



January 3, 2019

**Filed Electronically**

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

**Re: Request for Modification of Certificate of Public Convenience and Necessity, Docket No. CP17-15-000**

Dear Ms. Bose,

On behalf of Accokeek, Mattawoman, Piscataway Creeks Communities Council (“AMP Creeks”), Kelly Canavan, Marcy and Richard Canavan, Joshua Kauffman, Osman Kivrak, Dr. Theresa Lazar, Paul Livingston, Jasmine Waring, and the Moyaone Association, we respectfully request that the Federal Energy Regulatory Commission modify the Certificate of Public Convenience and Necessity issued to Dominion Energy Cove Point LNG, LP (“Dominion”) for construction and operation of the Eastern Market Access Project in Maryland and Virginia. *See* Order Issuing Certificate, 162 FERC ¶ 61,056 (Jan. 23, 2018). We ask that the Commission modify the Certificate to rescind authorization for construction and operation of the “Charles Station” gas compressor station in Charles County, Maryland, because Dominion determined and publicly announced that it will not build a compressor station at this site. These individuals and members of these groups live near the Charles Station site and would be harmed if construction went forward. Modification of the permit to accord with Dominion’s announced decision would put an end to this chapter of uncertainty for these individuals and the larger community.

On October 16, 2018, Dominion announced that it will not construct or operate a compressor station at Charles Station and that it will meet its customers’ needs by other means. In a status report to the United States District Court for the District of Maryland, Dominion stated it “has determined and publicly announced that it will not construct [the proposed facilities] at the Charles Station site.” Dominion Energy Cove Point LNG LP’s Status Report No. 3, *Dominion Energy Cove Point LNG v. Bd. Of Appeals of Charles Co.*, No. 8:18-cv-00873 (D. Md. Oct. 16, 2018), ECF No. 47 (Exhibit 1). On this basis, Dominion moved to voluntarily dismiss its challenge to the Charles County’s zoning appeals board’s denial of its application to build this project. Stipulation of Dismissal Without Prejudice, *Dominion Energy Cove Point LNG v. Bd. Of*

*Appeals of Charles Co.*, No. 8:18-cv-00873 (D. Md. Oct. 16, 2018), ECF No. 48 (Exhibit 2). Dominion also announced its decision to abandon the Charles Station project in the press and in statutory reporting to the SEC. See Paul Lagasse, *Dominion will not build compressor station in Bryans Road*, *The Maryland Independent*, Oct. 16, 2018 (Exhibit 3); Dominion Energy, Quarterly Report (Form 10-Q) at 113, (Dec. 2018) (Exhibit 4) (“In October 2018, Cove Point announced it is evaluating alternatives to a proposed Charles County, Maryland compressor station that was initially part of this project. Cove Point is working with the project customers to evaluate alternatives to meet their needs.”), [https://www.sec.gov/Archives/edgar/data/103682/000156459018026483/d-10q\\_20180930.htm](https://www.sec.gov/Archives/edgar/data/103682/000156459018026483/d-10q_20180930.htm).

Dominion’s decision not to construct or operate the Charles Station compressor station confirms that this component of the project is not “required by the present or future public convenience and necessity.” 15 U.S.C. § 717f(e). Because Dominion has changed its plans and the public convenience and necessity do not require the activity previously authorized by FERC, the Commission should promptly modify Dominion’s certificate for the Eastern Market Access Project to rescind approval for construction and operation of a compressor station at this site. 15 U.S.C. § 717o; see *KN Wattenberg Transmission Ltd. Liab. Co.*, 92 FERC ¶ 61,214, 61,700 (Sept. 15, 2000) (rescinding certificate because of company’s “stated intention to forgo the ... project entirely.”); *Wyoming-California Pipeline Co.*, 70 FERC ¶ 61,041, 61,130 (Jan. 19, 1995) (rescinding order for lack of need).

Respectfully submitted,

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*Counsel for the Moyaone Association*

# Exhibit 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division**

DOMINION ENERGY COVE POINT LNG, LP,

*Plaintiff,*

v.

