



ABRA Update #246 – September 26, 2019

SELC Responds to DC Circuit Questions About FERC Case

The DC Circuit Court of Appeals has asked all of the parties involved in the legal cases challenging the certificate public convenience issued for the Atlantic Coast Pipeline by the Federal Energy Regulatory Commission (FERC) to respond to several questions prior to the scheduled argument of the case before the Court on October 16. In a September 13 Order, the Court noted that the Fourth Circuit Court of Appeals in the Cowpasture River Preservation Association v. Forest Service case, which has been appealed to the U.S. Supreme Court, may render the FERC case “unfit for review at this time” (depending upon the Supreme Court’s decision on whether to accept the Cowpasture case for review). Given that, the DC Circuit asked the parties to the FERC case to respond to the following questions:

- 1) Whether an alternative route would allow the ACP to proceed on the same certificate of public convenience and necessity;
- 2) Whether the prospects of building the pipeline using the same certificate are so speculative that these petitions are unripe (i.e., not ready for consideration) on either constitutional or prudential grounds; and
- 3) Assuming that the petitions are unripe, whether the appropriate remedy is to dismiss the petitions or to hold them in abeyance.

The Southern Environmental Law Center, representing the Cowpasture River Preservation Association and other petitioners challenging the FERC certificate, responded to the questions in the Order in a September 20 filing with the Court. Joining in the filing were Appalachian Mountain Advocates, Chesapeake Bay Foundation and Christopher Johns, a counsel for several landowner petitioners. The SELC, et. al. filing argues that:

- While an alternative route should require a new or amended certificate, FERC has not acknowledged the implications of the Fourth Circuit’s Cowpasture decision for the ACP project;
- Conservation and landowner petitioners’ claims are ripe for review; and
- If the Court finds the petitions unripe, the Court should vacate or stay FERC’s certificate for the ACP.

<p><i>Volunteer for ABRA’s Pipeline CSI Program</i></p> <p><u>Volunteer</u></p>	<p><i>Submit a report to the Pipeline CSI</i></p> <p><u>Report</u></p>	<p><i>Stay informed, like us on Facebook.</i></p> 	<p><i>Support ABRA financially</i></p> <p><u>GiveNow</u></p>
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ABRA to Present CSI Overview at Environmental Law Conference

A presentation on ABRA's Compliance Surveillance Initiative (CSI) program will be a featured part of the September 27-29 Appalachian Public Information Environmental Law Conference in Knoxville, TN. ABRA presenters will be Dan Shaffer, CSI Geospatial Consultant, and Ben Cunningham, CSI Virginia Field Coordinator. They will be introduced by Ernie Reed, a Nelson County, VA Supervisor and former President of Friends of Nelson, a co-founding organization of ABRA.

New Analysis Reveals ACP Owners Have Spent Over \$109 Million in Lobbying

“A trio of utility giants building a natural gas pipeline that would cut across the Appalachian Trail has spent more than \$109 million lobbying federal lawmakers and officials since the [\\$7.8 billion project](#) was unveiled five years ago,” according to an analysis by MapLight, a Berkeley, CA-based non-profit organization that studies the influence of money in politics. While the funds spent not all spent on lobbying for the Atlantic Coast Pipeline (ACP), it is fair to say that the cumulative influence impact of the combined lobbying expenditures of Dominion Energy, Duke Energy and Southern Company significantly enhanced the companies' access and influence with lawmakers and other officials whose decisions were relevant to the ACP's approval. To see the complete analysis, click [here](#).

In the News:

Local/Atlantic Coast Pipeline

Stalled Pipeline Overshadows Dominion's OSW Project

- RTO Insider – 9/23/19

https://www.abralliance.org/wp-content/uploads/2019/09/Stalled-Pipeline-Overshadows-Dominion-OSW-Project_RTO-Insider_20190923.pdf

Critics say Dominion's push for offshore wind “inconsistent” with fossil fuel investments such as the Atlantic Coast Pipeline.

Don't End Fight Over FERC Pipeline Approval, DC Circ. Told

- Law360 – 9/23/19

https://www.abralliance.org/wp-content/uploads/2019/09/Dont-End-Fight-Over-FERC-Pipeline-Approval-DC-Circuit-Told_Law360_20190923.pdf

All parties want this case to move forward...even if their motives differ.

Editorial: What shade of green is Northam's energy plan?

- The Roanoke Times – 9/26/19

https://www.roanoke.com/opinion/editorials/editorial-what-shade-of-green-is-northam-s-energy-plan/article_1209f877-f905-559e-aa20-150ac52be98d.html

Pale. Very pale. There is something there, but you can almost see right through it.

Virginia can't reach its 2050 climate goal if it keeps allowing natural gas infrastructure

- Virginia Mercury – 9/24/19

<https://www.virginiamercury.com/2019/09/24/virginia-cant-reach-its-2050-climate-goal-if-it-keeps-allowing-natural-gas-infrastructure/>

The Virginia executive branch's actions are undermining its own goal of eliminating fossil fuel electricity generation by 2050.

