -- you are an officer of 16 Spire Missouri, correct?</b> 17 A. I am. 18 <b>Q. All right. Just assume that for the 19 rest of my deposition of you that when I refer to 20 Spire I'm referring to Spire Missouri, and -- unless 21 I add an additional name, such as Spire Marketing or 22 Spire, Inc. Is that fair?</b> 23 A. Yes, sir. 24 <b>Q. All right. During the month of 25 February 2021, I believe you were saying that Spire,</b></p>

39 (Pages 153 to 156)

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1 admitted and acknowledged.  
 2 **Q. (By Mr. Howell) I believe Mr. Gore**  
 3 **said at the beginning of the deposition that**  
 4 **Mr. Bauer took that you had used this --**  
 5 **Constellation's deposition notice Exhibit 12 to help**  
 6 **kind of prepare yourself for the deposition; is that**  
 7 **correct?**  
 8 A. Yeah. We actually ordered the  
 9 documents in the binder tied to the Constellation  
 10 document.  
 11 **Q. Great. All right. I want to ask you**  
 12 **one -- I want to ask you a question about some of**  
 13 **the people you have mentioned, just make sure that I**  
 14 **understand who had what role and that kind of thing.**  
 15 A. Okay.  
 16 **Q. Then I want to talk with you about the**  
 17 **OFO that was issued. Scott Carter is the president**  
 18 **of Spire Missouri; is that correct?**  
 19 A. That's correct.  
 20 **Q. Okay. What role -- you know, from**  
 21 **your -- from your perspective as a corporate**  
 22 **representative and as a VP of natural gas supply**  
 23 **for -- for the Spire Missouri entity as well as**  
 24 **Spire, Inc., what role did Mr. Carter have with**  
 25 **regard to the February 2021 winter storm?**

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1 MR. GORE: I'm going to object, vague.  
 2 A. Yeah, are you talking about gas supply  
 3 decisions or just his role overall through the whole  
 4 process?  
 5 **Q. (By Mr. Howell) So my notes indicate**  
 6 **that you said that you had talked with Mr. Carter in**  
 7 **preparation for issuing the OFO, and I just want to**  
 8 **get some more information about what Mr. Carter's**  
 9 **role was either in connection with the OFO or**  
 10 **anything else during the winter storm period.**  
 11 MR. GORE: I'm going to -- I'm going to  
 12 object to foundation. It misstates prior testimony  
 13 regarding the consultation with Mr. Carter regarding  
 14 the implementation of the OFO. You can answer.  
 15 **Q. (By Mr. Howell) So I'm just trying to**  
 16 **avoid this dance of me saying what I think you told**  
 17 **me and it being potentially, you know, getting --**  
 18 **drawing an objection about misstating your prior**  
 19 **testimony and asking you an open-ended question and**  
 20 **getting an objection that it's vague.**  
 21 **So at the end of the day, I'm just**  
 22 **trying to figure out from you, Mr. Godat, as Spire's**  
 23 **corporate representative could you describe the**  
 24 **role, if any, that Scott Carter had during the**  
 25 **winter storm?**

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1 **A. I kept him -- on the OFO perspective,**  
 2 **since that's who I report to, I kept him informed of**  
 3 **what was going on and that we were -- we were in a**  
 4 **position where we thought we had to issue an OFO.**  
 5 I -- I was the one that ultimately made  
 6 the decision working with Justin Powers. So it  
 7 wasn't that I went to Scott for permission. It  
 8 was -- it was more of an information to keep him  
 9 up-to-date.  
 10 Scott Carter through -- throughout the  
 11 process, he did a lot of radio interviews, just more  
 12 from the media side kind of keeping customers and  
 13 stuff up-to-date on things that were going on.  
 14 **So I mean, I had enough going on that I**  
 15 **wouldn't be able to speak for -- you know, for all**  
 16 **the activities that Scott undertook during that**  
 17 **time, but you know, as far as the OFO I just kept**  
 18 **him informed. I was the one that made the decision**  
 19 **along with Justin.**  
 20 **Q. Yes, sir. And I certainly understand**  
 21 **that. You are just one -- one human being, and I'm**  
 22 **not asking you to kind of know what everyone else**  
 23 **has done or may have done. We may have an**  
 24 **opportunity to speak with Mr. Carter later on. I**  
 25 **just am trying to have an understanding of what**

