

No. 25-1252

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CENTRAL JERSEY SAFE ENERGY COALITION, FOOD & WATER
WATCH, NEW JERSEY LEAGUE OF CONSERVATION VOTERS
EDUCATION FUND, NY/NJ BAYKEEPER, PRINCETON MANOR
HOMEOWNERS ASSOCIATION, SIERRA CLUB, AND NATURAL
RESOURCES DEFENSE COUNCIL

Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,

Respondent.

JOINT PETITION FOR REVIEW

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As authorized by 15 U.S.C. § 717r(b) of the Natural Gas Act, and Rule 15(a) of the Federal Rules of Appellate Procedure, Central Jersey Safe Energy Coalition, Food & Water Watch, New Jersey League of Conservation Voters Education Fund, NY/NJ Baykeeper, Princeton Manor Homeowners Association, Sierra Club, and Natural Resources Defense Council (“Petitioners”) petition the United States Court of Appeals for the District of Columbia Circuit to review and set aside the following orders of the Federal Energy Regulatory Commission (“FERC” or “the Commission”):

1. *Transcontinental Gas Pipe Line Company, LLC*, Order Issuing Certificate, 192 FERC ¶ 61,184 (Aug. 28, 2025) (“Reissuance Order”) (attached hereto as **Exhibit A**).
2. *Transcontinental Gas Pipe Line Company, LLC*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, 193 FERC ¶ 62,060 (Oct. 30, 2025) (“Denial by Operation of Law”) (attached hereto as **Exhibit B**).

The above-listed Commission orders relate to the proposal of Transcontinental Gas Pipe Line Company, LLC to build the Northeast Supply Enhancement (“NESE”) project in New Jersey and New York.

Petitioners were granted intervention into the Commission proceeding below.

On August 28, 2025, the Commission issued its Order Issuing Certificate. On September 29, 2025, Petitioners timely requested rehearing of the Commission's Reissuance Order. The Commission issued its Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration on October 30, 2025.

Petitioners and their members will be adversely affected by the construction and operation of the proposed pipeline and appurtenant facilities. This Court has jurisdiction, and this petition is timely filed pursuant to Sections 19(a) and (b) of the Natural Gas Act. *See* 15 U.S.C. § 717r(a)–(b).

In accordance with Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26, Petitioners have provided corporate disclosure statements. In accordance with Rule 15(c) of the Federal Rules of Appellate Procedure, Petitioners have served parties that may have been admitted to participate in the underlying proceedings with a copy of this Petition for Review. As required by Local Rule 15(b), a list of Respondents specifically identifying Respondents' names and

addresses is attached. Petitioners have sent copies of the Petition for Review and exhibits via U.S. first-class certified mail, return receipt requested, to the clerk for service on Respondent as required by Federal Rule of Appellate Procedure 15(c)(3).

DATED: October 30, 2025

Respectfully submitted,

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DISCLOSURE STATEMENT

In accordance with Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, Petitioners make the following disclosures:

Petitioner Central Jersey Safe Energy Coalition is a nonprofit organization incorporated under the laws of New Jersey and based in Princeton, New Jersey. The Coalition is not publicly traded, does not have any parent companies, and there are no publicly held companies having a 10% or greater ownership interest in the Coalition.

Petitioner Food & Water Watch is a 501(c)(3) not-for-profit organization founded in 2005 to ensure access to clean drinking water, safe and sustainable food, and a livable climate. Food & Water Watch has no parent companies, and there are no publicly held corporations that have a ten percent or greater ownership interest in Food & Water Watch.

Petitioner New Jersey League of Conservation Voters Education Fund is a 501(c)(3) nonprofit committed to safeguarding our natural resources, communities, and families for a sustainable future. New Jersey League of Conservation Voters Education Fund has no parent

companies, and there are no publicly held corporations that have a ten percent or greater ownership interest in New Jersey League of Conservation Voters Education Fund.

Petitioner NY/NJ Baykeeper is a nonprofit membership-based organization with a mission to protect, preserve, and restore the ecological integrity and productivity of the NY-NJ Harbor Estuary. NY/NJ Baykeeper has no parent companies, and there are no publicly held companies that have a ten percent (10%) or greater ownership interest in NY/NJ Baykeeper.

Petitioner Princeton Manor Homeowners Association is an association with more than 720 residents incorporated under the laws of New Jersey. Princeton Manor Homeowners Association is not publicly traded, has no parent companies, and has no publicly held companies with a 10% or greater ownership interest in the Association.

Petitioner Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment. Sierra Club is a non-governmental corporate party with no parent corporation,

and there are no publicly held corporations that have a ten percent or greater ownership in Sierra Club.

Petitioner Natural Resources Defense Council (NRDC) is a non-profit environmental and public health organization committed to protecting the public and environment through research and advocacy. NRDC has no parent corporation, and no publicly owned corporation has a ten percent or greater ownership interest in NRDC.

LIST OF RESPONDENTS

As required by Local Rule 15(b), Petitioners provide a list of Respondents below, specifically identifying the Respondent's name and addresses where Respondent and/or its counsel may be served with copies of this Petition for Review.

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Counsel for Respondent

CERTIFICATE OF SERVICE

In accordance with Federal Rule of Appellate Procedure 25, the undersigned certifies that, on October 30, 2025, a copy of this Petition for Review and exhibits were served on the following Respondent via U.S. first-class mail.

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A date-stamped copy will be delivered to Respondent, pursuant to 18 C.F.R. § 385.2012, upon receipt.

In accordance with Federal Rule of Appellate Procedure 15(c)(1) & (2), the undersigned certifies that, on October 30, 2025, a copy of this Petition for Review and exhibits were served by email to the parties on the Federal Energy Regulatory Commission's official service list of

parties admitted to participate in Docket Nos. CP17-101 and CP20-49
before the Commission, listed below.

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DATED: October 30, 2025

/s/ Moneen Nasmith
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Exhibit A

192 FERC ¶ 61,184
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: David Rosner, Chairman;
Lindsay S. See and Judy W. Chang.

Transcontinental Gas Pipe Line Company, LLC

Docket Nos. CP17-101-007
CP20-49-001

ORDER ISSUING CERTIFICATE

(Issued August 28, 2025)

1. On May 29, 2025, Transcontinental Gas Pipe Line Company, LLC (Transco), filed a petition pursuant to section 7(c) of the Natural Gas Act (NGA)¹ and section 385.207 and Part 157 of the Commission's regulations² requesting reissuance of its certificate of public convenience and necessity, as amended, authorizing Transco to construct and operate the Northeast Supply Enhancement Project.³ The project is an expansion of Transco's system in Pennsylvania and New Jersey and its offshore pipeline system in New Jersey and New York state waters, and is designed to provide up to 400,000 dekatherms per day (Dth/d) of additional firm transportation service.

2. For the reasons discussed below, we grant Transco's petition and reissue a certificate of public convenience and necessity for the project, subject to certain conditions.

I. Background

3. Transco, a Delaware limited liability company, is a natural gas company as defined by section 2(6) of the NGA,⁴ engaged in the transportation of natural gas in interstate commerce and subject to the Commission's jurisdiction. Transco's

¹ 15 U.S.C. § 717f(c).

² 18 C.F.R. § 385.207, pt. 157 (2024).

³ *Transcon. Gas Pipe Line Co., LLC*, 167 FERC ¶ 61,110 (2019) (Certificate Order), *order denying reh'g and stay*, 171 FERC ¶ 61,031 (2020) (Rehearing Order), *amended*, 172 FERC ¶ 61,036 (2020) (Amendment Order), *vacated*, 187 FERC ¶ 61,145 (2024).

⁴ 15 U.S.C. § 717a(6).

transmission system extends from Texas, Louisiana, and the offshore Gulf of America area, through Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and New Jersey, to its termini in the New York City metropolitan area.

4. The Commission issued Transco a certificate of public convenience and necessity on May 3, 2019, authorizing the company to construct and operate the Northeast Supply Enhancement Project.⁵ The project is designed to provide up to 400,000 Dth/day of incremental firm transportation service from Transco's Compressor Station 195 in York County, Pennsylvania, to its offshore Rockaway Transfer Point, an existing interconnection between Transco's Lower New York Bay Lateral and its Rockaway Delivery Lateral in New York State waters.⁶ The Certificate Order authorized Transco to construct and operate the following facilities:

- approximately 10.2 miles of 42-inch-diameter onshore pipeline loop in Lancaster County, Pennsylvania (Quarryville Loop);
- approximately 3.4 miles of 26-inch-diameter onshore pipeline loop in Middlesex County, New Jersey (Madison Loop);
- approximately 23.3 miles of 26-inch-diameter offshore pipeline loop in Middlesex and Monmouth Counties, New Jersey, and Queens and Richmond Counties, New York, and approximately 0.2 miles of 26-inch-diameter onshore pipeline loop in Middlesex County, New Jersey (Raritan Bay Loop);⁷
- a new 21,902 horsepower (hp) electric motor-driven compression unit at the existing Compressor Station 200 in Chester County, Pennsylvania;
- a new 32,000 hp compressor station consisting of two 16,000 hp natural gas-fired, turbine-driven compressor units in Somerset County, New Jersey (Compressor Station 206); and

⁵ Certificate Order, 167 FERC ¶ 61,110 (2019).

⁶ *Id.* P 4.

⁷ The offshore portion of the Raritan Bay Loop will cross approximately 6.0 miles of New Jersey State waters and approximately 17.3 miles of New York State waters.

- various ancillary facilities including a communication tower, mainline valves, launchers and receivers, and other aboveground and underground facilities.

5. As described in the Certificate Order, Transco held an open season for the project that resulted in Transco executing two binding precedent agreements for the entire 400,000 Dth/d of transportation service created by the project. Specifically, Transco executed binding precedent agreements with two subsidiaries of National Grid: The Brooklyn Union Gas Company, d/b/a National Grid NY for 211,300 Dth/d for a term of 15 years, and KeySpan Gas East Corporation d/b/a National Grid for 188,700 Dth/d for a term of 15 years.⁸ The Certificate Order authorized Transco to charge initial incremental recourse rates under Rate Schedule FT for firm service using the capacity created by the project facilities⁹ and to charge its generally applicable system fuel and electric power rates.¹⁰

6. Several community groups sought rehearing and stay of the Certificate Order. On April 16, 2020, the Commission issued an order denying the requests for rehearing and dismissing the request for stay as moot. The Commission issued an order amending the Certificate Order on July 16, 2020, to allow Transco to use an existing road to access Transco's proposed Compressor Station 206, in lieu of constructing a new, permanent access road approved in the Certificate Order.¹¹

7. The Certificate Order's authorization was conditioned on Transco constructing and placing the project into service by May 3, 2021.¹² The Certificate Order also required Transco to obtain "all applicable authorizations required under federal law (or evidence of waiver thereof)" prior to commencing construction.¹³ On May 15, 2020, the New York State Department of Environmental Conservation (New York State DEC) and New Jersey Department of Environmental Protection (New Jersey DEP) each denied

⁸ Both companies serve residential and commercial customers in the New York City area.

⁹ Certificate Order, 167 FERC ¶ 61,110 at PP 19-24.

¹⁰ *Id.* P 25.

¹¹ Amendment Order, 172 FERC ¶ 61,036 (2020).

¹² Certificate Order, 167 FERC ¶ 61,110 at ordering para. (B)(1).

¹³ *Id.* at app. A, env't condition 10.

Transco's applications for a water quality certification under section 401 of the Clean Water Act (CWA).

8. On March 19, 2021, Transco filed a request for a two-year extension of time to complete the project and place it in service due to delays in the receipt of water quality certifications from New York State DEC and New Jersey DEP. The Commission granted the extension request, setting the new in-service deadline as May 3, 2023.¹⁴ On January 18, 2024, the Commission granted Transco a second extension, which extended the in-service deadline an additional year, to May 3, 2024.¹⁵ In both extension orders, the Commission noted that the Certificate Order's public interest findings and environmental analysis continued to be valid, as no changes in fact or law had been identified that would require the Commission to reconsider its prior findings.¹⁶ Environmental Groups¹⁷ filed a timely request for rehearing of the second extension order. On April 10, 2024, Transco informed the Commission that it planned to let the certificate for the Northeast Supply Enhancement Project expire in May 2024, and would not seek an additional extension.¹⁸ On June 10, 2024, the Commission issued an order vacating the certificate for the project and dismissing Environmental Groups' rehearing request as moot.¹⁹

II. Requested Action

9. In its May 29, 2025 petition, Transco requests reissuance of the certificate for the Northeast Supply Enhancement Project, stating that the purpose, scope, and impact of the project have not changed since issuance of the Certificate Order in 2019. Transco seeks

¹⁴ See *Transcon. Gas Pipe Line Co.*, 175 FERC ¶ 61,148 (2021) (Extension Order I).

¹⁵ *Transcon. Gas Pipe Line Co.*, 186 FERC ¶ 61,038 (2024) (Extension Order II).

¹⁶ Extension Order I, 175 FERC ¶ 61,148 at PP 14, 17; Extension Order II, 186 FERC ¶ 61,038 at PP 19, 23-25.

¹⁷ Specifically, the Princeton Manor Homeowners Association, Central Jersey Safe Energy Coalition, NY/NJ Baykeeper, and Food & Water Watch.

¹⁸ See Williams Company April 11, 2024 Memos to Commission staff; Williams Company April 12, 2024 Memo to Commission staff.

¹⁹ *Transcon. Gas Pipe Line Co.*, 187 FERC ¶ 61,145 (2024). Once the certificate for the project was vacated, the precedent agreements for the project were terminated in accordance with their terms. See Transco Petition at 11.

authorization to construct and operate the same facilities described in the Certificate Order, as amended.

10. Transco maintains that strong market demand for the project remains and states that it has executed new precedent agreements with the previous project shippers for 100% of the project's firm transportation service.²⁰ The precedent agreements provide for the parties to execute 15-year service agreements under Transco's Rate Schedule FT.²¹ Further, Transco states that as was the case before, most of the Northeast Supply Enhancement Project would still be constructed utilizing Transco's exiting rights-of-way, minimizing impacts on the environment and landowners, and that it is working closely with landowners to obtain the remaining property rights.

11. Transco also notes that it is in discussions with officials in New York, New Jersey, and Pennsylvania to obtain the federal permits necessary to construct and operate the project. Transco filed new applications for water quality certification with New York State DEC, New Jersey DEP, and the Pennsylvania Department of Environmental Protection (Pennsylvania DEP) on May 30, 2025.²²

III. Notice, Interventions, and Comments

12. Notice of Transco's petition was published in the *Federal Register* on June 9, 2025,²³ with interventions, comments, and protests due June 24, 2025. A number of timely notices of intervention²⁴ and unopposed motions to intervene were filed.²⁵ Several

²⁰ Transco May 29, 2025 Petition at 1 (Petition); Transco August 5, 2025 Submittal of Precedent Agreements at 1.

²¹ Transco August 5, 2025 Submittal of Precedent Agreements at 1. The precedent agreements also set forth the negotiated transportation rates agreed to with the project shippers.

²² See Transco's June 6, 2025 Supplemental Information for Petition.

²³ 90 Fed. Reg. 24272 (June 9, 2025).

²⁴ Under Rule 214(a)(2) of the Commission's Rules of Practice and Procedure, these agencies became parties to the proceeding upon the timely filing of their notices of intervention. 18 C.F.R. § 385.214(a)(2) (2024).

²⁵ Timely, unopposed motions to intervene are granted by operation of Rule 214(c)(1) of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c)(1).

late motions to intervene were also filed. Mr. Clifford G. Higgins, III's late motion to intervene was granted,²⁶ and several other late motions to intervene were denied.²⁷

13. The Commission also received comments both in support of and opposed to the petition. Commenters in support of the petition generally note that the Northeast Supply Enhancement Project would bring jobs to the area and provide needed natural gas infrastructure to meet end-user growth in the New York City area. Commenters opposed to the petition question whether the Commission has the authority to reissue the certificate for the Northeast Supply Enhancement Project and whether there is market need for the project. Commenters are also concerned with the cost to ratepayers and claim that the project is inconsistent with New Jersey and New York's goals for renewable energy and reductions in natural gas usage. Additionally, commenters express concerns regarding a number of environmental issues, including impacts to environmental resources and whether Commission staff needs to conduct a supplemental environmental analysis. Transco filed an answer to several of the protests,²⁸ which Central Jersey Safe Energy Coalition, Food & Water Watch, New Jersey League of Conservation Voters Education Fund, NY/NJ Baykeeper, Princeton Manor Homeowners Association, Sierra Club, and Surfrider Foundation (collectively, Sierra Club) argue should be rejected because it was filed more than 30 days after the protests.²⁹ Sierra Club also filed an answer to Transco's answer. Although the Commission's Rules of Practice and Procedure do not permit answers to protests, we find good cause to waive our rules and accept the answers because they provide information that has assisted in our decision-making process.³⁰ We address these issues below.

