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February 19, 2021

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: Mountain Valley Pipeline, LLC
Docket No. CP21- -000
Abbreviated Application for Limited Amendment to Certificate of Public Convenience
and Necessity and Request for Expedited Action

Dear Secretary Bose:

Pursuant to Section 7(c) of the Natural Gas Act, as amended, and Part 157 of the regulations of the Federal Energy Regulatory Commission (“Commission”), Mountain Valley Pipeline, LLC (“Mountain Valley”) hereby submits this application requesting that the Commission issue an order on an expedited basis amending Mountain Valley’s certificate of public convenience and necessity for the Mountain Valley Pipeline Project to grant Mountain Valley the ability to change the crossing method for specific wetlands and waterbodies yet to be crossed by the Project from the open-cut crossings to one of several trenchless methods. Mountain Valley is proposing to use trenchless methods at 120 locations to cross 181 waterbodies and wetlands that the Commission originally authorized as open-cut. Mountain Valley is also requesting authorization for two minor right-of-way shifts to avoid resources (Mileposts 0.70 and 230.8). This application contains public information and non-public information and is organized as follows consistent with the Commission’s filing guidelines:

- **Volume 1 – Public:** Amendment Application and Public Exhibits
- **Volume 2 – Public:** Environmental Report and Public Appendices
- **Volume 3 – Privileged Information:** List of Affected Landowners and Cultural Resources Site Information

The information in Volume III should not be released to the public. Please contact me with any questions regarding this request for non-public treatment.

Ms. Kimberly D. Bose

February 19, 2021

Page 2

Mountain Valley filed this Request using the Commission's e-filing system. Due to COVID-19 pandemic restrictions, Mountain Valley is not providing paper copies of the filing at this time. If you have any questions, please do not hesitate to contact me at (412) 553-5786 or meggerding@equitransmidstream.com. Thank you.

Respectfully submitted,
Mountain Valley Pipeline, LLC
by and through its operator,
EQM Gathering Opco, LLC

By: 

Matthew Eggerding
Assistant General Counsel

Attachments

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Mountain Valley Pipeline, LLC

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Docket No. CP21-____-000

**ABBREVIATED APPLICATION OF MOUNTAIN VALLEY PIPELINE, LLC
FOR LIMITED AMENDMENT TO CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY AND REQUEST FOR EXPEDITED ACTION**

Pursuant to Section 7(c) of the Natural Gas Act, as amended,¹ and Part 157 of the regulations of the Federal Energy Regulatory Commission (“Commission” or “FERC”),² Mountain Valley Pipeline, LLC (“Mountain Valley”) hereby submits this application requesting that the Commission issue an order on an expedited basis amending Mountain Valley’s certificate of public convenience and necessity (“Certificate”) for the Mountain Valley Pipeline Project (“Project”).

Mountain Valley requests Commission authorization to implement Project changes to avoid certain Waters of the United States, as explained in further detail below. Specifically, Mountain Valley requests that the Commission amend the Certificate to grant Mountain Valley the ability to change the crossing method for specific wetlands and waterbodies yet to be crossed by the Project from the open-cut crossings that were authorized by the Certificate to one of several trenchless methods,³ as well as certain minor adjustments. The scope of this Amendment is the result of Mountain Valley’s comprehensive review of all remaining aquatic features. Mountain Valley developed a detailed alternatives analysis for each remaining feature to determine whether

¹ 15 U.S.C. § 717f(c) (2018).

² 18 C.F.R. Part 157 (2020).

³ In nearly all cases a conventional bore method and, in limited cases, a guided conventional bore or Direct Pipe.

it should be crossed by an open-cut method or trenchless method, and where possible, avoided entirely by a minor adjustment. As a result, Mountain Valley is proposing to use trenchless methods at 120 locations to cross 181 waterbodies and wetlands that the Commission originally authorized as open-cut. All construction disturbance for these trenchless methods will take place within the currently authorized construction workspace and will not result in impacts outside of the previously reviewed and certificated workspace, will not affect any new landowners, and will not require changes in land requirements. Mountain Valley is also proposing two minor adjustments to avoid aquatic features. No new landowners will be impacted by these minor adjustments. The actions and authorizations requested in this Application would have minimal, if any, environmental impacts beyond those that have already been assessed and approved by the Commission. Mountain Valley is requesting Commission authorization to implement these changes.

