

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation into Kansas)
Gas Service Company, a Division of One Gas)
Inc. Regarding the February 2021 Winter) Docket No. 21-KGSG-332-GIG
Weather Events, as Contemplated by Docket)
No. 21-GIMX-303-MIS.)

**MOTION OF THE NATURAL GAS TRANSPORTATION
CUSTOMER COALITION REQUESTING THE COMMISSION
ISSUE A SUBPOENA COMPELLING TESTIMONY AND
PRODUCTION OF DOCUMENTS FROM S & P GLOBAL PLATTS
GAS DAILY PURSUANT TO K.S.A. 66-150 AND K.A.R. 82-1-227**

COMES NOW the Natural Gas Transportation Customer Coalition (“NGTCC”) and for
its Motion, states to the State Corporation Commission of the state of Kansas (“KCC” or
“Commission”) as follows:

Procedural History

1. On March 9, 2021, the State Corporation Commission of the State of Kansas
 (“KCC” or “Commission”) issued an Order Adopting Staff’s Report and Recommendation to
Open Company-Specific Investigations, in Docket No. 21-GIMX-303-MIS (hereafter, “303
Order”). In its 303 Order, the Commission adopted Staff’s recommendation to open company-
specific dockets to document issues raised in the Commission’s investigation into each major
jurisdictional utility’s performance during the February 2021 Winter Event and to record the
company-specific filings of the financial impact plans contemplated in the Commission’s 303
Order.¹

¹ Order on Petition to Intervene of BlueMark Energy, LLC and CURB; Protective and Discovery Order, ¶ 7 (Docket
No. 21-GIMX-303-MIS issued on March 9, 2021).

2. On May 28, 2021, Kansas Gas Service (“KGS”) filed a Motion for Limited Waiver (“Motion for Waiver”) in this docket seeking Commission authorization to deviate from the Company’s existing Section 11.06 tariff provisions in a manner to allow Kansas Gas Service to remove the multipliers from the calculation of penalties incurred by Marketers and Individually Balanced Transportation Customers for violations of the Company’s Operational Flow Orders (“OFO”) and/or Period Curtailment Orders (“PCO”) issued during the February 2021 Winter Event (“Winter Event”).

3. The KGS – KCC Tariff provides in part, at Section 11.06.02 as follows:

Penalties during OFOs and POCs: Penalties for Unauthorized Over-Deliveries or Under-Deliveries shall be calculated as follows.

- (1) **Standard OFO Penalties:** For each day of the Standard OFO, **the greater of \$5 or 2 1/2 times the daily midpoint stated on Gas Daily’s Index for Southern Star Central Gas Pipelines (Oklahoma)** times the MMBtu of Unauthorized Over- or Under-Deliveries that exceed the tolerance level applicable under Section 11.06.01.
- (2) **Emergency OFO Penalties:** For each day of the Emergency OFO, **the greater of \$10 or 5 times the daily midpoint stated on Gas Daily’s Index for Southern Star Central Gas Pipelines (Oklahoma)** times the MMBtu of Unauthorized Over- or Under-Deliveries that exceed the tolerance level applicable under Section 11.06.01.
- (3) **POC Penalties:** For each day of the POC, **the greater of \$20 or 10 times the daily midpoint stated on Gas Daily’s Index for Southern Star Central Gas Pipelines (Oklahoma)** times the MMBtu of Unauthorized Over- or Under-Deliveries that exceed the tolerance level applicable under Section 11.06.01. (Emphasis added)

4. “S & P Global Platts Gas Daily (“Platts”) is the leading independent provider of information and benchmark prices for the commodity and energy markets. Platts provides essential price data, analytics, and industry insight enabling the commodity and energy markets

to perform with greater transparency and efficiency. Key customers served by Platts include producers, traders, and intermediaries within the energy, petrochemicals, metals, and agriculture markets.” *United States Securities and Exch. Comm’n*, Form 10-K, S & P Global, for the year ended December 31, 2020, at p. 7; please also see pp. 33 and 50. Platts had \$989 million of revenue in 2020. *Id.* at p. 106. Platts had operating profit of \$458 million in 2020. *Id.* at p. 42.