IV. Procedural Issues

A. Treating the Petition as a New Application for a Certificate of Public Convenience and Necessity

14. Commenters assert that the petition should be treated as a new application for a certificate of public convenience and necessity under section 7 of the NGA and assigned

²⁶ July 17, 2025 Notice Granting Late Intervention.

²⁷ July 17, 2025 Notice Denying Late Interventions.

²⁸ Transco August 5, 2025 Answer.

²⁹ Sierra Club Aug. 20, 2025 Answer at 2 (citing 18 C.F.R. § 385.213(d)(2)(ii) (2024)).

³⁰ See 18 C.F.R. § 385.213(a)(2).

a new docket number.³¹ Because Transco is proposing to construct and operate the same project that was authorized in the Certificate Order, as amended, we find that assigning the proposal a new docket number is not necessary.³² Moreover, if the Commission assigned the petition a new docket number, the stakeholders following the dockets for the Northeast Supply Enhancement Project would risk missing filings that could impact their interests. In any event, as discussed below, we analyze the petition under the Commission's Certificate Policy Statement,³³ using the same criteria that would have been used had Transco filed a new application.

B. Inadequate Comment Period

15. Several commenters requested that the Commission extend the public comment period for 90 days to allow the public more time to review Transco's petition and provide informed feedback.³⁴ The comment period for the petition was consistent with the Commission's practice of providing a 21-day comment period for applications filed pursuant to section 7 of the NGA. It is the Commission's practice to consider all comments filed in natural gas infrastructure proceedings, even those filed after established deadlines, to the extent possible and without delaying Commission action.³⁵ This order addresses comments that were filed after the close of the comment period. The 21-day comment period is adequate and consistent with the Commission's standard

³¹ See, e.g., Barbara Cuthbert June 11, 2025 Comments; Carol Kuehn June 17, 2025 Comments.

³² See *Fla. Mun. Power Agency v. FERC*, 315 F.3d 362, 366 (D.C. Cir. 2003) (citing *Telecomm. Resellers Assoc. v. FCC*, 141 F.3d 1193, 1196 (D.C. Cir. 1998)) (administrative agencies enjoy broad discretion to manage their own dockets).

³³ *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (Certificate Policy Statement), *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000).

³⁴ See, e.g., Kirk Frost June 9, 2025 Comment at 2; ReThink Energy NJ June 11, 2025 Comment; Dr. Barbara Cuthbert June 11, 2025 Comment; Jane Winn June 11, 2025 Comment; Aruna Mota June 13, 2025 Comment; Carol Kuehn June 17, 2025 Comment; Robert Gowin June 20, 2025 Comment; Gulnara Latypova June 20, 2025 Comment; Lucia Dlugacz June 20, 2025 Comment; Paula Zevin June 20, 2025 Comment at 2; Therresa Durando June 23, 2025 Comment; Lakshmi Devi Abiram June 23, 2025 Comment; Vikram Oza Comment June 23, 2025; Krishna Nori June 23, 2025 Comment; Haripriya Bhamidipaty June 23, 2025 Comment; James T. Mulroy June 24, 2025 Comment.

³⁵ See *Saguaro Connector Pipeline, LLC*, 186 FERC ¶ 61,114, P 40 (2024).

practice for applications considered under section 7 of the NGA, and we therefore find no reason to extend it.³⁶

V. Discussion

16. Because the facilities Transco requests reauthorization to construct and operate will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of NGA section 7, subsections (c) and (e).³⁷

A. Legal Basis to Reissue Certification

17. Commenters contend that there is no legal basis for Transco's request for the Commission to reissue a certificate for the Northeast Supply Enhancement Project, arguing that once the Commission issued the order vacating the certificate the project was legally "dead."³⁸ They assert that the NGA does not grant the Commission authority to reissue a certificate, and, in fact, the Commission's rules prohibit it.³⁹ Specifically, Natural Resources Defense Council (NRDC) and Sierra Club argue that Rule 2008 of the Commission's Rules of Practice and Procedure, which governs post-expiration extensions of time, applies to Transco's petition and Transco failed to demonstrate "extraordinary circumstances sufficient to justify the failure to act in a timely manner."⁴⁰ Sierra Club further asserts that the only procedure by which Transco may obtain a certificate for the project is to submit a new application that meets the requirements specified in section 7 of the NGA and the Commission's regulations.⁴¹ It argues that, contrary to Transco's assertions, this proceeding is not like instances where the Commission reissues a certificate after the original certificate is vacated by a court because here there is no court

³⁶ We note that no comments were received after August 4, 2025.

³⁷ 15 U.S.C. §§ 717f(c), (e).

³⁸ *See, e.g.*, NRDC June 24, 2025 Comment at 3; *see also* Sierra Club Aug. 20, 2025 Answer at 2-3.

³⁹ *See* Sierra Club June 24, 2025 Comment at 4.

⁴⁰ NRDC June 24, 2025 Comment at 3-4 (citing 18 C.F.R. § 385.2008(b) (2024)); Sierra Club June 24, 2025 Comment at 4-5. Sierra Club asserts that when acting on requests for extensions of time, the Commission is merely modifying the terms and conditions attached to a certificate. Sierra Club Aug. 20, 2025 Answer at 3.

⁴¹ Sierra Club Aug. 20, 2025 Answer at 3.

opinion to guide the Commission to address particular deficiencies in the underlying proceeding.⁴²

18. NRDC compares Transco's petition to *Jordan Cove Energy Project*, where the Commission vacated its prior authorization and required the applicant to file a new application when converting a proposed liquefied natural gas (LNG) import facility to an export facility.⁴³ NRDC also cites *Spire STL Pipeline LLC*, where the D.C. Circuit vacated and remanded the Commission's certificate and the Commission subsequently granted Spire's new application for a temporary certificate pending the Commission's action on remand.⁴⁴ NRDC contends that Transco's situation is similar and that it should have to file a new application for the Northeast Supply Enhancement Project.

19. Sierra Club and NRDC misapply Rule 2008. The request before us is not to extend the deadline to complete construction in the Certificate Order, but to reissue a certificate of public convenience and necessity authorizing Transco to construct and operate the project. As Transco explains in its answer, a more appropriate comparison would be to situations where the Commission reinstates certificate authority after a court vacates a certificate.⁴⁵ In fact, *Spire STL Pipeline LLC*, which NRDC references, is an apt example. There, on remand, the Commission considered the existing record, as well as the circumstances that had changed since the original certificate was issued.⁴⁶ Specifically, the Commission considered new information about need for the project and updated its environmental analysis as necessary.⁴⁷ As in *Spire STL Pipeline LLC*, here we consider updated precedent agreements and new studies in evaluating project need.⁴⁸

⁴² *Id.* at 3-4.

⁴³ NRDC June 24, 2025 Comment at 4-5 (citing *Jordan Cove Energy Project*, 129 FERC ¶ 61,234, at PP 37-38 (2009), *order granting reh'g and vacating certificate*, 139 FERC ¶ 61,040 (2012)).

⁴⁴ *Id.* at 5 (citing *Spire STL Pipeline LLC*, 181 FERC ¶ 61,232, at P 24 (2022), *order on reh'g*, 183 FERC ¶ 61,048 (2023)).

⁴⁵ Transco August 5, 2025 Answer at 5.

⁴⁶ *Spire STL Pipeline LLC*, 181 FERC ¶ 61,232, at P 24 (2022), *order on reh'g*, 183 FERC ¶ 61,048.

⁴⁷ *Id.* P 49.

⁴⁸ *Infra* at PP 26-42.

The Commission did not conduct additional environmental analysis for the resource areas that had not changed since the original environmental review of the project.⁴⁹

20. Contrary to NRDC's assertion, *Jordan Cove Energy Project* is not applicable here because in that proceeding, the Commission required Jordan Cove to file a new application due to the fact that the company proposed dramatically different facilities and operations (export versus import) than those that had previously been authorized.⁵⁰ The Commission noted that its public interest analysis was based on Jordan Cove's original purpose to import foreign LNG into the U.S. to provide greater supply reliability to domestic markets.⁵¹ It was clear that Jordan Cove no longer planned to import LNG, and instead had changed its plans to export domestic LNG to foreign markets and install different facilities necessary to carry out this purpose.⁵² Given the fact that the purpose, scope, facilities to be installed, and impacts of the Jordan Cove project were all changing, the Commission determined it could not rely on its prior findings to support a public interest determination and required Jordan Cove to file a new application.⁵³ Here, Transco is requesting reissuance of the certificate for the same project as was authorized in the Certificate Order, with the same purpose, scope, and proposed facilities.

21. Moreover, while commenters claim that the Commission is not allowed to reissue the certificate authorizing the project, they fail to point to any section of the NGA, Commission rule, or Commission precedent to substantiate that assertion. Sierra Club argues that the Commission has explained that it adheres to construction completion deadlines in certificate orders to protect the information supporting the determination from going stale, to prevent neighboring landowners from indefinitely being burdened by the looming possibility of the project being built, and to prevent developers from inhibiting competition.⁵⁴ But the Commission's precedent regarding those concerns apply to extensions of time to complete construction, which as we explain above is not what Transco is requesting in its petition. Rather, this action is taken pursuant to section 7 of the NGA, which requires the Commission to authorize the construction and operation of natural gas facilities that are or will be required by the public convenience

⁴⁹ *Spire STL Pipeline LLC*, 181 FERC ¶ 61,232, at P 66 (2022).

⁵⁰ *Jordan Cove Energy Project*, 129 FERC ¶ 61,234, at PP 37-38 (2009), *order granting reh'g and vacating certificate*, 139 FERC ¶ 61,040 (2012).

⁵¹ *Jordan Cove Energy Project*, 139 FERC ¶ 61,040 at P 18.

⁵² *Id.* P 20.

⁵³ *Id.*

⁵⁴ Sierra Club June 24, 2025 Comment at 4.

and necessity.⁵⁵ In considering Transco's request for reissuance, below we apply the Certificate Policy Statement to assess whether there is a need for the project and whether the project will serve the public interest, as we would for a new NGA Section 7 application. Thus, our authority under section 7 of the NGA to reissue a certificate of public convenience and necessity is no different than our authority to issue a certificate in the first instance.⁵⁶

B. Certificate Policy Statement

22. Because we are reissuing the certificate, we apply the Certificate Policy Statement to assess whether there is a need for a proposed project and whether the proposed project will serve the public interest.

23. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.⁵⁷ The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether to authorize the construction of new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new project construction.

24. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the proposed project and the route of the new pipeline facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits

⁵⁵ 15 U.S.C. § 717f(e).

⁵⁶ As demonstrated by the discussion below, we find that there is sufficient information in the record for our action and disagree with Sierra Club's assertion that Transco should be required to file a new application.

⁵⁷ Certificate Policy Statement, 88 FERC ¶ 61,227.

outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

1. No Subsidy Requirement

25. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined, in general, that when a pipeline proposes an incremental rate for service utilizing proposed expansion capacity that is higher than the generally applicable system rate, the pipeline satisfies the threshold requirement that the project will not be subsidized by existing customers.⁵⁸ The Certificate Order found that the project as proposed will not be subsidized by existing customers.⁵⁹ In its petition, Transco continues to propose the same incremental recourse rate designed to recover the incremental cost of service attributable to the project facilities;⁶⁰ we therefore continue to find that the project will not be subsidized by existing customers.

2. Project Need

26. Transco states that the Northeast Supply Enhancement Project is designed to provide additional firm transportation service to resolve the supply shortfall and pipeline constraints in the New York market area.⁶¹ In the Certificate Order, the Commission determined that Transco had sufficiently demonstrated that there is market demand for the project, having entered into long-term precedent agreements for the full amount of additional firm transportation service to be made possible by the project.⁶² As noted above, although the precedent agreements analyzed in the Certificate Order were terminated once the certificate for the project was vacated, Transco has executed new binding precedent agreements with unaffiliated project shippers for 100% of the firm transportation service to be created by the project.⁶³ The Commission has continuously found that precedent agreements are the best evidence that the service to be provided by

⁵⁸ See, e.g., *Dominion Transmission, Inc.*, 155 FERC ¶ 61,106, at P 15 (2016); *Transcon. Gas Pipe Line Corp.*, 98 FERC ¶ 61,155, at 61,552 (2002).

⁵⁹ Certificate Order, 167 FERC ¶ 61,110 at P 14.

⁶⁰ Transco Petition at 13-14.

⁶¹ Transco Petition at 8.

⁶² Certificate Order, 167 FERC ¶ 61,110 at P 16.

⁶³ See Transco August 5, 2025 Submittal of Precedent Agreements at 1.

the project is needed to connect supply and demand, as precedent agreements involve parties engaging in negotiations for pipeline transportation services to meet individualized needs.⁶⁴ It is the Commission's policy to respect freely-negotiated private contracts,⁶⁵ and absent plausible evidence of self-dealing between affiliates,⁶⁶ the Commission does not look behind precedent agreements to question individual shippers' business decisions to enter into contracts.⁶⁷ We therefore find Transco's precedent agreements for 100% of the project's firm transportation service to be significant evidence of market need for the project.⁶⁸

27. Additionally, Transco cites the Final Gas Systems Long-Term Plan Addendum (Long-Term Plan Addendum) that National Grid, the parent company of the project shippers, filed in July 2025 with the New York State Public Service Commission. The Long-Term Plan Addendum projects that the Northeast Supply Enhancement Project would increase firm gas supply to downstate New York by approximately 13%, thereby

⁶⁴ *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048, at PP 27, 29 (2025).

⁶⁵ *Re Cent. Me. Power Co.*, 57 FERC ¶ 61,083, at 61,303 (1991) (acknowledging that it is Commission policy to respect freely negotiated private contracts).

⁶⁶ *Env't Def. Fund v. FERC*, 2 F.4th 953, 975 (D.C. Cir. 2021) (finding plausible evidence of self-dealing "more than enough to require the Commission to 'look behind' the precedent agreement in determining market need").

⁶⁷ *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 27 (citing Certificate Policy Statement, 88 FERC at 61,744 ("the Commission gives equal weight to contracts between an applicant and its affiliates and an applicant and unrelated third parties and does not look behind the contracts to determine whether the customer commitments represent genuine growth in market demand"))).

⁶⁸ The significance of precedent agreements and the Commission's reliance on them as part of its need determination has been frequently affirmed by the courts. *See, e.g., Food & Water Watch v. FERC*, 104 F.4th 336, 347 (D.C. Cir. 2024) (East 300) (citations omitted); *Del. Riverkeeper Network v. FERC*, 45 F.4th 104, 114 (D.C. Cir. 2022); *City of Oberlin, Ohio v. FERC*, 39 F.4th 719, 722 (D.C. Cir. 2022); *Sierra Club v. FERC*, 38 F.4th 220, 230 (D.C. Cir. 2022) (citations omitted); *Birckhead v. FERC*, 925 F.3d 510, 517-18 (D.C. Cir. 2019); *City of Oberlin, Ohio v. FERC*, 937 F.3d 599 (D.C. Cir. 2019); *Sierra Club v. FERC*, 867 F.3d 1357, 1379 (D.C. Cir. 2017); *Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1311 (D.C. Cir. 2015); *Minisink Residents for Env't Pres. & Safety v. FERC*, 762 F.3d 97, 111 & n.10 (D.C. Cir. 2014) (quoting Certificate Policy Statement, 88 FERC at 61,748); *Twp. of Bordentown, N.J. v. FERC*, 903 F.3d 234, 262-63 (3d Cir. 2018); *Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199, at *1 (D.C. Cir. Feb. 19, 2019).

reducing National Grid's risk of supply shortfalls during periods of peak demand and system stress.⁶⁹ The Long-Term Plan Addendum states that the region's "gas network operates without a contingency margin, with no excess capacity reserved for emergencies like unexpected demand spikes or supply disruptions. Inadequate upstream gas supply infrastructure has therefore left New York City and Long Island at an increased risk of a catastrophic gas system outage,"⁷⁰ and "NESE would increase the reliability of Transco's critical gas transmission system by adding compression and pipeline loops," which "reduces the probability of a catastrophic gas outage in Downstate New York, protecting against the loss of life and significant economic costs such an event would cause."⁷¹ The Long-Term Plan Addendum explains that the Northeast Supply Enhancement Project will have regional supply flexibility and reliability benefits, allowing National Grid to shift supplies between Transco and Texas Eastern Transmission Corporation, and provide supply to its non-firm customers that would otherwise rely on delivered fuels.⁷² National Grid states in the Addendum that the Northeast Supply Enhancement Project is the "only material, near-term proposal that can efficiently and cost effectively address the full scope of downstate New York's gas system resilience challenges."⁷³

⁶⁹ Transco August 5, 2025 Answer at 13 (citing Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, "Cover Letter" at 2 (July 2, 2025)). See also Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, at 5 (noting that "New York families and businesses depend on natural gas to meet more than 68% of heating demand, and to fuel nearly half of all electric generation in New York State").

