

186 FERC ¶ 61,038  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Willie L. Phillips, Acting Chairman;  
Allison Clements and Mark C. Christie.

Transcontinental Gas Pipe Line Company, LLC

Docket No. CP17-101-005

ORDER GRANTING EXTENSION OF TIME

(Issued January 18, 2024)

1. On May 3, 2019, the Commission issued an order authorizing Transcontinental Gas Pipe Line Company, LLC (Transco) to construct and place into service the Northeast Supply Enhancement Project (NESE project or project) by May 3, 2021.<sup>1</sup> On May 20, 2021, the Commission granted a two-year extension of time for Transco to construct and put into service the NESE project by May 3, 2023.<sup>2</sup> On April 27, 2023, Transco requested a second two-year extension of time, until May 3, 2025, to construct the project and place it into service.<sup>3</sup> For the reasons discussed below, we grant a one-year extension.

**I. Background**

2. The project consists of: a new compressor unit at Transco's existing Compressor Station 200 in Chester County, Pennsylvania; a new compressor station in Somerset County, New Jersey; 10.2 miles of 42-inch-diameter onshore Quarryville Loop in Lancaster County, Pennsylvania; 3.4 miles of 26-inch-diameter onshore Madison Loop in Middlesex County, New Jersey; 0.2 miles of 26-inch-diameter onshore pipeline and 23.3 miles of 26-inch-diameter offshore pipeline Raritan Bay Loop in Middlesex and Monmouth Counties, New Jersey, and Queens and Richmond Counties, New York.<sup>4</sup> The

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<sup>1</sup> *Transcont'l Gas Pipe Line Co., LLC*, 167 FERC ¶ 61,110 (2019) (Certificate Order).

<sup>2</sup> Transco April 27, 2023 Request for Extension of Time at 1.

<sup>3</sup> *Id.*

<sup>4</sup> Certificate Order, 167 FERC ¶ 61,110 at P 4.

NESE project would expand transportation capacity on Transco's existing system by 400,000 dekatherms per day.<sup>5</sup>

3. The Certificate Order's authorization was conditioned on Transco constructing and putting the project into service by May 3, 2021.<sup>6</sup> The Certificate Order also required Transco to obtain "all applicable authorizations required under federal law (or evidence of waiver thereof)" prior to commencing construction.<sup>7</sup> Transco was denied necessary water quality certifications by both the New York State Department of Environmental Conservation (NYSDEC) and the New Jersey Department of Environmental Protection (NJDEP) on May 15, 2020. On March 19, 2021, Transco filed a request for a two-year extension of time to complete the project.<sup>8</sup> The Commission granted the request, setting the new in-service deadline as May 3, 2023.<sup>9</sup>

4. On April 27, 2023, Transco requested a second two-year extension of time, until May 3, 2025, to construct the NESE project and place it into service.<sup>10</sup> Transco states that it "continues to review the scope of work under NESE to not only meet National Grid's firm transportation capacity needs but also to address water quality concerns raised by New York and New Jersey in their respective denials of water quality certification for the project under Section 401 of the Clean Water Act."<sup>11</sup> Transco also notes that the proposed extension of time will have no environmental impacts beyond those which the Commission evaluated in the original certificate proceeding.<sup>12</sup>

5. On June 6, 2023, Commission staff issued a request to Transco for more information on the steps Transco has taken to obtain or maintain the permits needed to complete the project.<sup>13</sup> In Transco's June 26, 2023 Response, it noted that its efforts to

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<sup>5</sup> *Id.* P 2.

<sup>6</sup> *Id.* at ordering para. (B)(1).

<sup>7</sup> *Id.* at app. B, Environmental Condition 10.

<sup>8</sup> Transco March 19, 2021 Request for Extension of Time at 1.

<sup>9</sup> *Transcont'l Gas Pipe Line Co., LLC*, 175 FERC ¶ 61,148 (2021).

<sup>10</sup> Transco March 19, 2021 Request for Extension of Time at 1.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *Id.* at 3.

