

# Spire STL seeks to kick off permit review as it awaits winter relief

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Platts

Spire STL Pipeline LLC asked the Federal Energy Regulatory Commission to reissue permits that were struck by a U.S. appeals court, seeking a commission review to consider evidence of the need for the natural gas pipeline that the Spire Inc. unit said has been demonstrated over the past two years of operations.

The request for a longer-term certificate on remand from the court, posted on FERC's website Nov. 12, comes as Spire awaits FERC action on a separate track to ensure continued operation of the 65-mile, 400,000 Dth/d pipeline through this winter's heating season. (CP17-40)

The pipeline's ability to operate was thrown into question by a June 22 decision from the U.S. Court of Appeals for the District of Columbia Circuit, which found that FERC failed to adequately consider arguments challenging the demonstration of a market need for the project. (*Environmental Defense Fund v. FERC*, 20-1016)

"The existing record and an analysis of the St. Louis market since the STL Pipeline entered service provide abundant evidence that allows the commission to redress the deficiencies in its original analysis," Spire argued in seeking to restore the FERC certificate for the longer term.

The company contended that the arguments that the project was critical to improving the reliability of gas supply in the region proved to be "prescient," as shown by Spire STL Pipeline avoiding service disruptions in the St. Louis area during the severe winter storm that hit the Southern U.S. in February.

Spire asked FERC to "expeditiously issue" an order on remand reissuing the certificates before any temporary authorization expires.

On Sept. 14, FERC issued a 90-day certificate to allow the pipeline to continue operating and avoid disruptions in the region. But that authorization runs only until Dec. 13.

## Monthly meeting actions

At its monthly meeting Nov. 18, FERC is also poised to decide on rehearing requests related to the 90-day certificate that the commission issued.

Among the questions posed for FERC to decide on rehearing, Spire sought clarification to ensure it may continue to provide open access transportation service under its tariff and its existing rate schedules and on whether it may enter new contracts for available unsubscribed capacity.

FERC issued the temporary certificate under previously approved terms but said the permit would not allow for construction or any new service.

In addition, landowners argued in separate rehearing requests that FERC erred by declining to include a temporary prohibition on the use of eminent domain in its order. They also sought a stay of such condemnation actions.

The monthly meeting may see FERC decide on whether to issue a stay of the authorizations for the Jordan Cove LNG terminal and the Pacific Connector Pipeline as well.

Just days after oral arguments on challenges to the Jordan Cove and Pacific Connector certificates, the District of Columbia Circuit on Nov. 1 remanded the record in the case to FERC for the express purpose of considering a stay.

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That step followed arguments from landowners that they are in limbo with regard to property condemnation while the project remains paused by its sponsor.

The commission appears to have put the question of whether to stay the certificate to prevent condemnation on its meeting agenda for prompt action. (CP17-495 and CP17-494)

### **Warnings to customers**

Separately, Spire affiliate Spire Missouri Inc.'s early November warnings to gas customers about the potential for disruptions were having ripple effects in the FERC docket. Referencing litigation from a New York environmental group, the company informed customers that the temporary authorization "only takes us halfway through Missouri's coldest months."

"We're confident that we've done everything we can to demonstrate the critical role the pipeline plays in providing the St. Louis community with energy, but there are no guarantees it will operate beyond Dec. 13," it wrote.

That spawned some letters to FERC from worried residents urging the commission to act.

Some St. Louis aldermen and county council members also wrote FERC commissioners, accusing Spire Missouri of engaging in "the very worst type of fear-mongering."

Spire spokesman Jason Merrill, in an interview Nov. 12, said the company sent the message because Dec. 13 is only a few weeks away.

"Should there not be an STL Pipeline after Dec. 13, this isn't a message you tell your customers on Dec. 13. You have to be transparent and let them know this possibility exists ahead of time," Merrill said.

The Environmental Defense Fund also urged FERC to take prompt action in the matter to provide clarity for St. Louis gas customers and to help ease confusion.

"Spire's email has created panic and fear throughout the St. Louis region, causing undue distress to its most vulnerable customers and also prompting vitriolic, personal attacks directed at EDF and its employees," it wrote.

Spire STL Pipeline General Counsel Sean Jamieson Nov. 12 also said he was "hopeful that the commission was considering providing a clear path forward for the pipeline, and the people here in St. Louis region that rely on this important energy infrastructure."

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