⁷⁰ *Id.* at 8.

⁷¹ *Id.* at 9.

⁷² Transco August 5, 2025 Answer at 14. National Grid states in its addendum that maintaining service during high demand days can "require up to 240 [compressed natural gas] truck deliveries per day navigating ice- and snow-covered roads, an approach that is logistically complex, weather-dependent, and inherently risk-intensive." See Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, at 8.

⁷³ Transco August 5, 2025 Answer at 14 (citing Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a*

28. Transco also provides market studies to bolster its argument that the project is needed.⁷⁴ Transco argues that demand has not lessened since the Certificate Order, and in fact the need for energy supply in the Northeast has become even more urgent. In support for this claim, Transco cites the Northeast Power Coordinating Council's *Northeast Gas/Electric System Study* (NPCC Study), which concludes that existing gas infrastructure in New York is unable to meet the demand from most electric generators during a cold snap.⁷⁵ Transco also cites the Commission's most recent State of the Markets Report, which found that almost all major natural gas trading hubs in the country saw price reductions in the last year, except for Transco Zone 6 N.Y., which saw a 14% increase in natural gas prices.⁷⁶ The State of the Market Report also found that resource adequacy risk is growing in winter due to the combined factors of electrification of heating load, winter gas pipeline constraints, retirements of fuel-secure generating capacity, and tightening winter conditions in neighboring regions. Consequently, Transco asserts this project will benefit the wider New York and New Jersey region.⁷⁷

National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid, "Cover Letter" at 4).

⁷⁴ Transco Petition at 8-10; Transco August 5, 2025 Answer at 12-17.

⁷⁵ Transco Petition at 8 (citing Northeast Power Coordinating Council, *Northeast Gas/Electric System Study*, at 5 (Jan. 21, 2025), <https://tinyurl.com/2wpftzpe>). *See also* NPCC Study at 5-6 ("Recent experience with Winter Storm Elliott reveals the fragility of the New York Facilities System when upstream supply is materially reduced"; "During more temperate weather conditions when more gas-fired generation is scheduled on the New York Facilities System, the loss of compression or mainline deliverability on any one pipeline serving Consolidated Edison Co. of New York (Con Edison) and/or National Grid would likely result in the loss of significant gas-fired generation"; and "The constrained baseline operating conditions on the gas systems in New England and New York during cold weather mean that limited gas-fired generation options are expected to be available to respond to electric contingencies, which could take the form of a sudden nuclear plant or HVDC transmission outage.").

⁷⁶ Transco Petition at 9-10 (citing FERC, *2024 State of the Markets: Staff Report*, at 17 (Mar. 20, 2025), <https://www.ferc.gov/news-events/news/SMR-2024>).

⁷⁷ Moreover, Transco asserts that reissuance of Northeast Supply Enhancement Project certificate would accomplish many of the goals in Executive Order 14156, *Declaring a National Energy Emergency*, Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan 20, 2025), and Executive Order 14154, *Unleashing American Energy*, Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 20, 2025), which direct agencies to support

Transco concludes that the Northeast Supply Enhancement Project is the most economically and environmentally effective way to resolve the supply shortfall and pipeline constraints in the New York market area.

29. Sierra Club claims that nothing in Transco's petition demonstrates "specific need" for the project.⁷⁸ It asserts that there is a forecasted reduction of demand in the project's intended market, citing the shippers' apparent lack of foreknowledge of Transco's petition and New York City Local Law 154 which prohibits natural gas installation in new construction.⁷⁹ Sierra Club argues that Transco has been inconsistent about whether the evidence supporting the need for the project is the same as what the Commission relied on in originally granting a certificate for the project.⁸⁰

30. We note that subsequent to Sierra Club filing its initial comments, Transco and National Grid's affiliates entered into precedent agreements for the entirety of the project's firm capacity. As explained above, the project is fully subscribed, and it is the Commission's policy that precedent agreements reflect the best evidence of market need, absent evidence of self-dealing.⁸¹ Here, there is no evidence of self-dealing provided by Sierra Club or any other commenter and the precedent agreements are convincing evidence of project need. Moreover, we disagree that there has been a change in market conditions that suggests a reversal of the project need demonstrated in the Certificate Order. The same source that Sierra Club cites for the reduction in demand caused by New York City Local Law 154, National Grid's March 2025 Final Gas System Long-Term Plan, projects that the company will face a shortfall in supply to meet its reference

infrastructure development, particularly in the northeastern United States to enhance energy reliability.

⁷⁸ Sierra Club June 24, 2025 Comment at 6.

⁷⁹ *Id.* at 7 (citing National Grid, *Final Gas System Long-Term Plan: Case No. 24-G-0248*, n. 33 (Mar. 7, 2025), <https://www.nationalgrid.com/document/558131/download>).

⁸⁰ Sierra Club Aug. 20, 2025 Answer at 5.

⁸¹ *See supra* n.68. *See also Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048 at PP 27-30 (explaining how the Commission determines project need and that the Commission treats "precedent agreements as persuasive evidence of market need and will not look beyond them to assess need by other means unless there is credible, contrary evidence discounting their probative value.").

Design Day standard by 2028 in downstate New York, and states that “the company continues to seek new supply and demand options.”⁸²

31. Next, Sierra Club avers that Transco belies its own claim of continued market need by referencing power generation demand when the project’s original shippers were local distribution companies (LDC).⁸³ Yet there is nothing inconsistent with citing the need for natural gas for power generation when discussing LDC shippers, as LDCs can serve many different customer types, not just residential and commercial. Many natural gas-fired generators in the United States are located behind city gates and contract for natural gas supply through LDCs. Transco’s additional mention of the further uses of natural gas delivered to Long Island strengthens, rather than undermines, the showing of need for this project.

32. Sierra Club also contends that the Commission’s study on Winter Storm Elliott found that “supply disruptions that occurred during that extreme storm event were not due to a lack of transmission capacity but the lack of supply source diversity, which is not a problem that the Project will fix.”⁸⁴

33. We disagree with the Sierra Club’s claims regarding Winter Storm Elliott. The Commission’s final report of the Inquiry into Bulk-Power System Operations During December 2022 Winter Storm Elliott (Elliott Inquiry) reviews the impact of a region-wide storm on electricity markets, electric reliability, and natural gas utilities in the Northeast region of the United States.⁸⁵ The phrase “supply source diversity” or similar does not appear in the report, and the report covers a large variety of coinciding issues that led to electricity and natural gas reliability challenges during Winter Storm Elliott. These included natural gas production outages, but also poor communication between market participants, lack of winterization of generation and pipeline facilities, and contractual decisions made by market participants.⁸⁶ The Elliott Inquiry’s

⁸² See National Grid, *Final Gas System Long-Term Plan: Case No. 24-G-0248*, n. 33 (Mar. 7, 2025), <https://www.nationalgrid.com/document/558131/download>.

⁸³ Sierra Club July 24, 2025 Comment at 8; *see also* Sierra Club Aug. 20, 2025 Answer at 6.

⁸⁴ *Id.*

⁸⁵ *Inquiry into Bulk-Power System Operations During December 2022 Winter Storm Elliott* (Oct. 2023).

⁸⁶ *Id.* at 21.

recommendations focus on improving industry communication, winterization of infrastructure, and electricity market refinements.⁸⁷

34. The Elliott Inquiry did not cite inadequate transmission capacity for supply disruptions during the extreme weather event because upstream issues largely meant that there was not enough natural gas available to determine whether a pipeline capacity constraint existed.⁸⁸ However, we note that during Winter Storm Elliott, while pipelines deployed line pack and storage, and dispatched personnel to respond to constrained conditions,⁸⁹ most of them also needed to issue critical notices and Operational Flow Orders (OFO) (which can indicate limited availability of non-firm capacity), and some issued force majeure (which curtail even firm transportation).⁹⁰ Some LDCs, like ConEd, which serves over a million customers in and around New York City, had to establish an internal gas system emergency to preserve their system reliability.⁹¹ While interstate pipeline operators used every tool (e.g., OFOs) to avoid disruptions in service, “some operators were forced to make difficult decisions such as curtailing firm natural gas customers, to allow the system to recover from reliability-threatening conditions rather than deteriorate into an uncontrolled loss of an entire pipeline.”⁹² As the storm progressed, supply shortfalls continued and customers’ demand increased to a level where some customers began taking more gas than what they supplied and/or confirmed through nominations, which contributed to low pipeline pressures.⁹³ Moreover, low pipeline pressures caused by reduced gas supply entering pipelines *combined with increased demand* also resulted in issues at interstate pipeline interconnections with other pipelines, where shippers’ gas supply quantities were inconsistent with shippers’ confirmed nominations on the receiving pipeline.⁹⁴ As a result, confirmed nominations

⁸⁷ *Id.* at 137-145.

⁸⁸ *Id.* at 87.

⁸⁹ These efforts were successful at the onset of the storm, allowing pipelines to deliver confirmed nominations of gas to meet customers’ demand. *Id.* at 77.

⁹⁰ *Id.* at 21; *see also id.* at 77 (“To meet confirmed nominations of customers, pipelines used line pack and/or gas from storage to try to cover shortfalls as much as possible.”).

⁹¹ *Id.*

⁹² *Id.* at 22.

⁹³ *Id.* at 77.

⁹⁴ *Id.* at 78.

failed to align with the quantity of gas flowing, requiring some pipelines to implement scheduling restrictions and forcibly reduce previously confirmed nominations.⁹⁵

35. While it is true that natural gas supply decreased during Winter Storm Elliott, lower 48 state demand for natural gas set new records: December 23, 2022 demand for gas totaled 162.5 Bcf/d, exceeding the previous record daily high of 137.4 Bcf/d set on January 1, 2018.⁹⁶ The combination of additional “...demand volumes in conjunction with continuing supply shortfalls” led to low pressures on the interstate pipelines in the Northeast and “exacerbating pipelines’ integrity issues was that some generators may have flowed in excess amounts over their confirmed nominations.”⁹⁷ Further, natural gas storage withdrawals appeared to more than offset the natural gas production declines.⁹⁸ Thus, challenges associated with pipeline pressures—which could have been alleviated in part by additional interstate pipeline capacity—show that natural gas production declines alone were not solely responsible for interstate pipeline issues during Winter Storm Elliott.

36. In the intervening years, there have been widespread industry efforts to improve natural gas production reliability in extreme winter conditions. If growing demand creates a market need for new transmission capacity, it is unreasonable to presume that production declines during extreme weather will preclude it from being used to its maximum capacity and therefore render it wholly unnecessary. New York’s close proximity to the Appalachian natural gas production basin allows for access to plentiful natural gas supply from the basin. Supply diversity achieved through long-distance pipelines connecting to other supply basins much farther away would be costlier and less reliable than LDCs and other customers working with natural gas producers to ensure reliable intra-regional supply. Transco sufficiently demonstrated need with the precedent

⁹⁵ *Id.* at 78-79.

⁹⁶ *Id.* at 112.

⁹⁷ *Id.* at 87.

⁹⁸ For example, on December 24, 2022, daily dry natural gas production declined to 18% or nearly 17 Bcf/d, below the pre-event level, while net natural gas storage withdrawals reached 60 Bcf/d. *Id.* at 52-53, 84, 110. Marcellus and Utica Shale Basin production volumes reached a low on December 24, 2022, and December 26, 2022, respectively, declining by nearly 23% and 54%, compared to the maximum production in the Appalachian Basin five days prior, while natural gas storage withdrawals in the Northeast increased to roughly 18 Bcf/d, up approximately 45% from the prior five days. *Id.* at 87.

agreements for 100% of the project capacity, and Sierra Club does not provide evidence discounting their probative value or sufficient contrary evidence regarding need.

37. Mr. Kirk Frost states that updated hydraulic modeling will show that Transco's pipeline system has expanded and gained supply diversity since the Certificate Order, which he suggests indicates decreased dependency on additional capacity from any one source.⁹⁹ Similarly, Sierra Club contends that Transco fails to acknowledge that the gas transmission network in the area has changed.¹⁰⁰ Neither Sierra Club nor Mr. Frost provides any information showing that this specific project is not needed by the project's shippers or, more generally, to provide additional transportation capacity to the New York market, or otherwise address the capacity constraints in that market.

38. Several commenters state that the project conflicts with New York and New Jersey statutes that codify goals for renewable energy and reductions in natural gas consumption.¹⁰¹ They cite the New Jersey Clean Energy Act of 2018 (NJ Act), which requires utilities to adopt energy efficiency programs and peak demand reduction programs and achieve annual reductions in the use of natural gas, and the New York Climate Leadership and Community Protection Act (Climate Act) that sets greenhouse gas (GHG) emission reduction standards in all sectors of New York's economy.¹⁰²

39. As we have previously determined, a project providing supply diversity and mitigating constraints during peak demand is not incompatible with state statutes requiring a reduction in the average annual use of natural gas or reduction in GHG emissions.¹⁰³ Here, the Northeast Supply Enhancement Project is designed to enhance reliability, flexibility, and efficiency on a critical part of Transco's system and provide access to supplies of natural gas in a constrained market.¹⁰⁴ The project would improve

⁹⁹ Kirk Frost June 4, 2025 Comment at 5.

¹⁰⁰ Sierra Club Aug. 20, 2025 Answer at 6.

¹⁰¹ See, e.g., Karen Crovicz June 13, 2025 Comment; ReThink Energy New Jersey June 10 2025 Comment; Angela Hsu June 16, 2025 Comment; Barabara Cuthbert June 16, 2025 Comment; Sara S. Gronin June 20, 2025 Comment; Linda R. Powell June 24, 2025 Comment; Monica Ramchandani June 24, 2025 Comment; Anne Marquardat June 24, 2025 Comment.

¹⁰² See, e.g., ReThink Energy New Jersey June 10 2025 Comment (citing N.J.S.A. 48:3-87.9, et al.); New Jersey League of Conservation Voters June 20, 2025 Comment.

¹⁰³ See *Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048 at P 72.

¹⁰⁴ Transco Petition at 2.

the efficiency resiliency and reliability of gas service to residential and commercial loads and help to reduce gas prices in New York City, including during peak demand days.¹⁰⁵ New Jersey and New York's clean energy laws are complex statutory frameworks and are not inherently inconsistent with the project just because it is supplying natural gas to the New York City area. New York's Climate Leadership and Community Protection Act mandates certain levels of GHG reductions but does not prohibit the use of natural gas by LDC-customers.¹⁰⁶ We note that none of the project's LDC shippers are located in New Jersey and any service to New Jersey is speculative. Nonetheless, but to the extent the project serves New Jersey LDCs, as we have found in other cases, providing additional access to economically priced domestic gas supplies is not inconsistent with the New Jersey Clean Energy Act.¹⁰⁷ We find both that the project is not inconsistent with the states' requirements, nor do those requirements undermine the need for the project.¹⁰⁸

40. Several commenters contend, without support, that the project would increase costs for ratepayers in the New York City and New Jersey areas.¹⁰⁹ Making the same claim, South Brunswick Township cites a 2020 study conducted by the Institute for

¹⁰⁵ *Id.* at 16.

¹⁰⁶ *Iroquois Gas Transmission Sys., L.P.*, 178 FERC ¶ 61,200, P 15 (2022). National Grid also noted that "NESE will not hinder progress toward [the Climate Act's] targets. Instead, it supports emissions reductions and air quality improvements by facilitating fuel-switching and avoiding the use of diesel trucks for CNG supply." Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, at 11 (July 2, 2025)).

¹⁰⁷ *Transcon. Gas Pipe Line Co., LLC*, 192 FERC ¶ 61,134, PP 85-89.

¹⁰⁸ *See Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048 at P 72 (concluding, with respect to a project with capacity contracted for by New Jersey LDCs, that the project was not inconsistent with New Jersey's clean energy laws and that those laws did not "undermine the need for the project [as] demonstrated by the precedent agreements").

¹⁰⁹ *See, e.g.*, Anne Marquardat June 24, 2025 Comment; Francis M. Womack, III June 26, 2025 Comment. Bare assertions are insufficient to challenge a project sponsor's demonstration of need. *Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048 at P 30 (citing *Entergy Ark., Inc.*, 141 FERC ¶ 61,269, at P 30 (2012) ("The Commission has long held that protestors must provide more than unsubstantiated allegations in support of their positions"); *Midwest Indep. Transmission Sys. Operator, Inc.*, 131 FERC ¶ 61,173, at P 93 (2010)).

