

UNITED STATES OF AMERICA

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

In the matter of

Atlantic Coast Pipeline LLC

Docket No. CP15-554-000

PF15-6-000

Dominion Transmission Inc.

Docket No. CP15-555-000

PF15-5-000

ACP LLC & Piedmont Natural Gas  
Company, Inc.

Docket No. CP15-556-000

November 6, 2015

**MOTION TO INTERVENE  
ADDENDA OUT OF TIME**

Pursuant to Section 15 of the Natural Gas Act (15 U.S.C. § 717n) (“NGA”), and Rule 214 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure (18 C.F.R. § 385.214), the Blue Ridge Environmental Defense League (“League” or “BREDL”) hereby moves to intervene out of time in this proceeding. In support hereof, BREDL, states as follows:

**Background**

On September 18, 2015, Atlantic Coast Pipeline LLC (“ACP”) filed an application under section 7(c) of the Natural Gas Act, requesting authorization to construct, own, and operate a new natural gas pipeline system (“Project”), including three compressor stations and appurtenances totaling 123,005 horsepower, across West Virginia, Virginia and North Carolina. If constructed, the ACP would have approximately 564 miles of natural gas pipeline, of which approximately 300.1 miles (referred to by the ACP as “AP-1” in its application) would be 42inch-diameter pipe in West Virginia, Virginia and North Carolina; approximately 183.0 miles

(referred to by the ACP as “AP-2” in its application) would be 36-inch diameter natural gas pipeline in North Carolina; approximately 79.3 miles (referred to by the ACP as ‘AP-3” in its application) would be 20-inch diameter natural gas pipeline beginning in Northampton County, NC and ending in the City of Chesapeake, VA; approximately .6 mile (referred to by the ACP as “AP-4” in its application) of 16” diameter natural gas pipeline in Brunswick County, VA; and approximately 1.1 miles (referred to by the ACP as “AP-5” in its application) in Greenville County, VA. Project owner Atlantic Coast Pipeline, LLC is a joint venture of Dominion Resources, Inc., Duke Energy Corporation, Piedmont Natural Gas Company, Inc. and AGL Resources, Inc.

Dominion Transmission Inc. (DTI) has also requested a certificate of public convenience and necessity for the its Supply Header Project (SHP) under section 7(c) of the Natural Gas Act, requesting authorization to abandon, construct, own, and operate new natural gas pipeline facilities. The SHP would provide transportation service of approximately 1.5 MMDth/d from supply areas on the DTI system for delivery to the ACP. The Supply Header facilities would consist of: i) two pipeline loops of 30-inch diameter pipeline totaling 37.5 miles (TL-636 which is approximately 3.9 miles of 30-inch pipe in Westmoreland County, PA and TL-635 which is approximately 33.6 miles of 30-inch pipe, looping DTI’s TL-360 pipeline in Harrison, Doddridge, Tyler and Wetzel Counties, WV); ii) added compression at three existing compressor stations totaling 70,530 HP (Tonkins compressor station, plus 21,830 HP, Crayne plus 7,700 HP, and Mockingbird plus 41,000 HP); adding crossover piping to the existing Burch Ridge compressor station and iii) various appurtenant and auxiliary facilities. Under Section 7(b)

of the Natural Gas Act, DTI also proposes to abandon, in place, two existing compressor units at its Hastings compressor station in Wetzel County, WV.

ACP and Piedmont Natural Gas Company, Inc. (Piedmont), filed a joint application under section 7(c) of the NGA and Part 157 of the Commission's regulations seeking authorization of a lease pursuant to which ACP will lease capacity (Lease) on Piedmont's system for use by ACP in providing service under its FERC Gas Tariff, primarily for the Public Service Company of North Carolina, Inc. Piedmont, a local distribution company (LDC), also requests a limited jurisdiction certificate in order to enter into the Lease with ACP for the interstate transportation of gas through Piedmont's facilities. Piedmont also requests a determination that the Lease will not affect its status and a LDC not otherwise subject to Commission regulation, all as more fully described in the application.

Subsequently, the Blue Ridge Environmental Defense League filed to its original motion to intervene in the above-captioned matter on October 23, 2015.

### **Soil Surveys**

The Blue Ridge Environmental Defense League learned through comments filed by the United States Forest Service ("USFS") on November 5, 2015 that Dominion and its subcontractors blatantly misled the USFS regarding soil surveys completed on Forest Service lands in the Monongahela and George Washington National Forests. According to the documents submitted by the USFS to FERC, USFS personnel had repeatedly given Dominion's subcontractor soil survey protocols and qualification requirements for those soil scientists who would be conducting the soil surveys on USFS lands. The USFS gave ample documentation to

clarify the necessary qualifications of personnel used to conduct soil surveys as well as their ability to conduct the surveys under the protocols set out by the USFS.