5. As noted by Platts at page 17 of its SEC-Form 10-K Report:

- **In the normal course of business, both in the United States and abroad, we and our subsidiaries are defendants in numerous legal proceedings and are often the subject of government and regulatory proceedings, investigations and inquiries**, as discussed under Item 7, *Management’s Discussion and Analysis of Financial Condition and Results of Operations*, in this Annual Report on Form 10-K and in Note 13 – *Commitments and Contingencies* to the consolidated financial statements under Item 8, *Consolidated Financial Statements and Supplementary Data*, in this Annual Report on Form 10-K, and we face the risk that additional proceedings, investigations and inquiries will arise in the future.
- **Many of these proceedings, investigations and inquiries relate to the activity of our Ratings, Indices, and Platts businesses. In addition, various government and self-regulatory agencies frequently make inquiries and conduct investigations into our compliance with applicable laws and regulations**, including those related to our regulated activities and antitrust matters. (Emphasis added)

Natural Gas Purchases by KGS

6. Natural gas is purchased by local distribution companies throughout Kansas – including KGS – in generally the following manner:

- (1) purchases of natural gas to inject into storage;

- (2) purchases of flowing natural gas for delivery, along with natural gas storage withdrawals, to serve what is estimated to be used by customers during a month; and
- (3) **as necessary to meet unanticipated needs for additional natural gas through one of two additional ways: (i) prearranged firm peaking contracts or “Calls” and (ii) daily “Spot Market Purchases.”**²

7. These “Calls” and “Spot Market Purchases” in nearly all instances in the state of Kansas, are at prices in accordance with the following:

S & P Global Platts Gas Daily – Final Daily Price Survey – Platts Locations (\$/MMBtu) – Southern Star Pipeline

8. The Platts Final Daily Price Survey includes a Daily Price designated for Southern Star Pipeline. The Platts Daily Price Survey for Southern Star Pipeline contains price transaction information of the following categories:

**Mid-Point
+/- Amount from prior day
Absolute Price
Common Price
Volume
Deals**

9. These designations are as described above:
- (a) the Mid-Point of transactions,
 - (b) the amount of increase or decrease (+/-) from the prior day,
 - (c) a common or typical price range and very importantly – to assess whether the transactions are widespread enough to gauge whether they are “representative” of the market;

² Prefiled Direct Testimony of Kent J. Kopetzky, Black Hills Gas Utility, KCC Docket No. 21-BHCG-334-GIG, at pp. 11-13.

- (d) the volume of transactions in MMBtu, and
- (e) the numbers of transactions. (Confidential Exhibit A and Confidential Exhibit B; S & P Global Platts Gas Daily is a paid subscription service).

10. In the period of February 2021, the Platts Daily Price Survey for Southern Star Pipeline wildly gyrated, **between \$2.465/MMBtu to \$622.785/MMBtu - - a price swing of \$620.32/MMBtu** - - which can be seen from Table KJK-2 of the prefiled Direct Testimony of Kent J. Kopetzky, as filed on June 16, 2021 in KCC Docket No. 21-BKCG-334-GIG:

/MMBtu	/MMBtu
February 1, 2021 - \$2.545	February 15, 2021 - \$329.595
February 2, 2021 - \$2.68	February 16, 2021 - \$329.595
February 3, 2021 - \$2.82	February 17, 2021 - \$622.785
February 4, 2021 - \$2.79	February 18, 2021 - \$44,530
February 5, 2021 - \$2.85	February 19, 2021 - \$7.945
February 6, 2021 - \$3.565	February 20, 2021 - \$4.385
February 7, 2021 - \$3.565	February 21, 2021 - \$4.385
February 8, 2021 - \$3.565	February 22, 2021 - \$4.385
February 9, 2021 - \$3.565	February 23, 2021 - \$2.690
February 10, 2021 - \$4.030	February 24, 2021 - \$2.700
February 11, 2021 - \$9.620	February 25, 2021 - \$2.665
February 12, 2021 - \$44.780	February 26, 2021 - \$2.465
February 13, 2021 - \$329.595	February 27, 2021 - \$2.465
February 14, 2021 - \$329.595	February 28, 2021 - \$2.465