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1 **you're aware of based on your personal knowledge and**  
 2 **based on anything you may have learned in preparing**  
 3 **to give testimony as to corporate representative.**  
 4 **Does that make sense?**  
 5 A. Yeah. So I mean, I think the  
 6 information I provided was accurate to that.  
 7 **Q. Were there other members of either the**  
 8 **Spire Missouri or Spire, Inc. management or**  
 9 **executive team who you also met with or kept**  
 10 **informed about the OFO decisions?**  
 11 A. We definitely let the other parties  
 12 know. The business development reps and regulatory,  
 13 more just from an information perspective that we  
 14 were -- we were seeing the issues, potential issues  
 15 with gas supply and that we were going into the OFO.  
 16 **Q. And you said that you kept the other**  
 17 **parties informed. Could you describe for me who the**  
 18 **other parties are that you're thinking of when you**  
 19 **give that answer?**  
 20 A. The only two that I recall would be  
 21 Patty Reardon and Mr. Weitzel that's over  
 22 regulatory.  
 23 **Q. Okay. And so Mr. Weitzel has what**  
 24 **role?**  
 25 A. He's over our regulatory group for

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<p>1 <b>considering with regard to production was your</b>  2 <b>reliance on Justin's conversations about production</b>  3 <b>drops that could occur in the future?</b>  4 MR. GORE: I'm going to object,  5 compound. You can answer.  6 A. Yeah, I think -- I think I've been  7 clear that it was the conversations that he was  8 having about production drops that were taking place  9 at the time and the fear of them getting worse, and  10 then combined with the fact that NGPL, Enable,  11 Panhandle, Southern Star all issued OFOs. It was --  12 yeah, it -- anybody in the market knew the situation  13 was getting bad.  14 <b>Q. (By Mr. Howell) Are you aware of any</b>  15 <b>production drops that actually occurred as of</b>  16 <b>February 9th?</b>  17 A. Justin Powers would have to answer  18 those questions.  19 <b>Q. Are you aware of any production drops</b>  20 <b>that occurred as of February 10th?</b>  21 MR. GORE: So let me -- can I just get  22 a clarification of your question? When you're  23 saying as of, are you saying as he sits here today  24 does he know of production drops that occurred as of  25 that date or are you saying -- you're not being</p>	<p>1 tell you it was a real world conversation about the  2 issues he was -- that he was seeing.  3 You know, ultimately -- I mean, he --  4 Justin is -- is responsible for gas supply. I think  5 we've said that multiple times. I've got 1100  6 employees under me, so I'm not in the details of  7 those individual conversations, but he kept me fully  8 apprised of -- of the situation that he was seeing.  9 And then -- and then those were all --  10 like I say, those were all -- they were all  11 confirmed with all of the OFOs that were being  12 issued by all the pipelines.  13 <b>Q. The next thing you mentioned was</b>  14 <b>storage levels. You said -- you said something to</b>  15 <b>the effect that you thought Spire had a conservative</b>  16 <b>storage level, but you thought other people did not.</b>  17 <b>Was there any data or report or documents, e-mails,</b>  18 <b>anything tangible that you reviewed regarding the</b>  19 <b>status of storage levels?</b>  20 A. Like I say, I was relying on  21 information that I was getting from Justin.  22 <b>Q. And what information did Justin provide</b>  23 <b>to you regarding the status of storage levels up to</b>  24 <b>and including February 9th and 10th when you made</b>  25 <b>this OFO decision?</b></p>
Page 254	Page 256
<p>1 clear as to whether you're asking him to go back in  2 time or whether you're asking him presently.  3 MR. HOWELL: Well, I'm trying to  4 determine not based on things that he knows about  5 days or weeks or months later, but what the  6 information was in front of him when he made the  7 decision, and I'm trying to determine with this  8 question whether he had seen any information --  9 otherwise received any information that production  10 drops had actually occurred, that there were  11 production drops as of the February 9th or 10th.  12 MR. GORE: So can we -- can we get a  13 question that just specifies whether you want him to  14 rely on present knowledge or knowledge he had at the  15 time? That's the only clarification I want in the  16 record.  17 <b>Q. (By Mr. Howell) Sure. Mr. Godat,</b>  18 <b>based on information that you had as of February --</b>  19 <b>the morning of February 10th, 2021, had you seen or</b>  20 <b>heard from Justin or anyone else information</b>  21 <b>confirming that production drops had already begun?</b>  22 A. Yeah, I'm confident -- I'm confident at  23 the time that he was giving me real world examples  24 of issues that he was hearing about. To say that I  25 know exactly what each of those are, no, but I can</p>	<p>1 A. Yeah, I don't know that I recall  2 specific information on the day that we made the  3 decision.  4 <b>Q. Other than Justin and I believe you</b>  5 <b>also mentioned Scott Carter, that you had a</b>  6 <b>conversation with both of them about the decision to</b>  7 <b>issue the OFO before it was issued, was there anyone</b>  8 <b>else that you spoke with that informed your decision</b>  9 <b>of whether or not to issue an OFO --</b>  10 MR. GORE: I'm going to object --  11 <b>Q. (By Mr. Howell) -- for the Spire</b>  12 <b>Missouri system?</b>  13 MR. GORE: I'm going to object,  14 compound, misstates prior testimony, misstates what  15 this witness has testified about about Scott  16 Carter's role in this whole thing. You can -- you  17 can answer the question if you understand it.  18 A. Yeah, like I said, Justin and I were  19 the ones that had the conversation, and then I -- I  20 informed my boss, Mr. Carter, before we actually  21 issued the OFO.  22 <b>Q. (By Mr. Howell) Was there anyone else</b>  23 <b>that you consulted with prior to making the</b>  24 <b>decision, the determination that you would -- that</b>  25 <b>Spire would issue an OFO for the Spire Missouri West</b></p>

