

September 17, 2021

VIA E-MAIL: steven.bauer@lw.com

Steven Bauer  
Latha & Watkins, LLP  
505 Montgomery Street, Suite 2000  
San Francisco, California 94111

Re: *Symmetry v. Spire*, Missouri PSC Case No. GC-2021-0316

Mr. Bauer,

We received your letter on September 15 regarding the status of discovery in this matter.

Symmetry served 103 DRs with its Complaint in this case. **Perhaps that isn't considered sharp practice in San Francisco**, but it smacked a bit of big law imperiousness. Spire timely responded with a corresponding set of objections to the proportionality and reasonableness of the discovery as a whole. Approximately 110 days passed without any comment from Symmetry on these objections.

In the interim, another marketer submitted more appropriately tailored discovery requests to Spire, which were answered promptly. **Symmetry then complained for the first time about Spire's original objections**. At that point, we re-engaged and provided responses to essentially all of the requests. Your statement that Spire **"only answered 25 of Symmetry's 37 interrogatories"** is puzzling given that Symmetry served 103 data requests. Please clarify this point.

Your letter seems to imply that, because the damages Spire seeks are large, there must be a concomitant volume of documents to substantiate the claim. There are not, and Spire has no additional responsive documents to produce at this time.<sup>1</sup>

This should not be surprising, as the facts of this matter are incredibly simple. To recap:

- (1) Symmetry is the gas marketer for transportation customers in the Kansas City area, many of which are important community institutions.
- (2) In February 2021, a severe winter storm (Uri) was forecast on an unusually southern track.
- (3) As a result, gas markets were forecast to become very short.
- (4) Spire reacted by initiating an OFO to all marketers for the projected start of the storm and short market.
- (5) The purpose of the OFO was to ensure adequate natural gas supply to Western Missouri for the duration of the event.

<sup>1</sup> Spire remains mindful of its obligations to supplement discovery responses as appropriate, and will do so.

- (6) A severe winter storm in fact occurred, resulting in supply disruption and an extraordinarily tight natural gas market in the midcontinent for a particular week in February.
- (7) **Symmetry apparently did not communicate these facts to its customers behind Spire's city gate.**
- (8) As a result, Symmetry customers largely did not conserve natural gas during this period.
- (9) Symmetry did not deliver as much natural gas to Spire's city gate as its customers were using during that week.
- (10) **On certain days of the event, Symmetry delivered no gas to Spire's city gate.**
- (11) Symmetry apparently held insufficient firm capacity, supply or storage positions to adequately serve its customers, **and didn't bother purchasing** any in the daily spot market.
- (12) **When called out by Spire, Symmetry's representative told Spire the situation "could be worse."**
- (13) Spire **was faced with the choice of either shutting off natural gas to all of Symmetry's customers or buying additional gas to maintain their gas service.**
- (14) Spire elected to do the right thing for the community by purchasing and delivering enough natural gas to **cover for Symmetry's failure.**
- (15) **Spire's tariff sets forth the amount of money Symmetry is supposed to reimburse Spire for this assist.**
- (16) Symmetry is charging its customers for gas Spire bought for them during the OFO period.
- (17) Symmetry **hasn't paid Spire** anything for this gas.

In response to your data requests, Spire has produced documents demonstrating (1) the amount of gas **Symmetry's customers used during the OFO period**, (2) **the amount of gas Symmetry actually delivered to Spire's gate for those customers**, from which the amount of the shortfall can be calculated, (3) invoices and transaction confirmations demonstrating how much gas Spire bought to cover this shortfall, and the price of that gas, and (4) the tariff that sets forth the applicable penalty.

This case presents a simple math problem. No amount of pipeline MAOP information is going to change the simple, fundamental facts of this case. Please let me know which of these facts, if any, Symmetry disputes.

Sincerely,



Matt Aplington  
General Counsel  
Spire Missouri Inc.