July 24, 2023

The Honorable Willie Phillips, Chairman
The Honorable Mark Christie, Commissioner
The Honorable Allison Clements, Commissioner
The Honorable James Danley, Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman Phillips, Commissioner Christie, Commissioner Clements, and Commissioner Danley:

As Governor of the State of North Carolina, I respectfully request that the Commission deny an extension of the Certificate of Public Convenience and Necessity for the MVP Southgate project ("MVP Southgate"), which would extend the controversial and problematic Mountain Valley Pipeline ("MVP Mainline") from Virginia into North Carolina.

In 2021, I signed Session Law 2021-165 which enacted a statutory requirement to achieve a seventy percent reduction in emissions of carbon dioxide emitted in North Carolina from electric generating facilities owned or operated by electric public utilities from 2005 levels by 2030 and to achieve carbon neutrality by 2050. Proponents of MVP Southgate have argued that the pipeline is necessary to fuel new electricity generation units. However, due to the requirements of Session Law 2021-165, any newly constructed natural gas fueled electricity generation units will be forced to retire before the end of their useful lives, leading to sunk costs that will be charged to North Carolina’s ratepayers.

Arguments that MVP Southgate is necessary for heating are misguided. In 2022, Congress passed, and President Biden signed the historic Inflation Reduction Act, making billions of federal dollars available for residential and commercial customers for electric heating and other appliances that do not require natural gas use. The Commission’s decision to grant a Certificate of Public Convenience and Necessity predates this legislation and does not take into account the reduced demand for natural gas that will be effected by this legislation.

The Commission should also take into account the Environmental Protection Agency’s proposed new carbon reduction standards for fossil fuel-fired power plants,
which would require natural gas electricity generation units transition to co-firing natural gas with low greenhouse gas hydrogen. This will inherently reduce the demand for natural gas as an electricity generation fuel source and represents a fundamental change to the Commission’s rationale for granting MVP Southgate a certificate of public convenience and necessity.

The applicants note in their request for an extension of time to complete construction that construction delays are due, at least in part, to permitting delays for both MVP Southgate and MVP Mainline. The applicants argue that recent federal legislation will expedite permitting for MVP Mainline, which will allow MVP Southgate to resume its permitting process. However, subsequent to the passage of this legislation, the United States Court of Appeals for the Fourth Circuit has yet again stayed construction of MVP Mainline. The argument that an extension of time for MVP Southgate is merited because permitting for MVP Mainline will be completed in an expeditious manner is clearly erroneous.

For these reasons, the Commission should deny an extension of the Certificate of Public Convenience and Necessity for MVP Southgate.

With kind regards, I am

Very truly yours,

Roy Cooper

Roy Cooper