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<p style="text-align: right;">Page 297</p> <p>1 <b>that limitation was specific to Southern Star; is</b> 2 <b>that correct?</b> 3 MR. GORE: I'm going to object to that 4 restatement of his testimony. The record will speak 5 for itself. 6 A. The contract that was in question 7 around the Atmos transaction was the Southern Star 8 storage contract. 9 <b>Q. (By Ms. Bell) Uh-huh.</b> 10 A. So my reference to the limitation was 11 tied to the Southern Star contract that was involved 12 in the Atmos transaction. 13 <b>Q. Okay. So you offered storage gas to</b> 14 <b>Atmos as part of that transaction, correct?</b> 15 A. We did an inventory transfer with 16 Atmos. 17 <b>Q. Did you offer that storage gas to any</b> 18 <b>of the gas marketers when you understood they were</b> 19 <b>unable to meet supply?</b> 20 A. I couldn't tell you if Justin had 21 conversations with marketers about that. I don't -- 22 I'm not sure -- yeah, I'm not sure if marketers even 23 hold storage contracts. 24 <b>Q. Did you --</b> 25 A. The conversation -- yeah, like I say,</p>	<p style="text-align: right;">Page 299</p> <p>1 <b>Q. (By Ms. Bell) Did you have access to</b> 2 <b>any other storage?</b> 3 A. We do have a small piece of storage on 4 Panhandle Eastern that's used to balance those -- I 5 think I had talked through earlier that we had a 6 small delivery point off of Panhandle and that 7 volume is used to balance deliveries that are 8 directly connected to the Panhandle system. 9 <b>Q. Mr. Bauer had asked you about any other</b> 10 <b>sales of gas, and I believe you had said there may</b> 11 <b>have been a day on the weekend where you sold some.</b> 12 <b>Can you say more about that?</b> 13 MR. GORE: I'm going to object, vague 14 as to the reference to the prior testimony. You can 15 answer to the extent you follow the question. 16 A. Yeah, I don't -- I don't recall 17 reviewing any transactions in here. I just vaguely 18 remember Justin saying that -- that there were a 19 couple days where in order to -- I'm pretty sure it 20 was over the long weekend where he was having to 21 transact for four days where when the demand was 22 down he was just trying to recoup some of the costs 23 of the supply that he had bought -- he had bought on 24 a day when he may not need it. 25 And I think at that time there was -- I</p>
<p style="text-align: right;">Page 298</p> <p>1 it was -- it was the utility that had come to us 2 because their marketer had mismanaged their storage 3 and they were in dire straits and inquired about the 4 transaction for -- with us, so it wasn't -- it 5 wasn't something that we were out soliciting at the 6 time. 7 <b>Q. So you were aware that Atmos was low on</b> 8 <b>supply, correct?</b> 9 A. They had reached out to Justin 10 concerned that they were -- their storage inventory 11 was depleted and they were going to be susceptible 12 to OFO penalties. 13 <b>Q. And were you also aware that the gas</b> 14 <b>marketers were potentially short on supply?</b> 15 A. At that time we did not know -- we did 16 not know the inventory levels of anybody else that 17 held storage on the Southern Star system on an 18 individual basis. 19 <b>Q. Okay. And the two-thirds, one-third</b> 20 <b>rule, does that apply to storage on Southern Star</b> 21 <b>only?</b> 22 MR. GORE: I'm going to object, vague. 23 A. It definitely applies to Southern Star. 24 Southern Star is the only one -- is the only tariff 25 that I'm aware of that has that requirement.</p>	<p style="text-align: right;">Page 300</p> <p>1 don't know if it was one of the counterparties that 2 he was working with that had helped him out on the 3 supply side where he sold them gas a couple 4 different ways. 5 <b>Q. (By Ms. Bell) So who would those --</b> 6 <b>who would he have been selling to?</b> 7 A. I would have to get the detail as I 8 recall, though I'm pretty sure it was Tenaska. 9 <b>Q. And do you have any idea what the</b> 10 <b>volume of those sales would be?</b> 11 A. I do not recall off the top of my head. 12 <b>Q. You had indicated that -- sorry.</b> 13 MR. GORE: Ms. Bell, we really are 14 going to need to take a break. We've been going 15 about an hour and it's, you know, 5:30. As you get 16 later in the evening I think an hour is the 17 reasonable amount of time to go without a break. 18 MS. BELL: Sure. I think I have two 19 more questions on storage. Could I finish those and 20 then -- 21 MR. GORE: Sure. 22 MS. BELL: Thank you. 23 <b>Q. (By Ms. Bell) You had said that Atmos</b> 24 <b>had come to you because the marketer had mismanaged</b> 25 <b>their storage. Who is this marketer for Atmos?</b></p>