Where the detailed alternatives analysis resulted in an open-cut crossing, the Commission has already authorized Mountain Valley to implement such crossings in the Certificate so additional Commission authorization is not required. For these open-cut crossings, Mountain Valley is submitting an application seeking an Individual Permit from the United States Army Corps of Engineers (“USACE” or “Corps”) Pittsburgh, Huntington, and Norfolk Districts to implement open-cut techniques for certain Waters of the United States under Section 404 of the Clean Water Act and to address streams regulated by Section 10 of the Rivers and Harbors Act. The Commission’s approval of this Application, and the Corps’ approval of the Individual Permit, would allow Mountain Valley to complete all remaining crossings Project-wide.

Given the delays experienced to date and to satisfy the Commission's finding that proceeding to final restoration is in the best interest of landowners and the environment,⁴ Mountain Valley respectfully requests that the Commission process this Application on an expedited basis and issue an order by June 17, 2021.

I. BACKGROUND

On October 13, 2017, the Commission issued the Certificate authorizing Mountain Valley to construct and operate the Project.⁵ As the Commission has acknowledged, to date, construction of the Project is approximately 92 percent complete.⁶ Mountain Valley has installed and backfilled approximately 256 miles of pipeline, and more than 155 miles of the Project right-of-way have been fully restored.

Mountain Valley has not completed Project construction due to unforeseen litigation and permitting delays outside of Mountain Valley's control. This includes litigation directly challenging Project permits and authorizations, as well as litigation associated with other infrastructure projects. These challenges have affected, directly or indirectly, Project permits and authorizations from the U.S. Forest Service, Bureau of Land Management, USACE, U.S. Fish and Wildlife Service, and the National Park Service. Because of these permitting challenges, Mountain Valley was not able to complete construction and make the Project facilities available for service by the original October 13, 2020 Certificate deadline. As a result, Mountain Valley previously

⁴ *Mountain Valley Pipeline, LLC*, Order Partially Lifting Stop Work Order and Allowing Certain Construction to Proceed, 173 FERC ¶ 61,027 at P 32 (2020) ("October 9, 2020 Order").

⁵ *Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043 (2017), *order on reh'g*, 163 FERC ¶ 61,197 (2018) ("Certificate Order"), *aff'd sub. nom., Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199 (D.C. Cir. Feb. 19, 2019).

⁶ *Mountain Valley Pipeline, LLC*, Order Granting Requests for Extension of Time, 173 FERC ¶ 61,026 at P 15 (2020) ("Mountain Valley's characterization that the project is 92% complete is accurate").

requested, and the Commission granted, a two-year extension of time, until October 13, 2022, to complete construction of the Project.⁷

On November 9, 2020, the U.S. Court of Appeals for the Fourth Circuit issued a stay of the Nationwide Permit 12 verifications for the Project. Following the court's order, on November 18, 2020, Mountain Valley filed an application in Docket No. CP21-12-000 requesting that the Commission amend the Certificate to grant Mountain Valley the ability to complete construction of the Project between Mileposts 0 and 77 by crossing all remaining applicable wetlands and waterbodies using conventional bores and to approve a minor shift of the permanent right-of-way to avoid a wetland at Milepost 0.70. After a comment period, the Commission issued the Environmental Assessment for the amendment on January 7, 2021.

On January 26, 2021, Mountain Valley submitted a request to withdraw its amendment application in Docket No. CP21-12-000. As explained in Mountain Valley's January 26, 2021 letter, Mountain Valley determined that the most efficient and effective path to Project completion is to seek a comprehensive review of all outstanding waterbody and wetland crossings by contemporaneously submitting new permit and certificate amendment applications to the Corps and FERC, respectively. The Commission's approval of this Application, and the Corps' approval of the Individual Permit, would allow Mountain Valley to complete all remaining crossings Project-wide.

II. DESCRIPTION OF MOUNTAIN VALLEY

The exact legal name of the applicant is Mountain Valley Pipeline, LLC. Mountain Valley is a limited liability company duly organized and existing under the laws of the State of Delaware. Mountain Valley's principal office is located at 2200 Energy Drive Canonsburg, PA 15317.

⁷ *Mountain Valley Pipeline, LLC*, 173 FERC ¶ 61,026 (2020).

Mountain Valley does not currently own or operate any interstate pipeline facilities, nor does it provide any services subject to the Commission’s jurisdiction. However, upon the completion of the construction of the Project facilities, and commencement of operations, Mountain Valley will become a “natural-gas company” within the definition of Section 2(6) of the NGA, 15 U.S.C. § 717a(6), and will be subject to the Commission’s jurisdiction under the NGA.

