

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Adelphia Gateway, LLC : Docket No. CP18-46-000

MOTION TO INTERVENE OF TOWNSHIP OF LOWER SAUCON

The Township of Lower Saucon (PA) (“Township”) a political subdivision of the Commonwealth of Pennsylvania, by and through its undersigned counsel, in accordance with the requirements of Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 385.214, and regulations under the Natural Gas Act (“NGA”), 18 C.F.R. § 157.10, hereby moves to intervene in the above-captioned proceeding on the terms set forth below.

This motion to intervene is timely filed. Pursuant to Rules 212 and 213(a)(2) of the Commission’s rules, 18 C.F.R. §§ 385.212, 385.213(a)(2), the Township respectfully moves for permission to respond to any answer that may be filed in opposition to its Motion to Intervene.

I. CONTACT INFORMATION

Please enter the information below for Lower Saucon Township on the official service list for Docket CP18-46-000. All pleadings, filings, orders, and correspondence in this proceeding should be served on the following:

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II. INTERESTS OF MOVANT

According to the Notice of Applications filed by the Commission on January 23, 2018 (Accession No. 20180123-3038), Adelphia Gateway, LLC requests certificate authority to acquire and convert certain existing pipeline and auxiliary facilities, to construct additional auxiliary facilities, and to own and operate the existing and new facilities as an interstate natural gas pipeline system for its proposed Adelphia Gateway Pipeline Project located in Pennsylvania and Delaware. Adelphia plans to provide 250,000 Dekatherms per day (Dth/d) of natural gas transportation capacity from an interconnection with Texas Eastern Transmission, LP (Texas Eastern) in Bucks County, Pennsylvania to Marcus Hook, Delaware County, Pennsylvania, and 525,000 Dth/d of combined natural gas transportation capacity from an interconnection with Texas Eastern in Bucks County and an interconnection with Transcontinental Gas Pipeline Company, LLC in Northampton County to Martins Creek Terminal, Martins Creek, Pennsylvania.

A significant portion of the proposed route of the Adelphia Gateway Pipeline Project cuts through Lower Saucon Township. For purposes of the scope of environmental reviews of this project, the Township expects to participate as a “local agency” and an “interested person” pursuant to 40 C.F.R. §1501.7.¹ The Township has an interest in protecting its natural, environmental, cultural, and historic resources and has historically done so.² Lower Saucon Township also requests participation as a

¹ The Township contends that an environmental impact statement should be prepared for this project.

² Lower Saucon Township’s multi-municipal comprehensive plan states: “Saucon Valley’s natural resources, along with its other cultural and historic assets, are significant components of the region’s future economic development.... From historic structures and architecture to unique *[footnote continued on next page]*”

“consulting party” in the National Historic Preservation Act Section 106 process with respect to any historic properties that may be located within the Area of Potential Effects within its geographical boundaries.

The PennEast Pipeline (FERC Docket No. CP15-558-000) and the proposed Adelphia Gateway project are proposed to be located so close to each other within the Township that their routes intersect, creating the potential for cumulative impacts to resources within the Township. In addition, based upon the information currently available to the Township, the proposed route crosses a number of Township roads that are maintained by the Township.

While the Commission has no direct regulatory jurisdiction with respect to pipeline safety, we note that should the Commission issue a certificate of public convenience and necessity and the pipeline is constructed, Township emergency response personnel and facilities would be required to respond in the event of a significant natural gas pipeline release, fire, or explosion within the Township. The Township has an obligation to protect the public health, safety, and welfare of its residents.

Moreover, under Pennsylvania law, the Township has trusteeship duties conferred by the natural resources provision of the Pennsylvania Constitution, Article I, section 27: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for

geologic forms, this portion of Saucon Valley, can offer residents and visitors alike with experiences unparalleled to any in this area of the Commonwealth.” *Our Resources, Our Valley: Multi-Municipal Comprehensive Planning in Pennsylvania's Saucon Valley* (October 2009) <http://www.lowersaucontownship.org/pdf/jointcompplan.pdf>

the benefit of all the people.” See, *Community College of Delaware County v. Fox*, 20 Pa. Cmwlth. 335, 358, 342 A.2d 468, 482 (Pa. Cmwlth. 1975) (holding that governing bodies of boroughs, townships, counties and cities are trustees of the public natural resources). Under Pennsylvania law, a political subdivision has a substantial, direct, and immediate interest in protecting the environment and the quality of life within its borders, which interest confers upon the political subdivision standing (for state law purposes) in a legal action to enforce environmental standards. *Susquehanna County v. Commonwealth*, 500 Pa. 512, 458 A.2d 929, 931 (1983); see also, *Robinson Twp., Washington County v. Com.*, 623 Pa. 564, 595, 83 A.3d 901, 920-21 (2013) (plurality opinion) (“The protection of environmental and esthetic interests is an essential aspect of Pennsylvanians' quality of life and a key part of local government's role. Local government, therefore, has a substantial and direct interest in the outcome of litigation premised upon changes, or serious and imminent risk of changes, which would alter the physical nature of the political subdivision and of various components of the environment.”)

For all these reasons, it is also in the public interest that the Township participate in this proceeding.

The purposes for which the Township seeks to intervene include but are not limited to: (1) providing information to the Commission including potential impacts to Township scenic, natural, cultural, and historic resources, alternatives to the proposed action and mitigation of impacts, and the need for the Project; and (2) protecting the health, safety, and welfare of its residents.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, LOWER SAUCON TOWNSHIP requests that the Commission GRANT this motion to intervene.

Respectfully submitted,

/s/ Charles W. Elliott
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Dated: February 9, 2018

Attorney for Lower Saucon Township

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, the undersigned hereby certifies that I am this day serving the foregoing document upon each person designated on this official list compiled by the Secretary in this proceeding by e-filing the document with FERC Online.

Dated: February 9, 2018

/s/ Charles W. Elliott
Charles W. Elliott, Esquire

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