July 28, 2022

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Docket Nos. CP16-10-000, CP21-57-000 and CP19-477-000

Dear Secretary Bose:

As members of the Virginia General Assembly, we respectfully request that the Federal Energy Regulatory Commission deny the extension of time for the Mountain Valley Pipeline Certificate of Public Convenience and Necessity (Docket Nos. CP16-10-000, CP21-57-000 and CP19-477-000). Denial is requested owing to the impacts to the environment and communities along the route, the continued lack of necessity for the project, and the project’s multiple missing federal authorizations.

For years, we have heard from residents and constituents about the real and significant harm the MVP has inflicted on their local streams and rivers, property, drinking water, and quality of life. In Virginia, inspectors identified over 300 violations of environmental protection in 2018 alone. The project has an unacceptable impact on Virginia and has exceeded both its original CPCN timeline of three years, and the previous 2020 extension of two years.

The Commission should deny both the extension of the Certificate and permission for any tree-felling, land-clearing, trenching, or additional pipe installation for multiple reasons including:

**Many significant health and environmental concerns about the MVP continue.**

As evidenced by the over 300 violations of environmental protection measures in Virginia, both Mountain Valley Pipeline and FERC overstated the effectiveness of erosion and sedimentation control measures. Degradation of waterways harms drinking water and protected species, including the endangered Roanoke logperch and candy darter, and is exacerbated by
blasting practices that increase turbidity. Failed erosion control measures have plagued construction, resulting in mudslides and sediment-laden runoff. Issues continue to accumulate even during periods of inactivity, owing to slippage of buried pipe.\textsuperscript{1} Mountain Valley has shown it cannot maintain or comply with existing permit conditions and has been fined over $2 million in penalties in Virginia, and over $500,000 in West Virginia for violating environmental protection requirements.\textsuperscript{2,3}

Additionally, MVP’s plans have not received sufficient National Environmental Protection Act (NEPA) review. For example, MVP has received boring variances to circumvent its lack of an Army Corps of Engineers permit for water crossings, but no supplemental NEPA review assessing potential impacts of that method has occurred. In addition, pipes slated for the project have been exposed to direct sunlight for up to four years, or left in standing water along the route leading to coating degradation and potential health hazards.

\textbf{The MVP’s developers have never demonstrated public need.}

MVP has never demonstrated a true public need for this project. Falling renewable energy prices, a growing body of evidence that the developers overstated the demand for gas in 2017, and upgrades to existing infrastructure that increased available capacity reinforce the lack of market need for the MVP.\textsuperscript{4} Mountain Valley states that the project remains fully subscribed under binding long-term agreements, yet subscription capacity for MVP continues to be slated for affiliates of its own investors.

Investors have indicated they are moving from gas transmission investments or have written off their investments in the project through impairment charges. Consolidated Edison, Inc., has capped its investment in the project and is considering monetizing its MVP assets. NextEra Energy, RGC Resources, Equitrans and AltaGas have all written off investments in the project through impairment charges as well. NextEra Energy has stated that the “regulatory challenges have resulted in a very low probability of pipeline completion.”\textsuperscript{5}

\textbf{The MVP is missing required permits from multiple federal agencies.}

MVP has had several federal permits repeatedly vacated by courts or suspended by agencies since July 2018. Currently, the pipeline lacks multiple required authorizations: a U.S. Forest Service Amendment to the Forest Plan for Jefferson National Forest,\textsuperscript{6} a Bureau of Land Management right-of-way under the Mineral Leasing Act,\textsuperscript{7} a U.S. Fish & Wildlife Service

\textsuperscript{6}Vacated in \textit{Wild Virginia v. U.S. Forest Service, No. 21-1039 (4th Cir., January 25, 2022)}
\textsuperscript{7}Vacated in \textit{Wild Virginia v. U.S. Forest Service, No. 21-1039 (4th Cir., January 25, 2022)}
Biological Opinion and Incidental Take Statement, and a U.S. Army Corps 404 Clean Water Act permit. Mountain Valley has not realistically changed the circumstances which caused loss of these authorizations, namely, that the project will cause irreparable harm to federally protected endangered species and forest land.

Mountain Valley Pipeline, LLC must obtain all of these missing authorizations before the Commission considers granting permission for construction to proceed. Accordingly, construction should not be allowed to proceed until it can be reasonably proven that this project is consistent with a legitimate public need and that the project's developers can comply with environmental laws.

As elected officials entrusted with protecting the health and safety of our communities, as well as the Commonwealth’s natural resources, we respectfully request that the Commission (1) deny Mountain Valley’s application for an extension of its Certificate of Public Convenience and Necessity and (2) deny any request from Mountain Valley for permission to resume construction in the Commonwealth of Virginia while the project lacks required authorizations.

Thank you for your time and attention to this critical matter.

Sincerely,

John S. Edwards
Senator, 21st District

Sam Rasoul
Delegate, 11th District

Ghazala F. Hashmi, PhD
Senator, 10th District

R. Creigh Deeds
Senator, 25th District

Jennifer Boysko
Senator, 33rd District

Scott Surovell
Senator, 36th District

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\(^8\) Vacated in *Appalachian Voices v. U.S. Department of the Interior*, No. 20-2159 (4th Cir., February 3, 2022)
Elizabeth Bennett-Parker
Delegate, 45th District

Jackie Glass
Delegate, 89th District

Kaye Kory
Delegate, 38th District

Nadarius Clark
Delegate, 79th District

Shelly Simonds
Delegate, 94th District

Wendy Gooditis
Delegate, 10th District

Clinton Jenkins
Delegate, 76th District

Elizabeth Guzman
Delegate, 31st District

Kelly Convirs-Fowler
Delegate, 21st District

Kathy Tran
Delegate, 42nd District