

## State should have oversight over proposed Chickahominy Pipeline, regulator says

By: [Sarah Vogelsong](#) - November 15, 2021 5:25 pm



The State Corporation Commission regulates Virginia electric utilities. (Ned Oliver/ Virginia Mercury)

A state regulatory official on Monday said the State Corporation Commission should have oversight of Chickahominy Pipeline’s plan to build a natural gas pipeline through five central Virginia counties.

“In my opinion, Chickahominy’s planned pipeline would be subject to the commission’s jurisdiction ... because Chickahominy would be a ‘public utility’ under the plain language of the Utility Facilities Act,” [wrote Hearing Examiner D. Mathias Roussy in a report to the commission](#).

Roussy’s report is not binding but will act as a recommendation for the three-judge SCC to use in making their final decision on the case.

In September, the pipeline developer, Chickahominy Pipeline, LLC — a company with ties to the planned Chickahominy Power Station in Charles City County — [asked the SCC](#) to rule that it didn’t need the commission’s approval to construct the pipeline along an 83-mile route across Louisa, Henrico, Hanover, New Kent and Charles City counties.

During a hearing earlier this month, Chickahominy Pipeline [argued that it doesn’t need SCC approval](#) because “while it will be transporting natural gas for heat, light or power, it will not be doing so for sale” and therefore should not legally be considered a public utility subject to commission regulation.

Roussy rejected that argument and the company’s petition Monday, writing that “the gas that would flow on the pipeline would be sold to (Chickahominy Pipeline) through an arrangement between a natural gas supplier and (Chickahominy Pipeline). Therefore ... I find that the natural gas that would be transmitted or distributed by the pipeline is for sale.”

If the SCC accepts Roussy’s recommendation, Chickahominy Pipeline will need to seek a certificate of public convenience and necessity to construct the project.

Virginia Natural Gas, however, has argued that the commission can’t issue the certificate to the company because doing so would unlawfully allow Chickahominy to provide gas service within the exclusive territory controlled by VNG. Several of the counties the pipeline would cross have also expressed reservations about the project, with [Hanover County Attorney Dennis Walter telling Roussy](#) that restrictions in the county’s zoning ordinance make the proposed route “practically infeasible.”

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[Sarah Vogelsong](#)

Sarah is the Mercury's environment and energy reporter, covering everything from utility regulation to sea level rise. Originally from McLean, she has spent over a decade in journalism and academic publishing. She previously worked as a staff reporter for Chesapeake Bay Journal, the Progress-Index and the Caroline Progress, and her work has been twice honored by the Virginia Press Association as "Best in Show" for online writing. She was chosen for the 2020 cohort of the Columbia Energy Journalism Institute and is a graduate of the College of William and Mary. Contact her at [svogelsong@virginiamercury.com](mailto:svogelsong@virginiamercury.com)

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