Regional/Mountain Valley Pipeline, other

Comment period for pipeline concludes; final environmental statement due in December

- The Danville Register & Bee – 9/19/19

https://www.godanriver.com/news/local/comment-period-for-pipeline-concludes-final-environmental-statement-due-in/article_c929ed2c-53b5-5548-9948-c8471db52f9a.html

Related:

- https://www.greensboro.com/rockingham_now/opinion/katie-whitehead-we-don-t-need-the-mvp-southgate-extension/article_d52c757f-e70d-5b14-8e6b-053eco67a278.html

West Virginia Emerging as a Natural Gas Powerhouse

- RigZone – 9/23/19

https://www.rigzone.com/news/west_virginia_emerging_as_a_natural_gas_powerhouse-23-sep-2019-159864-article

Related:

- <https://www.abralliance.org/wp-content/uploads/2019/09/Bills-aim-to-boost-Appalachian-fortunes-chemical-renaissance-EE-News-9-24-19.pdf>

Climate change protesters take to downtown Roanoke, make case to stop pipelines

- WSLs News – 9/23/19

<https://www.wsls.com/news/virginia/roanoke/climate-change-protesters-take-to-downtown-roanoke-make-case-to-stop-pipelines>

Hundreds gathered Monday morning as part of Global Climate Strike Week

Hadwin: Roanoke Gas customers will pay for MVP

- The Roanoke Times – 9/23/19

https://www.roanoke.com/opinion/commentary/hadwin-roanoke-gas-customers-will-pay-for-mvp/article_61ca26e6-9cab-54c6-9b56-7218bb52e70c.html

Big Picture:

The Oceans We Know Won't Survive Climate Change

- The Atlantic – 9/25/19

<https://www.theatlantic.com/science/archive/2019/09/ipcc-sea-level-rise-report/598765/>

Sea-level rise will become unmanageable, and life will flee the world's tropical oceans, if carbon pollution keeps rising, a new report from the UN climate panel says.

Scared Central Banks Face Up to Threats From Climate Change

- Bloomberg – 9/23/19

<https://www.bloomberg.com/news/articles/2019-09-23/no-laughing-matter-how-climate-change-is-scaring-central-banks>

Most major central banks — with the exception of the U.S. Federal Reserve — are joining forces to promote sustainable growth, after realizing that climate change threatens economic output and could even sow the seeds of a financial crisis.

FERC Warns A Gas Pipeline Attack Could Cause Mass Blackouts

- OilPrice.com – 9/24/19

<https://oilprice.com/Latest-Energy-News/World-News/FERC-Warns-A-Gas-Pipeline-Attack-Could-Cause-Mass-Blackouts.html>

Maybe the issue isn't "security"...an all-encompassing buzzword since 9/11...but really that we are too reliant on yet another fossil fuel, and it's time to get serious about Distributed Energy Resources...i.e. renewables, plus storage.

Meet the Lawyers Beating Back Trump's Reckless Environmental Policies — and Winning

- Rolling Stone – 9/20/19

<https://www.rollingstone.com/politics/politics-features/meet-the-lawyers-beating-back-trumps-reckless-environmental-policies-and-winning-887321/>

Facing Climate Crisis, Senators Have Millions Invested in Fossil Fuel Companies

- Sludge – 9/24/19

<https://readsludge.com/2019/09/24/facing-climate-crisis-senators-have-millions-invested-in-fossil-fuel-companies/>

The largest fossil fuel investment among all senators belongs to Sen. Joe Manchin (D-W.V.), the ranking member of the Senate Energy and Natural Resources Committee, who is in line to chair the committee if Democrats take control of the Senate in 2020.

IEEFA update: Low natural gas prices – a negative outlook for energy sector

- IEEFA – 9/18/19

<http://ieefa.org/ieefa-update-low-natural-gas-prices-a-negative-outlook-for-energy-sector/>

Heads must be exploding in the board rooms of oil and gas producers throughout the U.S. and Canada. The profit picture is now imploding. The ramifications run deep, far and wide.

'A muddy mess.' Ill. landowners fight FERC over pipeline

- E&E News – 9/23/19

https://www.eenews.net/stories/1061140891?fbclid=IwAR2PqIoqjPNsDtQTmf2vb3vqi7_ShiAtDJg7Px6y73oGv5axNwaKgrzn6i8

Farmers in the path of a new gas pipeline in Illinois say construction of the project is wrecking their farms.

The world's largest offshore wind farm is nearly complete. It can power 1 million homes

- CNN – 9/25/19

<https://www.cnn.com/2019/09/25/business/worlds-largest-wind-farm/index.html>

With nothing but proposals blowing in the wind, the U.S. drastically lags its European counterparts.