Energy Economics and Financial Analysis that states the project would require ratepayers to pay \$193 million a year for 15 years.¹¹⁰ Transco rebuts this claim citing a recent study conducted by Levitan & Associates, Inc. which finds that the project would provide economic benefit to ratepayers by reducing wholesale electric energy prices, with an estimated average savings across NYISO of \$446 million per year in the first five years due to lessened congestion along major gas supply aggregation points, which will decrease prices during the peak heating season.¹¹¹ We find that the 2020 study relied upon by South Brunswick Township is based on several assumptions about the demand reduction predicated on the economic slowdown impact of COVID-19, as well as the potential for large-scale boiler replacement with electric heat pumps, neither of which materialized in the past five years, and thus is no longer a relevant barometer, particularly based on how projections for future energy and natural gas demand in the region has changed over the past five years.¹¹² Further, the economic argument of potential alternatives (large-scale boiler replacement with electric heat pumps and gas to hydrogen conversions) is not supported by a relative weighing of those costs, whereas we note that the Levitan study does incorporate cost reduction projections that are more closely calibrated to market conditions that we have noted in the past few years.

41. Last, Public Citizen accuses Transco's petition of being the result of political pressure, and that, on that basis, a certificate of public convenience and necessity cannot be granted.¹¹³ Public Citizen speculates that there was a *quid pro quo* involving stopping attacks on New York offshore wind projects and congestion pricing in exchange for New York's support of the Northeast Supply Enhancement Project.¹¹⁴ Speculation is not relevant to our determination of whether there is a need for a proposed project and

¹¹⁰ South Brunswick Township June 26, 2025 Comment at 1.

¹¹¹ Transco August 5, 2025 Answer at 15 (citing Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, at 1 (July 2, 2025)).

¹¹² Specifically, U.S. natural gas demand declined from 85.3 billion cubic feet (Bcf) per day in 2019 to 84 Bcf per day in 2021. However, since 2021, natural gas demand has increased to 91.4 Bcf per day in 2025. EIA, Short-Term Energy Outlook Data Browser, Table 5a, (Aug. 21, 2025), <https://www.eia.gov/outlooks/steo/data/browser/#/?v=15&f=A&s=0&start=2019&end=2026&ctype=linechart&maptype=0&linechart=NGMPPUS>.

¹¹³ Public Citizen June 24, 2025 Comment at 1, 6.

¹¹⁴ *Id.* at 1.

whether the proposed project will serve the public interest.¹¹⁵ In any event, Transco has submitted precedent agreements along with credible market studies to demonstrate need for the project, consistent with the Certificate Policy Statement.

42. We find that there is no basis in the record here to depart from the Commission's general rule that the Commission does not look behind precedent agreements to question individual shippers' business decisions to enter into contracts, which has been upheld by the courts.¹¹⁶ Commenters have failed to provide sufficient credible contrary evidence to rebut the record evidence of need as demonstrated by Transco's precedent agreements for 100% of the project's capacity.¹¹⁷ Accordingly, based on Transco's precedent agreements for 100% of the project's capacity and also noting that there are credible market studies that show that the project may help alleviate reliability issues for project shippers and end-users, provide reliability and system resilience benefits to the wider

¹¹⁵ See *Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048 at P 30 (citing *Tenn. Gas Pipeline Co.*, 98 FERC ¶ 61,166, at 61,618 (2002) (declining to accept assertions where analysis was based on unsupported assumptions)); see also *Mich. Pub. Power Agency v. FERC*, 963 F.2d 1574, 1580 (D.C. Cir. 1992) (“We see no grounds to require [the Commission] to allocate its limited resources to full-fledged investigation of the . . . claims, which were primarily hypotheticals with no evident basis in fact or experience.”).

¹¹⁶ Certificate Policy Statement, 88 FERC at 61,744 (“the Commission . . . does not look behind the contracts to determine whether the customer commitments represent genuine growth in market demand”); see *Twp. of Bordentown, N.J. v. FERC*, 903 F.3d 234, 263 (3d Cir. 2018) (*Twp. of Bordentown*) (affirming the Commission's reliance on precedent agreement as evidence of market need and explaining that a “contract for a pipeline's capacity is a useful indicator of need because it reflects a ‘business decision’ that such a need exists”); see also *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332, 344 (1956) (recognizing in the context of rate changes, that “by preserving the integrity of contracts, [the NGA] permits the stability of supply arrangements which all agree is essential to the health of the natural gas industry” and stating that the NGA “affords a reasonable accommodation between the conflicting interests of contract stability on the one hand and public regulation on the other.”); *Cheyenne Connector, LLC*, 168 FERC ¶ 61,180, at P 27 (2019) (citing Certificate Policy Statement, 88 FERC at 61,744) (explaining that it is longstanding Commission policy to not second guess the business decisions of pipeline shippers).

¹¹⁷ *Transcon. Gas Pipe Line Co.*, 192 FERC ¶ 61,134, at P 45 (2025) (reaffirming the Commission's policy of respecting a project sponsor's privately negotiated contracts absent credible contrary evidence, as a demonstrated need for a natural gas infrastructure project).

New York region, and reduce energy prices for consumers, we find there is a demonstrated need for the project.

3. Impacts on Existing Customers, Existing Pipelines or Storage Providers and Their Customers, and Landowners and Surrounding Communities

43. The Certificate Order found that the project would have no adverse effect on service to Transco's existing customers, or on other pipelines in the region or their captive customers.¹¹⁸ Transco reiterates in its petition that there will be no adverse effect on service to Transco's existing customers because the proposed expansion facilities are designed to provide incremental service to meet the needs of the project shippers, without degrading service to Transco's existing customers.¹¹⁹ Additionally, Transco asserts that the project shippers will use the capacity provided under the project to serve the incremental growth requirements of their markets, not to displace existing service providers.¹²⁰ We continue to find that the proposed project will have no adverse effect on service to Transco's existing customers and there will be no adverse impact on other pipelines in the region or their captive customers.

44. The Certificate Order also found that Transco has taken appropriate steps to minimize adverse impacts to landowners and surrounding communities,¹²¹ noting that much of the onshore portion of the proposed project will be co-located along Transco's existing right-of-way. Specifically, approximately 97% of the project's Quarryville Loop is located within and alongside the existing Transco Mainline right-of-way, and 100% of the project's Madison Loop is located within and alongside Transco's existing Lower Bay Loop C right-of-way.¹²² Further, Transco has obtained all of the onshore permanent right-of-way necessary to construct and operate the project in Pennsylvania, and all but two tracts onshore in New Jersey, and states that it is working closely with landowners to obtain the property rights for required temporary workspace.¹²³ Some commenters question the status of agreements for use of the access road to the Compressor

¹¹⁸ Certificate Order, 167 FERC ¶ 61,110 at P 15.

¹¹⁹ Transco Petition at 14.

¹²⁰ *Id.* at 15.

¹²¹ Certificate Order, 167 FERC ¶ 61,110 at P 17.

¹²² *Id.* P 17.

¹²³ Transco Petition at 10-11, 17.

Station 206 site that was authorized in the 2020 Amendment Order.¹²⁴ Construction of the access road would require Transco to obtain the easements necessary for such construction. We therefore continue to find that the project will have minimal impacts on landowners and surrounding communities.

4. Certificate Policy Statement Conclusion

45. Based on the benefits the project will provide and the minimal adverse impacts on exiting shippers, other pipelines and their captive customers, and landowners and surrounding communities, we continue to find that, consistent with the Certificate Policy Statement and NGA section 7(c), the public convenience and necessity requires approval of the project, subject to the environmental and other conditions in the Certificate Order, as amended, and in this order.

C. Rates

46. In the Certificate Order, the Commission approved an incremental daily recourse reservation charge of \$1.12995 per Dth and an initial incremental usage charge of \$0.00500 per Dth under Rate Schedule FT for firm service using the incremental capacity created by the project facilities.¹²⁵ Additionally, the Commission authorized Transco to charge its generally applicable system fuel and electric power rates.¹²⁶ Transco proposes the same rates as authorized by the Commission in the Certificate Order¹²⁷ and requests the Commission adopt those previously approved rates for the project. Because Transco is requesting reissuance of the certificate to construct and operate the project exactly as authorized in the Certificate Order, we find it appropriate to use the previously authorized rates as the initial incremental rates for the project.

47. Section 154.309 of the Commission's regulations¹²⁸ includes bookkeeping and accounting requirements applicable to all expansions for which incremental rates are charged. The requirements ensure that costs are properly allocated between pipelines' existing shippers and incremental expansion shippers. Therefore, consistent with the Certificate Order, Transco is required to keep separate books and accounting of costs and revenues attributable to the incremental capacity created by the Northeast Supply

¹²⁴ Barbara Cuthbert June 11, 2025 Comment at 1.

¹²⁵ Certificate Order, 167 FERC ¶ 61,110 at PP 20-24.

¹²⁶ *Id.* P 25.

¹²⁷ *Id.* P 24.

¹²⁸ 18 C.F.R. § 154.309 (2024).

Enhancement Project as required by section 154.309.¹²⁹ The books should be maintained with applicable cross-references as required by section 154.309. This information must be in sufficient detail so that the data can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case, and the information must be provided consistent with Order No. 710.¹³⁰

48. Transco states that, as previously authorized in the Certificate Order, it will provide service to the project shippers under a negotiated rate agreement. Transco must file either its negotiated rate agreement or tariff records setting forth the essential terms of the agreement associated with the project, in accordance with the Alternative Rate Policy Statement¹³¹ and the Commission's negotiated rate policies.¹³²

D. Environmental Analysis

49. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA),¹³³ Commission staff evaluated the potential environmental impacts of Transco's March 27, 2017 application for the Northeast Supply Enhancement Project in an environmental impact statement (EIS). On January 25, 2019, Commission staff issued the final EIS for the project,¹³⁴ and public notice of the availability of the final EIS was

¹²⁹ *Id.*

¹³⁰ *See Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines*, Order No. 710, FERC Stats. & Regs. ¶ 31,267 (2008) (cross-referenced at 122 FERC ¶ 61,262).

¹³¹ *Alts. to Traditional Cost-of-Serv. Ratemaking for Nat. Gas Pipelines; Regul. of Negotiated Transportation Servs. of Nat. Gas Pipelines*, 74 FERC ¶ 61,076, *clarification granted*, 74 FERC ¶ 61,194, *order on reh'g and clarification*, 75 FERC ¶ 61,024, *reh'g denied*, 75 FERC ¶ 61,066, *reh'g dismissed*, 75 FERC ¶ 61,291 (1996), *petition denied sub nom. Burlington Res. Oil & Gas Co. v. FERC*, 172 F.3d 918 (D.C. Cir. 1998) (Alternative Rate Policy Statement).

¹³² *Nat. Gas Pipelines Negotiated Rate Policies and Pracs.; Modification of Negotiated Rate Pol'y*, 104 FERC ¶ 61,134 (2003), *order on reh'g and clarification*, 114 FERC ¶ 61,042, *dismissing reh'g and denying clarification*, 114 FERC ¶ 61,304 (2006).

¹³³ 42 U.S.C. §§ 4321 *et seq.*; *see also* 18 C.F.R. pt. 380 (2024) (Commission's regulations implementing NEPA).

¹³⁴ Transcon. Gas Pipe Line Co., LLC, Final Environmental Impact Statement, Docket No. CP17-101-000 (issued Jan. 25, 2019) (Final EIS).

published in the *Federal Register* on February 1, 2019.¹³⁵ The final EIS addressed geology; soils; water resources; wetlands; vegetation; wildlife and aquatic resources; threatened, endangered, and other special status species; land use, recreation, and visual resources; socioeconomics; cultural resources; air quality and noise; safety; cumulative impacts, including greenhouse gas emissions and climate change; and alternatives. On April 24, 2020, the Commission issued an environmental assessment (EA) regarding use of an alternative access road to access Compressor Station 206.¹³⁶ The final EIS, as amended by the EA, concluded that construction and operation of the project will result in some adverse environmental impacts, but impacts will be reduced to less-than-significant levels with the implementation of Transco's proposed, and Commission staff's recommended, mitigation measures, which were included as conditions to the Certificate Order. Ordering paragraph (B) of this order incorporates the Environmental Conditions of the Certificate Order.

50. As discussed above, Transco states in its petition that the purpose, need for, scope of, and impacts of the project have not changed.¹³⁷ In response to the notice of petition issued on June 3, 2025, we received comments raising environmental issues. Specifically, many comments reprise environmental issues that were analyzed in the 2019 final EIS for the project, with a focus on the environmental issues associated with the Raritan Bay Loop and Compressor Station 206. The topics raised by commenters and discussed below include: environmental baseline data; the need for supplemental NEPA analysis; water quality and contaminated sediments; wildlife and fish habitat; recreation and socioeconomic impacts to Raritan Bay; vessel traffic; alternatives; groundwater; flooding; wildlife and vegetation offshore; population and traffic; property values; air quality; noise; public safety; cumulative impacts; and climate change.

51. On July 11, 2025, Commission staff issued an environmental assessment report concluding that it is appropriate to rely on the final EIS, as amended by the EA, to satisfy NEPA requirements for reissuance of certificate authority for the project, based on staff's determination that there is no new information that provides a different picture of the environmental landscape not already considered. The environmental comments received are discussed below.

52. Under NEPA, the Commission considers impacts on all potentially affected communities. Project activities that would affect local communities include construction and operation of the Quarryville, Madison, and Raritan Bay Loops, Compressor Station

¹³⁵ 84 Fed. Reg. 1119 (Feb. 1, 2019).

¹³⁶ Transcon. Gas Pipe Line Co., LLC, Environmental Assessment, Docket No. CP20-49-000 (issued Apr. 24, 2020) (EA).

¹³⁷ Transco Petition at 1.

206, and the new compressor unit at Compressor Station 200. Transco would utilize 14,523.7 acres during construction, of which 14,165.5 acres (98%) consists of open water in Raritan Bay and Lower New York Bay.¹³⁸ Operation of the project would require 145.2 acres, 31.3 acres of land and 85.6 acres of seafloor.¹³⁹ As described in the EIS and below, the project's potential impacts on local communities during construction include air quality and noise impacts, visual and recreational impacts, traffic impacts, and housing impacts, all of which would be less than significant throughout the construction period. The operation of the project will also have less than significant impacts on local communities. Similarly, the project's contribution to cumulative impacts with other projects would be less than significant.¹⁴⁰ The EIS recommended implementation of Transco's proposed construction procedures and mitigation measures and Commission staff recommendations, which we have adopted in this order.

1. Environmental Baseline Data and Need for Supplemental NEPA

53. Commenters state that Transco's claim that the project impacts have not changed is inaccurate because environmental baseline data is 5-10 years old and not reflective of the current situation, making the conclusions in the final EIS and Certificate Order outdated.¹⁴¹ Specifically, commenters note that there have been clean-up activities at Superfund Sites by the U.S. Environmental Protection Agency (EPA) since the project received its certificate in 2019.¹⁴² All four of the Superfund Sites identified by the commenters are existing sites; two of which are not located within the project area and

¹³⁸ Final EIS at 2-8.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 4-390.

¹⁴¹ Kirkman Frost June 4, 2025 Comment at 2 and 3; Kirkman Frost June 5, 2025 Comment at 1; ReThink Energy NJ June 10, 2025 Comment at 1.

¹⁴² Drew Cuthbert June 23, 2025 Comment at 3.

therefore are not discussed further.¹⁴³ The remaining sites, the Higgins Farm site and the Raritan Bay Slag site, are discussed below¹⁴⁴ and in the final EIS.¹⁴⁵

54. Commenters also claim that sediment contaminant levels in Raritan Bay have changed since the application was originally filed and reference updates at the Raritan Bay Slag site.¹⁴⁶ As discussed in the final EIS, the Raritan Bay Slag site is in the Laurence Harbor section of Old Bridge and in Sayreville, New Jersey.¹⁴⁷ In the late 1960s and early 1970s, metal slag and battery casings were deposited along the beachfront in this area, resulting in elevated metal concentrations in nearshore soils and offshore sediments. Commission staff's examination of available records found that EPA's clean-up of the Raritan Bay Slag site continues. Specifically, the EPA currently is working with the U.S. Army Corp of Engineers (USACE) to procure a contractor for the cleanup of the Seawall Sector and has started design work for the Jetty Sector of the Raritan Bay Slag site with plans to begin cleanup work there once work at the Seawall Sector is complete.¹⁴⁸ As indicated in the final EIS, Transco is continuing to consult with the EPA regarding construction in the Raritan Bay Slag site.¹⁴⁹ We find that there is no record evidence that the baseline sediment contaminant levels in Raritan Bay have changed.

55. Next, Commenters claim that environmental conditions such as wind speeds, air quality, water quality, vegetation and wetlands in the construction area, and coastal zones

¹⁴³ Hercules Incorporated in Parlin, NJ (EPA ID: NJD002521961) is about 1.5 miles from the project and DuPont Imaging Department's cleanup activities (EPA ID: NJD002444024) is about 0.75 mile from the project.

¹⁴⁴ See *infra* PP 57-59, 69-70.

¹⁴⁵ Final EIS at 4-250 to 4-251.