11. On February 17, 2021, all of the pipelines serving Kansas, with the exception of Southern Star Pipeline and NGPL/Midcon experienced very large reductions in the Platts Gas Daily Price.³ (Exhibit C)

CIG – 2/16/21 - \$172.945 CIG – 2/17/21 - \$78.20	Enable – 2/16/21 - \$375.81 Enable – 2/17/21 - \$300.00
NGPL – 2/16/21 - \$206.110 NGPL – 2/17/21 - \$381.480	Northern Natural – 2/16/21 - \$231.670 Northern Natural – 2/17/21 - \$133.635
Panhandle Eastern – 2/16/21 - \$224.560 Panhandle Eastern – 2/17/21 - \$129.385	Southern Star – 2/16/21 - \$329.595 Southern Star – 2/17/21 - \$622.785

³ Prefiled Direct Testimony of Kent J. Kopetzky, *Id.* at Table KJK-2 (Exhibit C)

12. On February 17, 2021, the Southern Star – Platts Gas Daily price of \$622.785 -- is \$241.305 per MMBtu higher than the next highest pipeline serving Kansas, and \$493.40 per MMBtu more than Panhandle Eastern – the second largest pipeline serving Kansas after Southern Star.

13. The Platts Gas Daily price for February 17, 2021 was based on only **. ** During the period February 12 – February 17, 2021, the Southern Star Pipeline consistently delivered 2.4 – 2.5 bcf of natural gas - - and **

** would be ** ** of the total. This volume of **

** out of thousands of daily transactions on the Southern Star System (there are, for example 6,297 transportation customers on KGS with daily transactions)⁴ cannot possibly be a sufficient representative sampling to support any Platts Gas Daily Index Price, let alone a price of \$622.785/MMBtu. (Confidential Exhibit B)

14. The Platts Southern Star Daily Index Price for February 13-16, 2021 of \$329.595/MMBtu suffers from the same infirmities. This Platte Gas Daily Price is calculated based on **. ** This volume is equal to ** ** of the total. (Confidential Exhibit A)

15. The Southern Star Pipeline – Platts’ Daily Price on February 14, 2021 was far higher than every pipeline serving Kansas, except one, to-wit:

CIG - \$172.945	Northern Natural - \$231.67
Enable - \$375.810	Panhandle Eastern - \$224.56
NGPL - \$206.110	Southern Star - \$329.595

⁴ Response of KGS, dated July 20, 2021, to NGTCC Information Request 21-332 NGTCC – 2-02.

The Platts Gas Daily Price Survey

16. The Platts Gas Daily Price Survey is calculated in the following manner:

Platts Locations Natural Gas
Daily Final Assessment Rationale

PLATTS LOCATIONS NATURAL GAS DAILY FINAL ASSESSMENT RATIONALE

Platts Gas Daily indices are based upon trade data reported to Platts by market participants and the Intercontinental Exchange.

The indices are calculated using detailed transaction level data from these providers. Platts editors screen the data for outliers that may be further examined and potentially removed. A volume weighted average is then calculated from the remaining set of data.

This rationale applies to symbols found in the Market Data category GD listed at <http://plts.co/3z3v30qw7qH>

(Emphasis Added).

17. Essentially no information has been available from Platts to the Kansas public to gauge the reliability and accuracy of its Daily Index Price Surveys for Southern Star Pipeline for February 12 through February 18, 2021.⁵

- (1) No transaction detail that may have influenced the enormous price increases of the Platts Gas Daily Price have been made available to the Kansas public.

⁵ Platts Gas Daily has a Complaint process, but it is only open to subscribers of Platts Gas Daily. The Platts Complaint Process is inhospitable to say the least, providing: “Where a Complaint regarding a specific price assessment is determined by Platts to be valid, Platts reserves the right to exclude any retroactive price adjustments to price assessments.” Platts Contract Complaint at p. 5.