III. CORRESPONDENCE AND COMMUNICATIONS

The persons to whom correspondence and communications concerning this Application should be directed and upon whom service is to be made are as follows:

Matthew Eggerding^{8 9}
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IV. REGULATORY AUTHORIZATIONS REQUESTED

Mountain Valley is seeking to amend its certificate authorization pursuant to Section 7(c) of the NGA and Part 157 of the Commission’s regulations to implement Project changes to avoid certain Waters of the United States, including changing the crossing method for specific wetlands and waterbodies yet to be crossed by the Project from the open-cut crossings that were authorized by the Certificate to one of several trenchless methods.¹⁰

⁸ Persons designated to receive service pursuant to Rule 203 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203 (2020).

⁹ Person designated as the responsible Mountain Valley official under Section 154.7(a)(2) of the Commission’s regulations, 18 C.F.R. § 154.7(a)(2) (2020).

¹⁰ In nearly all cases, Mountain Valley proposes to use a conventional bore method and, in limited cases, a guided conventional bore or Direct Pipe. The specific methods for the trenchless crossing are set out in Appendix A to Exhibit F-1 (Environmental Report). This Amendment Application includes crossings for which variances were sought but not yet approved by Commission Staff as well as two approved, unchanged road bores to clarify the crossing method

The Final Environmental Impact Statement (“FEIS”) for the Project discussed and analyzed in detail open-trench or open-cut waterbody and wetland crossing methods.¹¹ Such methods were incorporated into the Certificate Order by reference to the FEIS.¹² In the time since the issuance of the FEIS in June 2017 and the issuance of the Certificate Order in October 2017, Mountain Valley has experienced a variety of permitting delays. During 2019, Mountain Valley requested, and the Commission approved, variances to change crossing methods at numerous locations. As a result, Mountain Valley has already successfully completed the crossings of more than 70 waterbodies and wetlands using trenchless methods, including conventional bores.

Mountain Valley subsequently engaged in a comprehensive analysis of each remaining aquatic feature. Concurrently herewith, Mountain Valley is submitting an application to the USACE Huntington, Pittsburgh, and Norfolk Districts requesting an Individual Permit to implement open-cut techniques for certain waterbodies and wetlands under Section 404 of the Clean Water Act and addressing streams regulated by Section 10 of the Rivers and Harbors Act. The Individual Permit application includes a detailed evaluation of the practicable methods to avoid and minimize aquatic and terrestrial impacts through thoughtful, objective, and consistent environmentally based decisions, and sound construction practices. Mountain Valley will submit a copy of the Individual Permit application—which includes, among other things, a table with

for adjacent aquatic features that we incorrectly identified as open cut in the FEIS. This Application does not include bored crossings that have already been approved by the Commission but are unconstructed and unchanged.

¹¹ The FEIS also contained a recommendation that Mountain Valley cross the Pigg River via horizontal directional drill. *See* FEIS at 2-43.

¹² Certificate Order at P 175 (discussing dry-ditch crossing methods); P 185 (discussing dry open-cut waterbody crossings).

justifications for each and every crossing and crossing method—in this amendment Application docket.¹³

This amendment Application submitted to the Commission is intended to encompass all remaining crossings for the full Project route not included in the Individual Permit application submitted to the Corps. As described in detail in the attached Environmental Report, Mountain Valley is proposing to use trenchless methods at 120 locations to cross 181 waterbodies and wetlands that the Commission originally authorized as open cut.¹⁴ All construction disturbance will take place within the currently authorized construction workspace, and the crossings will not result in impacts outside of the previously reviewed and certificated workspace, will not affect any new landowners, and will not require changes in land requirements. For some crossings, a minor reconfiguration of the pipeline centerline will be required, with the minor reconfiguration being entirely within the previously authorized workspace.

The method proposed for each crossing was the result of extensive analysis of factors including crossing length, slope, stream depth, karst terrain, and other feasibility concerns. Mountain Valley appreciates the comments received in Docket No. CP21-12-000 and has considered such feedback in its review and analysis of the crossings and methods. Specifically, the conventional bore crossings included in this Application reflect, among other things, a reduction in average and maximum bore pit depth, number of long winch hills, and slope steepness as compared to the bores filed in Docket No. CP21-12-000.

¹³ On February 19, 2021, Mountain Valley submitted a letter to USACE asking that it administratively revoke the existing verifications authorizing Mountain Valley to rely on Nationwide Permit 12 to complete stream and wetland crossings for the Project.

¹⁴ Wetlands or waterbodies not included in this Application are covered in the Individual Permit submission to the USACE or were previously approved by the Commission.

