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UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FILED

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

CLERK

APPALACHIAN VOICES,)
CHESAPEAKE CLIMATE ACTION)
NETWORK,)
SIERRA CLUB,)
WEST VIRGINIA RIVERS COALITION,)
AND WILD VIRGINIA,)

Petitioners)

v.)

FEDERAL ENERGY REGULATORY)
COMMISSION,)

Respondent.)

No. 17-1271

PETITION FOR REVIEW

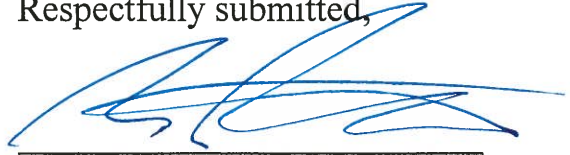
Pursuant to Section 19(b) of the Natural Gas Act, 15 U.S.C. § 717r(b), Federal Rules of Appellate Procedure 15, and Circuit Rule 15, Appalachian Voices, Chesapeake Climate Action Network, Sierra Club, West Virginia Rivers Coalition, and Wild Virginia hereby petition the United States Court of Appeals for the District of Columbia Circuit for review of the Federal Energy Regulatory Commission's ("the Commission") Order Issuing Certificates and Granting Abandonment Authority ("Order") in *Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043 (2017), entered on October 13, 2017.

ORIGINAL

Petitioners were intervenors in the Commission proceedings below. Petitioner filed a timely request for rehearing of the Order and a simultaneous motion to stay the Order pending the Commission's decision on the request. Petitioner's request for rehearing was denied by operation of law pursuant to 15 U.S.C. § 717r(a) because the Commission did not lawfully act on the request within thirty days. Instead, Commission staff issued an invalid "tolling order," which purports to grant Petitioner's request for rehearing solely "for the limited purpose of further consideration." FERC staff's "tolling order" was not lawful and thus did not prevent denial of Petitioner's request for hearing by operation of law because authority to act on a request for rehearing paired with a motion to stay has not been delegated by the Commission to staff. *See* Delegation of Authority to the Secretary, the Director of the Office Electric Power Regulation and the General Counsel, 60 Fed. Reg. 62,326, 62,327 (Dec. 6, 1995). The staff also lacked authority to issue a "tolling order" because the Natural Gas Act does not permit the Commission to delegate such authority. *See* 15 U.S.C. § 717r(a). Finally, a "tolling order" does not constitute an "act" on a request for rehearing under the Natural Gas Act. *Id.* Thus, Petitioner's request for rehearing was denied by operation of law and this Court has jurisdiction to review the Order Issuing Certificates and Granting Abandonment pursuant to 15 U.S.C. § 717r(b).

Dated: December 21, 2017

Respectfully submitted,



Benjamin A. Lockett
D.C. Bar No. 54227
Appalachian Mountain Advocates
P.O Box 507
Lewisburg, WV 24901
(304) 645-0125
blockett@appalmad.org

Elizabeth Benson
Sierra Club
2101 Webster Street, Suite 1300
Oakland, California 94612
(415) 977-5723
elly.benson@sierraclub.org

Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on December 21, 2017, a copy of the foregoing Petition for Review was served by email on the following parties, including all members of the service list in FERC Docket Numbers CP16-10-000; CP16-13-000:

James Danly
General Counsel
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
james.danly@ferc.gov

Robert Solomon
Solicitor
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
robert.solomon@ferc.gov

Eleanor Amidon
931 Tanbark Dr.
Afton, VIRGINIA 22920
UNITED STATES
elamidon@juno.com

sandra schlaudecker
4254 fortress drive
blacksburg, VIRGINIA 24060
UNITED STATES
spspas@aol.com

Carolyn Reilly
404 Old Mill Creek Lane
Rocky Mount, VIRGINIA 24151

UNITED STATES
carolynreilly3@gmail.com

Carl Zipper
3910 Horse Farm Road
Blacksburg, VIRGINIA 24060
UNITED STATES
skybluenrv2@gmail.com

Donna Riley
3418 Deer Run Rd
Blacksburg, VIRGINIA 24060
UNITED STATES
donnamriley@yahoo.com

Louisa Gay
3925 Horse Farm Rd.
Blacksburg, VIRGINIA 24060
UNITED STATES
lgay@vt.edu

Bill Dooley
4793 Preston Forest Drive
Blacksburg, VIRGINIA 24060
UNITED STATES
bdooley@vt.edu

Stephen Legge
PO Box 291
Newport, VIRGINIA 24128
UNITED STATES
hilldweller73@yahoo.com

Ernest Reed
Wild Virginia President
971 Rainbow Ridge Road
Faber, VIRGINIA 22938
UNITED STATES
lec@wildvirginia.org

David Werner
513 Parkview Dr
Rocky Mount, VIRGINIA 24151

	UNITED STATES dave@fourcornersfarm.com Virginia Cross 11317 Halbrooke Court Virginia Cross Richmond, VIRGINIA 23233 UNITED STATES Cross.va@gmail.com
Dennis Bryant	Dennis Bryant Dennis M Bryant 597 Cedar Meadow Dr Nellysford, VIRGINIA 22958 UNITED STATES dmbpipeline@gmail.com
Leslie Day	Leslie Day 95 CULLEN CT CHRISTIANSBURG, VIRGINIA 24073 UNITED STATES faith15_u@yahoo.com
stephen Whitehurst	stephen Whitehurst 827 Bluegrass Trail newport, VIRGINIA 24128 UNITED STATES stw6f@hotmail.com
Cheryl Borgman	Cheryl Borgman 92 Bull Pine Road Afton, VIRGINIA 22920 UNITED STATES cheryl@cstone.net
Eleanor Amidon	Eleanor Amidon 931 Tanbark Dr. Afton, VIRGINIA 22920 UNITED STATES elamidon@juno.com
Bruce Zoecklein	Bruce Zoecklein Dr Bruce Zoecklein

	2424 Mt Tabor Rd Blacksburg, VIRGINIA 24060 UNITED STATES zoeckleinb@gmail.com
Ian Reilly	Ian Reilly 404 Old Mill Creek Lane Rocky Mount, VIRGINIA 24151 UNITED STATES ian@fourcornersfarm.com
Pamela Tessnear	Pamela Tessnear 4246 Preston Forest Drive Blacksburg, VIRGINIA 24060 UNITED STATES 10wildturkeys@gmail.com
Timothy Ligon	Timothy Ligon 4290 Preston Forest Drive Blacksburg, VIRGINIA 24060 UNITED STATES protectourland2016@gmail.com
Holly Scoggins	Holly Scoggins 1588 Blue Grass Trail Newport, VIRGINIA 24128 UNITED STATES busybees@beeberry.farm
Marshall Tessnear	Marshall Tessnear 4246 Preston Forest Drive Blacksburg, VIRGINIA 24060 UNITED STATES mdt47jn25@yahoo.com
DANIEL MOORE	DANIEL MOORE 76 Shamrock Farm Ln Boones Mill, VIRGINIA 24065 UNITED STATES DKMOORE79@LIVE.COM
Chris Asmann	Chris Asmann 1799 Fort Spring Pike

Fort Spring, WEST VIRGINIA
24970

UNITED STATES
chris9999aa@gmail.com

Leon G Gross
10182 Bottom Creek Road
Bent Mountain, VIRGINIA 24059
UNITED STATES
jandmgross@cox.net

Holly Scoggins
1588 Blue Grass Trail
Newport, VIRGINIA 24128
UNITED STATES
busybees@beeberry.farm

Keith Wilson
887 Labellevue Drive
Boones Mill, VIRGINIA 24065
UNITED STATES
anjferr@gmail.com

Dragana Avirovik
613-2 McConkey St
Blacksburg, VIRGINIA 24060
UNITED STATES
daviro05@vt.edu

Lindsay Newsome
1692 Burks Fork Road SW
Willis, VIRGINIA 24380
UNITED STATES
moontides8@yahoo.com

Joseph Fagan
Karst Hydrologist and Environm
403 Franklin Drive
Blacksburg, VIRGINIA 24060
UNITED STATES
joseph.fagan.MVP.intervenor@gmail.com

Steven Cass	Steven Cass 2528 Bishop Road Blacksburg, VIRGINIA 24060 UNITED STATES blueroom@new-school.org
Nadia Doutcheva	Nadia Doutcheva 121 hearthstone Dr. #1 Blacksburg, VIRGINIA 24060 UNITED STATES nadia.loves@gmail.com
Madison Roberts	Madison Roberts 10900 Foxtrail Lane Blacksburg, VIRGINIA 24060 UNITED STATES madi612@vt.edu
Cameron Bermand	Cameron Bermand 165 Windsor Drive Northwest Christiansburg, VIRGINIA 24073 UNITED STATES bcam22@vt.edu
Samuel Gittelman	Samuel Gittelman 300 Pheasant Run Court Blacksburg, VIRGINIA 24060 UNITED STATES samg96@vt.edu
Andrew Geier	Andrew Geier 570 Washington st. Blacksburg, VIRGINIA 24060 UNITED STATES andrewg4242@gmail.com
Fred Vest	Fred Vest 10434 Mill Creek Road (POB 131) Bent Mountain, VIRGINIA 24059 UNITED STATES fred.vest.46@gmail.com
james	james chandler

chandler 10890 green hollow dr
bent mountain, VIRGINIA 24059
UNITED STATES
jchand4845@aol.com

