

Congress of the United States
House of Representatives
Washington, DC 20515

February 8, 2018

The Honorable Kevin McIntyre
Chairman
Federal Energy Regulatory Commission
888 1st St. NE, Room 11H
Washington, DC 20426

Dear Chairman McIntyre,

We write today to respectfully request that the Federal Energy Regulatory Commission (FERC) grant rehearings on the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP) projects that were approved on October 13, 2017 by a vote of 2-1 when the Commission did not have its full complement of commissioners.

Given FERC's independent nature and its wide breadth of scientific and technical expertise, we respect the rulemaking process that is used by the Commission to reach decisions on the viability of a pipeline project. However, we do believe that such petitions should receive the review of a fully staffed Commission. Setting aside the substantive merits of these specific projects, on which we do not opine in this letter, it is important to ensure that the decisions reached are truly representative of FERC's position. At the time of the October votes on the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP), only three of the Commission's five commissioner positions had been filled, and both projects were advanced by a single vote. Now that all five commissioners have been appointed, confirmed by the U.S. Senate, and installed, we believe that the ACP and MVP projects warrant rehearings.

In a January 5th letter to the Commission, our colleague Senator Tim Kaine mentioned tolling orders and questioned the part they would play in the rehearing processes for the ACP and MVP projects. In light of FERC's December 11, 2017 tolling order issued following a number of ACP rehearing requests, we would like to request further information on the matter as well. While this tolling order allows FERC to continue past the 30-day deadline before producing a response on these rehearing requests, the order does not inherently halt the ACP's construction process while deliberation and legal reviews continue. Given the current legal debate surrounding tolling orders, we respectfully request further insight from you as to whether or not, in your view, a reverse of FERC's opinion on the ACP and MVP projects through a rehearing would even have any effect on the pipelines' construction.

Thank you for your attention to this matter.

Sincerely,



Robert C. "Bobby" Scott
Member of Congress



A. Donald McEachin
Member of Congress