<sup>13</sup> June 6, 2023 Data Request at 3.

meet the needs of its shippers “have not included additional meetings or correspondence with NYSDEC or NJDEP.”<sup>14</sup> Transco states that it engaged in efforts with the state agencies prior to the previous denials of state water quality certification, and that “due to the adverse political climate in New York towards fossil fuels, there is simply nothing more that Transco could have done in the past two years” that would advance the project as originally proposed.<sup>15</sup> Transco states that it does not see any benefit in re-engaging with NYSDEC.<sup>16</sup> Transco further discusses steps it has taken to negotiate with its shippers to redesign the project to provide increased firm transportation service while avoiding impacts to offshore water resources, which impacts require water quality certifications from NYSDEC and NJDEP.<sup>17</sup>

## II. Procedural Issues

### A. Notice, Interventions, and Comments

6. Notice of Transco’s Request for Extension of Time was issued on May 4, 2023, and published in the *Federal Register* on May 10, 2023, with interventions, comments, and protests due on May 19, 2023.<sup>18</sup> NJDEP filed a timely notice of intervention but did not take a position on whether the Commission should grant or deny Transco’s request.<sup>19</sup> The Commission received timely motions to intervene and comments opposing the extension from Consumers Helping Affect Regulation of Gas & Electric, Food & Water Watch, Franklin Township, New Jersey League of Conservation Voters, NY/NJ Baykeeper, Princeton Manor Homeowners Association, Sierra Club, Surfrider Foundation, Waterspirit, and 34 individuals.<sup>20</sup> Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission’s Rules of Practice and Procedure.<sup>21</sup> Michael Jacowsky filed a late motion to intervene in opposition, which was

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<sup>14</sup> Transco June 26, 2023 Response to Data Request at 2.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 3.

<sup>17</sup> *Id.*

<sup>18</sup> 88 Fed. Reg. 30,125 (May 10, 2023).

<sup>19</sup> NJDEP May 19, 2023 Motion to Intervene.

<sup>20</sup> These individuals are listed in Appendix A.

<sup>21</sup> 18 C.F.R. § 385.214(c) (2022).

granted.<sup>22</sup> Additionally, over 20 individuals filed timely comments in opposition to the extension request.<sup>23</sup> NYSDEC filed timely comments in opposition to the request but did not intervene.<sup>24</sup> The League of Women Voters of New Jersey and the Institute for Energy Economics and Financial Analysis filed late comments in opposition.

7. Commenters generally argue that: (1) Transco has not demonstrated good cause to justify the requested two-year extension of time; and (2) circumstances have changed since the issuance of the Certificate Order such that: there is no longer demand for the project, the project's environmental analysis is stale, the project goes against New York's Climate Leadership and Community Protection Act and New York City's new energy laws, the project goes against new federal-level climate goals, and the project no longer meets the Commission's standards.

8. Additionally, commenters raise arguments seeking to relitigate the issuance of the Certificate Order.<sup>25</sup> Such arguments are outside the scope of this extension of time proceeding and will not be considered here.<sup>26</sup>

**B. Adequacy of Notice**

9. Commenters assert that the Commission failed to give adequate notice of the opportunity to intervene and comment on Transco's request.<sup>27</sup> They claim that 15 days is

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<sup>22</sup> See Secretary's June 30, 2023 Notice Granting Late Intervention.

<sup>23</sup> See, e.g., Joe Camarota May 5, 2023 Comments.

<sup>24</sup> See NYSDEC May 19, 2023 Comments.

<sup>25</sup> See, e.g., Waterspirit May 19, 2023 Comments at 2 (arguing that the project should not be built due to water quality impacts of the project); S. Pasricha May 19, 2023 Comments at 1 (arguing that the project should not be built due to project's ability to aggravate climate change impacts through GHG emissions); Robert Heyer May 15, 2023 Comments at 2-3 (arguing that the project should not be built due to air quality and safety risks from nearby rock quarry blasting); Surfrider Foundation May 18, 2023 Comments at 4 (claiming the project should not be constructed due to impacts on ocean recreation and tourism in the region); Robert Vornlocker May 12, 2023 Comments at 2-3 (arguing the pipeline will cause safety issues due to New Jersey's aging infrastructure); Sierra Club May 19, 2023 Motion to Intervene and Comments at 2 (raising the issue of construction impacts on local property values as a reason for the Commission to cancel the certificate).