In addition to the change to trenchless methods, Mountain Valley is also requesting authorization for two minor right-of-way shifts to avoid resources. At Milepost 230.8, Mountain Valley is proposing a minor route adjustment to avoid entirely the need to cross a waterbody. The minor route adjustment will require approximately 0.13 acre of new temporary construction right-of-way outside of the certificated Project workspace and approximately 0.04 acre of new permanent operational right-of-way. At Milepost 0.70, Mountain Valley is proposing a minor shift in the pipeline centerline to avoid a wetland. The shift does not require any construction disturbance beyond the currently authorized construction workspace, but it will result in a slight change in the location of the permanent operational right-of-way. No new landowners will be impacted by the minor right-of-way shifts, and Mountain Valley has acquired all necessary land rights.

In addition, in the unlikely event of a bore failure, or in the event Mountain Valley encounters unexpected conditions that may affect the feasibility of its proposed trenchless crossing method, Mountain Valley requests that the Commission grant Mountain Valley the optionality to complete such crossing by reverting to the open-cut method where Mountain Valley has met all other applicable legal and permitting requirements to utilize the open-cut method,¹⁵ as well as the flexibility to change to a trenchless crossing method other than the method specified in this Application. As stated above, the FEIS already evaluated the impacts of open-cut crossings for the same aquatic features proposed herein to be changed to trenchless crossings.

Mountain Valley seeks no other changes to the certificated Project facilities and is not proposing any change at this time to the initial rates or Tariff approved in the Certificate Order. Mountain Valley respectfully requests that the Commission grant any additional authorizations it

¹⁵ Changing the crossing method to an open cut would require review and approval by the Corps.

deems necessary or appropriate, or condition the amended certificate authorization as appropriate, in order to expedite the commencement of these trenchless crossings and minor right-of-way shifts.

V. CERTIFICATE POLICY STATEMENT AND PUBLIC CONVENIENCE AND NECESSITY

The Commission has already determined in the Certificate Order that the Project is in the public convenience and necessity and is consistent with the Commission’s Statement of Policy on the Certification of New Interstate Natural Gas Pipeline Facilities issued in Docket No. PL99-3-000.¹⁶ Such finding was affirmed on rehearing of the Certificate Order¹⁷ and on appeal to the D.C. Circuit.¹⁸ The Project continues to be required by the public convenience and necessity for the reasons described in the Certificate Order.

The Project has always been, and continues to be, fully subscribed by binding long-term agreements with multiple shippers for transportation service that will begin at Project in-service and extend for at least a 20-year primary term. Nothing in this Application modifies or diminishes these agreements, the substantial need they reflect, or the Commission’s prior findings on Project need. Instead, since the Commission issued the Certificate Order, the need for the Project to meet the demand for natural gas transportation in the Mid-Atlantic and Southeastern regions of the United States has only increased.

¹⁶ See Certificate Order at P 64 (“We find that the benefits that the MVP Project will provide to the market outweigh any adverse effects on existing shippers, other pipelines and their captive customers, and landowners or surrounding communities. Consistent with the criteria discussed in the Certificate Policy Statement and NGA section 7(e), and subject to the environmental discussion below, we find that the public convenience and necessity requires approval of Mountain Valley’s proposal, as conditioned in this order.”).

¹⁷ *Mountain Valley Pipeline, LLC*, 163 FERC ¶ 61,197 at P 44 (2018) (“We affirm that the MVP and Equitrans Expansion Projects will provide needed natural gas transportation service to both end use customers and natural gas producers and that the precedent agreements signed by Mountain Valley, for its full capacity, and by Equitrans, for two-thirds of its capacity, adequately demonstrate project need.”).

¹⁸ *Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199 (D.C. Cir. Feb. 19, 2019).

There is no justification for the Commission to revisit the conclusion in the Certificate Order that the Project is required by the public convenience and necessity. The limited amendment sought herein would change only the method of crossing wetlands and waterbodies and minor adjustments and has absolutely no bearing on the overall Project scope. In cases such as this where the Project scope remains unchanged, the Commission will affirm its prior findings that a project is required by the public convenience and necessity.¹⁹ Any impacts to landowners and communities from the change are minimal as compared to the already-approved open-cut method and are fully explained in the Environmental Report.

This amendment only impacts the proposed construction method and very limited new right-of-way outside of the certificated Project workspace. In the ordinary course, changes such as those proposed herein may have been able to be completed under the variance process the Commission approved in the Certificate Order. Indeed, the Commission already approved the crossing of more than 70 waterbodies and wetlands using trenchless methods through the variance process. The variance process does not involve re-evaluation of the Project need or other Certificate findings. However, Mountain Valley is filing the construction method change as a Certificate amendment, which allows for additional environmental review by the Commission and comments on Mountain Valley's Application. This extra review process does not, however, permit Project opponents to raise attacks on the Project scope or need, which have been fully reviewed and rejected by the Commission and the courts. These parties are barred by the principles of res judicata and collateral estoppel from re-litigating those issues related to Project scope and need