BOARD OF APPEALS OF  
CHARLES COUNTY, MARYLAND, *et al.*,

*Defendants.*

CASE NO. 8:18-cv-00873-PJM

**DOMINION ENERGY COVE POINT LNG, LP'S  
STATUS REPORT NO. 3**

The Plaintiff, Dominion Energy Cove Point LNG, LP (“DECP”), by counsel, submits the following Status Report No. 3 pursuant to its Motion for a Temporary Stay (ECF No. 42) (“Stay Motion”) which this Court granted on September 6, 2018 (ECF No. 44).

1. DECP’s most recent status report, filed on October 1, 2018 (ECF No. 45), stated that DECP would seek to voluntarily dismiss this action if it secured an alternative to constructing the proposed new compressor facilities at issue at the Charles Station site.

2. Although DECP has not found an alternative site for the proposed new facilities, it has determined and publicly announced that it will not construct them at the Charles Station site at issue in this case. Therefore, concurrently with the filing of this Status Report, DECP is submitting a Stipulation of Dismissal Without Prejudice agreed to by all parties to this action.

3. In light of this Stipulation, DECP respectfully requests the Court to dismiss this action *without prejudice* pursuant to Fed. R. Civ. P. 41(a).

Dated: October 16, 2018.

/s/

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-and-

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*Counsel for Dominion Energy Cove Point LNG,  
L.P.*

**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 102(1)(c), I certify that, on October 16, 2018, a copy of the foregoing was sent by email to counsel for the Defendants:

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*Counsel for Defendant Board of County  
Commissioners of Charles County, Maryland*

Thomas M. Meachum, Esq.  
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*Counsel for Defendant Board of Appeals  
of Charles County, Maryland,*

and a copy was also sent by email to counsel for the Movant Intervenors:<sup>1</sup>

Sean R. Day  
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<sup>1</sup> The Movant Intervenors' motion to intervene, which DECP has opposed, remains pending and unresolved.

# Exhibit 2



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division**

DOMINION ENERGY COVE POINT LNG, LP,

*Plaintiff,*

v.

BOARD OF APPEALS OF  
CHARLES COUNTY, MARYLAND, *et al.*,

*Defendants.*

CASE NO. 8:18-cv-00873-PJM

**STIPULATION OF DISMISSAL  
WITHOUT PREJUDICE**

Plaintiff Dominion Energy Cove Point LNG, LP, Defendant Board of Appeals of Charles County, Maryland, and Defendant Board of County Commissioners of Charles County, Maryland, by counsel, pursuant to Fed. R. Civ. P. 41(a), hereby stipulate that this action should be dismissed WITHOUT PREJUDICE, each party to bear its own costs.

It is so ORDERED.

\_\_\_\_\_  
United States District Judge

Date: \_\_\_\_\_

STIPULATED AND AGREED TO:

/s/

\_\_\_\_\_  
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STIPULATED AND AGREED TO:

/s/

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*Counsel for Defendant Board of County Commissioners of Charles County, Maryland*

STIPULATED AND AGREED TO:

\_\_\_\_\_/s/  
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*Counsel for Defendant Board of Appeals of Charles County, Maryland*

# Exhibit 3

Home Maryland Independent Spotlight

## Dominion will not build compressor station in Bryans Road

By Paul Lagasse [plagasse@somdnews.com](mailto:plagasse@somdnews.com) Oct 16, 2018



Dominion Energy Cove Point LLC has decided not to pursue construction of a controversial natural gas compressor station in Bryans Road, the company announced Monday morning.

“Dominion Energy will not construct a natural gas transmission compressor station at its Charles County Marshall Hall site,” read a brief statement from Dominion spokesperson Karl R. Neddenien. “We will continue our existing operations at that site, which consist of a field office, a warehouse, and pipeline inspection and safety-related equipment.”

Neddenien’s brief statement said that the company is “actively evaluating alternatives for this component of our Eastern Market Access project” and is talking with “multiple stakeholders” including the project’s customers, Washington Gas Light Company and Mattawoman Energy.