Bruce Coffey Bruce Coffey
Land Owner
10303 Russwood Road
Bent Mountain, VIRGINIA 24059
UNITED STATES
chefbruce2002@yahoo.com

Beth Covington Beth Covington
Dairy goat farmer
1372 Wildwater Farms Rd.
Greenville, WEST VIRGINIA
24945
UNITED STATES
covington925@hotmail.com

Mark Laity-Snyder Mark Laity-Snyder
1585 Stanley Branch Rd
Ferrum, VIRGINIA 24088
UNITED STATES
marklaitys@yahoo.com

Dana Olson Dana Olson
P.O. Box 480
Peterstown, WEST VIRGINIA
24963
UNITED STATES
dolsonwv@yahoo.com

Patricia Tracu Patricia Tracu
Ms
1110 S Jefferson Forest Lane
Blacksburg, VIRGINIA 24060
UNITED STATES
greennr.v.pattracy@gmail.com

Ursula Halferty Ursula Halferty
Mrs
4409 Pearman RD

	Blacksburg, VIRGINIA 24060 UNITED STATES envir0awar3@gmail.com
Charles Chong	Charles Chong 1839 Halls Run Road Bristol, WEST VIRGINIA 26426-7350 UNITED STATES enecho@hughes.net
christian reidys	christian reidys Prof. Dr. 801 South Main St Apt 1 Blacksburg, VIRGINIA 24060 UNITED STATES duck@santafe.edu
Delwyn dyer	Delwyn dyer 4180 Dori-Del Hills Blacksburg, VIRGINIA 24060 UNITED STATES ddyer@vt.edu
Don Barber	Don Barber 4593 Preston Forest Drive Blacksburg, VIRGINIA 24060 UNITED STATES 2dbarber2@gmail.com
John Henrietta	John Henrietta Mike Henrietta 300 Azalea Drive Charlottesville, VIRGINIA 22903 UNITED STATES jmh9k@virginia.edu
Delwyn dyer	Delwyn dyer 4180 Dori-Del Hills Blacksburg, VIRGINIA 24060 UNITED STATES ddyer@vt.edu

Rebecca Dameron
10721 Bent Mountain Rd
Bent Mountain, VIRGINIA 24059
UNITED STATES
becdameron@cox.net

victoria stone
143 Caldwell Lane
Newport, VIRGINIA 24128
UNITED STATES
vjstone@gmail.com

Lynda Majors
2620 Mt Tabor Road
Blacksburg, VIRGINIA 24060
UNITED STATES
chickenwrangler74@gmail.com

Susan Ryan
7 Steeplechase Rd.
7 Steeplechase Rd.
Fredericksburg, VIRGINIA 22405
UNITED STATES
ryansusan931@gmail.com

Robert Johnson
9964 Patterson Drive
Bent Mountain, VIRGINIA 24059
UNITED STATES
johnsonbobk@gmail.com

Margaret Roston
610 N Main Street - Suite C-122
Blacksburg, VIRGINIA 24060
UNITED STATES
ProtectFutureNow@marx.ws

Roberta Johnson
9964 Patterson Drive
Bent Mountain, VIRGINIA 24059
UNITED STATES
johnsonrobertac@gmail.com

Carol
Bienstock
Carol Bienstock
1101 Treetop Ridge Rd.
Blacksburg, VIRGINIA 24060
UNITED STATES
Carol_MVP@yahoo.com

Howdy
Henritz
Howdy Henritz
916 Casey Creek Lane
Greenville, WEST VIRGINIA
24945
UNITED STATES
hhenritz@gmail.com

CHRISTOPH
ER KAKNIS
CHRISTOPHER KAKNIS
1145 CATAWBA ROAD
BLACKSBURG, VIRGINIA
24060
UNITED STATES
chris.kaknis@gmail.com

Vicki Pierson
Vicki Pierson
Vicki Pierson
504 Knawl Creek Road
Walkersville, WEST VIRGINIA
26447
UNITED STATES
vpierson8@gmail.com

Lenora
Montuori
Lenora Montuori
10779 Montuori Way
Bent Mountain, VIRGINIA 24059
UNITED STATES
sunseeker540@gmail.com

Robert
Lineberry
Robert Lineberry
1011 Madison Lane
Blacksburg, VIRGINIA 24060
UNITED STATES
bob.lineberry@gmail.com

Christina
Witcher
Christina Witcher
4250 Fortress Drive
Blacksburg, VIRGINIA 24060
UNITED STATES

	WitcherBlacksburg@outlook.com
Kelley Sills	Kelley Sills 378 Earthwind Rd Greenville, WEST VIRGINIA 24945 UNITED STATES earthwind378@gmail.com
Clifford Shaffer	Clifford Shaffer 249 Brookside Ln Newport, VIRGINIA 24128 UNITED STATES cliffshaffer1@gmail.com
Chris Roberts	Chris Roberts 1951 Mount Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES chrisroberts5@gmail.com
Kali Casper	Kali Casper 1951 Mount Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES kalijcasper@gmail.com
Terry Hrubec	Terry Hrubec Dr. 249 Brookside Lane Newport, VIRGINIA 24128 UNITED STATES nopipegiles@gmail.com
Ann-Marie Conner	Ann-Marie Conner 4106 Gedney Park Drive Blacksburg, VIRGINIA 24060 UNITED STATES drdolittle0808@gmail.com
Jason Boyle	Jason Boyle 3930 Horsefarm Rd Blacksburg, VIRGINIA 24060

UNITED STATES
jason@greenvalleybuildersinc.com

Steven Hodges
Professor
508 Stevers Gap Trail
Newport, VIRGINIA 24128
UNITED STATES
soils4souls@gmail.com

nancy guile
nancy guile
231 hilltop road
greenville, WEST VIRGINIA
24945
UNITED STATES
ngwv@yahoo.com

Robin Boucher
Robin Boucher
2155 Mount Tabor Road
Blacksburg, VIRGINIA 24060
UNITED STATES
rsbferc@gmail.com

sterl Morris
sterl Morris
sterl Morris
spruce run
Lindside, WEST VIRGINIA 24951
UNITED STATES
sbanemorris@yahoo.com

Becky and Roger Crabtree
Becky and Roger Crabtree
Becky and Roger Crabtree
Rt. 2 Box. 22
Lindside, WEST VIRGINIA 24951
UNITED STATES
queenofthegym@hotmail.com

Zane Lawhorn
Zane Lawhorn
310 Locust Street
Suite 7
Princeton, WEST VIRGINIA
24740
UNITED STATES
zanel2020@hotmail.com

Becky and
Roger
Crabtree
Becky and Roger Crabtree
Rt. 2 Box. 22
Lindside, WEST VIRGINIA 24951
UNITED STATES
queenofthegym@hotmail.com

Anita Puckett
Dr.
306 Rucker Rd.
Blacksburg, VIRGINIA 24060
UNITED STATES
IntervenorPuckettMVP@gmail.com

Stephen
Miller
Stephen Miller
Dr.
Rt. 1 Box 665 A
Peterstown, WEST VIRGINIA
24963
UNITED STATES
sandmmiller83@yahoo.com

J. Phillip
Pickett
J. Phillip Pickett
2620 Mt Tabor Road
Blacksburg, VIRGINIA 24060
UNITED STATES
oc1dr55@gmail.com

Maury
Johnson
Maury Johnson
3227 Ellison's Ridge
Greenville, WEST VIRGINIA
24945
UNITED STATES
maurywjohnson@yahoo.com

Mary Keffer
Mary Keffer
9990 Cumberland Gap Road
New Castle, VIRGINIA 24127
UNITED STATES
mkeffer@pemt.net

Grace Terry
Grace Terry
4718 Wembley Place

	Roanoke, VIRGINIA 24018 UNITED STATES gograce@earthlink.net
Steven Powers	Steven Powers 915 Piedmont Ave. Salem, VIRGINIA 24153 UNITED STATES powers@roanoke.edu
Lois Waldron	Lois Waldron 10808 Bottom Creek Road Bent Mountain, VIRGINIA 24059 UNITED STATES stevemartin54@gmail.com
Carl Zipper	Carl Zipper 3910 Horse Farm Road Blacksburg, VIRGINIA 24060 UNITED STATES skybluenrv2@gmail.com
Lois Martin	Lois Martin 2708 Hillbrook Drive Roanoke, VIRGINIA 24018 UNITED STATES inkymartin@msn.com
Matthew Denton-Edmundson	Matthew Denton-Edmundson 979 Breckinridge Mill rd Fincastle, VIRGINIA 24090 UNITED STATES md2wf@virginia.edu
Jonathan McLaughlin	Jonathan McLaughlin 1880 Knobs Rd Union, WEST VIRGINIA 24983 UNITED STATES mcfisch51@frontier.com
Charles Nikolaus	Charles Nikolaus Mr. Charles D Nikolaus 966 Wayside Talcott Rd

Talcott, WEST VIRGINIA 24981
UNITED STATES
catman2752@outlook.com

gwynn kinsey
380 mountain ave.s.w.
roanoke, VIRGINIA 24016
UNITED STATES
gkkinsey@cox.net

Thomas Tyler Bouldin
2633 Hungards Creek Road
Alderson, WEST VIRGINIA 24910
UNITED STATES
thomasbouldin.susanbouldin@gmail.com

