

**Virginia State Corporation Commission
eFiling CASE Document Cover Sheet**

210849134

Case Number (if already assigned) PUR-2021-00211

Case Name (if known) Petition of Chickahominy Pipeline LLC

Document Type NTPA

Document Description Summary Notice of Participation of Respondent Louisa County,
Virginia

Total Number of Pages 5

Submission ID 22925

eFiling Date Stamp 9/27/2021 9:42:01AM



210940184

COUNTY OF LOUISA
Office of the County Attorney

Helen E. Phillips, County Attorney
hphillips@louisa.org

Direct Dial (540) 967-4582
Facsimile (540) 967-4587

Sean Hutson, Assistant County Attorney
shutson@louisa.org

Direct Dial (540) 967-9513
Facsimile (540) 967-4587

September 27, 2021

By Electronic Filing

Bernard J. Logan, Clerk
Virginia State Corporation Commission
Document Control Center
P.O. Box 2118
Richmond, Virginia 23218

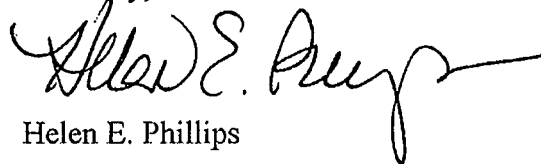
Re: Case No. PUR-2021-00211
Notice of Participation of Respondent Louisa County, Virginia

Dear Mr. Logan,

Please find attached hereto a Notice of Participation of Respondent Louisa County, Virginia I am filing in the above-referenced case.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,



Helen E. Phillips

Enclosure

Bernard J. Logan, Clerk
September 27, 2021
Page Two

cc: Eric M. Page
Cody T. Murphey
Dennis A. Walter
Rebecca B. Randolph
J. T. Tokarz
Ryan P. Murphy
Joseph K. Reid, III
Elaine S. Ryan

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF

CHICKAHOMINY PIPELINE, LLC

For a declaratory judgment

Case No. PUR-2021-00211

NOTICE OF PARTICIPATION
OF RESPONDENT
LOUISA COUNTY, VIRGINIA

COMES NOW the Respondent, Louisa County, Virginia ("Louisa"), through its Board of Supervisors (the "Board"), by counsel, pursuant to 5 VAC 5-20-80 B of the Rules of Practice and Procedure of the State Corporation Commission ("Commission"), and hereby serves notice of its intent to participate in this proceeding, and in support thereof state the following:

1. On September 3, 2021, Chickahominy Pipeline, LLC (the "Pipeline") filed its Petition seeking a judgment "declaring that its proposed construction, ownership, and operation of the Pipeline are not subject to the Commission's jurisdiction pursuant to Title 56 of the Virginia Code." Petition, p. 9. The Pipeline is requesting the Commission consider its Petition on an "expedited basis." Petition, ¶ 19.

2. On September 16, 2021, the Commission entered a Procedural Order directing the Pipeline to serve by September 17, 2021, a copy of the Procedural Order on each county, city, and town through which it proposes to construct a pipeline to supply a power plant operated by Chickahominy Power, LLC ("Chickahominy"). *In re: Petition of Chickahominy Pipeline, LLC*, Case No. PUR-2021-00211, at 4 ¶ (5) (Sept. 16, 2021) (Procedural Order).

3. On September 22, 2021, a Hearing Examiner granted the motion filed by Staff of the Commission requesting the date by which any interested person may file a response in the Procedural Order be extended to October 8, 2021.

4. The Board of Supervisors of Louisa County, Virginia is the local governing body of one of the localities in the Commonwealth of Virginia through which the proposed Pipeline will be built and the undersigned counsel was served notice of the Procedural Order dated September 16, 2021.

5. Louisa wishes to participate in the proceedings to be able to voice its concerns regarding the Commission's regulation of the Pipeline, the process involving siting and placement of the Pipeline in Louisa, and to obtain further information regarding the Pipeline.

6. A representative of the Pipeline was scheduled to appear at the September 20, 2021 meeting of the Board to present their plans for the Pipeline in Louisa County and answer the Board's questions. This discussion was placed on the Board's agenda that was made public on September 16, 2021. During the afternoon of September 20, 2021 the Pipeline representative indicated he forgot to put the meeting on his calendar. He rescheduled for the Board meeting on October 4, 2021. Louisa citizens opposed to the pipeline spoke to the Board at the meeting on September 20, 2021.