¹⁴⁶ Kirkman Frost June 4, 2025 Comment at 2 and 3 and Drew Cuthbert June 23, 2025 Comment at 3.

¹⁴⁷ Final EIS at 4-251.

¹⁴⁸ EPA, *Superfund Site: Raritan Bay Slag Old Bridge TWP/Sayreville, NJ Cleanup Activities* (Aug. 12, 2025), <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=0206276>.

¹⁴⁹ Final EIS at 4-124.

have changed, which could affect the issuance of required permits.¹⁵⁰ Additionally, Mr. Robert Wonsor states that the Transco is improperly seeking to be held to environmental standards that are over five years old.¹⁵¹ We note that the project will be held to all current federal regulatory requirements and standards. Environmental Condition 10 of the Certificate Order requires Transco to file documentation that all applicable authorizations required under federal law (or evidence of waiver thereof) are received, and Environmental Condition 20 requires Transco to file documentation of consistency with the Coastal Zone Management Act. Additionally, Environmental Condition 14 requires Transco to file documentation of consultation with the New York State DEC, New Jersey DEP, and U.S. National Marine Fisheries Service (NMFS) regarding its final proposed mitigation for fisheries and aquatic resources, including timing restriction commitments and allowable work within these periods. Transco will provide any updated data, as required and developed through agency consultations, to comply with revised permit conditions. Therefore, we conclude that any environmental baseline changes that may have occurred since the final EIS would be taken into consideration during the appropriate permitting processes. Given this, and that no commenter has provided substantial evidence of changes in the environmental baseline, we believe there is no need to alter the baseline other than, as discussed below, with respect to EPA's revised standards for PM_{2.5}.

56. Last, commenters argue that the Commission must conduct a new, or supplemental, NEPA analysis for the project, based on the claim that the baseline data has changed.¹⁵² We disagree that supplemental NEPA is required. The decision whether to complete a supplemental EIS is left to agency discretion under a "rule of reason" standard.¹⁵³ Any new information brought to the attention of the Commission must be

¹⁵⁰ Kirkman Frost June 4, 2025 Comment at 2 and 3 and June 5, 2025 Comment at 1.

¹⁵¹ Robert Wonsor June 16, 2025 Intervention.

¹⁵² See, e.g., NRDC June 24, 2025 Comment at 6. To support their argument commenters cite to the Commission's staff guidance manual on implementation of NEPA which states that Commission staff may rely on an EIS previously prepared by staff, provided that the prior EIS meets the standards under NEPA for an adequate EIS and can be used in its entirety to support the proposed action without need for supplementing. FERC Staff Guidance Manual on Implementation of The National Environmental Policy Act, June 2025, at 14.

¹⁵³ *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 373 (1989); *Friends of the River v. FERC*, 720 F.2d 93, 109-10 (D.C. Cir. 1983); *Marsh*, 490 U.S. at 375-76; see also *Friends of Cap. Crescent Trail v. FTA*, 877 F.3d 1051, 1059 (D.C. Cir. 2017) (*Friends of Cap. Crescent Trail*) ("If an agency's decision not to prepare a [supplemental EIS] turns

sufficient to show that the remaining federal action will affect the environment in a significant manner or to a significant extent *not already considered*.¹⁵⁴ In other words, a supplemental EIS “must only be prepared where new information provides a *seriously* different picture of the environmental landscape.”¹⁵⁵ Whether an agency must complete a supplemental EIS “turns on the value of the new information to the still pending decisionmaking process.”¹⁵⁶ We agree with staff’s conclusion in the environmental

on a factual dispute the resolution of which implicated substantial agency expertise, the court defers to the agency’s judgment.”) (quoting *Marsh*, 490 U.S. at 376).

¹⁵⁴ *Marsh*, 490 U.S. at 374.

¹⁵⁵ *Stand Up for Cal. v. Dep’t of the Interior*, 994 F.3d 616, 629 (D.C. Cir. 2021) (*Stand Up for Cal.*) (emphasis in original) (quoting *Friends of Cap. Crescent Trail*, 877 F.3d at 1060 (internal quotation marks omitted)); see *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 145 S. Ct. 1497, 1513 (2025) (“As the Court has emphasized on several occasions, and we doubly underscore again today, ‘inherent in NEPA . . . is a “rule of reason,” which ensures that agencies determine whether and to what extent to prepare an EIS based on the usefulness of any new potential information to the decisionmaking process.”); see also *Laguna Greenbelt, Inc. v. U.S. Dep’t of Transp.*, 42 F.3d 517, 529 (9th Cir. 1994) (supplemental EIS not required to assess impact of fires when agency took requisite “hard look,” relying on scientific expertise of two coordinating agencies who concluded no new significant impacts resulted); *Animal Def. Council v. Hodel*, 840 F.2d 1432, 1439 (9th Cir. 1988) (agency decision not to supplement EIS in light of new information was reasonable where agency “carefully considered the information, evaluated its impact, and supported its decision not to supplement with a statement of explanation”).

¹⁵⁶ *Id.* An agency need not supplement an EIS every time new information comes to light after an EIS is finalized. *Marsh*, 490 U.S. at 373-74; see *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 554 (1978) (citing *ICC v. Jersey City*, 322 U.S. 503, 514 (1944)) (“Administrative consideration of evidence . . . always creates a gap between the time the record is closed and the time the administrative decision is promulgated [and, we might add, the time the decision is judicially reviewed]. . . . If upon the coming down of the order litigants might demand rehearings as a matter of law because some new circumstance has arisen, some new trend has been observed, or some new fact discovered, there would be little hope that the administrative process could ever be consummated in an order that would not be subject to reopening.”); *Friends of Cap. Crescent Trail*, 877 F.3d at 1060 (stating that “[o]ver the course of a long-running project, new information will arise that affects, in some way, the analysis contained in a prior [final EIS]” and that “NEPA does not require agencies to needlessly repeat their environmental impact analyses every time such information comes to light”); *N.M. ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 708 (10th

assessment report that it is appropriate to rely on the final EIS, as amended by the EA, to satisfy NEPA requirements for Transco's petition to reissue the certificate authority for the project because we do not find that there is new information that provides a different picture of the environmental landscape than what was already considered in the final EIS and EA.¹⁵⁷

2. Raritan Bay

a. Raritan Bay Water Quality and Raritan Bay Slag Site Contaminated Sediments

57. Mr. Kirkman Frost claims that because the sediment analysis was performed in 2017, it is likely that the sediment contaminant levels in Raritan Bay have changed since the application was originally filed, including updates at the Raritan Bay Slag site.¹⁵⁸ Mr. Frost further states that the sediment dynamics in Raritan Bay are influenced by a variety of factors including shipping traffic, tidal currents, storm events, and human activities such as dredging and construction, and that the rate and extent of sediment change in the bay requires considering these factors and their interactions.

58. Sediments within Raritan and Lower New York Bays contain contaminants from historical and ongoing anthropogenic sources. Contaminants that become resuspended during sediment-disturbing activities, such as Transco's pipeline construction, are expected to generally be adsorbed to organic material and fine-grained sediment and redeposited as sediment-bound compounds. The redeposited sediment is expected to be similar in contaminant concentration to the ambient conditions of the surface sediments at the depositional locations.¹⁵⁹ As indicated in the final EIS, the New York State DEC will require, and Transco has committed to, monitoring of the water column for chemical

Cir. 2009) ("Of course, every change however minor will not necessitate a new substantive analysis and repetition of the EIS process. To make such a requirement would lead agencies into Xeno's paradox, always being halfway to the end of the process but never quite there.").

¹⁵⁷ *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 145 S. Ct. at 1513 ("we doubly underscore again today, 'inherent in NEPA . . . is a rule of reason, which ensures that agencies determine whether and to what extent to prepare an EIS based on the usefulness of any new potential information to the decisionmaking process"); *id.* (explaining that agencies are entitled to deference about where to draw the line, including whether and to what degree it should consider indirect environmental effects).

¹⁵⁸ Kirkman Frost, June 4, 2025 Comment at 2 and 3.

¹⁵⁹ Final EIS at ES-11.

contaminants in New York State waters to ensure compliance with state water quality standards as part of the project's New York State DEC water quality certification.¹⁶⁰ Transco would be required to perform any sediment sampling, as necessary, to acquire appropriate permits prior to receiving any authorization from the Commission to proceed with construction activities. The final EIS concludes that based on the relatively limited distribution of upper-level exceedances for mercury and other heavy metals along the project route, the short duration of turbidity plumes, and the expected fate of metals released into the marine environment, the risk to aquatic resources from exposure to resuspended inorganic contaminants is expected to be low.¹⁶¹ We agree with this conclusion.

59. Next, commenters assert that the project could cause chemical leakage into Raritan Bay.¹⁶² As discussed in the final EIS, Transco would implement the measures in its Spill Plan, which include conducting routine inspections of construction equipment, tanks, and storage areas, and the use of secondary containment around all containers and tanks to help reduce the potential for spills and leaks.¹⁶³ Additionally, all offshore vessels would be expected to comply with U.S. Coast Guard requirements for the prevention and control of oil and fuel spills¹⁶⁴ and would be required to register for the EPA National Pollutant Discharge Elimination System Vessel General Permit, which includes measures to protect against impacts associated with discharges incidental to the operations of commercial vessels.¹⁶⁵ The final EIS concludes that Transco's implementation of its Spill Plan and mitigation measures would adequately minimize the effects of potential spills on waterbodies.¹⁶⁶ We agree with this conclusion.

b. Raritan Bay Wildlife and Fish Habitat

60. Commenters state that efforts to cleanup and maintain the Raritan Bay have improved habitats for wildlife, marine mammals, fish and shellfish, and claim that the

¹⁶⁰ *Id.* at 4-125.

¹⁶¹ *Id.* at ES-12.

¹⁶² *See, e.g.*, Michele Pabuwal June 5, 2025 Intervention; Neeta H. Shah June 13, 2025 Intervention; Bart N Dandrea June 13, 2025 Intervention.

¹⁶³ Final EIS at 4-95.

¹⁶⁴ MARPOL, Annex V, Pub. L. 100-220 [101 Stat. 1458].

¹⁶⁵ Final EIS at 4-136.

¹⁶⁶ *Id.* at 4-48.

construction activities, vessels and equipment, noise, disruptions, and potential for chemical leakage from the project could severely damage the Bay's environment and economy (boating, fishing, tourism and related activities) that are reliant on clean water and healthy habitats.¹⁶⁷ The final EIS notes that the Raritan Bay Loop is located in a marine area that supports Essential Fish Habitat for 33 species, diadromous and marine fisheries, and a number of fish and invertebrate species with ecological, commercial, or recreational importance.¹⁶⁸ As indicated in the final EIS, Commission staff anticipates that impacts on aquatic resources due to seafloor disturbance would be minor as pelagic fish, sea turtles, and marine mammals would likely temporarily vacate the affected area to avoid the disturbance.¹⁶⁹ Benthic invertebrates and demersal (bottom-dwelling) fish species in or near areas directly impacted by construction would be most affected, but the final EIS determines that affected benthic communities would re-establish within a short time as native assemblages recolonize the area or a new community develops. As detailed in the final EIS, the primary adverse effects on aquatic resources from construction of the Raritan Bay Loop include impacts from seafloor disturbing activities and noise. Because the loop would be installed beneath the seafloor, operation of the pipeline will have little to no impact on aquatic resources.¹⁷⁰

61. The final EIS concludes that, based on the relatively limited duration, extent, and magnitude of project-related turbidity and sediment redeposition, as well as Transco's commitment to restrict work in sensitive areas as much as possible, no significant, long-term impacts on the pelagic or benthic community or other aquatic resources are expected from the project-related seafloor-disturbing activities.¹⁷¹ Environmental Condition 14 of the Certificate Order, incorporated by reference by Ordering Paragraph (B), requires Transco to file documentation of its consultations with New York State DEC, New Jersey DEP, and the NMFS regarding its final mitigation for fisheries and aquatic resources, including construction timing window commitments. In addition, to verify that benthic communities recover as expected, Environmental Condition 15 requires Transco to file a 5-year post-construction benthic sampling and monitoring plan, prepared in consultation with the NMFS, for review and written approval of the Director of the Office of Energy Projects.

¹⁶⁷ See, e.g., Mustafa Turan June 5, 2025, Comment; Manish Podder June 5, 2025 Intervention, Missy Holzer June 5, 2025 Intervention.

¹⁶⁸ Final EIS at 5-10.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ Final EIS at ES-12.

62. Commenters state that there is danger of vessel strikes or collisions with marine mammals in the proposed pipeline area in Raritan Bay.¹⁷² The final EIS states that construction vessel traffic would increase the potential for collision or injury to larger offshore species; however, the effect would be small and localized relative to existing traffic into and out of the busy Port of New Jersey and New York.¹⁷³ Transco would implement its Marine Mammal Observer Training and Response Protocol Plan and utilize NMFS-approved observers to monitor for protected species and marine mammals during construction activities. Therefore, the final EIS concludes that the impact of vessel traffic and vessel strikes on offshore resources would be temporary and negligible.¹⁷⁴ We agree.

c. Raritan Bay Recreation and Socioeconomic Effects

63. Commenters state the construction activities, vessels and equipment, noise, and disruptions from the project could severely damage Raritan Bay's environment and economy, including boating, fishing, eco-tourism, and related activities.¹⁷⁵

64. The offshore portion of the Raritan Bay Loop would cross both New Jersey and New York state-owned submerged land. The final EIS concludes that construction of the project would have temporary and minor impacts on various offshore recreational activities such as fishing, whale watching, and scuba diving.¹⁷⁶ The final EIS also concludes that operation of the Raritan Bay Loop would have no significant impact on offshore commercial and recreational activity and would have no visual impact on the area as the entire facility would be installed below the seafloor at USACE-designated burial depths.¹⁷⁷ We agree with these conclusions.

¹⁷² See, e.g., Mustafa Turan June 5, 2025, Comment; Manish Podder June 5, 2025 Intervention; Missy Holzer June 5, 2025 Intervention.

¹⁷³ Final EIS at 5-14.

¹⁷⁴ *Id.* at 4-136.

¹⁷⁵ See, e.g., Ron Blava June 5, 2025 Intervention; Michelle Davis June 12, 2025 Intervention; Perry J Spada June 13, 2025 Intervention.

¹⁷⁶ Final EIS at 5-18.

¹⁷⁷ *Id.* at 5-19.

d. Vessel Traffic

65. Commenters contend that there has been an increase in shipping and vessel traffic in Raritan Bay since issuance of the final EIS.¹⁷⁸ The final EIS indicates that the Raritan Bay Loop would cross the entry into one of the most active ports in the world and that this area experiences high levels of commercial ship traffic and periodic maintenance dredging activity.¹⁷⁹ The final EIS concludes that impacts on commercial ship traffic during construction of the Raritan Bay Loop would be short term and mainly limited to a safety zone around the temporary workspace that would be used during offshore construction and commissioning of the pipeline.¹⁸⁰ Vessels would be advised to avoid these safety zones. Specifically, a Special Notice to Mariners would be submitted to the U. S. Coast Guard to advise commercial vessels of the construction schedule and location of the restricted area, which would be marked by buoys and monitored by escort boats. The final EIS concludes that these temporary restrictions are not expected to adversely affect commercial shipping because there is ample room in the surrounding area for ships to transit to and from local harbor destinations.¹⁸¹ Additionally, there would be communication between construction vessels and other boat traffic to ensure that adequate safety margins are maintained. Recreational boating that does occur in the area would be subject to the same restrictions imposed on commercial vessels discussed above. Recreational boaters would have access to the same Special Notice to Mariners that would be available to fishermen and commercial ships.

66. The required mitigation measures would apply to all vessels and are not dependent on the number of vessels in the area at any given time, such that any increase in marine traffic will not be an issue. The final EIS concludes that operation of the Raritan Bay Loop would have no significant impact on offshore commercial and recreational activity and would have no visual impact on the area as the entire facility would be installed below the seafloor at USACE-designated burial depths.¹⁸² We conclude that the effects analyzed and the required mitigation measures identified in the final EIS fully support the conclusion that no significant effects on commercial or recreational boating are expected.

¹⁷⁸ Kirkman Frost June 4, 2025 Comment at 5.

¹⁷⁹ Final EIS at 5-24.

¹⁸⁰ *Id.* at 5-18.

¹⁸¹ *Id.*

¹⁸² *Id.* at 4-246 & 4-253.

3. Alternatives

67. Commenters assert that alternatives exist for the location or design of Compressor Station 206 and that Transco should move the station to a remote location away from residences.¹⁸³ The final EIS addresses site alternatives including alternative sites for Compressor Station 206 that are farther from residential areas and modifications to existing facilities to avoid the need for the station. The final EIS concludes that none of the alternatives are feasible or offer a significant environmental advantage, and finds that the proposed project, as modified by Commission staff's recommended mitigation measures is the preferred alternative.¹⁸⁴ We agree with this conclusion.