¹⁹ See *National Fuel Gas Supply Corp.*, 172 FERC ¶ 61,256 at P 13 (2020) (“Accordingly, we find that the proposed amendment to re-designate the spare compression to regular use does not alter the Commission’s previous [public convenience and necessity] finding. Therefore, we conclude that the proposal is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the proposal below.”).

that have already been fully litigated²⁰ and any such arguments should be rejected outright as an impermissible collateral attack on the Certificate Order's findings.²¹

In the December 11, 2020 Order Addressing Arguments Raised on Rehearing, the Commission rejected continued attempts to reopen the record regarding the need for the Project.²² The Commission held that the issue of "Whether there is market need for the MVP Project" had been addressed in its prior orders and concluded: "On rehearing, the Conservation Groups make no attempt to identify errors in the Commission's analysis of these issues in the Extension Order and Construction Order and make no attempt to demonstrate how the Commission's prior orders failed to address the Conservation Groups' concerns expressed in their earlier filings."²³

As has been confirmed numerous times starting with the issuance of the Certificate Order: the Project is required by the public convenience and necessity and is consistent with the Certificate Policy Statement in all respects.²⁴ The Commission's balancing in the Certificate Order of the public benefits to be achieved by the Project against the residual adverse effects of the Project continues to be valid. This limited amendment has no impact on the Commission's or the D.C. Circuit's findings with respect to the need for the Project or issues other than specific wetland and waterbody crossings that are before the Commission here.

²⁰ *NSTAR Electric Co. v. ISO New England, Inc.*, 120 FERC ¶ 61,261 at P 33 (2007) ("Collateral attacks on final orders and relitigation of applicable precedent, especially by parties that were active in the earlier case, thwart the finality and repose that are essential to administrative efficiency, and are therefore strongly discouraged").

²¹ See *Transcontinental Gas Pipe Line Co., LLC*, 172 FERC ¶ 61,036 at P 7 (2020) (Rejecting intervenor's request in an amendment proceeding for a formal hearing to review the public need for the project, finding that the intervenor sought "to relitigate issues that were already fully addressed in the [project's] Certificate Order and Rehearing Order and are outside the scope of this amendment proceeding.").

²² *Mountain Valley Pipeline, LLC*, 173 FERC ¶ 61,222 (2020).

²³ *Id.* at PP 9-10.

²⁴ In addition, the greenhouse gas emissions for the Project were quantified as part of the environmental review of the Project, and the Commission's greenhouse gas analysis was affirmed by the D.C. Circuit. See *Mountain Valley Pipeline, LLC*, 163 FERC ¶ 61,197 at P 271 (2018); *Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199 (D.C. Cir. Feb. 19, 2019).

VI. LANDOWNER NOTIFICATION

Mountain Valley has actively engaged affected landowners and communities in the more than five years since the certificate application for the Project was filed. As explained herein, the change to trenchless methods and the minor right-of-way shifts do not affect any new landowners as compared to the certificated Project in Docket No. CP16-10-000. However, to further its landowner outreach, Mountain Valley has included a complete list of affected landowners in accordance with the Commission's landowner notification requirements contained in Section 157.6(d).²⁵ The landowner list is being filed in Volume III as privileged information pursuant to 18 C.F.R. § 388.112 as it contains landowner names and addresses, which should not be released. Mountain Valley requests privileged treatment for Volume III and has marked the applicable documents "CUI//PRIV – Do Not Release."

VII. ENVIRONMENTAL IMPACT

The Environmental Report attached hereto as Exhibit F-1 more fully describes the potential environmental impacts of the proposed trenchless methods and minor adjustments. The information in Exhibit F-1 has been prepared in accordance with Part 380 of the Commission's regulations and FERC's Guidance Manual for Environmental Report Preparation and meets the requirements for the Commission to perform its environmental analysis of the proposed crossings and minor adjustments.

The Environmental Report describes any changes in environmental impacts resulting from the use of the trenchless crossings as compared to the impacts from open-cut crossings already considered in the FEIS and as authorized in the Certificate Order and subsequent FERC authorizations. The trenchless crossings, as with all Project construction, will be conducted in

²⁵ 18 C.F.R. § 157.6(d) (2020).

accordance with all applicable environmental regulations, and approval of the proposal will not result in a significant impact on the environment. Mountain Valley will adhere to all previously approved construction impact avoidance and minimization plans for the Project in Docket No. CP16-10.