Carolyn Jake
4107 Gedney Park Drive
Blacksburg, VIRGINIA 24060
UNITED STATES
jakewesson@verizon.net

Tina Badger
4181 Bluebird Dr
Elliston, VIRGINIA 24087
UNITED STATES
forestchilde@gmail.com

P. Annie Seago
757 Bethel Church RD
New Castle, VIRGINIA 24127
UNITED STATES
vtjmu@aol.com

Gerald Jones
Professor Emeritus
1010 MADISON LN
BLACKSBURG, VIRGINIA
24060
UNITED STATES
gmjones@vt.edu

Helena Teekell	Helena Teekell 4105 W. McKay Ave. Tampa, FLORIDA 33609 UNITED STATES hteekell@gmail.com
Elizabeth Ackermann	Elizabeth Ackermann 304 Hickok Street Christiansburg, VIRGINIA 24073 UNITED STATES webstershanty@gmail.com
Sam Easterling	Sam Easterling PO Box 87 Newport, VIRGINIA 24128 UNITED STATES sameasterling59@gmail.com
Marjorie Lewter	Marjorie Lewter DR. Marjorie Lewter 876 Sinking Spring Hollow New Castle, VIRGINIA 24127 UNITED STATES margelewter@gmail.com
PJ Crabtree	PJ Crabtree Rt 2 Box 296 Peterstown, WEST VIRGINIA 24963 UNITED STATES papi_crabtree@yahoo.com
Olivia Foskey	Olivia Foskey 104 Wendover Rd Daleville, VIRGINIA 24083 UNITED STATES foskeyof@hollins.edu
Valerie Ughetta	Valerie Ughetta 1117 North Rockingham Street Arlington, VIRGINIA 22205 UNITED STATES vughetta@gmail.com

Dwayne Milam
418 Doc Miller Lane
Alderson, WEST VIRGINIA 24910
UNITED STATES
dmilamnomvp@gmail.com

Loretta Brolsma
Cozy Hollow Farm
884 Hunter Springs Road
Greenville, WEST VIRGINIA
24945-7133
UNITED STATES
cozyhollow1@gmail.com

Paula Mann
Herman & Paula Mann
3413 Ellison Ridge
Greenville, WEST VIRGINIA
24945
UNITED STATES
plomann60@frontier.com

Roseanna SACCO
Roseanna Sacco
626 Cove Creek Road
Sweet Springs, WEST VIRGINIA
24941
UNITED STATES
neom28641@gmail.com

Holly Waterman
1206 Snyder Ln.
Apt. 1800B
Blacksburg, VIRGINIA 24060
UNITED STATES
waterlly1@gmail.com

Jean Porterfield
1020 Mountain Lake road
Newport, VIRGINIA 24128
UNITED STATES
cavehillfarmer@gmail.com

Renee Howell	Renee Howell 6229 Saddleridge Lane Roanoke, VIRGINIA 24018 UNITED STATES opierenee@yahoo.com
Laurie Ardison	Laurie Ardison Back Creek Road Greenville, WEST VIRGINIA 24945 UNITED STATES notlisu@icloud.com
Getra Hanes	Getra Hanes PO Box 11783 Roanoke, VIRGINIA 24022 UNITED STATES blueridgecommunity@outlook.com
Steven Hanes	Steven Hanes 10250 Mill Creek Rd Bent Mountain, VIRGINIA 24059 UNITED STATES stevenhanes@cox.net
Landcey Ragland	Landcey Ragland 163 Slate Run Road Greenville, WEST VIRGINIA 24945 UNITED STATES raglandwv@gmail.com
Susan Barrett	Susan Barrett 3920 Horse Farm Road Blacksburg, VIRGINIA 24060 UNITED STATES subarre@gmail.com
Jana Peters	Jana Peters P.O. Box 480 Peterstown, WEST VIRGINIA 24963 UNITED STATES

	petersmountain43@gmail.com
Elizabeth Reynolds	Elizabeth Reynolds 934 Stonegate Drive Salem, VIRGINIA 24153 UNITED STATES mikersalem@aol.com
Laura Cleavenger	Laura Cleavenger 3373 Raccoon Run Road Bristol, WEST VIRGINIA 26426 UNITED STATES lauraljc@aol.com
Judith Rauchle	Judith Rauchle Mrs. Judith Rauchle 231 Cahas Mountain Road Boones Mill, VIRGINIA 24065 UNITED STATES jleerauchle@mindspring.com
Susan Cornish	Susan Cornish Back Creek Road Greenville, WEST VIRGINIA 24945 UNITED STATES susanb@atlanticbb.net
Frank Terry	Frank Terry 8815 Poor Mt Rd Bent Mountain, VIRGINIA 24059 UNITED STATES frankt9688@earthlink.net
Christopher Barrett	Christopher Barrett 3920 Horse Farm Road Blacksburg, VIRGINIA 24060 UNITED STATES christopher.l.barrett@gmail.com
Serina Garst	Serina Garst 1520 Le Roy Ave Berkeley, CALIFORNIA 94708

John Terry
serina@cahas.co
John Terry
8741 Poor Mt Rd
Bent Mountain, VIRGINIA 24059
UNITED STATES
coles.terry3@gmail.com

Elisabeth Sichel
Hon. Elisabeth Sichel
531 Burns Holllow Rd.
Meadow Bridge, WEST
VIRGINIA 25976
UNITED STATES
ldyliz@sbcglobal.net

Wayne Wilson
1037 Chalk Level Road
PO Box 610
Chatham, VIRGINIA 24531
UNITED STATES
wayne@waynewilson.com

Raymond Roberts
Raymond Roberts
President The Network
5101 McCoy Road
Blacksburg, VIRGINIA 24060
UNITED STATES
rray557@aol.com

Tammy Capaldo
Tammy Capaldo
190 Cedar Lane
Pence Springs, WEST VIRGINIA
24962
UNITED STATES
tcapa762@gmail.com

Renee Powers
Renee Powers
915 Piedmont Ave
Salem, VIRGINIA 24153
UNITED STATES
renee.lavin819@gmail.com

Anna Karr	Anna Karr Anna Karr 8755 Poor Mountain Road Bent Mtn., VIRGINIA 24059 UNITED STATES linderkarr@gmail.com
Preserve Monroe	Preserve Monroe Preserve Monroe Main Street PO Box 76 Union, WEST VIRGINIA 24983 UNITED STATES preservemonroemvp@gmail.com
Dane Webster	Dane Webster 4478 Preston Forest Dr Blacksburg, VIRGINIA 24060 UNITED STATES nrvdane@gmail.com
Laura Berry	Laura Berry Mrs. 1371 Breckenridge Drive Blacksburg, VIRGINIA 24060 UNITED STATES blacksburgstakeholder@gmail.com
Julian Hansbarger	Julian Hansbarger Julian Clark Hansbarger 550 Rowan Rd Gap Mills, WEST VIRGINIA 24941 UNITED STATES clarkhansbarger@gmail.com
Elizabeth Hahn	Elizabeth Hahn 2068 Lusters Gate Road Blacksburg, VIRGINIA 24060 UNITED STATES bchancey@verizon.net
Michael	Michael Martin

Martin co-owner Wrong Way Farm
PO Box 57
Greenville, WEST VIRGINIA
24945
UNITED STATES
michaelmartin3625@yahoo.com

Stephen Wood
5446 Oakland Blvd.
Roanoke, VIRGINIA 24019-6322
UNITED STATES
stevewood357@yahoo.com

Edward Savage
8094 Upper Craig Creek Rd.
Catawba, VIRGINIA 24127
UNITED STATES
nedsavage@gmail.com

Elizabeth Malbon
Dr.
1391 Breckenridge Drive
Blacksburg, VIRGINIA 24060
UNITED STATES
esm4nrv@gmail.com

Ashley Johnson
Ashley Johnson
Rt 81 Box 28A
Greenville, WEST VIRGINIA
24945
UNITED STATES
wvnavygirl@gmail.com

Ariel Darago
landowner
3515 Ellison Ridge Rd.
Greenville, WEST VIRGINIA
24945
UNITED STATES
daragoariel@gmail.com

Taylor Taylor Johnson

Johnson Taylor Johnson
507 6th Avenue
Huntington, WEST VIRGINIA
25701
UNITED STATES
taylorj24945@gmail.com

Rosemary Goss
Professor
2355 Mt.Tabor Road
Blacksburg, VIRGINIA 24060
UNITED STATES
goss.mvpintervenor@gmail.com

Daniel Campbell
905 Greenway Rd.
Glade Hill, VIRGINIA 24092
UNITED STATES
newholiday51@yahoo.com

Deborah Hammond
3850 Horse Farm Road
Blacksburg, VIRGINIA 24060
UNITED STATES
deborahell@aol.com

Mark Joyner
P.O. Box 976
Chatham, VIRGINIA 24531
UNITED STATES
Historicalarchaeologist@yahoo.co
m

James McGrady
James McGrady
625 Hans Creek
Greenville, WEST VIRGINIA
24945
UNITED STATES
jmhanscreek@gmail.com