- (2) No identities of either the buyer or seller in the cited transactions that ostensibly support the Gas Daily Index Prices have been made available to the Kansas public.
- (3) No information as to possible “screening” of transactions by Platts Gas Daily have been made available to the Kansas public.
- (4) There is no indication if one or more participants in transactions reported to Platts Gas Daily were involved in the subject trade for any of the high price days of February 2021, or if either the seller or buyer was an affiliate.

18. Essentially, the S & P Global Gas Daily Price reference contained as a price provision in “Call” and “Spot Price” contracts caused an increase in natural gas costs in Kansas of approximately \$840 million for seven days of natural gas purchases in the period February 12-18, 2021.⁶ (Confidential Exhibit D sets forth the total “Call” and “Spot Price” of KGS purchase volumes in February 2021; KGS Response to NGTCC Information Request 21-332 NGTCC – 2-03)

19. The Kansas public has been provided no details as to whether or not:
- (a) these S & P Global Gas Daily Price Indexes are representative of the market, other than a tiny sliver (less than 1%) of the market; (a Summary of the Platts Gas Daily Price Indices is attached as Confidential Exhibit E)
 - (b) the S & P Global Gas Daily Prices were accurately constructed in calculation of the various component parts of the Price Survey protocol; and

⁶ NGTCC Motion to Amend Protective Order, dated June 11, 2021, at pp. 7-8; total of \$840 million of increased natural gas costs to Kansas in February 2021.

- (c) the enormous and marked increases in price, as compared to natural gas deliveries by pipelines other than Southern Star Pipeline in Kansas, so pronounced that a deep and detailed investigation of possible profiteering, price gouging, or possible market manipulation may be appropriate.⁷

20. The Platts Gas Daily Prices in the period of February 12 through February 18, 2021, paid by KGS (as well as by Black Hills) total almost all of the incremental natural gas costs listed by KGS - \$381 million – in the One Gas SEC Form 10-Q, at p 18, for the period ending March 31, 2021.

21. KGS response KCC Information Request 12 (Supplemental), indicates that the total amount of ** ** paid for natural gas in February 2021, the entire amount, except for ** ** was priced at the Platts Gas Daily Price for Southern Star Pipeline in the period February 12 – February 18, 2021.

22. Further for February 2021, the KGS “Call” and “Spot Purchase” volumes using the Platts Gas Daily Index Prices were, ** ** as compared to the Platts Gas Daily Survey volumes of ** .**

23. **This KGS purchase and volume calculations confirm the enormous economic impact of Platts Gas Daily Index Prices on the Kansas economy and are the primary driver of the economic tragedy that befell the Kansas public in February 2021. (Confidential Exhibit D)**

⁷ KGS response to KCC Staff Information Request 21-332 KCC-012, dated April 16, 2021; “4. Does Kansas Gas Service have any indication of, or concern about, natural gas price gouging or market manipulation during the extreme weather event? If so, please provide a detailed explanation with supporting documentation, examples, or calculations illustrating the utility’s concerns.

KGS Response: No, KGS does not have any clear indication of price gouging or market manipulation. However, KGS is working to carefully review each supply invoice to ensure that the volumes KGS was invoiced for and the price of those volumes are in line with each contract or NASEB.”

24. Utilization of the Platts Gas Daily Index Price references in natural gas purchase contracts for February 2021 have created an economic tragedy for the Kansas public in an amount that is estimated to be about \$840 million - - all for 7 days of natural gas purchases.

**The Request to Issue a Subpoena to
S & P Global – Platts Gas Daily**

25. In the view of NGTCC, any reasoned review of the (1) Platts Gas Daily Index Prices for Southern Star Pipeline, as compared to the prices for other pipelines serving Kansas during the relevant periods in February 2021; (2) the volume of trades and the number of transactions included as support for Gas Daily Index Prices; (3) the enormously out of sync pricing of Platts Gas Daily on February 12-17, 2021; (4) and the near total anonymity of detail regarding trades and traders during a period when prices charged to the Kansas public exceeded by 300 times the amount charged 17 days earlier - - would indicate a compelling case for a detailed investigation of Platts Gas Daily Index Price Postings in the period February 12-17, before the Commission permits this enormous \$840 million burden to be placed on the shoulders of Kansas ratepayers.