It is imperative, not only on USFS lands, but on lands of private property owners, that soil surveys are conducted in a manner that protects the health, safety, and welfare of the public. Dominion's own Resource Reports indicate that in the mountainous regions of West Virginia and Virginia, the ACP's preferred route will traverse 22.8 miles of mountain slopes with grades greater than 35%. An additional 47.9 miles have slopes with grades between 20% to 35%. The first 211.9 miles of the ACP is proposed to travel through 115.6 miles of terrain rated as "high incidence," indicating a greater than average susceptibility for landslides. An additional 46.7 miles are categorized as "moderate incidence."

BREDL's expert consultant, Jeff Walker, LPSS, after reviewing the information from the USFS, stated: "Based upon the information reported by the US Forest Service, components of filings appear to misrepresent a professional's work, indeed, there are indications the filings may be fraudulent. Clearly we are not privy to contracts defining the scope and professional oversight of soil assessments along the proposed route; however, it appears that filings were made based upon work that was not actually completed. Unfortunately the suggestion that soil "sampling" constitutes the extent of soil assessment required for routing a linear project gravely mischaracterizes a soil scientist's work. We work with other environmental scientists to define limits or impediments for use; typically this work is certified and delivered to a professional engineer for consideration of factors affecting a proposed project. Appropriate survey and design by a certified engineer integrating all the required factors is essential in establishing the routing of linear projects such as the ACP. It could also be argued that misrepresenting data corrupts the standards set not only by the USFS but also by the U.S. Department of the Interior's Bureau of Land Management. I hope ACP can explain the confusion over reports which did not actually

occur within the time and places claimed. At a minimum their assessment should include geospatial documentation and documentation to establish whether the proposed route has been assessed in compliance with the established standards. It is crucial that professional work be performed in accordance with the standards set by the USFS and the BLM in order to protect public and private property which will be affected by disturbance on this scale. Clearly this should apply to National Forests, State and local parks and private property across the entire Appalachian region.”

Soils surveys should obviously have been completed before the proposed ACP chose a preferred route. The ACP cannot, without those surveys, know which areas along the route are susceptible to seeps, slips and slides. To have chosen the route before the surveys were completed is irresponsible and shows a distinct lack of concern for citizens, communities, animal habitats, water, soil and the environment.

### **Failure of Due Diligence**

Dominion and the ACP, LLC have repeatedly shown failure in vital procedural issues. Dominion sued landowners in error when they didn't update their maps after a change in the proposed path of the ACP. A circuit court judge dismissed suits against landowners when Dominion sued them without the proper authority after they had formed the ACP, LLC. The Bureau of Land Management, the Army Corps of Engineers (“ACE”) in both Virginia and North Carolina, and the Virginia Department of Environmental Quality have recently filed comments with FERC indicating the ACP's application cannot yet be evaluated because it is incomplete. The ACE Wilmington office went so far as to state: “Please submit the above information within

30 days of receipt of this Notification or we will consider your application withdrawn and close the file.”

Dominion’s trustworthiness, competence, and reliability are called into question as well as the trustworthiness, competence, and reliability of their subcontractors. Cutting corners at this stage of the project creates doubt and fear among the public-at-large regarding the quality of workmanship Dominion will use during the construction phase. We assert that Dominion has repeatedly demonstrated their inability to complete the necessary and critical tasks to build the proposed Atlantic Coast Pipeline in a safe, responsible manner.

### **Motion to Intervene Out of Time**

There is sufficient cause for BREDL to be granted this Motion to Intervene Out of Time. BREDL represents its members in Virginia and North Carolina who may be affected by the proposed ACP. Finally, because the information regarding the reliability of the soil surveys and the failure to perform due diligence by the soil surveyors was just brought to light on November 5, 2015, we are submitting this request in a timely manner and respectfully request we be granted this motion to file addenda out of time.

### **BREDL acts in the public interest**

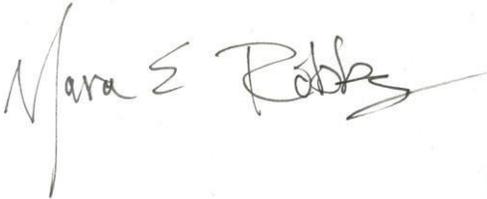
The Blue Ridge Environmental Defense League was founded in 1984 as a non-profit, independent non-governmental organization. The League is a 501(c)(3) corporation with members, chapters and projects in seven states: Virginia, North Carolina, South Carolina,

Tennessee, Georgia, Alabama and Mississippi. The organization's mission is the protection of the natural environment and public health. As stated *supra*, the League has members situated on the pipeline route in Virginia and North Carolina.

**Conclusion**

The Blue Ridge Environmental Defense League hereby requests that the Commission grant its motion to be admitted as an intervenor in the extant proceeding and further requests that a formal hearing be held on the merits of the application.

Respectfully submitted,

A handwritten signature in black ink that reads "Mara E Robbins". The signature is written in a cursive style with a long horizontal line extending to the right.

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