<sup>26</sup> See *infra* at P 22 & n.64.

<sup>27</sup> See, e.g., Barbara Cuthbert May 19, 2023 Comments at 1.

inadequate to file comments because there is significant opposition to the project in New Jersey and New York and commenters need time to research and organize to properly inform their comments.

10. In *Algonquin Gas Transmission, LLC*, the Commission acknowledged the importance of public involvement and transparency in its decision-making processes and directed the Office of the Secretary and Office of Energy Projects to: (1) notice all requests for extensions of time to complete construction of Natural Gas Act facilities within seven calendar days of receiving the request; and (2) establish a 15 calendar day intervention and comment period deadline.<sup>28</sup> The comment period here is consistent with *Algonquin*.<sup>29</sup> The issues raised by commenters do not justify extending the intervention and comment period, and additional comments received after that deadline are also addressed below.

### III. Discussion

11. The completion date specified in a certificate order provides what the Commission believes—based on its assessment of circumstances relevant to the specific project—to be a reasonable period of time for the project sponsor to complete construction and make the project available for service.<sup>30</sup> However, construction deadlines may be extended for good cause.<sup>31</sup> One way good cause can be shown is by the project sponsor demonstrating that it made good faith efforts to meet its deadline but encountered circumstances beyond its control.<sup>32</sup> We consider extension requests on a case-by-case basis.<sup>33</sup>

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<sup>28</sup> *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 38 (*Algonquin*).

<sup>29</sup> *Nat'l Fuel Gas Supply Corp.*, 179 FERC ¶ 61,226, at P 9 (2022) (citing *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144 at P 38).

<sup>30</sup> *See, e.g., Delfin LNG LLC*, 185 FERC ¶ 61,009, at P 9 (2023).

<sup>31</sup> 18 C.F.R. § 385.2008(a) (2022) (allowing the relevant decisional authority to extend for good cause the time by which any person is required or allowed to act under any statute, rule, or order).

<sup>32</sup> *See, e.g., Adelphia Gateway, LLC*, 178 FERC ¶ 61,030, at P 15 (2022) (granting request for extension of time); *Chestnut Ridge Storage LLC*, 139 FERC ¶ 61,149, at P 11 (2012) (denying request for extension of time).

<sup>33</sup> *See Chestnut Ridge Storage LLC*, 139 FERC ¶ 61,149 at P 8.

**A. Good Cause for Granting an Extension of Time**

12. The commenters opposing Transco's request for an extension of time assert that Transco's failure to appeal the NYSDEC and NJDEP denials of its applications for water quality certificates shows there is not good cause to grant an extension.<sup>34</sup> They argue that the denial of state water quality certification is not an unforeseeable circumstance worthy of an extension.<sup>35</sup> Commenters further argue that Transco made no good faith effort to mitigate the reasons for permit denials.<sup>36</sup> They contend that Transco's framing of the states' denials of water quality certification is misleading and in bad faith.<sup>37</sup> Commenters compare Transco's inaction to that in *Chestnut Ridge Storage, LLC*, where the Commission denied an extension of time due to Chestnut Ridge purposefully delaying the project to await more favorable market conditions.<sup>38</sup> Sierra Club emphasizes that Transco will not be able to go forward with the project as currently designed and that there is "no indication that Transco has undertaken any efforts to modify its project."<sup>39</sup> Finally, Commenters argue that Transco has let necessary property easement rights lapse by halting payments to landowners, showing a lack of good faith pursuit of the project.<sup>40</sup>

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<sup>34</sup> See, e.g., Joe Camarota May 5, 2023 Comments at 1.

<sup>35</sup> *Id.*

<sup>36</sup> See, e.g., Consumers Helping Affect Regulation of Gas & Electric May 18, 2023 Comments at 4 (stating that Transco has not attempted any steps that would result in New York or New Jersey approving the water quality certification).