NGTCC REQUESTED ACTION

The NGTCC requests that the KCC undertake the following:

1. The Commission issue a subpoena to S & P Global Platts Gas Daily pursuant to K.S.A. 66-150 and K.A.R. 82-1-227 compelling the production of all documents relating in any manner to the S & P Global Platts Gas Daily Index for Southern Star Pipeline for the period February 10-20, 2021, and further compelling the testimony of records custodian witness(es) to explain in detail the subpoenaed documents and in what manner they were used, included or excluded from the Gas Daily Index Prices for the period February 10-20, 2021;

2. The Commission “stay” or suspend any use of the S & P Global Platts Gas Daily Index Price posting as a reference in any KCC approved tariff and/or as the basis for the collection of any penalty, until the Commission completes its review of S & P Global Gas Daily Price Index Postings, and issues a further Order regarding this utilization of such postings of February 2021 in any manner by any KCC jurisdictional utility; and
3. The Commission “stay” or suspend the pass through of any amounts to Kansas ratepayers that are the result of a price term that is or contains a reference to the S & P Global Platts Gas Daily Price Index until the Commission completes its review of S & P Global Platts Gas Daily Price Index and issues an Order regarding the utilization of such postings of February 2021 in any manner by any KCC jurisdictional utility.

CONCLUSION

The NGTCC respectfully moves the Commission to issue an Order to approve and issue the herein described subpoena (Exhibit F) to S & P Global Platts Gas Daily, compelling testimony in this Docket on the following subjects:

- (1) whether the Gas Daily Price Indices are or are not representative of the daily natural gas marketplace in Kansas in the period February 10-20, 2021;
- (2) whether or not the Gas Daily Price Indices in the period of February 10-20, 2021, followed Platts Gas Daily Index protocols as to their calculation, and were free from price manipulation, price gouging, and profiteering;
- (3) what causes, if any, resulted in consistently higher Index Prices on Southern Star Pipeline as compared to other pipelines delivering natural gas in Kansas - -

particularly in view of the interconnected nature of many interstate pipelines with
Southern Star Pipeline; and

S & P Global - Platts Gas Daily can be served the subpoena attached hereto in the
following manner at the following address by U.S. certified mail:

S & P Global Platts Gas Daily
Compliance Office
1111 Bagby Street - Suite 220
Houston, TX 77002

Steven J. Kemps
Executive Vice President & General Counsel
S & P Global Inc.
55 Water Street
New York, NY 10041

Upon approval of the subpoena, the NGTCC will undertake to serve the subpoena and
tender the appropriate witness fees upon S & P Global.

Respectfully submitted,

/s/ James P. Zakoura

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*Attorneys for the Natural Gas Transportation
Customer Coalition (NGTCC)*

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

James P. Zakoura, being duly sworn upon his oath, deposes and states that he is the Attorney for the Natural Gas Transportation Customer Coalition, that he has read and is familiar with the foregoing *Motion of the Natural Gas Transportation Customer Coalition Requesting the Commission Issue a Subpoena Compelling Testimony and Production of Documents from S & P Global Platts Gas Daily Pursuant to K.S.A. 66-150 and K.A.R. 82-1-227 and Any and All Additional Statutes and Regulations*, and that the statements therein are true to the best of his knowledge, information, and belief.


James P. Zakoura

SUBSCRIBED AND SWORN to before me this 30th day of July, 2021.


