

**Richmond Times-Dispatch**

# **Battle escalates over extending comment period on proposed pipeline**

- **Michael Martz**
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U.S. Rep. Robert Hurt, R-5th, asked the Federal Energy Regulatory Commission to schedule an additional hearing in Nelson on the proposed Atlantic Coast Pipeline because of concern that 125 county residents who had signed up to speak at a hearing last month were not able to do so. 2011, EVA RUSSO

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Virginia's two U.S. senators and a member of the state's congressional delegation want federal regulators to allow more time and public hearings for opponents of the proposed Atlantic Coast Pipeline to have their say.

But a Hampton Roads natural gas company says further delay in the federal regulatory process would harm its customers, and the Virginia Chamber of Commerce called for speedy approval of the pipeline proposed from West Virginia to the southeastern Virginia and North Carolina coasts.

The public comment period for an environmental review of the project at the Federal Energy Regulatory Commission has become an early battleground over the proposed \$5 billion, 550-mile pipeline, with opponents seeking more time and hearings to make their case and supporters warning against any delay in the regulatory process.

The 60-day public comment period, already extended from 30 days, is scheduled to end on Tuesday as part of the commission's environmental impact review. FERC, as it is known, has made no decision on whether to extend the deadline for public comment or schedule new hearings in addition to the 10 it already has held in the three states through which the pipeline would pass.

FERC spokeswoman Tamara Young-Allen said the commission would consider written comments even if they are submitted after next week's deadline. "The commission staff will look at all the comments," she said.

But Sens. Mark R. Warner and Timothy M. Kaine, both Virginia Democrats, asked FERC this week to extend the comment period and hold additional public hearings in Nelson and Augusta counties, where opposition to the project has been fiercest and concern about the fairness of the regulatory process has been deepest.

"Public meetings are only beneficial if they allow for maximum participation and airing of different viewpoints, and we believe Nelson and Augusta County residents deserve the full opportunity for comment that was not provided at the previous meeting," wrote Warner and Kaine, who previously had raised concerns with FERC about how the hearings were handled.

Last week, Rep. Robert Hurt, R-5th, asked the commission to schedule an additional hearing in Nelson and consider extending the scoping period because of concern that 125 county residents who had signed up to speak at a hearing last month were not able to do so.

Hurt, whose congressional district includes Nelson, acknowledged that the public could file written comments to FERC, but said, “I believe that the citizens who requested, but were not granted, time to comment verbally should be afforded an opportunity to share their perspectives in a public forum if they so choose.”

Phil Anderson, executive director of the “All Pain, No Gain” campaign against the project, called the requests for more time by Warner, Kaine, and Hurt “a step in the right direction toward a fair and open public comment period.”

But the possibility of a delay in the regulatory process alarms Virginia Natural Gas, a Virginia Beach-based distribution company that is owned by AGL Resources, one of the partners in the limited liability company led by a subsidiary of Dominion Resources that is proposing the pipeline.

The gas company urged FERC last week not to extend the comment period because “delay will dampen economic growth in Eastern Virginia and adversely affect the development of new energy infrastructure required to support economic development projects.”

VNG President Robert S. Duvall said the company struggled to meet peak gas demand on Feb. 15 because of strained pipeline capacity “and was required to curtail service to all of the interruptible industrial customers on our system.”

“There is not currently enough interstate pipeline capacity to serve any substantial economic development east of Richmond, and often throughout the heating season, large transportation customers are adversely impacted

by having their natural gas use restricted by operational flow orders issued from the existing interstate pipelines,” Duvall wrote the commission April 15.

Sen. Shelley Moore Capito, R-W.Va., sent a letter to FERC on Wednesday asking it to not extend the comment period. “It is now time to proceed without further delay,” Capito said.

Business allies of the energy industry also have rallied behind the Atlantic Coast Pipeline project, proposed by an alliance of Dominion Transmission Inc., Duke Energy, AGL Resources, and Piedmont Natural Gas, based in North Carolina. The pipeline company has asked FERC not to extend the public comment period.

Virginia Chamber President Barry E. DuVal urged FERC on Tuesday to “promptly approve” the proposed pipeline, which the business organization said would lower electricity rates, while replacing coal with a cleaner fuel for power generation and promoting “additional manufacturing opportunities in regions that badly need them.”

The Consumer Energy Alliance, a pro-pipeline organization aligned with the energy industry, delivered almost 21,000 comments in support of the project to FERC, including 7,600 from Virginia members who signed the Houston-based organization’s online petition.

Executive Vice President Michael Whatley, who runs the alliance’s Washington office, said the Atlantic Coast Pipeline would supply the East Coast with low-priced natural gas from the Marcellus Basin shale fields in West Virginia and Pennsylvania. “Regionally, it’s very important,” he said.

Whatley dismissed the calls for extending the comment period as “delay for delay’s sake.”