Orus Ashby Berkley
Orus Ashby Berkley
Businessman

170 Berkley Cove Pence Springs
WV
PO Box 366
Talcott, WEST VIRGINIA 24981
UNITED STATES
oaberkley41@gmail.com

Susan Crenshaw
6775 Craig Valley Drive
New Castle, VIRGINIA 24127
UNITED STATES
Crennys4x@tds.net

erin mckelvy
2068 Lusters Gate Rd
Blacksburg, VIRGINIA 24060
UNITED STATES
gingerbeet@gmail.com

Frank Wickline
Frank Wickline
1059 Ellison Ridge Road
Greenville, WEST VIRGINIA
24945
UNITED STATES
fronawesfarm@gmail.com

Jobyl Boone
2714 Wirtz Rd
Wirtz, VIRGINIA 24184
UNITED STATES
boonej@udel.edu

Harriet Hodges
Harriet G Hodges
2262 Windsor Ave SW
Roanoke, VIRGINIA 24015
UNITED STATES
hghodges1@cox.net

Brian Murphy
Landowner
8227 Cumberland Gap Road

New Castle, VIRGINIA 24127
UNITED STATES
brian.murphy.va@gmail.com

Eldon Karr
8011 Poor Mountain Rd
Bent Mountain, VIRGINIA 24059
UNITED STATES
appalachian.architect@verizon.net

Bradley Foro
8235 Poor Mountain Road
Bent Mountain, VIRGINIA 24059
UNITED STATES
badbradforo@hotmail.com

Patrick Robinson
4375 Preston Forest Dr
Blacksburg, VIRGINIA 24060
UNITED STATES
saynotomvp@gmail.com

Tom and Betty Gilkerson
Monroe County --Adjacent Lando
Ellison's Ridge Road
PO Box 682
Gauley Bridge, WEST VIRGINIA
25085
UNITED STATES
tomandbettygilkerson@gmail.com

Ann Petrie Brown
Adjacent Landowner
1019 Hans Creek Road
Greenville, WEST VIRGINIA
24945
UNITED STATES
petrie24945@gmail.com

Dorothy Larew
Concern Landowner
6232 Greenville Road
Greenville, WEST VIRGINIA

	24945 UNITED STATES larewcd@gmail.com
WilburandIrene Larew	WilburandIrene Larew Adjacent landowner 3548 Hans Creek Road Greenville, WEST VIRGINIA 24945 UNITED STATES larewfarm24945@gmail.com
Hersha Evans	Hersha Evans 55 Griggs Street Christinsburg, VIRGINIA 24073 UNITED STATES hnurhle@gmail.com
Kelsey Williams	Kelsey Williams 1206 Snyder Lane Apt. 1800B Blacksburg, VIRGINIA 24060 UNITED STATES kelseyw7@vt.edu
Howdy Henritz	Howdy Henritz 916 Casey Creek Lane Greenville, WEST VIRGINIA 24945 UNITED STATES hhenritz@gmail.com
Charles Nikolaus	Charles Nikolaus Mr. Charles D Nikolaus 966 Wayside Talcott Rd Talcott, WEST VIRGINIA 24981 UNITED STATES catman2752@outlook.com
Becky and Roger Crabtree	Becky and Roger Crabtree Rt. 2 Box. 22 Lindside, WEST VIRGINIA 24951 UNITED STATES

	queenofthegym@hotmail.com
Jana Peters	Jana Peters P.O. Box 480 Peterstown, WEST VIRGINIA 24963 UNITED STATES petersmountain43@gmail.com
Maury Johnson	Maury Johnson 3227 Ellison's Ridge Greenville, WEST VIRGINIA 24945 UNITED STATES maurywjohnson@yahoo.com
Orus Ashby Berkley	Orus Ashby Berkley Businessman 170 Berkley Cove Pence Springs WV PO Box 366 Talcott, WEST VIRGINIA 24981 UNITED STATES oaberkley41@gmail.com
Beth Covington	Beth Covington Dairy goat farmer 1372 Wildwater Farms Rd. Greenville, WEST VIRGINIA 24945 UNITED STATES covington925@hotmail.com
Ariel Darago	Ariel Darago landowner 3515 Ellison Ridge Rd. Greenville, WEST VIRGINIA 24945 UNITED STATES daragoariel@gmail.com
WilburandIrene Larew	WilburandIrene Larew Adjacent landowner

3548 Hans Creek Road
Greenville, WEST VIRGINIA
24945
UNITED STATES
larewfarm24945@gmail.com

Ann Petrie Brown
Adjacent Landowner
1019 Hans Creek Road
Greenville, WEST VIRGINIA
24945
UNITED STATES
petrie24945@gmail.com

Tom and Betty Gilkerson
Monroe County --Adjacent Lando
Ellison's Ridge Road
PO Box 682
Gauley Bridge, WEST VIRGINIA
25085
UNITED STATES
tomandbettygilkerson@gmail.com

James McGrady
James McGrady
625 Hans Creek
Greenville, WEST VIRGINIA
24945
UNITED STATES
jmhanscreek@gmail.com

Taylor Johnson
Taylor Johnson
507 6th Avenue
Huntington, WEST VIRGINIA
25701
UNITED STATES
taylorj24945@gmail.com

Paula Mann
Paula Mann
Herman & Paula Mann
3413 Ellison Ridge

	Greenville, WEST VIRGINIA 24945 UNITED STATES plomann60@frontier.com
Ashley Johnson	Ashley Johnson Ashley Johnson Rt 81 Box 28A Greenville, WEST VIRGINIA 24945 UNITED STATES wvnavygirl@gmail.com
Roy Quesenberry	Roy Quesenberry 1025 Madison Lane Blacksburg, VIRGINIA 24060 UNITED STATES rsquesenberry@verizon.net
Patricia Cole	Patricia Cole Rt. 1 Box 46 Union, WEST VIRGINIA 24983 UNITED STATES blueroaminfarm@gmail.com
Robert Jones	Robert Jones Dr. Robert M. Jones 2628 Mount Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES rmjones@vt.edu
Lynda Majors	Lynda Majors 2620 Mt Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES chickenwrangler74@gmail.com
John Baker	John Baker John Garrett Baker 2546 Mount Tabor Rd Blacksburg, VIRGINIA 24060 UNITED STATES

	jobaker@vt.edu
Robert Jones	Robert Jones Dr. Robert M. Jones 2628 Mount Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES rmjones@vt.edu
Michael Slayton	Michael Slayton mslayton 2626 Mt. Tabor Rd. Blacksburg, VIRGINIA 24060 UNITED STATES mslayton@ltdkate.com
Michael Slayton	Michael Slayton mslayton 2626 Mt. Tabor Rd. Blacksburg, VIRGINIA 24060 UNITED STATES mslayton@ltdkate.com
Pamela Ferrante	Pamela Ferrante 3030 Mount Tabor Rd Blacksburg, VIRGINIA 24060 UNITED STATES pamferrante04@gmail.com
Mode Johnson	Mode Johnson 3030 Mt Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES modeaj01@gmail.com
Thomas Triplett	Thomas Triplett Mr Thomas W Triplett 2664 Mt Tabor Road Blacksburg, VIRGINIA 24060 UNITED STATES tcsincva@gmail.com
tyler paul	tyler paul

	Land Owner 20 Rio Vista Lane Richmond, VIRGINIA 23226 UNITED STATES tylerbirdpaul@gmail.com
Linda Parsons Sink	Linda Parsons Sink 1831 Catawba Road Blacksburg, VIRGINIA 24060 UNITED STATES Tsink05@vt.edu
Margaret Roston	Margaret Roston 610 N Main Street - Suite C-122 Blacksburg, VIRGINIA 24060 UNITED STATES ProtectFutureNow@marx.ws
Gordon Jones	Gordon Jones Mr. Gordon Jones 641 Stevers Gap Trail Newport, VIRGINIA 24128 UNITED STATES jonesd@pemt.net
Tina Smusz	Tina Smusz 5555 Mt Tabor Rd Catawba, VIRGINIA 24070 UNITED STATES FERCSmusz@gmail.com
Cindy Kamps	Cindy Kamps 2400 Driftwood Road North Chesterfield, VIRGINIA 23235 UNITED STATES kamphobby@verizon.net
Maury Johnson	Maury Johnson 3227 Ellison's Ridge Greenville, WEST VIRGINIA

24945
UNITED STATES
maurywjohnson@yahoo.com

David Werner
513 Parkview Dr
Rocky Mount, VIRGINIA 24151
UNITED STATES
dave@fourcornersfarm.com

Elizabeth Malbon
Dr.
1391 Breckenridge Drive
Blacksburg, VIRGINIA 24060
UNITED STATES
esm4nrv@gmail.com

Robert Lineberry
1011 Madison Lane
Blacksburg, VIRGINIA 24060
UNITED STATES
bob.lineberry@gmail.com

Lauren Malhotra
7500 Hunters Mill Rd
Apt. F
Blacksburg, VIRGINIA 24060
UNITED STATES
laurcm6@vt.edu

Patricia Cole
Rt. 1 Box 46
Union, WEST VIRGINIA 24983
UNITED STATES
blueroaminfarm@gmail.com

Kara Jeffries
882 Coal Bank Hollow Road
Blacksburg, VIRGINIA 24060
UNITED STATES
tourjek@vt.edu

Bruce Coffey Bruce Coffey

Land Owner
10303 Russwood Road
Bent Mountain, VIRGINIA 24059
UNITED STATES
chefbruce2002@yahoo.com