Notary Public

My Appointment Expires:



CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2021, the foregoing *Motion of the Natural Gas Transportation Customer Coalition Requesting the Commission Issue a Subpoena Compelling Testimony and Production of Documents From S & P Global Platts Gas Daily Pursuant to K.S.A. 66-150 and K.A.R. 82-1-227* was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list as follows:

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/s/ James P. Zakoura
James P. Zakoura

EXHIBIT A

CONFIDENTIAL

EXHIBIT B

CONFIDENTIAL

EXHIBIT C

PUBLIC

Table KJK-2: February Daily Natural Gas Mid-Prices

Date	CIG, Rockies	Enable Gas	NGPL, Midcon	Northern Natural Gas, demarcation	Northern Natural Gas, Ventura	Panhandle Eastern	Southern Star Central Gas Pipeline
2/1/2021	\$ 2.565	\$ 2.570	\$ 2.555	\$ 2.615	\$ 2.600	\$ 2.550	\$ 2.545
2/2/2021	\$ 2.660	\$ 2.695	\$ 2.670	\$ 2.735	\$ 2.715	\$ 2.665	\$ 2.680
2/3/2021	\$ 2.805	\$ 2.860	\$ 2.835	\$ 2.905	\$ 2.900	\$ 2.825	\$ 2.820
2/4/2021	\$ 2.760	\$ 2.765	\$ 2.775	\$ 2.860	\$ 2.865	\$ 2.760	\$ 2.790
2/5/2021	\$ 2.835	\$ 2.815	\$ 2.870	\$ 3.015	\$ 3.215	\$ 2.905	\$ 2.850
2/6/2021	\$ 3.490	\$ 3.430	\$ 3.335	\$ 3.780	\$ 3.845	\$ 3.515	\$ 3.560
2/7/2021	\$ 3.490	\$ 3.430	\$ 3.335	\$ 3.780	\$ 3.845	\$ 3.515	\$ 3.560
2/8/2021	\$ 3.490	\$ 3.430	\$ 3.335	\$ 3.780	\$ 3.845	\$ 3.515	\$ 3.560
2/9/2021	\$ 3.395	\$ 3.355	\$ 3.330	\$ 3.715	\$ 4.200	\$ 3.525	\$ 3.655
2/10/2021	\$ 3.460	\$ 3.500	\$ 3.345	\$ 3.855	\$ 4.055	\$ 3.675	\$ 4.030
2/11/2021	\$ 4.825	\$ 6.105	\$ 4.920	\$ 6.605	\$ 6.905	\$ 6.310	\$ 9.620
2/12/2021	\$ 13.285	\$ 34.385	\$ 11.830	\$ 15.680	\$ 15.415	\$ 14.545	\$ 44.780
2/13/2021	\$ 172.945	\$ 375.810	\$ 206.110	\$ 231.670	\$ 154.905	\$ 224.560	\$ 329.595
2/14/2021	\$ 172.945	\$ 375.810	\$ 206.110	\$ 231.670	\$ 154.905	\$ 224.560	\$ 329.595
2/15/2021	\$ 172.945	\$ 375.810	\$ 206.110	\$ 231.670	\$ 154.905	\$ 224.560	\$ 329.595
2/16/2021	\$ 172.945	\$ 375.810	\$ 206.110	\$ 231.670	\$ 154.905	\$ 224.560	\$ 329.595
2/17/2021	\$ 78.200	\$ 300.000	\$ 381.480	\$ 133.635	\$ 188.320	\$ 129.385	\$ 622.785
2/18/2021	\$ 19.525	\$ 428.640	\$ 22.595	\$ 26.945	\$ 19.460	\$ 23.390	\$ 44.530
2/19/2021	\$ 5.785	\$ 34.450	\$ 6.345	\$ 6.050	\$ 5.980	\$ 6.265	\$ 7.945
2/20/2021	\$ 3.655	\$ 4.550	\$ 4.045	\$ 3.990	\$ 3.735	\$ 4.010	\$ 4.385
2/21/2021	\$ 3.655	\$ 4.550	\$ 4.045	\$ 3.990	\$ 3.735	\$ 4.010	\$ 4.385
2/22/2021	\$ 3.655	\$ 4.550	\$ 4.045	\$ 3.990	\$ 3.735	\$ 4.010	\$ 4.385
2/23/2021	\$ 2.665	\$ 2.695	\$ 2.660	\$ 2.660	\$ 2.675	\$ 2.590	\$ 2.690
2/24/2021	\$ 2.700	\$ 2.650	\$ 2.645	\$ 2.695	\$ 2.685	\$ 2.645	\$ 2.700
2/25/2021	\$ 2.630	\$ 2.530	\$ 2.605	\$ 2.630	\$ 2.630	\$ 2.540	\$ 2.665
2/26/2021	\$ 2.480	\$ 2.360	\$ 2.440	\$ 2.465	\$ 2.455	\$ 2.340	\$ 2.465
2/27/2021	\$ 2.480	\$ 2.360	\$ 2.440	\$ 2.465	\$ 2.455	\$ 2.340	\$ 2.465
2/28/2021	\$ 2.480	\$ 2.360	\$ 2.440	\$ 2.465	\$ 2.455	\$ 2.340	\$ 2.465