“Discussions with customers are ongoing,” Neddenien said.

The surprise announcement comes just two weeks after Dominion wrote in a federal court filing that it was “reasonably hopeful” that its search for an alternative location would be concluded by mid-November.

A statement from the Mount Vernon Ladies Association said the organization “endorses Dominion Energy’s decision not to construct a natural gas compressor station at the Charles County Marshall Hall site.”

“The proposed development posed a threat to the inspiring and historic view from George Washington’s beloved home — a national treasure that we must all work together to protect for future generations,” the statement said.

“We appreciate the cooperative spirit and support Dominion provided for our preservation efforts, and our partners and stakeholders as well as the tens of thousands of people who have stepped forward to share their concerns and spread awareness about this important cause,” the statement concluded.

Kelly Canavan, president of the Accokeek Mattawoman Piscataway Creeks Communities Council, which has sought to join the federal lawsuit as a co-defendant along with nine local residents, said that the council is celebrating the news.

“While the work of a great many people secured us this astonishing victory, we are particularly grateful to our legal team, and to the Charles County Board of Appeals for doing what so few government entities are willing to do — taking a tough position under immense pressure because they believed it was right,” Canavan said in a prepared statement.

“Today we are able to breathe a tremendous, fracked gas-free sigh of relief,” Canavan said. “We fully intend that this win will be a trend, not an aberration. The health of one community is no more important than the health of another.”

Canavan added that the AMP Creeks Council “will continue to fight this project wherever it rears its ugly head.”

“Dominion’s carpetbagging profiteering has no place here,” she said.

The county attorney's office had not responded to a request for comment as of press time.

In May, Dominion filed a federal lawsuit against the Charles County Government, the Board of County Commissioners and the county board of appeals following a decision of the appeals board to deny Dominion a special zoning exception that would allow it to construct the compressor station on a 50-acre parcel of land adjacent to Barrys Hill Road, which Dominion owns.

Dominion had sought to install a pair of natural-gas-fueled compressors that would pump natural gas along the 88-mile-long Cove Point Pipeline that runs through Charles and Prince George's Counties to the Cove Point terminal in Calvert County.

In public hearings before the board of appeals and the Maryland Department of the Environment, residents of Bryans Road and the nearby Moyaone Reserve have testified repeatedly that they believe Dominion has not satisfactorily addressed concerns over health and safety risks posed by exhaust emissions or the risk of a natural gas fire or explosion at the rural site.

The board of appeals echoed those concerns in its decision to deny Dominion's request for a special exception to build the compressor station at the site.

Residents have also been concerned about what they say is inadequate water pressure available to firefighters to combat a natural gas fire or explosion and the dangers posed by frequent flooding on Barrys Hill Road near the site, which could hamper an emergency response.

In June, the Mount Vernon Ladies Association launched a campaign to oppose the construction of the compressor station, claiming that its towers and the exhaust plumes emitted by them would mar the view across the Potomac River from the Mount Vernon mansion.

Although Dominion has repeatedly disputed that claim, the energy company entered into discussions with MVLA that led to Dominion announcing in August that it had agreed to investigate alternative locations for the compressor facility.

The decision brings to an end a process that has been ongoing since at least late 2016. The Federal Energy Regulatory Commission held a public meeting in March 2017 to seek public input, and the board of appeals began considering the special exception application four months later.

Dominion has said that any alternative location would need to be approved by regulatory agencies including FERC.

Twitter: @PaulIndyNews

# Exhibit 4



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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**  
Washington, D.C. 20549

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**FORM 10-Q**

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(Mark one)

 **QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**

For the quarterly period ended September 30, 2018

or

 **TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934**

For the transition period from \_\_\_\_\_ to \_\_\_\_\_

| Commission File<br>Number | Exact name of registrants as specified in their charters, address of<br>principal executive offices and registrants' telephone number | I.R.S. Employer<br>Identification Number |
|---------------------------|---|--|
| 001-08489                 | DOMINION ENERGY, INC.   | 54-1229715                               |
| 000-55337                 | VIRGINIA ELECTRIC AND POWER COMPANY   | 54-0418825                               |
| 001-37591                 | DOMINION ENERGY GAS HOLDINGS, LLC   | 46-3639580                               |