Bruce Coffey
Land Owner
10303 Russwood Road
Bent Mountain, VIRGINIA 24059
UNITED STATES
chefbruce2002@yahoo.com

Robin Austin
10513 Bottom Creek Rd
Bent Mountain, VIRGINIA 24059
UNITED STATES
rvbcrobin@yahoo.com

Linda Parsons Sink
1831 Catawba Road
Blacksburg, VIRGINIA 24060
UNITED STATES
Tsink05@vt.edu

James McGrady
James McGrady
625 Hans Creek
Greenville, WEST VIRGINIA
24945
UNITED STATES
jmhanscreek@gmail.com

Maury Johnson
Maury Johnson
3227 Ellison's Ridge
Greenville, WEST VIRGINIA
24945
UNITED STATES
maurywjohanson@yahoo.com

Donald Jones
Donald Jones
1944 Kiska Rd
Salem, VIRGINIA 24153

	UNITED STATES vmftech@yahoo.com
Preserve Monroe	Preserve Monroe Preserve Monroe Main Street PO Box 76 Union, WEST VIRGINIA 24983 UNITED STATES preservemonroemvp@gmail.com
William Sydor	William Sydor Dr. P. O. Box 375 Blacksburg, VIRGINIA 24063- 0375 UNITED STATES William.J.Sydor@vt.edu
Ann Petrie Brown	Ann Petrie Brown Adjacent Landowner 1019 Hans Creek Road Greenville, WEST VIRGINIA 24945 UNITED STATES petrie24945@gmail.com
Donald Jones	Donald Jones 1944 Kiska Rd Salem, VIRGINIA 24153 UNITED STATES vmftech@yahoo.com
Ann Petrie Brown	Ann Petrie Brown Adjacent Landowner 1019 Hans Creek Road Greenville, WEST VIRGINIA 24945 UNITED STATES petrie24945@gmail.com
Preserve Monroe	Preserve Monroe Preserve Monroe

	Main Street PO Box 76 Union, WEST VIRGINIA 24983 UNITED STATES preservemonroemvp@gmail.com
Preserve Monroe	Preserve Monroe Preserve Monroe Main Street PO Box 76 Union, WEST VIRGINIA 24983 UNITED STATES preservemonroemvp@gmail.com
Robert Lineberry	Robert Lineberry 1011 Madison Lane Blacksburg, VIRGINIA 24060 UNITED STATES bob.lineberry@gmail.com
Dennis Jones	Dennis Jones 1329 Penley Blvd Salem, VIRGINIA 24153 UNITED STATES spartans4@verizon.net
David Werner	David Werner 513 Parkview Dr Rocky Mount, VIRGINIA 24151 UNITED STATES dave@fourcornersfarm.com
Martin Morrison	Martin Morrison 3728 Sunrise Ave Roanoke, VIRGINIA 24012 UNITED STATES mgmorrison@rbnet.com
Brian Jones	Brian Jones 641 Stevers Gap Trl Newport, VIRGINIA 24128 UNITED STATES bdj@vt.edu

Robert Lineberry	Robert Lineberry 1011 Madison Lane Blacksburg, VIRGINIA 24060 UNITED STATES bob.lineberry@gmail.com
Louisa Gay	Louisa Gay 3925 Horse Farm Rd. Blacksburg, VIRGINIA 24060 UNITED STATES lgay@vt.edu
Mary Coffey	Mary Coffey Po box 204 Bent mtn, VIRGINIA 24059 UNITED STATES Fiddlebaby@gmail.com
Bruce Coffey	Bruce Coffey Land Owner 10303 Russwood Road Bent Mountain, VIRGINIA 24059 UNITED STATES chefbruce2002@yahoo.com
Allegheny Defense Project	Ryan Talbott 5020 NE 8th Avenue Portland, OREGON 97211 UNITED STATES rtalbott@alleghenydefense.org
American Electric Power Service Corporation	Amanda Conner Senior Counsel American Electric Power Service Corporation 801 Pennsylvania Ave NW Suite 320 Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES arconner@aep.com
Appalachian	Benjamin Luckett

Mountain
Advocates
Appalachian Mountain Advocates
PO Box 507
Lewisburg, WEST VIRGINIA
24991
UNITED STATES
bluckett@appalmad.org

Appalachian
Mountain
Club
Heatheer Clish
Director of Conservation & Rec
Appalachian Mountain Club
Appalachian Mountain Club
5 Joy Street
Boston, MASSACHUSETTS
01867
UNITED STATES
hclish@outdoors.org

Appalachian
Trail
Conservancy
Laura Belleville
660 Kipps Lane
Blacksburg, VIRGINIA 24060
UNITED STATES
lbelleville@appalachiantrail.org

Black
Diamond
Property
Owners, Inc.
Michael Dimino
Chair, Pipeline Committee, Bla
P.O. Box 104
Newport, VIRGINIA 24128
UNITED STATES
bdpoa.intervene@gmail.com

Blue Ridge
Environmenta
l Defense
League, Inc.
Mara Robbins
Virginia Coordinator, Blue Rid
110 Talley's Alley
Floyd, VIRGINIA 24091
UNITED STATES
mara.robbins@gmail.com

Blue Ridge
Land
Conservancy
David Perry
Blue Ridge Land Conservancy
722 First St. SW Suite L
Roanoke, VIRGINIA 24016
UNITED STATES

dperry@blueridgelandconservancy.
org

Bold Alliance Carolyn Reilly
Bold Alliance
404 Old Mill Creek Lane
Rocky Mount, VIRGINIA 24151
UNITED STATES
carolyn@boldalliance.org

Border Judy Azulay
Conservancy Project coordinator -Border Co
The Border Conservancy
5249 Waiteville Rd
Waiteville, WEST VIRGINIA
24984
UNITED STATES
borderconservancyi@gmail.com

Cahas John Bernard
Mountain Rural Founder, Cahas Mountain Preser
Historic 221 Glascock Street
District Raleigh, NC, NORTH CAROLINA
27604
UNITED STATES
jpbernard@earthlink.net

Cave Joseph Fagan
Conservancy President, Cave Conservancy of
of the 13131 Overhill Lake Lane
Virginias Glen Allen, VA 23059, VIRGINIA
23059
UNITED STATES
cave.conservancy.of.va@gmail.co
m

Consolidated Paul Savage
Edison Consolidated Edison Development,
Company of Inc.
New York, 4 Irving Place, room 1875-s
Inc. New York, NEW YORK 10003
UNITED STATES

Coronado Coal, LLC
savagep@coned.com
Joel deJesus
Dinsmore & Shohl LLP
11520 Highview Avenue
INC000000026385
Silver Spring, MARYLAND 20902
UNITED STATES
joedjld@comcast.net

Craig County Board of Supervisors, Virginia
Bowie Goodman
County Administrator
Craig County Board of Supervisors
108 Court Street
New Castle, VIRGINIA 24127
UNITED STATES
clay.craigco@tds.net

Craig-Botetourt Electric Cooperative
John Pirko
LeClairRyan, A Professional Corporation
4201 Dominion Blvd
Suite 200
Glen Allen, VIRGINIA 23060
UNITED STATES
john.pirko@leclairryan.com

Dominion Hope
Daniel Archuleta
Associate
Troutman Sanders LLP
401 9th Street, NW Suite 1000
Washington, DISTRICT OF COLUMBIA 20004
UNITED STATES
daniel.archuleta@troutmansanders.com

Duke Energy Carolinas, LLC
James Jeffries
Moore & Van Allen PLLC
100 N. Tryon Street
Suite 4700
Charlotte, NORTH CAROLINA

28202
UNITED STATES
mvaferc@mvalaw.com

Duke Energy Progress, LLC
Suite 4700
Charlotte, NORTH CAROLINA
28202
UNITED STATES
mvaferc@mvalaw.com

Frances Collins, Michael Williams, Miller Williams, Tony Williams
Matt Fellerhoff
Strauss Troy
150 E Fourth St
Cincinnati, OHIO 45202
UNITED STATES
mwfellerhoff@strausstroy.com

Franklin County Virginia
Franklin County Board of Supervisors
Board of Supervisors
1255 Franklin Street
Suite 103
Rocky Mount, VIRGINIA 24151
UNITED STATES
mvpinfo@franklincountyva.gov

Friends Of Claytor lake
Laura Walters
Environmental Chair, Friends o
FRIENDS OF CLAYTOR LAKE, INC
P O Box 300
Dublin, VIRGINIA 24084
UNITED STATES
claytorlakegirl@gmail.com

Friends of Nelson
Ernest Reed
Wild Virginia President

971 Rainbow Ridge Road
Faber, VIRGINIA 22938
UNITED STATES
lec@wildvirginia.org

General
Federation of
Women's
Clubs

Freedra Cathcart
contactfreeda@gmail.com

Giles County
Board of
Supervisors

Richard Chidester
Giles County Attorney
Giles County Board of Supervisors
315 N. Main St.
Pearisburg, VIRGINIA 24134
UNITED STATES
rchidester@gilescounty.org

Greater
Newport
Rural Historic
District
Committee

David Brady
Member, Greater Newport Rural
190 Cider Hill Road
Newport, VIRGINIA 24128
UNITED STATES
flyngcow@pemt.net

Heartwood

Ernest Reed
Wild Virginia President
971 Rainbow Ridge Road
Faber, VIRGINIA 22938
UNITED STATES
lec@wildvirginia.org

