

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF

CHICKAHOMINY PIPELINE, LLC

For a declaratory judgment

Case No. PUR-2021-00211

HANOVER COUNTY’S NOTICE OF PARTICIPATION AS A RESPONDENT

Hanover County, Virginia (“Hanover County”), by counsel, pursuant to 5 VAC 5-20-80(B), the Procedural Orders entered in this matter dated September 3, 2021 and September 16, 2021 (“the Procedural Orders”), and the September 22, 2021 Hearing Examiner's Ruling in this matter (“the Hearing Examiner's Ruling”), provides notice that it will participate as a respondent in the above-captioned proceeding before the Virginia State Corporation Commission (the “Commission”), in which Chickahominy Pipeline, LLC (“Petitioner” or “Chickahominy”) has filed a Petition seeking a declaratory judgment (“the Petition”). Pursuant to the requirements of 5 VAC 5-20-80(B), the Procedural Orders, and the Hearing Examiner’s Ruling, Hanover County states as follows:

I. Statement of the Interest of the Respondent

In the Petition, Chickahominy states that it will construct, own, and operate a natural gas pipeline (“Pipeline”) to transport natural gas from an unnamed supplier to a proposed combined-cycle generating facility to be constructed by Chickahominy Power, LLC. Petition, ¶¶ 1, 3-4.

Hanover County is a political subdivision of the Commonwealth and is a party interested in the instant proceeding in that Hanover County is the owner of real property through which the Pipeline may run. In addition, Hanover County is entitled to levy and collect local taxes upon other properties through which the Pipeline may run. In doing so, Hanover County relies upon,

and its interest is served by, the proper classification of the proposed Pipeline, oversight from the Commission to ensure the safety of the Pipeline, and other direct and indirect authorizations that Petitioner may receive as an entity regulated by the Commission or exempt from such regulation. To date, Hanover County has received limited information on the exact location and other pertinent details related to the Pipeline; Commission oversight would allow for interested properties owners, Hanover County, and the public at large to know the full impacts of the Pipeline.

Therefore, Hanover County has a material interest in the outcome of the proceeding and any policy changes from the Commission resulting therefrom.

II. Statement of the Specific Action Sought

In the Petition, Chickahominy asks that the Commission declare that the proposed construction, ownership, and operation of the Pipeline is not subject to the Commission's jurisdiction and grant such other relief as the Commission deem appropriate. Chickahominy also requests that the Commission act on the Petition on an expedited basis. Petition at p. 9.

Chickahominy's request is extremely broad and would allow it to avoid the numerous procedural and substantive safeguards that are present in the Utility Facilities Act (Va. Code §§ 56-265.1 et seq.). Chickahominy fails to provide sufficient evidence that the Pipeline should be exempt from Commission oversight or to support its request for an expedited hearing and disposition of the Petition.

Hanover County requests that a schedule be established for discovery and that a full evidentiary hearing be held regarding the relief requested by the Petition. In addition, Hanover County reserves its right to amend, modify, supplement, or withdraw any of its positions and defenses as necessary to comport with the evidence or other facts adduced in this proceeding and to comport with the requirements of 5 VAC 5-20-20.

WHEREFORE, Hanover County hereby gives Notice of Participation as a Respondent and an interested party in the above-captioned proceeding and requests that the Commission:

- (a) include it as a Respondent in the proceeding;
- (b) allow it notice of additional proceedings in this matter and the opportunity to present evidence, question witnesses, and present argument to the Commission;
- (c) participate in the proceedings in any manner as authorized by the Rules of the Commission and otherwise permitted by law; and
- (d) grant such further relief as the Commission deems just and proper.

Respectfully submitted,
HANOVER COUNTY, VIRGINIA

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2021, the foregoing Notice of Participation will be filed electronically with the Clerk of the Commission using the electronic filing system of the State Corporation Commission, and that a copy was served by email, to counsel of record, as follows:

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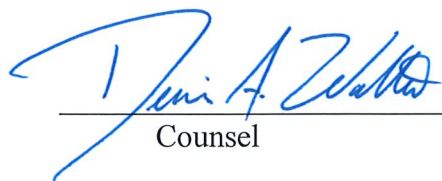
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