<sup>37</sup> See, e.g., Sierra Club May 19, 2023 Motion to Intervene and Comments at 5 (citing Letter from Daniel Whitehead, Dir., Div. of Env. Permits, New York Dept. of Env. Cons., to Joseph Dean, Manager, Env. Health and Safety, Transcontinental Gas Pipe Line Co., LLC, (May 15, 2020), [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/nesewqcdeial05152020.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/nesewqcdeial05152020.pdf)) (arguing that Transco has not actively worked to re-apply for water quality certification and that Transco has omitted and mischaracterized NYSDEC's rationale, which stated that Transco would likely be unable to reduce or eliminate the water quality violations the project's Raritan Loop would cause); see also Saylor Pochan May 19, 2023 Comments at 2.

<sup>38</sup> Sierra Club May 19, 2023 Motion to Intervene and Comments at 5; Princeton Manor Homeowners' Association May 19, 2023 Comments at 3-4.

<sup>39</sup> Sierra Club May 19, 2023 Motion to Intervene and Comments at 6.

<sup>40</sup> Princeton Manor Homeowners' Association May 19, 2023 Comments at 2-3.

13. Transco states that good cause exists to grant its request for an extension. Transco explains that it continues to review the project's ability to meet National Grid's firm transportation needs in a manner that would address water quality concerns raised in New York and New Jersey's respective denials of water quality certification.<sup>41</sup> Transco acknowledges that its efforts to complete the project have not included additional meetings or correspondence with NYSDEC or NJDEP because Transco believes that NYSDEC would deny certification for the project.<sup>42</sup> Accordingly, Transco asserts that it is examining how it might revise the scope of the project facilities to avoid impacts to offshore water resources while still meeting the need for additional firm transportation service in the downstate New York region.<sup>43</sup>

14. We have previously found that delays caused by permitting issues can be an appropriate basis for granting an extension of time.<sup>44</sup> Transco's decisions not to litigate

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<sup>41</sup> Transco April 27, 2023 Request for Extension of Time at 2.

<sup>42</sup> Transco June 26, 2023 Response to Data Request at 2.

<sup>43</sup> *Id.* (citing as an example eliminating the Raritan Bay Loop from the project, which would remove the offshore portion of NESE that would require Section 401 approvals from NYSDEC and NJDEP).

<sup>44</sup> *See, e.g., Nat'l Fuel Gas Supply Corp.*, 179 FERC ¶ 61,226 (granting a 35-month extension of time due to applicant's litigation delays); *Mountain Valley Pipeline, LLC*, 173 FERC ¶ 61,026 (granting a two-year extension of time to complete construction due to applicant's litigation and permitting delays); *PennEast Pipeline Co., LLC*, 170 FERC ¶ 61,138 (2020) (granting a two-year extension of time to complete construction due to a need to obtain new permits); *Const. Pipeline Co., LLC*, 165 FERC ¶ 61,081 (2018) (granting a further two-year extension of time to accommodate the applicant's efforts to obtain a permit from NYSDEC); *Arlington Storage Co., LLC*, 155 FERC ¶ 61,165 (2016) (granting a two-year extension of time to accommodate a project applicant's efforts to obtain a permit from NYSDEC). *See also Perryville Gas Storage LLC*, Docket No. CP09-418-000, et al. (Oct. 12, 2016) (delegated order) (granting two-year extension of time to complete construction to accommodate delays in obtaining a permit from the Louisiana Department of Natural Resources); *Columbia Gas Transmission, LLC*, Docket No. CP13-8-000 (Sept. 30, 2015) (delegated order) (granting pipeline project two-year extension of time to complete construction due to delays in obtaining waterbody crossing permits); *Bobcat Gas Storage*, Docket No. CP09-19-000, et al. (Mar. 25, 2015) (delegated order) (granting a two-year extension of time because applicant had not yet obtained required permit from a state agency).

the NYSDEC and NJDEP denials and not to reapply for the water quality certifications do not prevent a finding of good cause for the extension of time.<sup>45</sup>

15. Transco's situation is distinguishable from that in *Chestnut Ridge Storage LLC*, where Chestnut Ridge admitted that the project was being shelved until market factors improved.<sup>46</sup> The Commission denied Chestnut Ridge's extension request because, by the company's own admission, the storage project was not financially viable under current conditions and the delays in moving forward with construction were the result of the company's financial calculations.