68. Commenters also suggest that the use of electric motor-driven compressors for Compressor Station 206 would avoid the local operating air emissions associated with the proposed natural gas-fired turbines.¹⁸⁵ The electric motor-driven compression alternative would require the construction of 3.9 miles of new, high voltage power line to the compressor station and an electric substation at the site, increasing impacts on resources and landowners.¹⁸⁶ Therefore, the final EIS concludes that the electric motor-driven compression alternative would result in greater impacts on most resources and affect numerous more homeowners during construction than use of natural gas-powered compressor units as proposed by Transco and does not offer a significant environmental advantage over Transco's proposal.¹⁸⁷ We agree.

4. Higgins Farm Superfund Site Groundwater

69. Several commenters express concern regarding the impacts that construction of the project may have on EPA's groundwater remediation efforts at the Higgins Farm

¹⁸³ Ram Anbarasan June 5, 2025 Comment.

¹⁸⁴ Final EIS at 5-27. *See Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 145 S. Ct. at 1513.

¹⁸⁵ Robert Farrauto June 20, 2025 Comment; Robert A Heyer June 23, 2025 Intervention.

¹⁸⁶ Final EIS at 3-39.

¹⁸⁷ Final EIS at 3-43. *See, e.g., Transcon. Gas Pipe Line Co., LLC*, 184 FERC ¶ 61,066, at P 73 (2023), *order on reh'g and clarification*, 186 FERC ¶ 61,063, at P 22 (2024) (finding that an electric motor-driven compression alternative would not offer significant environmental advantages over the proposed use of natural gas-powered compressor units).

Superfund site.¹⁸⁸ Higgins Farm is adjacent to the Compressor Station 206 site and, as described in the final EIS, EPA continues to remediate and monitor contaminated groundwater emanating from the site.¹⁸⁹ The EPA expects contaminant concentrations to continue to decline, but states that continued evaluation is necessary to confirm contaminant concentration reduction and the downgradient extent of contamination.¹⁹⁰

70. Perchloroethylene is one of the primary contaminants of concern at the Higgins Farm Superfund site. Data indicate that the perchloroethylene plume within the groundwater column is about 850 feet from the proposed compressor building, and that the affected groundwater unit occurs about 30 feet below the proposed facility.¹⁹¹ As discussed in the Certificate Order and final EIS, EPA concluded that construction and operation of Compressor Station 206 is unlikely to affect EPA's ongoing cleanup operations at the site.¹⁹² We agree with this conclusion.

5. Outstanding Water Quality Certifications

71. Commenters express concern over the outstanding state permits and note that unresolved issues remain from the original Certificate Order conditions regarding Transco's applications for water quality certifications pursuant to section 401 of the CWA.¹⁹³ Commenters contend that it is disingenuous for Transco to pursue water quality certifications from New York State DEC and New Jersey DEP after not acting to rectify deficiencies in their prior applications and failing to meet the Commission's deadline for constructing and placing the project into service.¹⁹⁴

¹⁸⁸ Karen Parise June 20, 2025 Comment; Drew Cuthbert June 23, 2025 Comment at 3.

¹⁸⁹ Final EIS at 4-30.

¹⁹⁰ EPA, *Fifth Five-Year Review Report for Higgins Farm Superfund Site, Franklin Township, Somerset County, New Jersey* (May 23, 2023) <https://semspub.epa.gov/work/02/642122.pdf>, at 10.

¹⁹¹ *Id.* at ES-9.

¹⁹² Certificate Order, 167 FERC ¶ 61,110 at P 40; final EIS at 4-32.

¹⁹³ Barbara Cuthbert June 11, 2025 Comment at 3; Elizabeth A Roedell June 16, 2025 Comment.

¹⁹⁴ Barbara Cuthbert June 11, 2025 Comment at 3.

72. Transco provided a table updating the status of federal, state, and local agency permits and approvals for the project,¹⁹⁵ and filed requests for water quality certifications for the project with both New York State DEC and the New Jersey DEP on May 30, 2025.¹⁹⁶ New York State DEC filed a comment stating that it received a request for a water quality certification, and confirming a reasonable period of time of six months to act on Transco's request.¹⁹⁷ Environmental Condition 10 requires Transco to file documentation that all applicable authorizations required under federal law (or evidence of waiver thereof), which includes CWA section 401 water quality certifications, have been received prior to the start of construction. Additionally, we are including a new Environmental Condition 4 that requires Transco to file the complete water quality certifications within five days of receipt, and requires Transco to file for written approval any revisions to its project design necessary to comply with the certifications' conditions prior to construction. Accordingly, Transco's actions to date are consistent with regulatory requirements.

6. Flooding

73. Commenters claim that the project would result in increased flooding and would affect sensitive environmental resources that act as flood mitigation.¹⁹⁸ The Watershed Institute states that New Jersey DEP has revised its Stormwater Management Rules and New Jersey has amended the Flood Hazard Area Control Act since issuance of the Certificate Order.¹⁹⁹ On May 30, 2025, Transco submitted an updated application to New Jersey DEP's Land Use Regulation Program for its Flood Hazard Area Individual Permit.²⁰⁰ Transco states that it will submit updated plans and reports to reflect the state's new amendments to its state's stormwater management rules.²⁰¹ Therefore, we

¹⁹⁵ Transco June 11, 2025 Response to Information Request at 1.

¹⁹⁶ Transco June 6, 2025 Supplemental Filing.

¹⁹⁷ New York State Department of Environmental Conservation June 23, 2025 Comment at 1.

¹⁹⁸ Sameer Raibagi June 16, 2025 Comment; Angela P McGlynn June 16, 2025 Comment; Jennifer B Lindsay June 16, 2025 Intervention; Manasvini Nor June 23, 2025 Intervention.

¹⁹⁹ The Watershed Institute, June 24, 2025 Intervention.

²⁰⁰ Transco June 11, 2025, Supplemental Response to FERC's June 6, 2025, Environmental Information Request at 5.

²⁰¹ Transco June 6, 2025 Supplemental Filing at 8.

conclude that stormwater management and flooding concerns would be appropriately addressed during the state permitting process.

7. Wildlife and Vegetation Impacts

74. Commenters state that the project could result in effects on wildlife and vegetation, including habitat degradation and fragmentation.²⁰² The final EIS discusses the project effects on vegetation and wildlife²⁰³ and concludes that implementation of the measures outlined in Transco's Upland Erosion Control, Revegetation, and Maintenance Plan, Agricultural Construction and Monitoring Plan, and Noxious Weed and Invasive Plant Management Plan, would adequately minimize impacts on upland vegetation resources.²⁰⁴ The final EIS also finds that forest fragmentation associated with the onshore pipeline loops would be minor as about 97% of the Quarryville Loop and 100% of the Madison Loop would be collocated with Transco's existing, cleared and permanently maintained right-of-way, and because only 2.6 acres of upland forest would be permanently affected along the 13.4 miles of pipeline looping.²⁰⁵ Further, the final EIS concludes that constructing and operating the project would not significantly affect common wildlife species at population levels.²⁰⁶ We agree with these conclusions.

8. Population and Traffic

75. Commenters assert that there is increased population density in the project area and that the project could result in impacts on local traffic.²⁰⁷ The final EIS discusses the project effects on local traffic and states that Transco would utilize shuttle buses if necessary and encourage workers to carpool to limit traffic impacts to the local communities.²⁰⁸ Additionally, Transco has committed to provide a Traffic and

²⁰² Jwalah Vankataramanan June 20, 2025 Intervention; South Brunswick Township June 24, 2025 Intervention at 3.

²⁰³ Final EIS at 4-68 & 4-75.

²⁰⁴ *Id.* at 5-8.

²⁰⁵ Final EIS at 5-9.

²⁰⁶ *Id.* at 5-10.

²⁰⁷ *See, e.g.*, Kirkman Frost June 4, 2025 Comment at 5.

²⁰⁸ Final EIS at 4-268.

Transportation Management Plan prior to construction.²⁰⁹ Further, there is no evidence that the increased population density and traffic will be an issue. The final EIS concludes that Transco's proposed mitigation measures adequately reduce the effects of the project on roadways and traffic in the project area.²¹⁰ We agree with this conclusion.

9. Property Values

76. Commenters express concern about the effects the project, specifically Compressor Station 206, could potentially have on their residential property values.²¹¹ The final EIS determines that there was no conclusive evidence indicating that compressor stations have a significant negative impact on property values.²¹² Accordingly, we conclude here, as we have in other cases, that the proposed project is not likely to significantly impact property values in the project area.²¹³

10. Air Quality

77. Commenters assert that compressor stations emit air pollutants through routine operations and blowdowns that may cause or worsen respiratory, cardiovascular, and neurological issues, cancer, and birth defects in surrounding populations.²¹⁴ Multiple commenters request that a health impact assessment be conducted with input from the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA).²¹⁵

²⁰⁹ *Id.* at 4-271.

²¹⁰ *Id.* at 4-271.

²¹¹ *See, e.g.*, Archana Dhulla June 16, 2025 Intervention; Chimnay Dipanker June 17, 2025 Intervention; and Lawrence M Greenberg June 20, 2025 Comment.

²¹² Final EIS at 4-274.

²¹³ *See Transcon. Gas Pipe Line Co., LLC*, 158 FERC ¶ 61,125, at P 106 (2017); *see also Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043, at P 228 (2017).

²¹⁴ *See, e.g.*, Soundharrajan Muralidharan June 20, 2025, Intervention; Krishma Nori June 23, 2025, Comment; Hairpriya Bhamidpaty June 23, 2025 Comment.

²¹⁵ Environmental Commission of Milltown New Jersey, June 24, 2025 Intervention; Lawrence Brook Watershed Partnership June 24, 2025 Intervention; Kalyan Akula June 25, 2025 Comment.

78. Several commenters state that Compressor Station 206 would not meet current air standards, with some commenters specifying that hazardous air pollutant (HAP) emissions exceed reporting thresholds.²¹⁶ Sierra Club and Mr. Frost note that New Jersey has issued tighter controls for its Title V stationary air permits with reduced emission reporting thresholds for HAPs which should be addressed in a new NEPA analysis.²¹⁷ Mr. Frost also explains that without more recent background air quality measurements, it is not possible to assess air pollutants and greenhouse gas emissions from the project and the Commission cannot rely on its prior analysis as if nothing has changed since 2017.²¹⁸ Ms. Paula Zevin states that existing air quality in the area, models and calculations for emission estimates, and environmental conditions (e.g., wind speeds) have changed since the original application.²¹⁹ Mr. Robert Farrauto questions how the Commission will ensure that air pollutant emissions from Compressor Station 206 comply with local emission standards, what technologies will be used to control emissions and their design, how often measurements will be taken by experts, and what actions will occur if standards are not met.²²⁰

79. The final EIS explains that ambient air quality is protected by federal and state regulations. Under the Clean Air Act (CAA), the EPA established the National Ambient Air Quality Standards (NAAQS) to protect human health and public welfare.²²¹ These

²¹⁶ See, e.g., Silpa Venkata, June 23, 2025 Intervention, Tamar Brill, June 23, 2025 Comment, Sowmya Vangara, June 24, 2025 Intervention.

²¹⁷ Kirkman Frost June 4, 2025 Comment at 2; Sierra Club Aug. 20, 2025 Answer at 5.

²¹⁸ Kirkman Frost June 4, 2025 Comment at 2; *see also* Sierra Club Aug. 20, 2025 Answer at 5 (stating that ambient concentrations of particulate matter and sulfur dioxide in New Jersey have increased).

²¹⁹ Paula Zevin, June 20, 2025 Comment.

²²⁰ Robert Farrauto, June 20, 2025 Comment.

²²¹ Final EIS at 4-295. NAAQS are limits on the atmospheric concentration of six pollutants, called criteria pollutants, that are harmful to public health and the environment. *See* 42 U.S.C. § 7409. The six criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter (PM), and sulfur dioxide. *See also* 42 U.S.C. § 7475(a)(3) (generally prohibiting construction of a major emitting facility unless the facility operator demonstrates that emissions from construction or operation of such facility will not cause, or contribute to, air pollution in excess of any: (a) maximum allowable increase or maximum allowable concentration for any pollutant in any area to which Part C of 42 U.S. Code Chapter 85 Subchapter I (Prevention of Significant Deterioration of Air Quality) applies more than one time per year, (b) NAAQS in any air

standards incorporate short-term (hourly or daily) levels and long-term (annual) levels to address acute and chronic exposures to pollutants. The NAAQS include primary standards that are designed to protect human health, including the health of sensitive individuals such as children, the elderly, and those with chronic respiratory problems. The EPA has established NAAQS for ground-level ozone, carbon monoxide, nitrogen oxides (NO_x), sulfur dioxide, inhalable particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) and less than or equal to 2.5 microns (PM_{2.5}), and airborne lead. The final EIS explains that although there is no national ambient air quality standard for HAPs, those emissions are limited through air permit thresholds and technology standards.²²² Here, the final EIS determined that Compressor Station 206 had the potential to emit 0.71 tons per year of total combined HAPs, well below HAP major source thresholds of 25 tons or more per year of any combination of HAPs or 10 tons or more per year of a single HAP.²²³ The Commission's use of these thresholds for assessing significance of HAPs is consistent with Commission precedent.²²⁴

80. The final EIS provides an emissions analysis for Compressor 206, including normal operating conditions and blowdown events. The emissions analysis for NAAQS pollutants, greenhouse gases, and HAPs determined that Compressor Station 206 would be a minor source of air emissions under the CAA Title V Operating Permit program, and state operating permit requirements would apply.²²⁵ The New Jersey DEP is the air permitting entity for industrial facilities in New Jersey with authority to issue major and minor source permits and establish and enforce permitting standards, conditions, and compliance. The final EIS states that New Jersey DEP previously issued Transco a permit to construct and operate Compressor Station 206 on September 7, 2017;²²⁶ however, this permit has lapsed. Transco submitted a new Preconstruction Permit to Construct and Operate application to New Jersey DEP on May 30, 2025.²²⁷ Based on Transco's new air permit application, emission estimates for all NAAQS pollutants and

quality control region, or (c) any other applicable emission standard or standard of performance under the chapter).

²²² *Id.* at 4-296.

²²³ *Id.* at 4-310.

²²⁴ *Transcon. Gas Pipe Line Co., LLC*, 187 FERC ¶ 61,024, P 63 (2024).

²²⁵ Final EIS at 4-299.

²²⁶ *Id.*

²²⁷ Transco Supplemental to Response to FERC Information Request filed June 11, 2025.

total HAPs are now estimated to be less than those presented in the final EIS and still well below the HAPs thresholds.²²⁸

81. The final EIS also includes the results of an air emission modeling analysis for Compressor Station 206, conducted consistent with EPA guidelines. The modeling analysis used the EPA approved AERMOD dispersion model in screening mode²²⁹ to estimate concentrations from emissions of the compressor station and add those results to background monitored concentrations for comparison to the NAAQS. The conservative results of the modeling analysis demonstrated that Compressor Station 206 would not violate the NAAQS.²³⁰

82. On March 6, 2024, EPA revised the NAAQS for PM_{2.5}, lowering the primary annual standard from 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 9.0 $\mu\text{g}/\text{m}^3$. The revised NAAQS became effective May 6, 2024.²³¹ As described in the final EIS, Transco's modeling estimated the total predicted concentration (background plus compressor station contribution) for the annual PM_{2.5} NAAQS to be 10 $\mu\text{g}/\text{m}^3$.²³² Because the NAAQS has changed and, as noted above, the project's estimated emissions have changed, we reassess the modeling results for PM_{2.5} using updated information as detailed below.

83. The original modeling analysis used a background annual PM_{2.5} concentration of 8.0 $\mu\text{g}/\text{m}^3$ from an EPA-approved monitor located approximately 10.5 miles northeast of the compressor station in New Brunswick, New Jersey, based on the annual average of concentrations from 2013 through 2015. That monitor became inactive after 2015. A new monitor located about 0.8 south-southwest from the prior monitor and approximately 9.9 miles northeast of the compressor station has been in operation since 2015 and appears to be a replacement for the inactive monitor.²³³ The 3-year average of

²²⁸ See Transco May 30, 2025 Preconstruction Permit Application for Compressor Station 206 (Accession No. 20250828-4001) (Air Permit Application). Total HAP emissions in the air permit application are estimated to be 0.69 tons per year. *Id.* at 10.

²²⁹ Final EIS at 4-312. Screening mode produces worst-case concentrations using conservative meteorological data.

²³⁰ Final EIS at 4-312.

²³¹ 89 Fed. Reg. 16202 (Mar. 6, 2024).

²³² Final EIS at tbl. 4.10.1-7.