EXHIBIT D

CONFIDENTIAL

EXHIBIT E
CONFIDENTIAL

EXHIBIT F

PUBLIC

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation into Kansas)	
Gas Service Company, a Division of One Gas)	
Inc. Regarding the February 2021 Winter)	Docket No. 21-KGSG-332-GIG
Weather Events, as Contemplated by Docket)	
No. 21-GIMX-303-MIS.)	

**SUBPOENA OF BUSINESS RECORDS
PURSUANT TO K.A.R. 82-1-227**

TO: S&P Global Platts Gas Daily
Compliance Office
1111 Bagby Street, Suite 220
Houston, TX 77002

Steven J. Kemps
Executive Vice President & General Counsel
S & P Global Inc.
55 Water Street
New York, NY 10041

You are commanded to produce the business records listed below, or a copy of them, by delivering them by mail, electronically or otherwise to the Kansas Corporation Commission, ATTN: Chairperson Andrew French, 1500 SW Arrowhead Road, Topeka, Kansas, 66604, within 14 days after service of this subpoena. Failure to comply with this subpoena may be deemed a contempt of the Commission pursuant to K.S.A. 66-150.

Records to be produced:

1. All documents received (whether utilized or not) that refer to or were considered for reporting the "Deals" in the Daily Price Survey- Platts Locations (\$/MMBtu) **for Southern Star (IGBCF 21)** on the below-listed Dates.
2. For each Trade Date and Flow date listed below, provide all Trades/Deals documents that are in the possession of S&P Global, Inc. and/or its affiliates, including Platts Gas Daily, that were not listed as "Deals" and provide all documents that are or refer to any reason such Trades/Deals were not listed as deals on such applicable February date.

3. All correspondence or communications of any type to or received by S & P Global that relate to the trade reports associated with the days below:

Trade Dates/Flow Dates/Deals:

<u>Date</u>	<u>Price Quote</u>	<u>Deals</u>
February 10, 2021	\$ 4.030	16
February 11, 2021	\$ 9.620	7
February 12, 2021	\$ 44.780	--
February 13, 2021	\$329.595	--
February 14, 2021	\$329.595	--
February 15, 2021	\$329.595	--
February 16, 2021	\$329.595	7
February 17, 2021	\$622.785	2
February 18, 2021	\$ 44.530	13
February 19, 2021	\$ 7.945	12
February 20, 2021	\$ 4.385	--

Testimony to be provided:

The subpoenaed organization is hereby ordered to file a designation with (1) the Kansas Corporation Commission and (2) the requesting entity provided below, specifying one or more officers, directors, managing agents, or other persons who are most familiar with the requested data, reports and the manner of compilation and presentation of same. The person so designated shall testify as to matters known or reasonably available to the organization. The subpoenaed organization is further directed to provide the name(s) of the representatives and the locations at which they can testify within fourteen (14) days of service of this subpoena. The testimony will be taken by a Certified Shorthand Reporter within twenty-eight (28) days of the service of this subpoena. Zoom or Microsoft Teams access shall be provided to parties to the action who do not attend in person.

DEFINITIONS

“Document” means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, that is in your possession, custody, or control. The term

includes agreements; contracts; letters; telegrams; inter-office communications; memoranda; reports, records, instructions; specifications; notes; notebooks; scrapbooks; diaries; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies; charts; graphs; descriptions; drafts, whether or not they resulted in a final document; minutes of meetings; conferences; and telephone or other conversations or communications; invoices; purchase orders; bills of lading; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; electronic-mail; ledgers; financial statements; microfilm; microfiche; tape or disc recordings; and computer print-outs.