Highlanders
for
Responsible
Development

Gregory Buppert
Senior Attorney
SOUTHERN ENVIRONMENTAL
LAW CENTER
201 West Main Street, Suite 14
Charlottesville, VIRGINIA 22901
UNITED STATES
gbuppert@selcva.org

ICG Eastern,
LLC

Nicholas Preservati
Spilman Thomas & Battle, PLLC

Indian Creek
Watershed
Association

300 Kanawha BLVD
Charleston, WV, WEST
VIRGINIA 25301
UNITED STATES
npreservati@spilmanlaw.com

judy azulay
Coordinator
po box 522
union, WEST VIRGINIA 24983
UNITED STATES
judyazulay@gmail.com

INDIVIDUA
L

**Shirley Hall
Rt. 1 Box 240F
Lindside, WEST VIRGINIA 24951
UNITED STATES

IOGA of West
Virginia

Randall Rich
Partner
Pierce Atwood LLP
Pierce Atwood LLP
1875 K Street, NW
Washington, DISTRICT OF
COLUMBIA 20006
UNITED STATES
rrich@pierceatwood.com

Jerry
Deplazes and
Jerolyn
Deplazes

Matt Fellerhoff
Strauss Troy
150 E Fourth St
Cincinnati, OHIO 45202
UNITED STATES
mwfellerhoff@strausstroy.com

Karolyn
Givens

Matt Fellerhoff
Strauss Troy
150 E Fourth St
Cincinnati, OHIO 45202
UNITED STATES
mwfellerhoff@strausstroy.com

Monroe

Justin St Clair

County Commission
Monroe County Prosecuting Atto
P.O. Box 740
Union, WEST VIRGINIA 24983
UNITED STATES
countycommission@monroecounty
wv.net

Monroe County Organic District
Joel Shaffran
Rt 1 Box 241
Lindside, WEST VIRGINIA 24951
UNITED STATES
backvalleyfarmwv@gmail.com

Montgomery County Government
Nancy Turner
Program Assistant
Montgomery County Government
755 Roanoke St Ste 2F
Christiansburg, VIRGINIA 24073
UNITED STATES
turnerne@montgomerycountyva.go
v

Mountain Valley Pipeline LLC
Matthew Eggerding
Counsel, Midstream
EQT Corporation
625 Liberty Avenue
Pittsburgh, PENNSYLVANIA
15222
UNITED STATES
meggerding@eqt.com

Mark R Zakutansky
Mid-Atlantic Policy Manager
Appalachian Mountain Club
520 Long Street
Appalachian Mountain Club
Bethlehem,
PENNSYLVANIA 18018
mzakutansky@outdoors.org

Mountain Valley Pipeline LLC

Mountain Valley Pipeline LLC

Mountain Valley Pipeline LLC

Mara Robbins
Virginia Coordinator, Blue
Rid
110 Talley's Alley

NATURAL
RESOURCES
DEFENSE
COUNCIL

Gregory Buppert
Senior Attorney
SOUTHERN ENVIRONMENTAL
LAW CENTER
201 West Main Street, Suite 14
Charlottesville, VIRGINIA 22901
UNITED STATES
gbuppert@selcva.org

Floyd, VIRGINIA 24091
mara.robbs@gmail.com

Louis A Zeller
Executive Director
Blue Ridge Environmental
Defense League, Inc.
PO Box 88
Glendale Springs, 28629-
0088
bredl@skybest.com

New River
Conservancy

George Santucci
New River Conservancy
1 N. Jefferson Ave. Suite D
West Jefferson, NORTH
CAROLINA 28694
UNITED STATES
george@newriverconservancy.org

NextEra
Energy Power
Marketing,
LLC

william lavarco
NextEra Energy Companies
801 Pennsylvania Ave., NW Suite
220
washington, DISTRICT OF
COLUMBIA 20004
UNITED STATES
william.lavarco@nexteraenergy.co
m

Norfolk
Southern
Railway
Company

Helen Hart
General Solicitor
Norfolk Southern Railway
Company
3 Commercial Place
Norfolk, VIRGINIA 23510
UNITED STATES
helen.hart@nscorp.com

Ohio Valley
Environmenta
l Coalition

Vivian Stockman
project coordinator
PO Box ^753

Amy C South
Co-chair The Border
Conservanc

Huntington, WEST VIRGINIA
25773
UNITED STATES
vivian@ohvec.org

The Border Conservancy
5249 Waiteville Rd
Waiteville, WEST
VIRGINIA 24984
pipeline@borderwv.org

Peoples
Natural Gas
Company
LLC

Christopher Barr
Attorney
Post & Schell, P.C.
607 14th St., N.W.
Suite 600
Washington, DISTRICT OF
COLUMBIA 20005-2006
UNITED STATES
cbarr@postschell.com

Peoples
Natural Gas
Company
LLC

Piedmont
Natural Gas
Company,
Inc.

Jane Lewis-Raymond
Vice President - General Couns
Piedmont Natural Gas
4720 Piedmont Row Dr
Charlotte, NORTH CAROLINA
28210
UNITED STATES
piedmontferc@piedmontng.com

Scott Butler
Consolidated Edison
Company of New York, Inc.
and Orange and Rockland
Utilities, Inc.
4 Irving Place
New York, NEW YORK
10003
butlers@coned.com

Pittsylvania
County
Historical
Society

mark Joyner
Pittsylvania County Historical
Pittsylvania County Historical
Society
P.O Box 976
Chatham, VIRGINIA 24531
UNITED STATES
historicalarchaeologist2@yahoo.co
m

Robert L Cline
VP Engr
4425 Anjean Road
Rupert, WEST VIRGINIA
25984
bcline@coronadocoal.com

Preserve Bent Roberta Bondurant

Mountain 11577 Bottom Creek Road (POB
96)
Bent Mountain, VIRGINIA 24059
UNITED STATES
bondurantlaw@aol.com

Rebecca Dameron
10721 Bent Mountain Rd
Bent Mountain, VIRGINIA 24059
UNITED STATES
becdameron@cox.net

Susan Crenshaw
coordinator
Preserve Craig
49 Race Street
New Castle, VIRGINIA 24127
UNITED STATES
Preservecraig@gmail.com

Richard Shingles
Dr.
Preserve Giles 321 Dunford Lane
County Newport, VIRGINIA 24128
UNITED STATES
nomer@pemt看.net

Donna Pitt
216 Zells Mill Rd
Newport, VIRGINIA 24128
UNITED STATES
cvmdsp@vt.edu

Richard Shingles
Dr.
Preserve Giles 321 Dunford Lane
County Newport, VIRGINIA 24128
UNITED STATES
nomer@pemt看.net

Donna Pitt
216 Zells Mill Rd
Newport, VIRGINIA 24128

Ronald D Walther
Dominion Resources
Services, Inc.

UNITED STATES
cvmdsp@vt.edu

120 Tredegar Street
Richmond, VIRGINIA 23219
ronald.d.walther@dom.com

Preserve Giles
County

Donna Pitt
216 Zells Mill Rd
Newport, VIRGINIA 24128
UNITED STATES
cvmdsp@vt.edu

John Trimble
Sr Gas Originator
Duke Energy Corporation
526 South Church Street
EC02F
Charlotte, NORTH
CAROLINA 28202-1802
john.trimble@duke-
energy.com

Preserve
Montgomery
County VA

Carl Zipper
Preserve Montgomery County VA
3910 Horse Farm Road
Blacksburg, VIRGINIA 24060
UNITED STATES
green.nrv.pmcva@gmail.com

John Trimble
Sr Gas Originator
Duke Energy Corporation
526 South Church Street
EC02F
Charlotte, NORTH
CAROLINA 28202-1802
john.trimble@duke-
energy.com

Preserve
Montgomery
County VA

Anita Puckett
Dr.
306 Rucker Rd.
Blacksburg, VIRGINIA 24060
UNITED STATES
anitampuckett@gmail.com

Preserve the
New River
Valley

Wilbur Stanton
2595 Spaulding Road
Christiansburg, VIRGINIA 24073
UNITED STATES
stanton.wil@gmail.com

Franklin County Planning &
Community
1255 Franklin St
Suite 103
Rocky Mount, VIRGINIA
24151
steve.sandy@franklincountyv
a.gov

Protect Our
Water,

Angela Stanton
2595 Spaulding Road

Heritage and Rights
(POWHR) Christiansburg, VIRGINIA 24073
UNITED STATES
stanton.angie@gmail.com

Red Sulphur Public Service District
Justin St Clair
Monroe County Prosecuting Atto
P.O. Box 740
Union, WEST VIRGINIA 24983
UNITED STATES
redsulphurpsd@gmail.com

Red Sulphur Public Service District
Jerry Pitzer
Board Member
Market Street
Petestown, WEST VIRGINIA
24963
UNITED STATES
JerryPitzer2@gmail.com

Rex Coal Land Co., Inc.
William Deegans
President
Box 564
Lewisburg, WEST VIRGINIA
24901
UNITED STATES
wedeegans@mac.com

John D Ross
Giles County Board of
Supervisors
315 N. Main Street
Pearisburg, VIRGINIA
24134
jross@gilescounty.org

RGC Resources, Inc.
Diane Conner
RGC Resources, Inc.
P.O. Box 13007
Roanoke, VIRGINIA 24030
UNITED STATES
Diane_Conner@rgcresources.com