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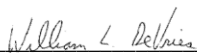
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1 I don't think that would be proper 30(b)(6)  
 2 corporate representative testimony. I don't think  
 3 we're required to do that.  
 4 MR. BAUER: Okay. Well, my comment  
 5 stands.  
 6 MR. GORE: And with that being said, we  
 7 don't have any questions. So I understand  
 8 Mr. Bauer's point about not saying that this  
 9 30(b)(6) -- or this corporate representative  
 10 deposition is closed, but we don't have any  
 11 questions to ask today. So I guess we're done for  
 12 now.  
 13 VIDEOGRAPHER: Off the record,  
 14 7:04 p.m.  
 15 (WHEREIN, the deposition was concluded  
 16 at 7:04 p.m.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 Alaris Litigation Services  
 2 711 North Eleventh Street  
 3 St. Louis, Missouri 63101  
 4 (314) 644-2191  
 5  
 6 December 14, 2021  
 7 Mr. Gabriel Gore  
 8 Dowd Bennett LLP  
 9 7733 Forsyth Blvd., 19th Floor  
 10 St. Louis, Missouri 63105  
 11 (314) 889-7300  
 12 ggore@dowdclaw.net  
 13  
 14 In Re: Constellation NewEnergy-Gas Division, LLC;  
 15 Symmetry Energy Solutions, LLC;  
 16 and Clearwater Enterprises, LLC, Complainants, vs.  
 17 Spire Missouri, Inc. and its operating unit Spire  
 18 Missouri West, Respondents  
 19  
 20 Dear Mr. Gore:  
 21  
 22 Please find enclosed your copy of the deposition of  
 23 GEORGE E. GODAT taken on December 13, 2021 in the  
 24 above-referenced case. Also enclosed is the  
 25 original signature page and errata sheets.  
 Please have the witness read your copy of the  
 transcript, indicate any changes and/or corrections  
 desired on the errata sheets, and sign the signature  
 page before a notary public.  
 Please return the errata sheets and notarized  
 signature page to Alaris Litigation Services, 711  
 North Eleventh Street, St. Louis, Missouri 63101 for  
 filing prior to trial date.  
 Thank you for your attention to this matter.  
 Sincerely,  
 William L. DeVries, CCR(MO)/RDR/CRR  
 Enclosures