Completing the waterbody crossings using trenchless methods rather than via open-cut as certificated will avoid in-water construction and short-term disturbance of stream beds and stream banks and associated downstream turbidity as described in the FEIS, as well as reduced temporary impacts on fisheries. Mountain Valley will implement the same erosion and sediment controls for waterbody crossings, and the same erosion and sediment control and restoration measures on adjacent uplands, as approved in the Certificate Order. Because the proposed trenchless methods will avoid in-water construction, any timing restrictions on in-water work for the affected waterbodies will no longer apply. Mountain Valley prepared individual feasibility studies for the guided bores, Direct Pipe, and conventional bores over 300 feet in length. The feasibility studies are included in Appendix F to the Environmental Report.

Flexibility to change the crossing method has been previously granted by the Commission as Mountain Valley has received Commission approval to change waterbody crossing methods from open-cut to bores. For example, in 2019, Commission Staff approved variance requests to change the crossing method for more than 70 waterbodies and wetlands from dry open cuts to a trenchless method.²⁶ Mountain Valley has provided, and will continue to provide, the

²⁶ See *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued May 17, 2019) (approving variance B-31); *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued June 14, 2019) (approving variance MVP-014); *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued August 8, 2019) (approving variance MVP-016); *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued August 22, 2019) (approving variance MVP-015); *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued August 27, 2019) (approving variance MVP-018); *Mountain Valley Pipeline, LLC*, Letter Order, Docket No. CP16-10-000 (issued September 13, 2019) (approving variance MVP-019).

environmental information necessary for the Commission to again review the proposed crossing method changes and determine that they will not result in environmental impacts that are significantly different than the impacts from the open-cut crossings previously disclosed in the FEIS.

In accordance with Commission precedent,²⁷ the Commission's environmental review must be narrowly tailored to the scope of the amended crossing methods and minor adjustments. The Project area for the environmental review is limited to the workspaces where the change in crossing methods or minor adjustments would occur. Mountain Valley has spent substantial amounts of capital and over five years of labor to ensure that a complete environmental review of the Project has been conducted. A supplemental environmental review for this narrow and limited change in the crossing method for the identified wetlands and waterbodies and minor adjustments should be conducted by the Commission on an expedited basis, informed by the years of Project-specific knowledge gained since the original Project pre-filing process began in 2014.

In the October 9, 2020 Order, the Commission rejected the argument that a supplemental EIS must be conducted in order to allow Mountain Valley to proceed with construction of already-approved facilities.²⁸ The Commission stated that "In the future, should Mountain Valley request to amend its existing authorization or request authorization to expand capacity, the Commission would analyze the impacts of the proposed action, *as appropriate*."²⁹ The Commission routinely issues Environmental Assessments for certificate amendment applications, and Mountain Valley expects the Commission will do the same here given the comparatively limited scope of and

²⁷ See, e.g., *Perryville Gas Storage, LLC*, 142 FERC ¶ 62,209 (2013) (environmental review limited to change in location of project facility).

²⁸ October 9, 2020 Order at P 38.

²⁹ *Id.* (emphasis added).

anticipated minor impacts associated with Mountain Valley’s request.³⁰ Mountain Valley has provided, and will continue to provide, the Commission with the information necessary for its complete review of the proposed trenchless crossing methods and minor adjustments.³¹

VIII. LIST OF EXHIBITS

Pursuant to Section 157.6(b)(6) of the Commission’s regulations, the following exhibits are attached hereto, incorporated by reference, or omitted for the stated reasons:

Exhibit A

Articles of Incorporation

Omitted. Mountain Valley submitted the Mountain Valley LLC Agreement in Docket No. CP19-14-000.

Exhibit B

State Authorization

Omitted. Mountain Valley submitted the Mountain Valley LLC state authorizations in Docket No. CP19-14-000.

Exhibit C

Company Officials

Attached hereto.

Exhibit D

Subsidiaries and Affiliation

Omitted. As of the date of this Application, neither Mountain Valley nor any of its officers directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding voting securities of any other person or group engaged in the production, transportation, storage, distribution, or sale of natural gas or of any person or group engaged in the financing of such enterprises.

³⁰ See, e.g., Rio Bravo Pipeline Project Amendment, Environmental Assessment, Docket No. CP20-481-000 (issued Dec. 21, 2020) (“The EA assesses the potential environmental effects of the construction and operation of the Project Amendment in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project Amendment, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.”).

³¹ The Environmental Report notes that Mountain Valley is finalizing analyses for emissions and nighttime noise and includes an anticipated submission date.

Exhibit E

Other Pending Applications and Filings

The following dockets could be related to this Application: Docket No. CP16-10-000 (Certificated Project); Docket No. CP19-477-000 (Greene Interconnect); Docket No. CP19-14-000 (MVP Southgate); Docket No. CP16-13-000 (Equitrans Expansion Project – construction complete and certain facilities awaiting Mountain Valley in-service); Docket No. CP21-12-000 (withdrawn 0-77 amendment application).