16. The record here does not support a similar result. There is no indication in the record that delays in construction are the result of the company's financial decisions. Indeed, the NESE project is still supported by two long-term precedent agreements with National Grid<sup>47</sup> for one hundred percent of the project's capacity.<sup>48</sup>

17. Nevertheless, while we find that Transco has demonstrated that it is committed to completing the NESE, we are concerned with Transco's lapse of property easement payments and lack of new Clean Water Act permit applications. We find under the circumstances here that Transco's continued commitment to the National Grid contracts and revising the project in response to the New York and New Jersey water quality permit denials supports our action. Accordingly, we find that the record before us reflects good cause to grant Transco's extension request, *in part*, for only one year, until

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<sup>45</sup> See *Transcont'l Gas Pipe Line Co., LLC*, 175 FERC ¶ 61,148 at P 11 (noting that, although pending litigation is one sign of intent to complete a project, it is not the only way for a sponsor to demonstrate continued interest). See also *Nat'l Fuel Gas Supply Corp.*, 179 FERC ¶ 61,226 at PP 14-16 (finding good cause for an extension while an applicant waited for the resolution of pending litigation between the Commission and NYSDEC).

<sup>46</sup> See *Chestnut Ridge Storage LLC*, 137 FERC ¶ 62,106 (2011), *on reh'g*, 139 FERC ¶ 61,149 at PP 11, 25 (2012) (upholding order denying project sponsor's request for an extension of time to construct a gas storage facility where the developer had failed to secure any customer commitments and acknowledged that it lacked project financing to develop the project). Indeed, Chestnut Ridge did not have any permits denied, and instead, pulled permit applications while waiting for market factors to improve. *Id.* at 19.

<sup>47</sup> The two project shippers are Brooklyn Union Gas Company, d/b/a National Grid NY and KeySpan Gas East Corporation, d/b/a National Grid NY (collectively, National Grid).

<sup>48</sup> See Transco April 27, 2023 Request for Extension of Time at 5.



May 3, 2024.<sup>49</sup> Any further extension would require further demonstration by Transco that it has not “set its [authorization] on a shelf and let it lie dormant.”<sup>50</sup> To obtain a further extension, Transco will need to show that it is actively pursuing and remains committed to the project, such as by pursuing the required water quality certifications from NYSDEC and NJDEP or by resolving that issue by a project modification for which Transco is seeking Commission approval.

**B. Continuing Validity of the Certificate Order’s Public Interest Findings and Environmental Review**

18. Commenters assert that the Commission should deny Transco’s request for an extension of time because circumstances have changed since the Commission’s issuance of the Certificate Order in 2019. They argue that the project is no longer in the public interest because circumstances indicate altered demand for the project’s gas.<sup>51</sup> Commenters specifically point to changes in Commission policy and relevant state policies that, they argue, have made the Certificate Order’s reasoning stale.<sup>52</sup>

19. Commission regulations do not establish a particular time period to complete construction of an authorized natural gas facility.<sup>53</sup> Rather, certificate orders include completion deadlines to, in part, ensure the information supporting our public convenience and necessity determinations does not go stale with the passage of time.<sup>54</sup> Here, Transco requests only to change the timing, not the nature, of the project. Extending the deadline to construct the NESE project and place it into service within six years of the issuance of the Certificate Order will not undermine the Commission’s findings in the Certificate Order that the project is required by the public convenience and necessity. The Commission has authorized projects and granted extensions setting the

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<sup>49</sup> See generally *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144 at P 36 (finding good cause to grant an extension of time to complete construction where there was no bad faith or delay on the company’s part).

<sup>50</sup> *Chestnut Ridge Storage*, 139 FERC ¶ 61,149 at P 13.

<sup>51</sup> See, e.g., Barbara Cuthbert May 15, 2023 Comments at 1.

<sup>52</sup> See e.g., NYSDEC May 19, 2023 Comments at 10; see also Linda Powell May 16, 2023 Comments at 1; Township of Franklin May 17, 2023 Comments at 4.