Roanoke County
Julie Gantenbein
Staff Attorney
2140 Shattuck Avenue, Ste. 801
Berkeley, CALIFORNIA 94704-1229
UNITED STATES
jgantenbein@waterpowerlaw.com

Roanoke Gas Diane Conner

Company	RGC Resources, Inc. P.O. Box 13007 Roanoke, VIRGINIA 24030 UNITED STATES Diane_Conner@rgcresources.com Stephen Miller Dr. Rt. 1 Box 665 A Peterstown, WEST VIRGINIA 24963 UNITED STATES sandmmiller83@yahoo.com	
Save Monroe, Inc		
Shannon Lucas and Nathan Deplazes	Matt Fellerhoff Strauss Troy 150 E Fourth St Cincinnati, OHIO 45202 UNITED STATES mwfellerhoff@strausstroy.com	
Shenandoah Valley Battlefields Foundation	Gregory Buppert Senior Attorney SOUTHERN ENVIRONMENTAL LAW CENTER 201 West Main Street, Suite 14 Charlottesville, VIRGINIA 22901 UNITED STATES gbuppert@selcva.org	Nancy Bouldin 240 Wayside-Creamery Road Greenville, WEST VIRGINIA 24945 nancy_bouldin@hotmail.com
Shenandoah Valley Network	Gregory Buppert Senior Attorney SOUTHERN ENVIRONMENTAL LAW CENTER 201 West Main Street, Suite 14 Charlottesville, VIRGINIA 22901 UNITED STATES gbuppert@selcva.org	Patricia Ann Cole Individual Rt. 1 Box 46 Union, WEST VIRGINIA 24983 blueroaminfarm@gmail.com
Smith Mountain Lake	Charles Sinex 179 Windmere Trail Moneta, VIRGINIA 24121	

Association	UNITED STATES csinex@centurylink.net
	George Barlow Senior Attorney
The Nature Conservancy	The Nature Conservancy 490 Westfield Road Charlottesville, VIRGINIA 22901 UNITED STATES gbarlow@tnc.org
	Hugh Irwin Landscape Conservation Planner
The Wilderness Society	The Wilderness Society 30 Walker Town Road Black Mountain, NORTH CAROLINA 28711 UNITED STATES hugh_irwin@tw.s.org
VIRGINIA POLYTECHNIC INSTITUTE & STATE	Jennifer Henderson VIRGINIA POLYTECHNIC INSTITUTE & STATE 4478 Preston Forest Dr Blacksburg, VIRGINIA 24060 UNITED STATES greenrv.jen@gmail.com
Virginia Polytechnic Institute and State University	Spenser Slough Virginia Polytechnic Institute and State University 60 Overlook Drive Christiansburg, VIRGINIA 24073 UNITED STATES sdslough2012@gmail.com
Virginia Tech	Robert Tracy Professor of Geosciences, Virg Virginia Tech 1110 S. Jefferson Forest Lane Blacksburg, VIRGINIA 24060 UNITED STATES

Virginia Tech
 Justin Haber
 Mr. Justin Haber
 Virginia Tech
 924 Kabrich St
 Blacksburg, VIRGINIA 24060
 UNITED STATES
 rtracy@vt.edu
 haber239@vt.edu

VIRGINIA
 WILDERNES
 COMMITTE
 E
 Gregory Buppert
 Senior Attorney
 SOUTHERN ENVIRONMENTAL
 LAW CENTER
 201 West Main Street, Suite 14
 Charlottesville, VIRGINIA 22901
 UNITED STATES
 gbuppert@selcva.org

Washington
 Gas Light
 Company
 Rose Lennon
 Washington Gas Light Company
 101 Constitution Avenue, NW
 3rd Floor
 Washington, DISTRICT OF
 COLUMBIA 20080
 UNITED STATES
 rlennon@washgas.com

WGL
 Midstream,
 Inc.
 Telemac Chrryssikos
 Attorney
 Washington Gas Light Company
 101 Constitution Avenue, NW
 Washington, DC, DISTRICT OF
 COLUMBIA 20080
 UNITED STATES
 TelemacChryssikos@washgas.com

Wild Virginia
 Ernest Reed
 Wild Virginia President
 971 Rainbow Ridge Road
 Faber, VIRGINIA 22938

Paul Diehl
 Senior Attorney - Midstream
 EQT Corporation
 EQT Corporation
 625 Liberty Avenue, Suite
 1700
 Pittsburgh,
 PENNSYLVANIA 15222
 pdiehl@eqt.com

Brian D O'Neill, ESQ
 Van Ness Feldman, LLP
 1050 Thomas Jefferson St,
 N.W
 Suite 700
 Washington, DISTRICT OF
 COLUMBIA 20005-4213
 bdo@vnf.com

Michael Pincus
 Van Ness Feldman LLP
 1050 Thomas Jefferson Street
 Washington, DISTRICT OF
 COLUMBIA 20007
 mrp@vnf.com

Douglas E Almquist
 LDC Gas Trader
 Dominion Resources
 Services, Inc.

UNITED STATES
lec@wildvirginia.org

120 Tredegar Street
Richmond, VIRGINIA 23219
doug179@dom.com

Wild Virginia
Georgianna Reid
Georgianna Reid
Wild Virginia
8347 Wickham Road
Springfield, VIRGINIA 22152
UNITED STATES
ger4cc@virginia.edu

Wild Virginia
Georgianna Reid
Georgianna Reid
Wild Virginia
8347 Wickham Road
Springfield, VIRGINIA 22152
UNITED STATES
ger4cc@virginia.edu

Lorri J Kleine
NORFOLK SOUTHERN
CORPORATION
Three Commerical Place
Norfolk, VIRGINIA 23510
Lorri.Kleine@nscorp.com

Jessica Rogers
Post & Schell, P.C.
17 N. Second Street
Harrisburg,
PENNSYLVANIA 17101
jrogers@postschell.com

William H Roberts
Senior Counsel
Peoples Natural Gas
Company LLC
Peoples Service Company
LLC

375 North Shore Drive
Pittsburgh,
PENNSYLVANIA 15212
william.h.roberts@peoples-
gas.com

Michelle R Mendoza
Manager, Pipeline Services
Piedmont Natural Gas
Company, Inc.
4720 Piedmont Row Drive
Charlotte, NORTH
CAROLINA 28210
FERCPipeline@piedmontng.
com

Donna S Pitt
216 Zells Mill Rd
Newport, VIRGINIA 24128
cvmdsp@vt.edu

Richard Caywood
Assistant County
Administrator
5204 Bernard Drive
Roanoke, VIRGINIA 24018
rcaywood@roanokecountyva.
gov

Judy Dunscomb
490 Westfield Rd.
Charlottesville, VIRGINIA
22901
jdunscomb@tnc.org

Jim L Blasiak
Senior Specialist, Reg. Affair
jblasiak@washgas.com

Stephen R Soule
Vice President
Capitol Energy Ventures
Corporation
101 Constitution Ave. NW
Washington, DISTRICT OF
COLUMBIA 20080
ssoule@washgas.com

Georgianna E Reid
Georgianna Reid
Wild Virginia
8347 Wickham Road
Springfield, VIRGINIA
22152
ger4cc@virginia.edu

Thomas Headley
Thomas W Headley
2886 Pangburn Hollow Rd
Monongahela, PENNSYLVANIA
15063
UNITED STATES
tomheadley1@comcast.net

Allegheny
Defense
Project
Ryan Talbott
5020 NE 8th Avenue
Portland, OREGON 97211
UNITED STATES
rtalbott@alleghenydefense.org

Appalachian
Mountain
Advocates
Benjamin Luckett
Appalachian Mountain Advocates
PO Box 507
Lewisburg, WEST VIRGINIA
24991
UNITED STATES
bluckett@appalmad.org

Betty Jane
Cline
Betty Cline
3015 Rippel Road
Monongahela, PENNSYLVANIA
15063
UNITED STATES
bjcline@comcast.net

Betty J Cline
3015 Rippel Road
Monongahela,
PENNSYLVANIA 15063
bjcline@comcast.net

Blue Ridge
Environmental
Defense
League, Inc.
Mara Robbins
Virginia Coordinator, Blue Ridge
110 Talley's Alley
Floyd, VIRGINIA 24091
UNITED STATES
mara.robbsins@gmail.com

Mara Robbins
Virginia Coordinator, Blue Ridge
110 Talley's Alley
Floyd, VIRGINIA 24091
mara.robbsins@gmail.com

Blue Ridge
Environmental
Defense
League, Inc.

Louis A Zeller
Executive Director
Blue Ridge Environmental
Defense League, Inc.
PO Box 88
Glendale Springs, 28629-0088

Bold Alliance
Carolyn Reilly
Bold Alliance
404 Old Mill Creek Lane
Rocky Mount, VIRGINIA 24151
UNITED STATES
carolyn@boldalliance.org

Consolidated Edison Company of New York, Inc.
**Joel Greene
Jennings, Strouss & Salmon, PLC
1350 I Street, NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES

Consolidated Edison Company of New York, Inc.

Consolidated Edison Company of New York, Inc.