Page 342

1 CERTIFICATE OF REPORTER  
 2  
 3 I, William L. DeVries, a Certified  
 4 Court Reporter (MO), Registered Diplomat Reporter,  
 5 and a Certified Realtime Reporter, do hereby certify  
 6 that the witness whose testimony appears in the  
 7 foregoing deposition was duly sworn by me pursuant  
 8 to Section 492.010 RSMo; that the testimony of said  
 9 witness was taken by me to the best of my ability  
 10 and thereafter reduced to typewriting under my  
 11 direction; that I am neither counsel for, related  
 12 to, nor employed by any of the parties to the action  
 13 in which this deposition was taken, and further that  
 14 I am not a relative or employee of any attorney or  
 15 counsel employed by the parties thereto, nor  
 16 financially or otherwise interested in the outcome  
 17 of the action.  
 18  
 19  
 20   
 21 Certified Court Reporter  
 22 within and for the State of Missouri  
 23  
 24  
 25

Page 344

1 WITNESS ERRATA SHEET  
 2 Witness Name: GEORGE E. GODAT  
 3 Case Name: Constellation NewEnergy-Gas Division,  
 4 LLC; Symmetry Energy Solutions, LLC;  
 5 and Clearwater Enterprises, LLC, Complainants, vs.  
 6 Spire Missouri, Inc. and its operating unit Spire  
 7 Missouri West, Respondents  
 8 Date Taken: December 13, 2021  
 9  
 10 Page # \_\_\_\_\_ Line # \_\_\_\_\_  
 11 Should Read: \_\_\_\_\_  
 12 Reason for Change: \_\_\_\_\_  
 13  
 14 Page # \_\_\_\_\_ Line # \_\_\_\_\_  
 15 Should Read: \_\_\_\_\_  
 16 Reason for Change: \_\_\_\_\_  
 17  
 18 Page # \_\_\_\_\_ Line # \_\_\_\_\_  
 19 Should Read: \_\_\_\_\_  
 20 Reason for Change: \_\_\_\_\_  
 21  
 22 Page # \_\_\_\_\_ Line # \_\_\_\_\_  
 23 Should Read: \_\_\_\_\_  
 24 Reason for Change: \_\_\_\_\_  
 25 Witness Signature: \_\_\_\_\_



1 STATE OF )

2 COUNTY OF )

3

I, GEORGE E. GODAT, do hereby certify:

That I have read the foregoing deposition;

That I have made such changes in form and/or substance to the within deposition as might be necessary to render the same true and correct;

That having made such changes thereon, I hereby subscribe my name to the deposition.

I declare under penalty of perjury that the foregoing is true and correct.

8

9

GEORGE E. GODAT

10

Executed this day of ,

11

20\_\_, at

12

13

14

Notary Public:

15

My Commission Expires:

16

17

18

19

20

21

22

23

24

25