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VIA EMAIL

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Scott Carter
President
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Re: Spire STL Pipeline

Dear Mr. Jamieson & Mr. Carter:

I write regarding Spire's many recent statements concerning the Spire STL Pipeline, and in particular Spire's attempt to persuade citizens in the St. Louis region that Environmental Defense Fund's ("EDF") legal challenge to the Federal Energy Regulatory Commission's ("FERC") approval process for the Spire STL Pipeline will lead to a disruption to their delivery of natural gas in Missouri's "coldest months." Spire has no factual basis for these claims, and its public statements amounting to a fear mongering campaign have caused great distress among its St. Louis area customers, including its most vulnerable populations. As you are well aware, EDF has made abundantly clear its position that a temporary emergency certificate to permit Spire STL Pipeline's operation during the 2021-2022 winter season is appropriate to ensure that there is no disruption to natural gas service in the St. Louis area, FERC is poised to act ensuring that is the case, EDF has

reiterated the importance of FERC's swift action, and there is no risk of outages to customers as a result of the judicial rulings.

In addition, Spire's public comments about EDF – a “New York-based environmentalist group” in Spire's words – have mislead and inspired individuals to direct menacing and threatening messages to individuals at EDF. This letter shall serve as notice to Spire of the harm caused by its false and misleading statements concerning the status of and prospect for the Pipeline.

As you know, in January 2020, EDF filed suit against FERC arguing that FERC needed to apply heightened scrutiny to the Spire STL Pipeline project under the Natural Gas Act. On June 22, 2021, the U.S. Court of Appeals for the D.C. Circuit vacated FERC's approval of the Spire STL Pipeline, finding that the agency did not sufficiently analyze whether the pipeline was in fact needed. According to the D.C. Circuit,

Under the circumstances presented in this case – with flat demand as conceded by all parties, no Commission finding that a new pipeline would reduce costs, and a single precedent agreement between affiliates – we agree with EDF that the Commission's approach did not reflect reasoned and principled decision making.

The D.C. Circuit's decision vacated FERC's orders and sent the case back to FERC in order to address the deficiencies outlined in the Court's order.

While the initial approval of the pipeline was revoked, in September, FERC *sua sponte* granted a 90-day temporary certificate of public convenience and necessity to Spire, allowing the Spire STL Pipeline to continue to operate through December 13, 2021. During this time, Spire appealed to the Supreme Court, asking it to stay the mandate, which was denied on October 15, 2021.

Although the temporary certificate expires on December 13, 2021, FERC is poised to issue another temporary certificate for the remainder of the winter to ensure there is no disruption to the natural gas service in St. Louis and just recently placed the Spire STL Pipeline docket on its agenda for its November 18 meeting. On November 10, 2021, EDF filed a letter with FERC requesting prompt action on Spire's temporary certificate, reiterating its position that an extension is appropriate to ensure there is no disruption to natural gas service in the St. Louis area. Both Spire *and* EDF support the granting of a temporary certificate, and if FERC determined there was public necessity justifying a temporary certificate in September, there is no basis to believe FERC will not extend the temporary certificate through the winter months. In reality, as Spire is fully aware, there is no probability of the Spire STL Pipeline being shut down in the near term, or of resulting outages or harm to customers in St. Louis, for the winter.

Ignoring this reality, Spire has engaged in a public relations campaign designed to engender fear among citizens of the St. Louis region that they may not have heat in the winter because of EDF's legal challenge. Your November 4, 2021 message sent to Spire customers contains a number of false, misleading and defamatory statements regarding the

Spire STL Pipeline and related legal challenge. For instance, your assertion that the Spire STL Pipeline was approved after “rigorous regulatory review,” is flatly contradicted by the D.C. Circuit’s identification of “serious deficiencies” in the orders, including “that [FERC] ignored record evidence of self-dealing” between the Spire affiliates. Your November 4 message further purports to warn – without any basis in fact – of “potential natural gas disruptions—and outages—this winter” due to the legal challenge brought by EDF – a “New York-based environmentalist group.” You have failed to inform Spire’s customers that both Spire and EDF support an extension of the temporary certificate allowing the Spire STL Pipeline to continue to operate through the winter, and that FERC is poised to grant the extension.

Spire’s public communications are having the apparently intended effect. EDF and its employees publicly associated with the Spire STL Pipeline legal challenge have received threatening and disturbing messages. For example, upon being exposed to Spire’s fear mongering, EDF and its employees have received the following messages among many others:

“I hope someone exterminates every single member of your worthless organization and every single family member and friend you worthless pieces of shit have.”

“Just so you are aware, if our gas goes off in the middle of winter in STL, if you leave tens of thousands of poor and middle class folks in the STL area without power, I absolutely promise you that every family in the STL area will know who is at fault for this: The EDF. An organization that is funded by wealthy elite sociopathic assholes who constantly shit on the poor for their crazy Earth religion of nonsense.”

“I received an email from SPIRE informing me that because of your environmental push I may not have natural gas delivered to my home starting December 13. What do you have to say about that? What do you expect people to do exactly when winter temps come? You think I am going to blame SPIRE for this outage?”

“Can you explain to me why my gas company is telling me my heat will be shut off December 13th when the eastern Missouri region will lose access to the STL pipeline? Your name was brought up and I’m trying to understand the situation. As you may know it gets very cold here in December.”

“It's not that I don't care about the environment, it's just that the pipeline you are stopping in Missouri WILL have a huge affect on Spire gas company customers.

“I can't afford to fix my thermostat, and convert my house heater into an electric one, so the gas wall heater is the only thing keeping this disabled person from freezing to death this winter.”

Further, as a result of Spire's false and misleading statements, EDF has had to shift its efforts to correct this disinformation campaign with members in the St. Louis area. Through these efforts, EDF has seen firsthand the anxiety and fear created by Spire's false assertions, including among members of some of St. Louis's most vulnerable populations.

EDF hereby demands that Spire immediately cease and desist its campaign of false and defamatory statements regarding EDF's legal challenge to the Spire STL Pipeline and the current and future status of its operations. Failure to do so will result in EDF taking all appropriate actions, including potentially seeking redress through the legal system for the substantial harm caused by Spire's actions. *See Smith v. Humane Soc'y of United States*, 519 S.W.3d 789, 799 (Mo. 2017) (defamation claim involving matter of public concern may be sustained through pleading and proving statements were demonstrably false).

Sincerely,

Matthew E. Miller