Coronado Coal, LLC
Joel deJesus
Dinsmore & Shohl LLP
11520 Highview Avenue
INC000000026385

bredl@skybest.com

Scott Butler
Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.
4 Irving Place
New York, NEW YORK 10003
butlers@coned.com

Paul A. Savage, ESQ
Consolidated Edison Development, Inc.
4 Irving Place, room 1875-s
New York, NEW YORK 10003
savagep@coned.com

Melissa Alfano
Jennings, Strouss & Salmon, PL
Jennings, Strouss & Salmon, P.L.C.
1350 I Street, NW
Suite 810
Washington, DISTRICT OF COLUMBIA 20005
malfano@jsslaw.com

Robert L Cline
VP Engr
4425 Anjean Road
Rupert, WEST VIRGINIA

Silver Spring, MARYLAND 20902 25984
UNITED STATES
joedjdd@comcast.net
bcline@coronadocoal.com

Dominion
Hope
Daniel Archuleta
Associate
Troutman Sanders LLP
401 9th Street, NW Suite 1000
Washington, DISTRICT OF
COLUMBIA 20004
UNITED STATES
daniel.archuleta@troutmansanders.
com
Ronald D Walther
Dominion Resources
Services, Inc.
120 Tredegar Street
Richmond, VIRGINIA 23219
ronald.d.walther@dom.com

Eleanor
Sawyers
Eleanor Sawyers
3095 Rippel Road
Monongahela, PENNSYLVANIA
15063
UNITED STATES
cabincity@comcast.net

Equitrans,
L.P.
Matthew Eggerding
Counsel, Midstream
EQT Corporation
625 Liberty Avenue
Pittsburgh, PENNSYLVANIA
15222
UNITED STATES
meggerding@eqt.com
Paul Diehl
Senior Attorney - Midstream
EQT Corporation
EQT Corporation
625 Liberty Avenue, Suite
1700
Pittsburgh,
PENNSYLVANIA 15222
pdiehl@eqt.com

Equitrans,
L.P.
D. Kirk Morgan
Partner
Bracewell & Giuliani LLP
2001 M Street NW
Suite 900
Washington, DISTRICT OF
COLUMBIA 20036
kirk.morgan@bracewell.com

Equitrans,
L.P.
Douglas E Almquist
LDC Gas Trader

Dominion Resources
Services, Inc.
120 Tredegar Street
Richmond, VIRGINIA 23219
doug179@dom.com

Highlanders
for
Responsible
Development

Gregory Buppert
Senior Attorney
SOUTHERN ENVIRONMENTAL
LAW CENTER
201 West Main Street, Suite 14
Charlottesville, VIRGINIA 22901
UNITED STATES
gbuppert@selcva.org

IOGA of
West Virginia

Randall Rich
Partner
Pierce Atwood LLP
Pierce Atwood LLP
1875 K Street, NW
Washington, DISTRICT OF
COLUMBIA 20006
UNITED STATES
rrich@pierceatwood.com

NATURAL
RESOURCE
S DEFENSE
COUNCIL

Gregory Buppert
Senior Attorney
SOUTHERN ENVIRONMENTAL
LAW CENTER
201 West Main Street, Suite 14
Charlottesville, VIRGINIA 22901
UNITED STATES
gbuppert@selcva.org

NJR Energy
Services
Company

William Scharfenberg
Attorney
NJR Service Corporation
PO Box 1415
Wall, NEW JERSEY 07719
UNITED STATES
wscharfenberg@njresources.com

Ginger Richman
Director
NJR ENERGY SERVICES
COMPANY
PO Box 1415
Wall, NEW JERSEY 07719
gprichman@njresources.com

Norfolk
Southern
Railway
Company
Helen Hart
General Solicitor
Norfolk Southern Railway
Company
3 Commercial Place
Norfolk, VIRGINIA 23510
UNITED STATES
helen.hart@nscorp.com

Ohio Valley
Environmental
Coalition
Vivian Stockman
project coordinator
PO Box ^753
Huntington, WEST VIRGINIA
25773
UNITED STATES
vivian@ohvec.org

Peoples Gas
WV LLC
William Roberts
Senior Counsel
Peoples Natural Gas Company
LLC
Peoples Service Company LLC
375 North Shore Drive
Pittsburgh, PENNSYLVANIA
15212
UNITED STATES
william.h.roberts@peoples-
gas.com

Peoples
Natural Gas
Company
LLC
William Roberts
Senior Counsel
Peoples Natural Gas Company
LLC
Peoples Service Company LLC
375 North Shore Drive
Pittsburgh, PENNSYLVANIA
15212
UNITED STATES
william.h.roberts@peoples-
gas.com

Peoples
Christopher Barr

Lorri J Kleine
NORFOLK SOUTHERN
CORPORATION
Three Commerical Place
Norfolk, VIRGINIA 23510
Lorri.Kleine@nscorp.com

Jason Dalton
Peoples Natural Gas
Company LLC
375 North Shore Drive
6th Floor
Pittsburgh,
PENNSYLVANIA 15212
Jason.Dalton@Peoples-
Gas.com

Jason Dalton
Peoples Natural Gas
Company LLC
375 North Shore Drive
6th Floor
Pittsburgh,
PENNSYLVANIA 15212
Jason.Dalton@Peoples-
Gas.com

Jessica Rogers

Natural Gas
Company
LLC
Attorney
Post & Schell, P.C.
607 14th St., N.W.
Suite 600
Washington, DISTRICT OF
COLUMBIA 20005-2006
UNITED STATES
cbarr@postschell.com

Peoples
Natural Gas
Company
LLC

Peoples
Natural Gas
Company
LLC

Peoples
Natural Gas
Company
LLC

Peoples TWP
LLC
William Roberts
Senior Counsel

Post & Schell, P.C.
17 N. Second Street
Harrisburg,
PENNSYLVANIA 17101
jrogers@postschell.com

William H Roberts
Senior Counsel
Peoples Natural Gas
Company LLC
Peoples Service Company
LLC
375 North Shore Drive
Pittsburgh,
PENNSYLVANIA 15212
william.h.roberts@peoples-
gas.com

William H Roberts
Senior Counsel
Peoples Natural Gas
Company LLC
Peoples Service Company
LLC
375 North Shore Drive
Pittsburgh,
PENNSYLVANIA 15212
william.h.roberts@peoples-
gas.com

Jessica Rogers
Post & Schell, P.C.
17 N. Second Street
Harrisburg,
PENNSYLVANIA 17101
jrogers@postschell.com

Jason Dalton
Peoples Natural Gas

	Peoples Natural Gas Company LLC Peoples Service Company LLC 375 North Shore Drive Pittsburgh, PENNSYLVANIA 15212 UNITED STATES william.h.roberts@peoples- gas.com	Company LLC 375 North Shore Drive 6th Floor Pittsburgh, PENNSYLVANIA 15212 Jason.Dalton@Peoples- Gas.com
Preserve Craig	Susan Crenshaw coordinator Preserve Craig 49 Race Street New Castle, VIRGINIA 24127 UNITED STATES Preservecraig@gmail.com	
Roanoke County	Julie Gantenbein Staff Attorney 2140 Shattuck Avenue, Ste. 801 Berkeley, CALIFORNIA 94704- 1229 UNITED STATES jgantenbein@waterpowerlaw.com	Richard Caywood Assistant County Administrator 5204 Bernard Drive Roanoke, VIRGINIA 24018 rcaywood@roanokecountyva. gov
Shenandoah Valley Battlefields Foundation	Gregory Buppert Senior Attorney SOUTHERN ENVIRONMENTAL LAW CENTER 201 West Main Street, Suite 14 Charlottesville, VIRGINIA 22901 UNITED STATES gbuppert@selcva.org	
Shenandoah Valley Network	Gregory Buppert Senior Attorney SOUTHERN ENVIRONMENTAL LAW CENTER 201 West Main Street, Suite 14 Charlottesville, VIRGINIA 22901 UNITED STATES	

Smith
Mountain
Lake
Association

gbuppert@selcva.org
Charles Sinex
179 Windmere Trail
Moneta, VIRGINIA 24121
UNITED STATES
csinex@centurylink.net

The Nature
Conservancy

George Barlow
Senior Attorney
The Nature Conservancy
490 Westfield Road
Charlottesville, VIRGINIA 22901
UNITED STATES
gbarlow@tnc.org

Judy Dunscomb
490 Westfield Rd.
Charlottesville, VIRGINIA
22901
jdunscomb@tnc.org

Thomas
Prentice

Brandon Coneby
Attorney
Dinsmore & Shohl LLP
Dinsmore & Shohl, LLP
One Oxford Centre - Suite 2800
Pittsburgh, PENNSYLVANIA
15219
UNITED STATES
brandon.coneby@dinsmore.com

Timothy
Detwiler

Brandon Coneby
Attorney
Dinsmore & Shohl LLP
Dinsmore & Shohl, LLP
One Oxford Centre - Suite 2800
Pittsburgh, PENNSYLVANIA
15219
UNITED STATES
brandon.coneby@dinsmore.com

VIRGINIA
WILDERNE
SS
COMMITTEE

Gregory Buppert
Senior Attorney
SOUTHERN ENVIRONMENTAL
LAW CENTER
201 West Main Street, Suite 14
Charlottesville, VIRGINIA 22901

UNITED STATES
gbuppert@selcva.org



Benjamin A. Lockett
Appalachian Mountain Advocates
P.O Box 507
Lewisburg, WV 24901
(304) 645-0125
blockett@appalmad.org