

December 3, 2021

Scott S. Harris, Esq.
Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: Renewal of Stay Application in *Spire Missouri Inc. v. Environmental Defense Fund*,
No. 21A56

Dear Mr. Harris:

I am counsel of record for Applicants Spire Missouri Inc. (“Spire Missouri”) and Spire STL Pipeline LLC (“Spire STL,” collectively “Applicants”) in the above-titled case. On October 4, 2021, Applicants filed an Application for a Stay of the Mandate Pending the Filing and Disposition of a Petition for a Writ of Certiorari, which was denied by the Chief Justice on October 15, 2021. Pursuant to this Court’s Rule 22.4, Applicants respectfully renew their Application with Justice Thomas.

Renewal of the Application is warranted because, in the period since the Chief Justice’s ruling, the Federal Energy Regulatory Commission (“FERC”) has not taken any action to extend Spire STL’s authority to continue operating the Spire STL Pipeline (the “Project”), which supplies natural gas to hundreds of thousands of St. Louis-area households and businesses. In the decision below, the D.C. Circuit vacated Spire STL’s certificate of public convenience and necessity to operate the Project. On September 14, 2021, FERC issued an emergency Temporary Certificate Order that authorizes the Project to continue operating through December 13, 2021. During the ensuing months, FERC has continued to consider an application for temporary operating authority submitted by Spire STL on July 26, 2021, which, if granted, would authorize the Project to continue to operate beyond December 13. There is no firm timetable for FERC to issue a decision on Spire STL’s application.*

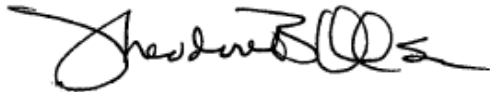
* During FERC’s most recent public meeting, Chairman Richard Glick noted his “intent” that FERC act on Spire STL’s application before December 13. *See* Open Commission Meeting, FERC (Nov. 18, 2021), http://ferc.capitolconnection.org/111821/fercarchive_flv.htm (at 08:47–08:56). There is no guarantee, however, that FERC will act before December 13 and no assurance, if it does, that a majority of the Commissioners will act favorably upon Spire STL’s application.

December 3, 2021
Page 2

When the Chief Justice denied Applicants' original Application, there were still nearly two months for FERC to take steps to extend the Project's operating authority beyond December 13, and to avert a shutdown that would imperil the supply of natural gas to the St. Louis area this winter. Moreover, in opposing the original stay request, respondent Environmental Defense Fund argued that Applicants' claim of harm was "weak" because FERC had "signaled" that it would "permit[] the Spire pipeline to operate" past December 13, but that if FERC did not do so, Applicants "could pursue appropriate and immediate judicial relief at that time." Opp. of Env'tl. Def. Fund to Application for a Stay of the Mandate at 13, *Spire Mo. Inc. v. Env'tl. Def. Fund*, No. 21A56 (filed Oct. 11, 2021) (citing, *inter alia*, 28 U.S.C. § 1651(a)). Because there are now only 10 days until the expiration of the Temporary Certificate Order, Applicants are renewing their application at this time. Without relief, if the Temporary Certificate Order expires on December 13 without action by FERC extending the Project's authorization, Spire STL will be obligated to immediately cease operating the Project. Thereafter, even if Spire STL's authority were renewed, it could take up to 10-12 weeks to resume operation. Ex. J to App. ¶¶ 8, 24, 26.

Applicants respectfully request that the Court recall and stay the D.C. Circuit's mandate pending the disposition of the petition for a writ of certiorari that Applicants filed today seeking review of the D.C. Circuit's decision. In light of the impending expiration of the Temporary Certificate Order, Applicants request a ruling on their renewed application by December 13.

Respectfully submitted,



Theodore B. Olson

cc: Hon. Elizabeth Prelogar
Matthew Littleton, Esq.
Henry B. Robertson, Esq.

Counsel for Respondents