<sup>53</sup> See 18 C.F.R. § 157.20(b) (2022) (requiring, among other things, that authorized construction be completed and made available for service within the period of time to be specified by the Commission in each order).

<sup>54</sup> See, e.g., *Mountain Valley Pipeline, LLC*, 173 FERC ¶ 61,026 at P 17.

in-service deadline of four, five, or six years without expressing concerns about the certificate order's findings becoming stale.<sup>55</sup> The Certificate Order found a market need for the project based on Transco's execution of long-term firm transportation precedent agreements with National Grid companies for the entirety of the project's capacity.<sup>56</sup> The terms of these agreements extend far beyond May 3, 2024, and there is no evidence in the record that either shipper intends to cancel their contract.

20. Commenters also suggest that the Commission's environmental findings no longer remain valid.<sup>57</sup> They argue that the project's environmental findings are now stale due to: (1) changes in federal greenhouse gas policy; (2) changes in Commission policy regarding consideration of greenhouse gas emissions; and (3) changes in laws in New York, New York City, and New Jersey that mandate moving away from natural gas usage.<sup>58</sup> Commenters also request a new environmental assessment, claiming that the Certificate Order's environmental reasoning is now stale due to new plans to build wind turbines offshore New Jersey and New York.<sup>59</sup>

21. Transco notes that it has been less than four years since the Commission issued the certificate and that the environmental findings remain valid.<sup>60</sup> It argues that the extension "will have no environmental impacts beyond those which the Commission evaluated and found acceptable in issuing the Certificate Order."<sup>61</sup>

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<sup>55</sup> See, e.g., *id.* (five years to complete pipeline project); *Golden Triangle Storage, Inc.*, 121 FERC ¶ 61,313, at ordering para. (M) (2007) (six years to complete gas storage project).

<sup>56</sup> Certificate Order, 167 FERC ¶ 61,110 at PP 5, 18.

<sup>57</sup> See, e.g., NYSDEC May 19, 2023 Comments at 8-10 (discussing changes in state law that it believes fundamentally alter the framework under which the Commission should certificate natural gas infrastructure); Suzanne Mattei May 19, 2023 Comments at 1.

<sup>58</sup> See, e.g., NYSDEC May 19, 2023 Comments; see also Bernadette Maher May 19, 2023 Comments at 1.

<sup>59</sup> Clean Ocean Action May 19, 2023 Comments at 4-5.

<sup>60</sup> Transco April 27, 2023 Request for Extension of Time at 3.

<sup>61</sup> *Id.* at 2.

22. To the extent commenters question our earlier findings of market need and of acceptable environmental impacts,<sup>62</sup> these are efforts to relitigate matters that the Commission considered when issuing the Certificate Order.<sup>63</sup> These comments are outside the scope of this limited extension of time proceeding, and they need not be considered further.<sup>64</sup>

23. We recognize that environmental impacts are subject to change and that the validity of an order's conclusions and environmental conditions cannot be sustained indefinitely. However, the commenters have not identified any specific change of fact or law that would require the Commission to reconsider our prior findings that the project, as conditioned, is an environmentally acceptable action.

24. The Council on Environmental Quality's regulations implementing NEPA provide that agencies "[s]hall prepare supplements to either draft or final environmental impact statements if a major Federal action remains to occur, and: (i) [t]he agency makes substantial changes to the proposed action that are relevant to environmental concerns; or (ii) [t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."<sup>65</sup> Here, neither factor has

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<sup>62</sup> Commenters make arguments attacking the certificate itself, including those regarding: water quality impacts of the project; public safety considerations; the environmental impacts of the project; the impacts the project will have on automobile traffic; impacts of the project on nearby property values; the cost-benefit analysis in regards to New York in comparison with New Jersey; and aesthetic impacts. *See* Food and Water Watch May 18, 2023 Motion to Intervene and Comments at 2; Sierra Club May 19, 2023 Motion to Intervene and Comments at 2; NY/NJ Baykeeper May 17, 2023 Motion to Intervene and Comments at 2; John Muth May 10, 2023 Comments at 1; Sierra Club May 19, 2023 Motion to Intervene and Comments at 2; Edward Potosnak May 12, 2023 Comments at 1; Surfrider Foundation May 19, 2023 Comments at 4.