The term “document” also includes electronically stored data from which information can be obtained either directly or by transmission through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term “document” includes all drafts of a document and all copies that differ in any respect from the original, including any notation, underlining, marking, or information not in the original. The term also includes information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations.

Without limitation on the term “control” as used in the preceding paragraph, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or entity.

INSTRUCTIONS

For any document withheld under claim of privilege, submit a sworn or certified statement from your counsel or one of your employees in which you identify the document by author, addressee, date, number of pages, and subject matter; specify the nature and basis of the claimed

privilege and the paragraph of this demand for documents to which the document is responsive; and identify each person to whom this document or its contents, or any part thereof, has been disclosed.

For any document responsive to these document requests which is known to have been destroyed or lost, or is otherwise unavailable, identify each such document by author, addressee, date, number of pages, and subject matter; and explain in detail the events leading to the destruction or loss, or the reason for the unavailability of such document, including the location of such document when last in your possession, custody, or control, and the date and manner of its disposition.

You may object to the production of any or all of the records listed above by serving a written objection on the following:

1. Kansas Corporation Commission
ATTN: Chairperson Andrew French
1500 SW Arrowhead Road
Topeka, KS 66604
2. James P. Zakoura
Smithyman & Zakoura, Chartered
750 Commerce Plaza II
7400 West 110th Street
Overland Park, KS 66210-2362
Attorney for the Requesting Party

within 14 days after service of this subpoena. If you serve an objection, the records need not be produced except on order of the Commission.

The records described in this subpoena must be accompanied by a completed copy of the attached declaration or an affidavit of a custodian of the records. You also must file the declaration or an affidavit such as Exhibit A with the Commission.

If the business has none of the records described in this subpoena, or only part of the records, the custodian may state that in the declaration or affidavit, and the custodian must send the records in the custodian's possession and must identify in the declaration or affidavit the requested records not in the custodian's possession. When more than one person has knowledge of the facts required to be stated in the declaration or affidavit, more than one declaration or affidavit may be made.

You may demand from the party causing this subpoena to be issued the reasonable costs of copying the records. If you demand the costs, you need not produce the records until the costs are advanced.

The records will not be returned unless you request the return in writing.

KANSAS CORPORATION COMMISSION

By: _____
Title: _____

Dated _____, 2021

This subpoena has been issued upon application of:

SMITHYMAN & ZAKOURA, CHARTERED
James P. Zakoura, KS #07644
750 Commerce Plaza II
7400 West 110th Street
Overland Park, KS 66210-2362
(913) 661-9800
Fax: (913) 661-9863
Email: jim@smizak-law.com
Attorneys for Natural Gas Transportation
Customer Coalition

Any questions concerning the above may be directed to Mr. Zakoura.

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation into Kansas)
Gas Service Company, a Division of One Gas)
Inc. Regarding the February 2021 Winter) Docket No. 21-KGSG-332-GIG
Weather Events, as Contemplated by Docket)
No. 21-GIMX-303-MIS.)

**AFFIDAVIT OF CUSTODIAN OF BUSINESS RECORDS OF
S & P GLOBAL**

STATE OF _____)
) ss:
COUNTY OF _____)

I, _____, being first duly sworn on oath, depose and state:

1. I am the duly authorized custodian of the business records of S & P Global and have the authority to certify these records.
2. The copy of the records attached to this Affidavit is a true, correct and accurate copy of the records described in the Subpoena served upon S & P Global in the above-captioned matter.
3. The records were prepared by the personnel or staff of the business or persons acting under their control, in the regular course of business at or about the time of the act, conditions or event recorded.

Signature of Custodian

Printed Name: _____

Title: _____

Address: _____

Subscribed and sworn to before me, a Notary Public in and for said county and state, on this _____ day of _____, 2021.

Notary Public

EXHIBIT A