120 Tredegar Street  
Richmond, Virginia 23219  
(804) 819-2000

State or other jurisdiction of incorporation or organization of the registrants: Virginia

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Dominion Energy, Inc. Yes  No  Virginia Electric and Power Company Yes  No Dominion Energy Gas Holdings, LLC Yes  No 

Indicate by check mark whether the registrant has submitted electronically every Interactive Data File required to be submitted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit such files).

Dominion Energy, Inc. Yes  No  Virginia Electric and Power Company Yes  No Dominion Energy Gas Holdings, LLC Yes  No 

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, smaller reporting company or emerging growth company. See the definitions of "large accelerated filer," "accelerated filer," "smaller reporting company," and "emerging growth company" in Rule 12b-2 of the Exchange Act.

Dominion Energy, Inc.

Large accelerated filer  Accelerated filer  Emerging growth company   
Non-accelerated filer  Smaller reporting company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Virginia Electric and Power Company

Large accelerated filer  Accelerated filer  Emerging growth company   
Non-accelerated filer  Smaller reporting company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Dominion Energy Gas Holdings, LLC

Large accelerated filer  Accelerated filer  Emerging growth company   
Non-accelerated filer  Smaller reporting company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act).

Dominion Energy, Inc. Yes  No  Virginia Electric and Power Company Yes  No Dominion Energy Gas Holdings, LLC Yes  No 

At October 12, 2018, the latest practicable date for determination, Dominion Energy, Inc. had 655,083,378 shares of common stock outstanding and Virginia Electric and Power Company had 274,723 shares of common stock outstanding. Dominion Energy, Inc. is the sole holder of Virginia Electric and Power Company's common stock. Dominion Energy, Inc. holds all of the membership interests of Dominion Energy Gas Holdings, LLC.

This combined Form 10-Q represents separate filings by Dominion Energy, Inc., Virginia Electric and Power Company and Dominion Energy Gas Holdings, LLC. Information contained herein relating to an individual registrant is filed by that registrant on its own behalf. Virginia Electric and Power Company and Dominion Energy Gas Holdings, LLC make no representations as to the information relating to Dominion Energy, Inc.'s other operations.

**VIRGINIA ELECTRIC AND POWER COMPANY AND DOMINION ENERGY GAS HOLDINGS, LLC MEET THE CONDITIONS SET FORTH IN GENERAL INSTRUCTION H(1)(a) AND (b) OF FORM 10-Q AND ARE FILING THIS FORM 10-Q UNDER THE REDUCED DISCLOSURE FORMAT.**

to \$600 million to between \$600 million to \$650 million, excluding financing costs. DETI anticipates maintaining a late 2019 in-service date.

In June 2015, Cove Point executed two binding precedent agreements for the approximately \$150 million Eastern Market Access Project. In January 2018, Cove Point received FERC authorization to construct and operate the project facilities, which are expected to be placed in service in late 2019. In October 2018, Cove Point announced it is evaluating alternatives to a proposed Charles County, Maryland compressor station that was initially part of this project. Cove Point is working with the project customers to evaluate alternatives to meet their needs. Any resulting modification from ongoing negotiation with the project customers could impact Dominion Energy's financial results of operations and/or financial position.

***Other Matters***

While management has no plans which may affect the carrying value of Millstone, based on potential future economic and other factors, including, but not limited to, market power prices, results of capacity auctions, legislative and regulatory solutions to ensure nuclear plants are fairly compensated for their carbon-free generation, and the impact of potential EPA carbon rules, there is a risk that Millstone may be evaluated for an early retirement date. Should management make any decision on a potential early retirement date, the precise date and the resulting financial statement impacts, which could be material to Dominion Energy, may be affected by a number of factors, including any potential regulatory or legislative solutions, results of any transmission system reliability study assessments, and decommissioning requirements, among other factors.