²³³ Monitor ID 34-023-0011 in East Brunswick, New Jersey was identified using EPA's AirData Map App on its website.

monitoring data from this new monitor from 2022 through 2024 provides a background PM_{2.5} annual concentration of 6.3 µg/m³.²³⁴ Based on this information, background concentrations of annual PM_{2.5} have lessened over the past 10 years.

84. As discussed above, Transco's new air permit application indicates that emissions for all NAAQS pollutants are now estimated to be less than those presented in the final EIS. Specifically, for PM_{2.5} the new air permit application estimates PM_{2.5} emissions to be 9.75 tons per year²³⁵, almost half of the 18.94 tons per year of PM_{2.5} emissions originally estimated in the final EIS. Although unmodeled, with these emission reductions, the ultimate worst-case compressor station PM_{2.5} concentrations can reasonably be expected to be reduced from the 2.1 µg/m³ identified in the final EIS.

85. An overly conservative analysis using the original compressor station annual PM_{2.5} modeling results of 2.1 µg/m³, which was a worst-case concentration and does not account for the additional reductions in emissions in the new air permit application, added to the new background annual PM_{2.5} concentration of 6.3 µg/m³ results in a conservative total concentration of 8.4 µg/m³. This combined concentration is below the current NAAQS for annual PM_{2.5} of 9.0 µg/m³, and thus we conclude would not have a significant air quality impact from annual PM_{2.5}.²³⁶

²³⁴ Background monitoring values are from EPA's pre-generated data files of annual summary data for concentrations by monitor for each year. See EPA, *Air Data, Pre-Generated Data Files* (Aug. 12, 2025), https://aqs.epa.gov/aqsweb/airdata/download_files.html. The 2023 PM_{2.5} concentrations were notably affected by the 2023 Canadian Wildfires resulting in "exceptional events" where naturally occurring events affect air quality, but are not reasonably controllable. EPA has an Exceptional Events Rule that allows for the exclusion or discounting of air quality monitoring data that was affected by an exceptional event. Therefore, the 2023 concentration selected from EPA's pre-generated data files was the "exceptional events excluded" concentration.

²³⁵ Air Permit Application at 10. The application presents emission estimates for PM₁₀. As with the 2019 final EIS, the Commission has conservatively assumed all PM₁₀ emissions to be PM_{2.5} emissions.

²³⁶ See *Tex. LNG Brownsville, LLC*, 192 FERC ¶ 61,170, at PP 33-35 (2025) (explaining the Commission's air impacts analysis, which generally follows an up to three step analysis that concludes with a no significant impact finding if the project's modelled emissions combined with the ambient background emissions of that particular pollutant and averaging period (i.e. 1-hour, 24-hour, annual) is below EPA's NAAQS).

86. The final EIS concludes that operation of the project would not have a significant impact on air quality.²³⁷ Based on the analysis in the final EIS and additional analysis provided above, we continue to agree with this conclusion.

87. Regarding requests for a health impact assessment, the final EIS identifies that the compressor station would result in low amounts of emissions of air pollutants, including less than 1 ton per year of all HAPs combined.²³⁸ The final EIS also demonstrates that the compressor station would not violate any NAAQS, which are established to protect human health.²³⁹ The final EIS explains that for these reasons, and in consideration of Transco's commitment to employ air pollution control measures, that a health impact assessment of Compressor Station 206 is not warranted.²⁴⁰ We agree with this determination.

88. Last, commenters express concerns about odors and fumes that could occur as a result of emissions and blowdowns at the compressor station.²⁴¹ As discussed in the final EIS, Transco would utilize deodorization facilities for planned blowdowns²⁴² and therefore the compressor station would not result in significant odors during operation, although minor odors could temporarily occur during replacement and maintenance activities. We agree with this conclusion.

11. General Conformity

89. In addition to the final EIS to satisfy NEPA, the Commission is required to perform a General Conformity Determination (GCD) review under the CAA for the Northeast Supply Enhancement Project because portions of the project are located in

²³⁷ Final EIS at 4-315.

²³⁸ *Id.* at 4-310. EPA has concluded that the NAAQS are appropriate and designed to ensure public safety by setting acceptable concentration limits that minimize health risks and to protect sensitive populations, such as at-risk populations of people with asthma, older adults, and children. EPA, *Review of the Primary Nat'l Ambient Air Quality Standards for Oxides of Nitrogen*, 83 Fed. Reg. 17226, 17230-17274 (Apr. 18, 2018) (codified at 40 C.F.R. §§ 50 *et seq.* (2024)).

²³⁹ *Id.* at 4-312.

²⁴⁰ *Id.* at 4-313.

²⁴¹ Gabriel G Spiler June 16, 2025 Intervention; Ellen M Wijesinghe June 17, 2025 Intervention; Brigitte Wopenka June 13, 2025 intervention

²⁴² Final EIS at 4-311.

nonattainment and/or maintenance areas and construction emissions are anticipated to exceed applicability thresholds, requiring a more rigorous review and mitigation.²⁴³ The General Conformity Rule ensures that emissions from a federal action do not cause or contribute to new violations of any NAAQS, increase the frequency or severity of any existing NAAQS violations, or delay timely attainment of any NAAQS. The Commission previously issued a Final GCD on January 25, 2019, concurrent with the final EIS. However, the 2019 Final GCD expired on January 25, 2024, pursuant to the General Conformity regulations.²⁴⁴ Transco provided updated construction emissions²⁴⁵ for the project with its petition, as supplemented in a June 12, 2025 Response to Commission staff's information request. The updated emission estimates reflect the latest EPA approved methodology for estimated emissions and were updated to reflect recent wind speeds in the project area. Project construction emissions for the Madison Loop, Compressor Station 206, and Raritan Bay Loop are still expected to exceed the General Conformity applicability threshold in the NJ-NY-CT Interstate Air Quality Control Region, requiring the Commission to reevaluate General Conformity for the project. The Commission issued a Draft GCD Reevaluation on June 24, 2025, opening a 30-day public comment period. The Draft GCD Reevaluation was based on the updated construction emission estimates, the most current designations and classifications of nonattainment or maintenance, and Transco's proposed method to demonstrate conformity. Per the regulations, Commission staff provided the Draft GCD Reevaluation to EPA Region 2, New Jersey DEP, New York State DEC, and federally recognized Tribes within the affected nonattainment and/or maintenance areas.²⁴⁶

90. In its petition, Transco revised its method of conformance from the combination of purchasing offset credits and sponsoring direct mitigation projects as set forth in the 2019 Final GCD, to solely purchasing offset credits. In response, Ms. Paula Zevin contends that Transco's change to only purchasing emission offset credits means that the

²⁴³ Final EIS at 4-303 to 4-307, final EIS at app. I. 40 C.F.R. 93 Subpart B (2024).

²⁴⁴ A conformity determination automatically lapses five years from the date of final conformity determination, unless the federal action has been subject to a continuous program to implement the action. 40 C.F.R. § 93.157(b) (2024).

²⁴⁵ As explained in the Final GCD Reevaluation, operational air emissions from sources that are subject to a state or federal New Source Review air permitting program (major or minor) are exempt from the General Conformity Rule, which is the case, here, with respect to Compressor Station 206. Final GCD Reevaluation at 5 (noting that Compressor Station 206 is subject to minor source air permitting with New Jersey DEP, and thus exempt).

²⁴⁶ 40 C.F.R. 93.155(a) (2024).

negative health effects from air emissions would be borne by the residents close to the construction/operation areas.²⁴⁷ Ms. Zevin further claims that those emissions would now be higher locally than if mitigation projects were still part of the plan and would expose the public and the environment to greater and longer negative impacts from those emissions. This claim reflects a misunderstanding of the nature of sponsoring direct mitigation projects; to clarify, both sponsoring mitigation projects and purchasing emission credits are forms of offsetting the emissions of the Northeast Supply Enhancement Project.²⁴⁸ “Sponsoring mitigation projects” would entail Transco funding other entities to directly mitigate non-project emission sources in the same nonattainment area, which would generate an offset amount for Transco to apply to the project. Likewise, emission offset credits represent actual reductions in emissions of non-project facilities or emission sources in the same nonattainment area as the project that have already occurred and are certified by a state for use as offsets in general conformity and air permitting programs. In either case, the reductions occur within the nonattainment area.

91. New Jersey DEP submitted comments in response to the Draft GCD Reevaluation. It identified that the marine vessel emission factors used in the Draft GCD Reevaluation were taken from the 2009 EPA Current Methodologies in Preparing Mobile Source Port-Related Emission Inventories document and should have instead used EPA’s most recent, April 2022 methodology.²⁴⁹ In response, on July 31, 2025, as supplemented on August 5, 2025, Transco provided a revised Air Quality Technical Report that updated its construction emission estimates to use the EPA’s April 2022 methodology for estimating emissions from marine vessels.²⁵⁰

92. The Commission issued a Final GCD Reevaluation on August 12, 2025. The Final GCD Reevaluation reflects the revised emission estimates per New Jersey DEP’s comments. In the Final GCD Reevaluation, the Commission continues to find that the project can achieve conformity with the New Jersey and New York State Implementation Plans through Transco’s acquisition of emission credits to offset its project construction emissions. The Final GCD Reevaluation explains that there are several outstanding permitting decisions to be made by the USACE and New York State DEC which may

²⁴⁷ Paula Zevin June 16, 2025 Comment at 1 and 2.

²⁴⁸ Draft GCD Reevaluation at 18, Final GCD Reevaluation at 18.

²⁴⁹ New Jersey DEP July 22, 2025 Draft GCD Reevaluation Comment at 2 (citing EPA, Port Emissions Inventory Guidance: Methodologies for Estimating Port-Related and Goods Movement Mobile Source Emissions (April 2022), <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1014J1S.pdf>).

²⁵⁰ Transco July 31, 2025 Air Quality Technical Report.

affect the total amount of emissions that could occur for construction of the Raritan Bay Loop. The determination considers four potential scenarios, including a worst-case emission scenario. Under the worst-case scenario, Transco will need to acquire 393.7 tons of NOx offsets, and the determination explains that there are sufficient offsets available.

93. Per the regulations, Commission staff provided the Draft GCD Reevaluation to EPA Region 2, New Jersey DEP, New York State DEC, and federally recognized Tribes within the affected nonattainment and/or maintenance areas.

94. Environmental Conditions 23 through 26 of the Certificate Order, incorporated by reference by Ordering Paragraph (B), include requirements for Transco to satisfy responsibilities under the 2019 Final GCD. With the updated emissions estimates, revised method of conformance, and new Final GCD Reevaluation, those environmental conditions are no longer applicable and are replaced with new Environmental Conditions 1, 2, and 3, appended to this order. The new environmental conditions are similar to the prior conditions, requiring Transco to finalize the emission scenario that is permitted by the USACE and New York State DEC, develop a Construction Emissions Tracking Plan that includes vibratory/diesel pile driving hammers and EPA engine tier ratings for marine vessels and construction equipment, and provide the tracking data on a monthly basis to EPA and the applicable state agencies. The new environmental conditions also continue to require Transco to file documentation confirming the purchase of emission credits with certification from the applicable state(s).

12. Noise

95. Commenters express concern regarding noise from operation of Compressor Station 206, some noting its close proximity to residential areas and a Buddhist temple that attracts visitors for meditation.²⁵¹ South Brunswick Township states that the Commission's noise standard, 55 decibels on the A-weighted scale (dBA), exceeds the limit of a maximum 50 dBA set by New Jersey State and local municipal code for nighttime noise at residential properties, and that even 55 dBA can be disturbing when continuous.²⁵²

96. Compressor Station 206 would occupy about 16.1 acres within a 52.1-acre parcel that Transco has acquired to provide a buffer from surrounding land uses. The compressor building (which would house the compressor units and be the primary source

²⁵¹ See, e.g., Bart N Dandrea June 13, 2025, Intervention; Mona Desai June 16, 2025 Intervention; Joseph Colabraro June 16, 2025 Comment; Ellen M Wijesinghe June 17, 2025 Intervention.

²⁵² South Brunswick Township June 24, 2025 Intervention at 3-4.

of noise emissions) would be about 0.5 mile away in all directions from the nearest noise sensitive areas (NSA).²⁵³ Specifically, the compressor building would be 2,500 feet from the nearest residence, 2,530 feet from the nearest place of worship (the New Jersey Buddhist Vihara Meditation Center (Meditation Center)), 6,300 feet from the nearest school or daycare center. Ambient noise measurements were added to modeled compressor station noise contributions to estimate the noise that would result from normal operation of the compressor station. Based on modeling, the estimated noise contribution from Compressor Station 206 would be below a day-night sound level (L_{dn}) of 40 dBA and result in a combined ambient plus compressor station noise contribution of 48.6 dBA or less.²⁵⁴ The compressor station would result in an increase in noise of less than 1 dBA (well below the 3 dBA threshold of perception for the human ear) at the nearest NSAs, including the Meditation Center.

97. The estimated operational noise from Compressor Station 206 would comply with our operating noise limitation requirement at NSAs of 55 dBA L_{dn} .²⁵⁵ Nonetheless, to verify predicted operating noise levels, Environmental Condition 29 of the Certificate Order, incorporated by reference in Ordering Paragraph (B), requires that Transco file a noise survey after placing Compressor Station 206 in service. Moreover, Environmental Condition 29 mandates that if the noise attributable to the operation of all of the equipment at the station under interim or full horsepower load exceeds 55 dBA L_{dn} at any nearby NSA, Transco will be required to install additional noise controls to meet the level.

98. The Commission uses a day-night weighted sound level criterion that penalizes nighttime noise levels by adding 10 dBA to noise exposures at night to account for people's greater sensitivity to sound during nighttime hours. The Commission developed its criterion based on an EPA study that indicates that an L_{dn} of 55 dBA protects the public from indoor and outdoor activity interference.²⁵⁶ The Commission's 55 dBA L_{dn} criterion is equivalent to a constant noise of 48.6 dBA, which is below the New Jersey and local municipal code that limits outdoor noise during nighttime hours to 50 dBA.

99. Noise will also occur during occasional venting (blowdown) of natural gas for annual emergency shut-down system testing and during maintenance activities. Venting

²⁵³ Final EIS at 4-323.

²⁵⁴ Ambient noise was measured at the Samadhi Buddha statue and was combined with the estimated station operating noise. Final EIS at 4-323 to 4-324.

²⁵⁵ Final EIS at 4-325.

²⁵⁶ *Id.* at 4-316.

could also occur in the unlikely event of an emergency at the compressor station.²⁵⁷ Transco will install unit blowdown silencers that would result in estimated blowdown noise levels of 45 dBA at the Meditation Center, although the blowdown associated with required annual testing may not be silenced.²⁵⁸ Although certain blowdown events may be audible in proximity to the compressor station, the noise would be periodic and short-term, and will diminish with distance from the station, and in nearly all cases, area landowners will have advance notice of the event.²⁵⁹

100. Based on the above information, the final EIS concludes that operation of Compressor Station 206 will not result in significant noise impacts at nearby NSAs.²⁶⁰ We agree with this conclusion.

101. Commenters also reiterate concerns expressed during the original review of the project about the potential for Compressor Station 206 to emit low frequency noise that will affect sleep and human health.²⁶¹ The final EIS explains that we are aware that induced vibration, or a low frequency sound from pipelines, has occurred at a limited number of natural gas facilities in the over 300,000 miles of transmission pipeline in the United States. However, we have observed no wide-scale evidence of low frequency noise from natural gas transmission pipelines inducing noise effects on local residences. Commission staff address these issues through our landowner helpline as they arise. With no proposed changes to the project compression equipment, we continue to find this concern has been adequately addressed in the final EIS.

13. Public Safety

102. Some commenters raise concerns regarding the potential for blasting-induced vibrations from the Trap Rock Quarry damaging Compressor Station 206 as well as whether local fire departments would have sufficient resources to protect the public in the event of a fire at the compressor station.²⁶² Mr. Drew Cuthbert claims that blasting

²⁵⁷ *Id.* at ES-7.

²⁵⁸ *Id.* at 4-325.

²⁵⁹ *Id.* at ES-7.

²⁶⁰ *Id.* at ES-7.

²⁶¹ *See, e.g.*, Soundharrajan Muralidharan June 20, 2025, Intervention; Krishma Nori June 23, 2025, Comment; Hairpriya Bhamidpaty June 23, 2025 Comment.

