

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ATLANTIC COAST PIPELINE, LLC,  
*et al.*,

Petitioners,

LORA BAUM and VICTOR BAUM,

Petitioners-Intervenors,

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

Respondent,

WINTERGREEN PROPERTY  
OWNERS ASSOCIATION, *et al.*,

Intervenors.

Nos. 18-1224, 18-1280, 18-1308,  
18-1309, 18-1310, 18-1311,  
18-1312, 18-1313 (consolidated)

**MOTION TO GOVERN FURTHER PROCEEDINGS**

Atlantic Coast Pipeline, LLC, and Dominion Energy Transmission, Inc., move to hold this case in abeyance until further order of the Court. The North Carolina Utilities Commission informs us that it supports this motion. The Conservation Petitioners, Landowner Petitioners, Friends of Wintergreen, Independent Oil and Gas Association, and FERC all inform us that they do not

oppose this motion, but reserve the right to file procedural and dispositive motions in the future as appropriate. We contacted all other parties to seek their position on this motion, but did not receive a response by the time of filing.

1. The Court directed that these consolidated petitions for review be held in abeyance pending the outcome of *U.S. Forest Service v. Cowpasture River Preservation Association*, No. 18-1584 at the Supreme Court. The Court decided the case in Atlantic's favor on June 15, 2020.

2. On July 5, 2020, the Atlantic Coast Pipeline's sponsors announced the Pipeline's cancellation "due to ongoing delays and increasing cost uncertainty which threaten the economic viability of the project." Dominion Energy, News Releases, *Dominion Energy and Duke Energy Cancel the Atlantic Coast Pipeline* (July 5, 2020), available at <https://bit.ly/3f5bCx5>; see also Atlantic Coast Pipeline, Recent Updates, *Dominion Energy and Duke Energy Cancel the Atlantic Coast Pipeline* (July 5, 2020), available at <https://bit.ly/2VMrhK7>.

3. Atlantic and Dominion are currently determining the appropriate course forward at FERC in light of the decision to cancel the Pipeline. Until any necessary further Commission proceedings are concluded, the Court should continue to hold the petitions for review in abeyance and not restore them to the oral-argument calendar.

4. Atlantic and Dominion propose to file status reports every 90 days and to file an appropriate motion to govern further proceedings with a view to voluntarily dismissing the petitions for review once Commission proceedings effectuating the decision to cancel the Atlantic Coast Pipeline are concluded.

For the foregoing reasons, the Court should grant the motion and continue to hold this case in abeyance, with status reports due every 90 days from the date of the Court's order.

Respectfully submitted,

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July 15, 2020

## CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limits of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 347 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman.

/s/ Catherine E. Stetson  
Catherine E. Stetson

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2020, I caused a copy of the foregoing to be filed by this Court's CM/ECF system, which will serve a copy on all registered users.

/s/ Catherine E. Stetson  
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