

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FOOD & WATER WATCH,)	
)	
<i>Petitioner,</i>)	Case No. 22-1214
)	FERC Docket Nos.
v.)	CP20-493-000, -001
)	
FEDERAL ENERGY REGULATORY COMMISSION,)	
)	
<i>Respondent.</i>)	
)	

**MOTION FOR LEAVE TO INTERVENE
OF TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

Pursuant to Rules 15(d) and 27 of the Federal Rules of Appellate Procedure and Circuit Rules 15(b) and 27, Tennessee Gas Pipeline Company, L.L.C. (“Tennessee”) hereby moves for leave to intervene in the above-captioned proceeding. In support of this motion, Tennessee respectfully states as follows:

I. IDENTITY OF INTERVENOR AND PROJECT

A. Identity of Tennessee

Tennessee is a “natural gas company” as defined by Section 2(6) of the Natural Gas Act (“NGA”)¹ primarily engaged in the business of transporting natural gas in interstate commerce under authorizations granted by and subject to the

¹ 15 U.S.C. § 717a(6).

jurisdiction of the Federal Energy Regulatory Commission (“FERC” or “Commission”). Tennessee is a limited liability company organized and existing under the laws of the state of Delaware. The location of Tennessee’s principal place of business is 1001 Louisiana Street, Houston, Texas 77002.

Tennessee’s mainline transmission system extends in a northeasterly direction from the states of Texas and Louisiana, and the Gulf of Mexico, through the states of Texas, Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, New Hampshire, Rhode Island, and Connecticut.

B. Tennessee’s East 300 Upgrade Project.

Tennessee filed an application for a certificate of public convenience and necessity with the Commission in FERC Docket No. CP20-493-000 requesting authorization to construct, install, modify, operate, and maintain certain compression facilities in New Jersey and Pennsylvania a (referred to herein as either “East 300 Upgrade Project” or “Project”). The Project involves the addition of new gas-fired compressor units at two existing compressor stations along Tennessee’s 300 Line system in Pennsylvania and New Jersey, as well as the construction of one new electric-driven compressor station located along Tennessee’s existing 300 Line system in New Jersey. The Project will create 115,000 dekatherms (“Dth”) per day of firm transportation capacity on Tennessee’s 300 Line, which is fully subscribed

under a binding precedent agreement with Consolidated Edison Company of New York, Inc. that provides the market support for the Project.

The Commission authorized Tennessee to construct, install, modify, operate, and maintain certain natural gas compression facilities for its East 300 Upgrade Project in the order that is subject of the Petitioner's petition for review. Consequently, Tennessee has the required standing to become an intervenor and party in this proceeding. Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Tennessee has attached its Corporate Disclosure Statement to this Motion for Leave to Intervene as Attachment A.

III. MOTION TO INTERVENE

Food & Water Watch filed a petition on August 19, 2022, seeking review by this Court of the following orders issued by the Commission:

- *Tennessee Gas Pipeline Company, L.L.C.*, FERC Docket No. CP20-493-000, Order Issuing Certificate, 179 FERC ¶ 61,041 (Apr. 21, 2022) (“Certificate Order”).
- *Tennessee Gas Pipeline Company, L.L.C.*, FERC Docket No. CP20-493-001, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, 179 FERC ¶ 62,152 (June 21, 2022) (“Rehearing Denial”).

The Certificate Order granted Tennessee a certificate of public convenience and necessity under Section 7 of the NGA² authorizing the East 300 Upgrade Project.

² 15 U.S.C. § 717f.

Tennessee was the applicant seeking approval from the Commission for the East 300 Upgrade Project and participated in all phases of the proceeding below. Consequently, Tennessee has a direct and substantial interest in this case and its interests may be directly affected by the decisions of this Court. For these reasons, Tennessee submits that it has the required standing to be a party to this proceeding and thus respectfully requests that the Court grant it leave to intervene. Without limiting the positions it may advance, Tennessee advises the Court that it intends to support Respondent.

IV. CONCLUSION

WHEREFORE, Tennessee respectfully moves the Court (a) for leave to intervene in the above-captioned proceeding, and (b) to be granted all rights as a party thereto.

Respectfully submitted,

/s/ Brian D. O'Neill

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Dated: September 8, 2022

Attorneys for Intervenor Tennessee Gas Pipeline Company, L.L.C.

ATTACHMENT A

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FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FOOD & WATER WATCH,

)

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Petitioner,

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Case No. 22-1214

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CP20-493-000, -001

**FEDERAL ENERGY REGULATORY
COMMISSION,**

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)

)

Respondent.

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**RULE 26.1 CORPORATE DISCLOSURE STATEMENT OF
TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1 of the Rules of this Court, Tennessee Gas Pipeline Company, L.L.C. (“Tennessee”), one of the movants for intervention, makes the following disclosure:

The immediate parent of Tennessee is Kinder Morgan Operating LLC “A” (“KMOA”), which owns all of the outstanding membership interests of Tennessee.

KMOA is a Delaware limited liability company which is owned by Kinder Morgan Energy Partners, L.P. (“KMP”).

KMP is a Delaware limited partnership, the 97.5842% and 1.4158% limited partner interests of which is owned by Kinder Morgan, Inc. and Kinder Morgan GP LLC (“KMGP”), respectively, and the 1% general partner interest is owned by KMGP.

KMGP, a Delaware limited liability company, is owned by Kinder Morgan, Inc.

Kinder Morgan Inc., a Delaware corporation, is a publicly traded company whose stock trades on the New York Stock Exchange under the symbol “KMI”.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

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 641 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.

Respectfully submitted,

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Dated: September 8, 2022

CERTIFICATE OF SERVICE

Pursuant to Rule 25(d) of the Federal Rules of Appellate Procedure, Rule 25(c) of the Circuit Rules, I hereby certify that I have on this 8th day of September 2022, served the foregoing documents upon parties in this case via email through the Court's CM/ECF system.

Respectfully submitted,

/s/ Brian D. O'Neill

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