

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

ALLEGHENY DEFENSE PROJECT, )  
CLEAN AIR COUNCIL, CONCERNED )  
CITIZENS OF LEBANON COUNTY, )  
HEARTWOOD, LANCASTER AGAINST )  
PIPELINES, LEBANON PIPELINE )  
AWARENESS, AND SIERRA CLUB )

Petitioners,

v.

FEDERAL ENERGY REGULATORY )  
COMMISSION, )

Respondent.

No. \_\_\_\_\_

**PETITION FOR REVIEW**

Pursuant to Section 19(b) of the Natural Gas Act, 15 U.S.C. § 717r(b), Federal Rule of Appellate Procedure 15, and Circuit Rule 15, Allegheny Defense Project, Clean Air Council, Concerned Citizens of Lebanon County, Heartwood, Lancaster Against Pipelines, Lebanon Pipeline Awareness, and Sierra Club hereby petition the United States Court of Appeals for the District of Columbia Circuit for review of the following order of the Federal Energy Regulatory Commission (“Commission”):

Order Issuing Certificate, *Transcontinental Gas Pipe Line Co., LLC*, 158 FERC ¶ 61,125 (Feb. 3, 2017).

All of the petitioners were intervenors in the Commission proceedings below. Petitioners timely filed a request for rehearing of the Order. This request was denied by operation of law pursuant to 15 U.S.C. § 717r(a) because the Commission did not act on the request within 30 days. Instead, Commission staff issued an invalid “tolling order,” while “authority to act on requests for rehearing” has not been delegated by the Commission to staff. *See Agency Operations in the Absence of a Quorum*, 158 FERC ¶ 61,135, at P 4, n.10 (Feb. 3, 2017). The staff also lacked authority to “act” because the Commission lacks a quorum, and the staff lacks authority to issue an order that the Commission itself cannot issue. In addition, a “tolling order” does not constitute an “act” on a request for rehearing under the Natural Gas Act. *See also id.* at P 2, n.5 (tolling distinct from “action on” rehearing requests). Thus, this Court has jurisdiction to review the Order Issuing Certificate pursuant to 15 U.S.C. § 717r(b).

This petition for review is timely filed within 60 days of the Commission’s denial of rehearing in accordance with 15 U.S.C. § 717r(b).

Dated: March 23, 2017

Respectfully submitted,

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**PETITIONERS' RULE 26.1 STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Petitioners make the following disclosures:

**Allegheny Defense Project:** Allegheny Defense Project has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Allegheny Defense Project.

Allegheny Defense Project, a corporation organized and existing under the laws of Pennsylvania, is a nonprofit organization dedicated to the protection and

restoration of the Allegheny Bioregion, including the Allegheny National Forest and other public lands in Pennsylvania.

**Clean Air Council:** Clean Air Council has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Damascus Citizens for Sustainability.

Clean Air Council is a 501(c)(3) non-profit corporation whose mission is to serve as a collaborative dedicated to preserving and protecting clean air, land and water as a civil and basic human right in the face of the threat posed by the shale gas extraction industry and other threats to human and environmental health.

**Concerned Citizens of Lebanon County:** Concerned Citizens of Lebanon County has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Concerned Citizens of Lebanon County.

Concerned Citizens of Lebanon County is an unincorporated association that works to protect local families from the dangers of hazardous materials and natural gas pipelines.

**Heartwood:** Heartwood has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Heartwood.

Heartwood, a corporation organized and existing under the laws of the State of Indiana, is a nonprofit organization that works regionally to protect forests and

support community activism in the eastern United States through education, advocacy, and citizen empowerment.

**Lancaster Against Pipelines:** Lancaster Against Pipelines has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Lancaster Against Pipelines.

Lancaster Against Pipelines, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, is a nonprofit organization dedicated to protecting farmland, forests, homes, and history of Lancaster County, Pennsylvania, from the Atlantic Sunrise Project.

**Lebanon Pipeline Awareness:** Lebanon Pipeline Awareness has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Lebanon Pipeline Awareness.

Lebanon Pipeline Awareness, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, is a nonprofit organization dedicated to protecting the rights, health, and safety of the residents of Lebanon County, Pennsylvania, from the Atlantic Sunrise Project.

**Sierra Club:** Sierra Club has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Sierra Club.

Sierra Club, a corporation organized and existing under the laws of the State of California, is a nonprofit organization dedicated to the protection and enjoyment of the environment.

Dated: March 23, 2017

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## CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on March 23, 2017, I served a copy of the foregoing Petition for Review and Corporate Disclosure Statement by email on the following parties, including all members of the service list in FERC

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