Exhibit F

Location of Facilities

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit F-1

Environmental Report

Included in Volume II.

Exhibit G

Flow diagrams showing daily design capacity and reflecting operation with and without proposed facilities added

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit G-I

Flow diagrams reflecting maximum capabilities

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit G-II

Flow Diagram Data

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit H

Total Gas Supply Data

Omitted. Mountain Valley proposes only to provide open-access transportation service on the Project Facilities and, accordingly, the Project shippers will be responsible for providing and arranging their own sources of gas supply.

Exhibit I

Market Data

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit J

Federal Authorizations

See Section 1.10 of the Exhibit F-1 Environmental Report.

Exhibit K

Cost of Facilities

Omitted. Mountain Valley is not seeking any changes to initial rates in this Application but reserves the right to seek such changes at a later time.

Exhibit L

Financing

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit M

Construction, Operation, and Management

Omitted. Mountain Valley incorporates by reference the Construction, Operation, and Management Agreement submitted as Exhibit M to the original certificate application in Docket No. CP16-10.

Exhibit N

Revenues, Expenses, Income

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit O

Depreciation and Depletion

Omitted. This exhibit is not applicable to the proposed amendment.

Exhibit P

Rates and Tariff

Omitted. Mountain Valley is not seeking any changes to initial rates in this Application but reserves the right to seek such changes at a later time.

Exhibit Z-1

Notice of Application

A form of notice of this Application suitable for publication in the Federal Register, in accordance with the specifications in 18 C.F.R. § 385.203(d), is attached hereto.

IX. REQUEST FOR EXPEDITED ACTION

Mountain Valley requests expedited action on this amendment. First, this amendment seeks only changes in crossing methods or other minor changes with no new landowners or significant additional permanent footprint, which is typically handled through the Commission's streamlined variance process. Second, this Project has been under construction for three years, and any further delay in the construction of the Project will lead to additional delay in restoration of the Project areas. Third, the continued delay in being able to complete construction has continued to negatively impact landowners and local communities. For these reasons and due to the limited scope of the requested amendment, Mountain Valley respectfully requests that the Commission process the Application on an expedited basis and issue an order no later than June 17, 2021.

In the October 9, 2020 Order, the Commission stated: "Based on staff's review of the Mountain Valley Pipeline Project, we agree that completion of construction and final restoration (which would enable the permanent removal of construction equipment and personnel from portions of the right-of-way), where permitted, is best for the environment and affected landowners."³² The Commission found that "the presence of equipment, personnel, and partially completed construction is disruptive to landowners, some of whom have endured perturbation since February 2018. As such, proceeding to final restoration is in the best interest of these landowners and the environment."³³ Mountain Valley agrees that completion of construction of

³² October 9, 2020 Order at P 29.

³³ *Id.* at P 32.

the Project as expeditiously as possible is beneficial to landowners and the environment and, accordingly, Mountain Valley urges the Commission to expeditiously approve this Application.

X. REQUEST FOR ADDITIONAL APPROVALS

Mountain Valley requests that the Commission issue any other authorizations it deems necessary or appropriate. As stated above, the Commission's approval of this Amendment Application, and the Corps' approval of the Individual Permit, would allow Mountain Valley to complete all remaining crossings Project-wide. In addition, after the Commission and Corps act, Mountain Valley will possess all permits and authorizations required under federal law for the Project. Mountain Valley requests that the Commission, in its order on this Amendment Application or in one or more separate orders or delegated orders, revoke or lift any construction or other restrictions that may still be in place at that time and authorize all remaining construction. In particular, concurrent with the Commission's action on this Amendment Application, to the extent necessary, Mountain Valley requests that the Commission rescind, revoke, or modify its August 2018 order³⁴ and October 2019 order³⁵ to eliminate the exclusion zone. Further, to the extent necessary, Mountain Valley requests that the Commission authorize (or delegate authority to approve, to the extent necessary) construction of all bores where the Commission has already approved a change in crossing method from open cut to trenchless but has not allowed Mountain Valley to proceed with construction.³⁶

³⁴ *Mountain Valley Pipeline, LLC*, Notification of Stop Work Order, Docket No. CP16-10-000 (Aug. 3, 2018).

³⁵ *Mountain Valley Pipeline, LLC*, Cessation of Certain Activities, Docket No. CP16-10-000 (Oct. 15, 2019) (delegated order).