²⁶² *See, e.g.*, Robert Wonsor June 16, 2025, Intervention, Carol A. Winshbow June 16, 2025, Intervention, Amit R Bhave June 20, 2025 Comment.

activities at Trap Rock Quarry will now occur closer to Compressor Station 206 compared to the location analyzed in the final EIS.²⁶³

103. The final EIS states that the nearest face of the quarry to the proposed compressor building is 2,100 feet away and, based on the Franklin Township zoning map, the quarry is not expected to expand toward the compressor station site.²⁶⁴ Commission staff reviewed recent aerial imagery mapping of the Trap Rock Quarry and did not identify conditions that would alter the conclusion in the final EIS.²⁶⁵ The final EIS also explains that Transco conducted vibration monitoring during scheduled blasting events at the quarry to support an analysis and foundation design for the compressor station.²⁶⁶ Transco committed to incorporate safety factors in the final foundation designs, including a vibration monitoring system featuring 16 vibration monitors that would shut the unit down in the event of excessive vibration, to prevent displacement if future blast intensity increases.²⁶⁷ Environmental Condition 30 requires that Transco file its final foundation designs prior to construction. The final EIS concludes that Compressor Station 206 would be adequately protected from blasting at Trap Rock Quarry, and that such blasting does not pose a safety concern to Transco's existing pipeline system. We agree with this conclusion.

104. Commenters express concerns about fires and explosions resulting from potential gas leaks at Compressor Station 206.²⁶⁸ The final EIS addresses reliability and safety of the project, including compressor station incidents. The number of significant incidents distributed over the more than 300,000 miles of natural gas transmission pipelines and infrastructure indicates the risk of an incident is low.²⁶⁹ To deal with a potential fire, Compressor Station 206 will include safety features including an automated system to quickly isolate gas piping, stop equipment, and safely vent station gas.²⁷⁰ Transco states that its automated emergency shutdown system would provide the most effective way to

²⁶³ Drew Cuthbert June 23, 2025 Comment at 2.

²⁶⁴ Final EIS at ES-4.

²⁶⁵ Google Earth April 1, 2025 Airbus Imagery.

²⁶⁶ Final EIS at ES4-338.

²⁶⁷ *Id.* at ES-4 – ES-5; 4-338.

²⁶⁸ Jwalah Venkataramanan June 20, 2025 Intervention.

²⁶⁹ Final EIS at 4-336.

²⁷⁰ *Id.* at 4-337.

address an emergency. Transco will also plan for emergency response with local fire, police, and public officials in accordance with DOT requirements.²⁷¹ PHMSA is responsible for ensuring the safe operation of interstate natural gas pipeline facilities through its regulations under Part 192 of the Code of Federal Regulations.²⁷² Also, Transco has stated that it would design, install, inspect, test, construct, operate, replace, and maintain the project facilities in accordance with modern engineering practices that meet or exceed the DOT's Minimum Federal Safety Standards.²⁷³ The final EIS concludes that Transco's compliance with applicable design, construction and maintenance standards and DOT safety regulations would be protective of public safety.²⁷⁴ We agree with this conclusion.

14. Cumulative Impacts

105. Commenters state that the project may result in potential cumulative effects on public health, wildlife habitat, vegetation, and wetlands.²⁷⁵ The final EIS identified seven types of present and reasonably foreseeable actions that could cause a cumulative impact when considered with the project, including non-jurisdictional facilities associated with the project, energy projects (including Commission-jurisdictional projects), transportation projects, residential projects, commercial and industrial projects, beach and shoreline management projects, and dredging projects.²⁷⁶ In reviewing the current petition, Commission staff conducted a search of new projects that might occur within the cumulative geographic scope for the project and identified only projects similar to those addressed and analyzed in the final EIS.²⁷⁷ Specifically, staff searched for other projects

²⁷¹ *Id.* at 5-24.

²⁷² 49 C.F.R. pt. 192 (2024).

²⁷³ Final EIS at 4-326.

²⁷⁴ *Id.* at 5-24.

²⁷⁵ The Watershed Institute, June 24, 2025 Intervention at 2, Hayagreev Shankar June 24, 2025 Intervention, and Nareshkumar N Nandola June 24, 2025 Intervention.

²⁷⁶ Final EIS at 4-341 to 4-343; detailed descriptions of the project types are described in the final EIS at 4-355 to 4-358.

²⁷⁷ Sources Commission staff searched include: USACE Regulatory Public Notice Archive, New York District, <https://www.nan.usace.army.mil/Missions/Regulatory/Regulatory-Public-Notices/Year/2025/?Page=4>; Baltimore District <https://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices>; EPA Superfund Search <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>;

in the area on a county level. Staff identified multiple road improvement projects, dredging projects, energy projects, and residential projects in Lancaster County, Pennsylvania, Middlesex and Monmouth New Jersey, and Queens and Richmond New York. These projects were of a similar magnitude and would have similar effects as those addressed in the final EIS. No new potential environmental cumulative effects were identified. Accordingly, the potential impacts associated with projects which might occur within the geographic scope for the project are consistent with the analysis in the final EIS and do not lead us to alter our prior conclusions. Moreover, other projects in the area would have to comply with state and federal laws such as the CWA, CAA, the Endangered Species Act, and the Marine Mammal Protection Act. Therefore, we conclude that any cumulative impacts from other projects that may have occurred or been planned since the final EIS would be taken into consideration during the appropriate permitting processes.

Pennsylvania Department of Transportation Projects in District 8, <https://www.pa.gov/agencies/penndot/projects-near-you/district-8-projects%23f-copapwpcounty=Lancaster%20County>; Lancaster Counting Planning Website Upcoming Projects and the Transportation Improvement Program, <https://lancastercountyplanning.org/311/Upcoming-Projects-The-TIP>; Lancaster County, Pennsylvania Current Construction Projects, <https://co.lancaster.pa.us/1528/Current-Construction-Projects>; Lancaster City Current Construction Projects, <https://lancaster-pa.maps.arcgis.com/apps/MapSeries/index.html?appid=15153f6e98bb4c38906c65e3a2fb21fe>; New Jersey Department of Transportation, Route 18 East Brunswick Drainage and Pavement Rehabilitation, <https://dot.nj.gov/transportation>; Middlesex County, New Jersey, Current Intersection Design/Construction Projects, <https://www.middlesexcountynj.gov/government/departments/department-of-transportation/office-of-engineering/transportation-traffic>; Monmouth County Division of Engineering, Bridge and Road Projects Engineering Bridge & Road Projects; Middlesex County, New Jersey Community, Innovation, and Opportunity Strategic Investment Plan, <https://www.middlesexcountynj.gov/discover-our-community/cio-strategic-investment-plan>; Monmouth County Park System, Park Improvement Projects, <https://www.monmouthcountyparks.com/page.aspx?ID=4690>; New York State Department of Transportation, Projects in Your Neighborhood, <https://www.dot.ny.gov/projects>; New York State Department of Public Service, Article VII Major Electric and Gas Transmission Facilities, <https://dps.ny.gov/article-vii-major-electric-and-gas-transmission-facilities>; New York State Department of Public Service, Projects Under Review, <https://dps.ny.gov/projects-under-review>; and New York City Parks, Capital Project Tracker, <https://www.nycgovparks.org/planning-and-building/capital-project-tracker>.

106. The final EIS concludes that most cumulative impacts would be temporary and minor when considered in combination with past, present, and reasonably foreseeable activities.²⁷⁸ Based on the final EIS and the information provided above, we agree.

15. Climate Change

107. Commenters argue that the project will exacerbate climate change by furthering the region's dependency on fossil fuels and from direct methane emissions through pipeline leaks.²⁷⁹ They claim that the project conflicts with New York State's Climate Act (Climate Act), which, as discussed above, sets limits to achieve statewide net zero GHG emissions by 2050.²⁸⁰ Sierra Club asserts that Transco has submitted a new greenhouse gas emissions analysis to the New York State DEC which may change even further, as Transco states that it may adopt yet-to-be-identified mitigation measures.²⁸¹

108. The Climate Act sets a limit of statewide GHG emissions of 15% of 1990 levels by 2050 and directs the state's Climate Action Council to prepare recommendations to achieve additional reductions beyond the Act's 15% limit towards a net zero emissions goal in all sectors of the state's economy.²⁸² The final EIS acknowledges that climate change is a global concern and describes the potential effects of climate change in the Northeast Supply Enhancement Project areas.²⁸³ The final EIS finds that the project would improve air quality and offset the use of alternative carbon-intensive liquid fuels through supporting the conversion of building heating systems from fuel oil to natural gas in New York City.²⁸⁴ As discussed above, New York's clean energy laws are complex

²⁷⁸ Final EIS at 4-389.

²⁷⁹ See, e.g., New Jersey League of Conservation Voters June 20, 2025 Comment; June Hampson June 24, 2025 Comment; Christina Francis July 14, 2025 Intervention; Jessie B Lindsay June 16, 2025 Intervention; Bernadette Maher June 24, 2025 Comment.

²⁸⁰ See *supra* P 38.

²⁸¹ Sierra Club Aug. 20, 2025 Answer at 5.

²⁸² S. Con. Res. S6599, 2019 Leg., 8429 (N.Y. 2019).

²⁸³ Final EIS at 4-387.

²⁸⁴ *Id.* at 4-389; see also Certificate Order, 167 FERC ¶ 61,110 at P 90; Case 24-G-0248, *In the Matter of a Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid*, at 34 (The Northeast Supply Enhancement Project “will enable approximately

statutory frameworks, and are not inherently inconsistent with the project just because it is supplying natural gas to the New York City area.²⁸⁵ Moreover, we note that the Supreme Court subsequently held that NEPA does not require the Commission to consider downstream GHG emissions from the end use of transported gas as those are effects over which the Commission does not exercise regulatory authority.²⁸⁶

109. The final EIS includes estimates of GHG emissions from the project's operation, expressed as carbon dioxide equivalent emissions, including fugitive emissions of 7.0 tons per year (tpy) from the pipeline facilities and operating emissions from Compressor Station 206 of 140,935 tpy.²⁸⁷ The final EIS acknowledges that construction and operation of the project facilities would increase the atmospheric concentration of GHGs and contribute to climate change.²⁸⁸ Finally, the EIS also states that there is no widely accepted standard to determine the significance of the project's GHG emissions.²⁸⁹ We agree with this conclusion.²⁹⁰

16. STOP Act

110. Commenters assert that the New Jersey Shore Tourism and Ocean Protection Act (STOP Act) of 2018²⁹¹ would prohibit construction of the project.²⁹² The STOP Act

13,400 additional customers to convert from high-emission heating oil to cleaner-burning natural gas.”).

²⁸⁵ See *supra* P 39.

²⁸⁶ *Seven Cnty. Coal v. Eagle Cnty., Colo.*, 145 S. Ct. at 1516-18 (explaining that “NEPA calls for the agency to focus on the environmental effects of the project itself;” and that agencies “are not required to analyze the effects of projects over which they do not exercise regulatory authority.”); see also *E. Tenn. Nat. Gas, LLC*, 192 FERC ¶ 61,153, at PP 23, 28 (2025).

²⁸⁷ Final EIS at 4-310.

²⁸⁸ *Id.* at 4-389.

²⁸⁹ *Id.* at 4-389.

²⁹⁰ To the extent that Transco provides state permitting agencies more refined estimates, those changes would not alter our conclusions.

²⁹¹ P.L. 2018, c.07 (A839 2R) (N.J. 2018).

²⁹² Linda Powell June 24, 2025 Comment at 1.

prohibits offshore oil and natural gas exploration, development,²⁹³ and production in New Jersey state waters. The project does not include the development or production of natural gas produced in offshore waters; therefore, we conclude that the STOP Act is not applicable to the project.

17. Future Use of the Project Facilities

111. Sierra Club claims that in a filing with the New York State DEC, Transco has indicated that the project would be converted to carry 76% clean hydrogen by 2050.²⁹⁴ It argues that the risks and potential environmental harms of that proposal, upon which Transco bases its greenhouse gas calculations, have never been assessed.²⁹⁵ Should Transco seek to abandon natural gas transportation capacity in the future, it would be required to obtain prior Commission authorization.²⁹⁶ In that proceeding, the Commission would assess issues related to the abandonment.

VI. Conclusion

112. We find that Transco has demonstrated a need for the Northeast Supply Enhancement Project, that the project will not have adverse impacts on existing customers, or existing pipelines and their existing customers, and that it will have minimal impacts on the interests of landowners and surrounding communities. We continue to agree with the conclusions of Certificate Order that the project, if constructed and operated as described in the final EIS and Certificate Order, as amended, is an environmentally acceptable action. Based on the discussion above, we grant Transco's petition and reissue a certificate of public convenience and necessity under section 7 of the NGA, subject to the conditions in this order and the Certificate Order, as amended.

113. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all

²⁹³ "As used in this section, "development" means, but is not necessarily limited to, any pipeline or other infrastructure that transports oil or natural gas from production facilities located in federal waters or other coastal state waters in the Atlantic Ocean through New Jersey State waters, and any land-based support facilities for offshore oil or natural gas production facilities located in the Atlantic Ocean." P.L. 2018, c.07 (A839 2R) (N.J. 2018).

²⁹⁴ Sierra Club Aug. 20, 2025 Answer at 5.

²⁹⁵ *Id.*

²⁹⁶ 15 U.S.C. § 717f(b).

information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

114. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.²⁹⁷

115. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Transco, authorizing it to construct and operate the proposed Northeast Supply Enhancement Project, as described and conditioned here, and as more fully described in Transco's March 27, 2017 application, January 31, 2020 application, May 29, 2025 petition, and other filings by the applicant, including any commitments made therein.

(B) The certificate issued in Ordering Paragraph (A) is condition on:

(1) Transco's completion of construction of the proposed facilities and making them available for service within three years of the date of

²⁹⁷ See 15 U.S.C. § 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); see also *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory authority over the transportation of natural gas is preempted) and *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

this order pursuant to section 157.20(b) of the Commission's regulations;

- (2) Transco's compliance with all applicable Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations;
- (3) Transco's compliance with the environmental conditions listed in the appendix to the Certificate Order, as amended by the Amendment Order, and the environmental conditions in the appendix to this order; and
- (4) Transco's filing a written statement affirming that it has executed firm service agreements for volumes and service terms equivalent to those in its precedent agreements, prior to commencing construction.

(C) The certificate issued in Ordering Paragraph (A) is conditioned on Transco's compliance with Ordering Paragraphs (C) through (F) of the 2019 Certificate Order.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix – Environmental Conditions

1. **Prior to construction** of the facilities which require emission offsets under the Final General Conformity Determination Reevaluation, Transco shall file with the Secretary of the Commission (Secretary), for review and written approval by the Director of the Office of Energy Projects (OEP), or the Director's designee, a final Construction Emissions Tracking Plan (CETP). The final CETP shall:
 - a. request specifically address the final General Conformity emissions scenario based on USACE and New York State DEC authorizations;
 - b. include emissions associated with the vibratory/diesel pile driving hammers and any other emission sources that may ultimately be used onsite during construction that are not currently anticipated; and
 - c. include the EPA engine tier rating for marine vessels and construction equipment.
2. Transco shall provide the CETP and the emissions tracking data outlined in its CETP directly to contacts at the EPA, New York State DEC, and New Jersey DEP **on a monthly basis during construction.**
3. **Prior to construction** of the facilities which require emission offsets under the Final General Conformity Determination Reevaluation, Transco shall file with the Secretary documentation confirming that Transco has purchased Emission Reduction Credits, Creditable Emissions Reductions, or Continuous Emission Reduction Credits to offset all estimated construction emissions of NOx within the NJ-NY-CT Interstate nonattainment area. The documentation shall confirm that the credits have been certified and approved by the state(s). Transco shall provide New Jersey DEP the documentation of certified purchased offset credits.
4. **Within 5 days of receipt of water quality certifications issued by New York State DEC, New Jersey DEP, and Pennsylvania DEP**, Transco shall file the complete certification, including all conditions. All conditions attached to the water quality certifications constitute mandatory conditions of the Certificate Order. **Prior to construction**, Transco shall file, for review and written approval of the Director of OEP, or the Director's designee, any revisions to its project design necessary to comply with the water quality certifications conditions.

Document Content(s)

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Exhibit B

193 FERC ¶ 62,060
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Transcontinental Gas Pipe Line Company, LLC

Docket Nos. CP17-101-008
CP20-49-002

NOTICE OF DENIAL OF REHEARING BY OPERATION OF LAW AND
PROVIDING FOR FURTHER CONSIDERATION

(October 30, 2025)

Rehearing has been timely requested of the Commission's order issued on August 28, 2025, in this proceeding. *Transcon. Gas Pipe Line Co.*, 192 FERC ¶ 61,184 (2025). In the absence of Commission action on a request for rehearing within 30 days from the date it is filed, the request for rehearing may be deemed to have been denied. 15 U.S.C. § 717r(a); 18 C.F.R. § 385.713 (2025); *Allegheny Def. Project v. FERC*, 964 F.3d 1 (D.C. Cir. 2020) (en banc).

As provided in 15 U.S.C. § 717r(a), the requests for rehearing of the above-cited order filed in this proceeding will be addressed in a future order to be issued consistent with the requirements of such section. As also provided in 15 U.S.C. § 717r(a), the Commission may modify or set aside its above-cited order, in whole or in part, in such manner as it shall deem proper.

Carlos D. Clay,
Deputy Secretary.

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