7. Louisa requests the Commission reject the legal argument proposed by the Pipeline that it is not subject to regulation by the Commission. The Pipeline's argument is not supported by the facts or law because, *inter alia*, the Pipeline is potentially owned by a subsidiary of Chickahominy Power, LLC. *See Marshall v. Northern Virginia Transportation Authority*, 275 Va. 419, 425–26 (2008)(holding an entity may not accomplish an object indirectly that it could not perform directly). Further, the Pipeline's argument it should be exempt from the Commission's

jurisdiction pursuant to Title 56 of the Virginia Code because it will not sell natural gas to Chickahominy is erroneous because it relies on a misinterpretation of § 56-265.1(b) that fails to acknowledge the Pipeline will be involved in the “transmission, or distribution . . . [of] gas” which will ultimately be sold to another entity. Louisa reserves the right to supplement its arguments after discovery and Louisa intends to respond in more detail by the October 8, 2021 deadline.

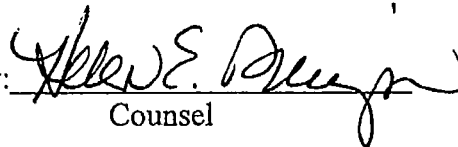
8. Louisa reserves the right to proceed herein and present all relevant and responsive legal arguments regarding the Petition filed herein after obtaining discovery and further information from the Pipeline.

9. The name and contact information for counsel for Louisa as a Respondent is:

Helen E. Phillips
Louisa County Attorney
1 Woolfolk Ave., Ste. 306
Louisa, Virginia 23093
540-967-4582
540-967-4587 (fax)

WHEREFORE, Louisa respectfully requests that the Commission recognize Louisa as a Party Respondent in this case; allow this Respondent through its counsel to receive notice of proceedings and filings in this case, and the opportunity to propound discovery, present evidence, question witnesses, make argument to the Commission, and participate in the proceedings in any manner as authorized by the Rules of the Commission and otherwise permitted by law; and grant such other further relief as the Commission may determine appropriate.

Respectfully submitted,
LOUISA COUNTY, VIRGINIA

By: 
Counsel

Helen E. Phillips (VSB 29708)
Louisa County Attorney
Sean M. Hutson (VSB 93578)
Assistant Louisa County Attorney
1 Woolfolk Avenue, Ste. 306
Louisa, Virginia 23093
540-967-4582
540-967-4587 (fax)
hphillips@louisa.org
shutson@louisa.org

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2021, the foregoing Notice of Participation was emailed, to, after it was filed in the SCC efile system:

Eric M. Page
Eckert, Seamans, Cherin & Mellott, LLC
919 E. Main Street, Suite 1300
Richmond, VA 23219
epage@eckertseamans.com

Cody T. Murphey
Eckert, Seamans, Cherin & Mellott, LLC
919 E. Main Street, Suite 1300
Richmond, VA 23219
cmurphey@eckertseamans.com

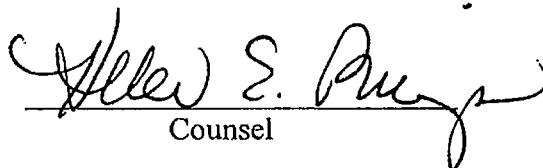
Dennis A. Walter
Hanover County Attorney
P.O. Box 470
Hanover, Virginia 23069-0470
dwalter@hanovercounty.gov

Rebecca B. Randolph
Hanover County Attorney's Office
P.O. Box 470
Hanover, Virginia 23069-0470
rrandolph@hanovercounty.gov

J.T. Tokarz
Henrico County Attorney
P.O. Box 90775
Henrico, Virginia 23273-0775
tok@henrico.us

Ryan P. Murphy
Henrico County Attorney's Office
P.O. Box 90775
Henrico, Virginia 23273-0775
mur047@henrico.us

Joseph K. Reid, III
Elaine S. Ryan
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3916
jreid@mcquirewoods.com
eryan@mcquirewoods.com


Counsel