<sup>63</sup> Certificate Order, 167 FERC ¶ 61,110 at PP 16, 91-92.

<sup>64</sup> *See Algonquin*, 170 FERC ¶ 61,144 at P 40 (emphasizing that the Commission will not relitigate the certificate order's findings in extension of time proceedings); *Mountain Valley Pipeline Co.*, 173 FERC ¶ 61,026 at P 19 (finding arguments regarding compliance with state energy policies to be an attempt to relitigate the underlying authorization); *see also* March 22, 2021 Notice of Transco's Request for Extension of Time (stating the Commission will not consider arguments that re-litigate the issuance of the certificate order).

<sup>65</sup> 40 C.F.R. § 1502.9(d)(1) (2022). *See also Corpus Christi Liquefaction Stage III, LLC*, 181 FERC ¶ 61,033, at PP 19-22 (2022); *Nat'l Fuel Gas Supply Corp.*, 179 FERC ¶ 61,226 at P 18.

been triggered. Granting a request for an extension of time to complete an approved action does not constitute the substantial changes to the proposed action envisioned in the NEPA regulations.<sup>66</sup> The policy developments concerning greenhouse gases and the use of natural gas, as described by commenters, do not constitute significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The proposed action and its impacts remain as the Commission described them in the 2019 certificate proceeding. Nor have the commenters explained how the new plans to build offshore wind turbines off the New Jersey and New York coast bear on the identified environmental impacts of the project. Accordingly, we do not find it necessary to prepare a supplemental environmental analysis.

25. The Commission generally will grant an extension of time if the movant files for an extension of time within a timeframe during which the environmental findings underlying the Commission's authorization can be expected to remain valid.<sup>67</sup> We have previously found that environmental findings remain valid within extension periods such as that requested here.<sup>68</sup> Moreover, Commission staff will review Transco's compliance with all environmental conditions of the Certificate Order before Transco will receive any authorization to proceed with construction.

26. In view of the above, we grant Transco an extension of time until May 3, 2024. Receipt of any further extension is conditioned as described above.

27. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the motion and exhibits thereto, and upon consideration of the record,

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<sup>66</sup> *Adelphia Gateway, LLC*, 178 FERC ¶ 61,030 at P 23.

<sup>67</sup> *Const. Pipeline Co., LLC*, 165 FERC ¶ 61,081 at P 9; 18 C.F.R. § 385.2008(a).

<sup>68</sup> *See, e.g., Const. Pipeline Co., LLC*, 165 FERC ¶ 61,081 at P 16 (concluding that a second two-year extension of time is appropriate and that the environmental findings in the authorization will remain valid even after six years). *See also, Mountain Valley Pipeline, LLC*, 185 FERC ¶ 61,208, at P 20 (2023) (finding that a certificate order's environmental findings will remain valid through a three-year extension of time that provided a company six years to construct a project).

The Commission orders:

Transcontinental Gas Pipe Line Company, LLC is granted an extension of time to May 3, 2024, to construct the Northeast Supply Enhancement Project and place it into service.

By the Commission.

( S E A L )

Debbie-Anne A. Reese,  
Acting Secretary.

**Appendix A**

List of Timely Individual Intervenors

Harsh Bhargava  
Ashis Bhisey  
Sangeeta Bhisey  
Laura Cisar  
Catherine Cummings  
Barbara Cuthbert  
Karen DeFelice  
David DesRochers  
K. Frost  
Kin Gee  
Diane Heyer  
Heather Heyer  
Robert Heyer  
Stanislav Jaracz  
Jessica Johnson  
Deepika Kinger  
Kishore Kinger  
Mansha Kinger  
Rohit Kinger  
Bernadette Maher  
Angela Mcglynn  
Eleanor Ogin  
Soo Ouyang  
Karen Paffendorf  
S. Paricha  
Saylor Pochan  
Edward Potosnak  
Linda Powell  
Elizabeth Roedell  
Robert Scardapane  
Shubhendu Singh  
Huseini Tambawala  
Ronald Waetzman  
Rong Xiao