³⁶ See *Mountain Valley Pipeline, LLC*, Partial Approval of Variance Requests No. D-35 and G-12, Docket No. CP16-10-000 (issued May 18, 2020) (Gauley River and Stony Creek crossings); Partial Approval of Variance Request No. H-12, Docket No. CP16-10-000 (issued May 27, 2020) (Roanoke River crossing); Partial Approval of Variance Request No. G-16, Docket No. CP16-10-000 (issued Nov. 3, 2020) (Jefferson National Forest stream crossings).

XI. CONCLUSION

For the foregoing reasons, Mountain Valley respectfully requests that the Commission grant the approvals requested herein and issue an order on this Application by June 17, 2021.

Respectfully submitted,

Mountain Valley Pipeline, LLC
by and through its operator,
EQM Gathering Opco, LLC

By:



Matthew Eggerding
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2200 Energy Drive
Canonsburg, PA 15317
(412) 553-5786
meggerding@equitransmidstream.com

February 19, 2021

EXHIBIT C
COMPANY OFFICIALS

EXHIBIT C
COMPANY OFFICIALS

Mountain Valley Pipeline, LLC is managed by the Founding Members acting as a committee of the whole through its Management Committee. The Management Committee is comprised of one Representative (with one designated Alternate Representative) of each of the Founding Members. The following is a list of the current Representatives and Alternate Representatives and their business addresses:

Name	Title	Company	Address
Robert Cooper	Representative	MVP Holdco, LLC	2200 Energy Drive Canonsburg, PA 15317
Diana Charletta	Alternate Representative	MVP Holdco, LLC	2200 Energy Drive Canonsburg, PA 15317
Matthew Schafer	Representative	US Marcellus Gas Infrastructure, LLC	601 Travis Street Suite 1900 Houston, Texas 77002
TJ Tuscai	Alternate Representative	US Marcellus Gas Infrastructure, LLC	601 Travis Street Suite 1900 Houston, Texas 77002

EXHIBIT Z-1
FORM OF NOTICE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mountain Valley Pipeline, LLC

Docket No. CP21- 000

NOTICE OF APPLICATION AND ESTABLISHING INTERVENTION DEADLINE

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Take notice that on February 19, 2021, Mountain Valley Pipeline, LLC (Mountain Valley), 2200 Energy Drive Canonsburg, Pennsylvania 15317, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to amend Mountain Valley's existing certificate of public convenience and necessity (Certificate) for the Mountain Valley Pipeline Project (Project).¹ Mountain Valley requests that the Commission amend the Certificate to grant Mountain Valley the ability to change the crossing method for specific wetlands and waterbodies yet to be crossed by the Project from the open-cut crossings that were authorized by the Certificate to one of several trenchless methods. Mountain Valley is proposing to use trenchless methods at 120 locations to cross 181 waterbodies and wetlands that FERC originally authorized as open-cut. Mountain Valley is also requesting authorization for two minor right-of-way shifts to avoid resources (Mileposts 0.70 and 230.8). Additionally, Mountain Valley avers no new landowners would be impacted by the changes, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions regarding the proposed project should be directed to Matthew Eggerding, Mountain Valley Pipeline, LLC, 2200 Energy Drive, Canonsburg, Pennsylvania 15317, by phone (412) 553-5786, or by e-mail at MEggerding@equitransmidstream.com.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will

¹ *Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043 (2017).

² 18 C.F.R. (Code of Federal Regulations) § 157.9.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. **However, the filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁴ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁵ and the regulations under the NGA⁶ by the intervention deadline for the project, which is []. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP21- -000 in your submission.

- (1) You may file your motion to intervene by using the Commission's [eFiling](#) feature, which is located on the Commission's website (www.ferc.gov) under the link to [Documents and Filings](#). New eFiling users must first create an account by clicking on "[eRegister](#)." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

⁴ 18 C.F.R. § 385.102(d).

⁵ 18 C.F.R. § 385.214.

⁶ 18 C.F.R. § 157.10.

- (2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.⁷ Your motion to intervene must reference the Project docket number CP21- -000.

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

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Motions to intervene must be served on the applicant either by mail or email at: 2200 Energy Drive, Canonsburg, Pennsylvania 15317 or at MEggerding@equitransmidstream.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁸ motions to intervene are automatically granted by operation of Rule 214(c)(1).⁹ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹⁰ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

TRACKING THE PROCEEDING

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

⁷ Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

⁸ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

⁹ 18 C.F.R. § 385.214(c)(1).

¹⁰ 18 C.F.R. § 385.214(b)(3) and (d).

Intervention Deadline: 5:00 pm Eastern Time on [].

Nathaniel J. Davis, Sr.,
Deputy Secretary.