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

Re: Mountain Valley Pipeline Southgate Extension Request - Docket #CP19-14-000  

July 21, 2023  

Dear Secretary Bose,  

As members of the North Carolina General Assembly, we respectfully request the Federal Energy Regulatory Commission deny an extension of the Certificate of Public Convenience and Necessity for the Mountain Valley Pipeline Southgate (MVPS).

Over the last five years since the proposed MVP Southgate was announced, we have increasingly heard from neighbors, residents and constituents about the real and significant concerns the MVPS poses to our communities. The North Carolina Department of Environmental Quality (NCDEQ) has twice denied MVPS a 401 Water Quality Certification on the grounds that they did not meet water quality requirements, concerns the mainline would never be completed, and the lack of need for the project.¹ The proposed 74-mile project is set to terminate in Alamance County, North Carolina, where the Alamance County Commissioners unanimously passed a resolution against the project in 2018.

Notably, the National Association for the Advancement of Colored People (NAACP) Virginia State Conference² and local Pittsylvania Branch passed resolutions opposing FERC granting the MVP mainline extension request and the proposed MVPS Lambert compressor station, respectively³.

Additionally, more than 270 groups from across the country asked FERC to deny MVP’s four-year extension request last year, and they were joined by 60 legislators from Virginia⁴ and North Carolina⁵, and

³ https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20220729-5284  
⁴ https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20220728-5135  
⁵ https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20220729-5194
more than 30,000 individuals. Transco also publicly opposed the proposed Mountain Valley Pipeline Southgate extension. Finally, just this month, East Daley Analytics released an analysis saying “due to downstream constraints…the Mountain Valley Pipeline (MVP) will run below half its capacity of 2 Bcf/d when the project is finally built” and “the Southgate project has been placed on indefinite hold after the denial of an air quality permit.”

Therefore, we ask the Commission to deny MVPS’s request for these reasons:

1. The MVP’s developers have never demonstrated need, and they say the project may never be built

There is no need for the gas MVPS is proposing to transport. Years worth of evidence points to how the developers overstated the demand for gas, and upgrades to existing infrastructure show increased available capacity substantiates the lack of market need for the MVP.

Even the partners behind MVP agree the project no longer has a realistic chance of moving forward. In February 2022, NextEra, the second largest partner, wrote the project off of their books, a signal that it holds no value for the company. NextEra determined the project has a “very low probability of pipeline completion.”

2. The MVP is still missing multiple required permits from several federal and state agencies

MVPS has not resubmitted an application for its missing Clean Water Act § 401 certification permit in North Carolina, which was denied by the NCDEQ in 2020 and denied again in March of 2021 (with supplemental reasoning following the company’s appeal).

Nor has MVPS reapplied for an air permit for its proposed Lambert Compressor Station, since its first application was denied by the Virginia Air Pollution Control Board in December 2021. MVPS appealed the denial, but then dismissed the appeal a few months later after permitting authority was taken away from the citizen Air Board and reassigned to VADEQ, which had recommended approval of the air permit.

Finally, MVPS voluntarily dismissed its eminent domain cases in North Carolina in October of 2022. The developers behind the project have not made any attempts to pursue missing authorizations, and they have elected to withdraw from further legal claims regarding needed easements along the route of the project through the state it is intended to serve. MVP has failed to take the necessary steps to even begin construction, much less complete it.

3. Many significant health and environmental and environmental justice concerns

The proposed MVPS and associated Lambert Compressor Station are examples of environmental injustice, as their negative impacts would disproportionately affect largely poor, rural areas on the border of Virginia and North Carolina. In 2021, the Virginia’s Air Pollution Control Board rejected an air pollution permit\(^{13}\) for the proposed Lambert Compressor Station—designed to pump gas into North Carolina via MVP’s proposed Southgate extension—stating that the project impacted an environmental justice community and did not meet the fair treatment and site suitability requirements of federal and state law.

4. The MVP is in ongoing financial trouble

In February 2023, EquitransMidstream partners admitted in their annual report partners "may elect not to continue to pursue or fund the project, which would, absent additional project sponsors, significantly imperil the ability to complete the project."\(^{14}\)

As elected officials as well as North Carolina’s natural resources, we respectfully request the Commission deny Mountain Valley Pipeline Southgate’s application for an extension of its Certificate of Public Convenience and Necessity.

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

Rep. Eric Ager, NC House District 114
Rep. Vernetta Alston, NC House District 29
Rep. John Autry, NC House District 100
Rep. Cynthia Ball, NC House District 49
Rep. Mary Belk, NC House District 88
Rep. Cecil Brockman, NC House District 60
Rep. Kanika Brown, NC House District 71
Rep. Terry Brown, NC House District 92
Rep. Allen Buansi, NC House District 56
Rep. Laura Budd, NC House District 103
Rep. Deb Butler, NC House District 18
Rep. Becky Carney, NC House District 102
Rep. Maria Cervania, NC House District 41
Rep. Sarah Crawford, NC House District 66
Rep. Allison Dahle, NC House District 11
Rep. Terence Everitt, NC House District 35
Rep. Rosa Gill, NC House District 33
Rep. Pricey Harrison, NC House District 61
Rep. Frances Jackson, NC House District 45
Rep. Abe Jones, NC House District 38
Rep. Ya Liu, NC House District 21
Rep. Brandon Lofton, NC House District 104
Rep. Carolyn Logan, NC House District 101
Rep. Tim Longest, NC House District 34

Rep. Marcia Morey, NC House District 30
Rep. Lindsey Prather, NC House District 115
Rep. Renée Price, NC House District 50
Rep. Amos Quick, NC House District 58
Rep. Robert Reives, NC House District 54
Rep. James Roberson, NC House District 39
Rep. Caleb Rudow, NC House District 116
Rep. Charles Smith, NC House District 44
Rep. Diamond Staton-Williams, NC House District 73
Rep. Julie von Haefen, NC House District 36
Sen. Gale Adcock, NC Senate District 16
Sen. Val Applewhite, NC Senate District 19
Sen. Sydney Batch, NC Senate District 17
Sen. Jay Chaudhuri, NC Senate District 15
Sen. Michael Garrett, NC Senate District 27
Sen. Lisa Grafstein, NC Senate District 13
Sen. Rachel Hunt, NC Senate District 42
Sen. Natasha Marcus, NC Senate District 41
Sen. Julie Mayfield, NC Senate District 49
Sen. Graig Meyer, NC Senate District 23
Sen. Mufta Mohammed, NC Senate District 38
Sen. Natalie Murdock, NC Senate District 20
Sen. Gladys Robinson, NC Senate District 28
Sen. DeAndrea Salvador, NC Senate District 39
Sen. Kandie Smith, NC Senate District 5
Sen. Mike Woodard, NC Senate District 22

\(^{13}\)https://www.virginiamercury.com/2021/12/03/virginia-regulatory-board-denies-mountain-valley-pipeline-compressor-station-permit/