

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515–3302**

June 26, 2023

The Honorable Willie Phillips  
Chairman  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Dear Chairman Phillips:

As members of Congress, we respectfully request that the Commission deny an extension of the Certificate of Public Convenience and Necessity for the MVP Southgate pipeline, which would extend the controversial and problematic Mountain Valley Pipeline from Virginia into North Carolina, threatening our communities' safe drinking water. We make this request for three reasons:

First, the MVP Southgate is widely opposed. Over the last five years, we have heard regularly from neighbors, residents, and citizen groups about their significant concerns that the MVP Southgate poses unreasonable risks to communities and the environment in our states. In North Carolina, the Alamance County Commissioners unanimously passed a resolution opposing the MVP Southgate because of its expected consequences for the Haw River, public safety, and private property.<sup>1</sup> Furthermore, in Rockingham County, the town council of Stoneville passed a resolution opposing the Southgate extension over concerns that the pipeline would negatively impact ecotourism, the Mayo River, and the Dan River.<sup>2</sup> Our constituents have also shared their concerns about the MVP exercising eminent domain to complete construction of the extension, which would threaten private property and family farms. In Virginia, the NAACP's Pittsylvania County Branch raised serious concerns about the likely harm caused by the pipeline's proposed compressor station, known as the Lambert Compressor Station, on a nearby community of color.<sup>3</sup>

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<sup>1</sup> Redd, Kandace. "Alamance Commissioners Vote Against Mountain Valley Pipeline." *Wfmynews2.Com*, 4 Sept. 2018, [www.wfmynews2.com/article/news/local/alamance-commissioners-vote-against-mountain-valley-pipeline/83-590832732](https://www.wfmynews2.com/article/news/local/alamance-commissioners-vote-against-mountain-valley-pipeline/83-590832732).

<sup>2</sup> Ouzts, Elizabeth. "Second North Carolina Community Passes Anti-Pipeline Measure." *Energy News Network*, 4 Oct. 2018, <https://energynews.us/2018/10/04/second-north-carolina-community-passes-anti-pipeline-measure/>

<sup>3</sup> "SELC, NAACP Act to Defend Environmental Justice, Denial of Lambert Compressor Station Permit." *Southern Environmental Law Center*, 6 Oct. 2022, [www.southernenvironment.org/press-release/selc-naacp-act-to-defend-environmental-justice-denial-of-lambert-compressor-station-permit](http://www.southernenvironment.org/press-release/selc-naacp-act-to-defend-environmental-justice-denial-of-lambert-compressor-station-permit)

Second, North Carolina and Virginia regulators rejected permit applications for the MVP Southgate in 2021, and the company has failed to diligently pursue new applications. The North Carolina Department of Environmental Quality has twice denied the pipeline a Clean Water Act permit, known as a Section 401 Water Quality Certification, because the pipeline company could not demonstrate that the MVP Southgate would not “result in unnecessary and avoidable impacts to surface waters and riparian buffers.”<sup>4</sup> The Virginia State Air Pollution Control Board denied an air pollution permit for the Lambert Compressor Station on environmental justice grounds.<sup>5</sup> As of this letter, the pipeline company has not reapplied for either permit.

Finally, FERC’s original need determination for the MVP Southgate pipeline is now woefully outdated. If built, this pipeline would supply Public Service Company of North Carolina, a gas distribution utility primarily serving homes and businesses, with fuel for heating and cooking. However, in 2022 Congress passed and President Biden signed the historic Inflation Reduction Act, making billions of federal dollars available for residential and commercial alternatives to natural gas use. In light of this sea change, the Commission cannot—and indeed must not—merely fall back on its now stale prior determination that MVP Southgate is needed.

For these reasons, we urge the Commission to deny an extension of the Certificate of Public Convenience and Necessity for the MVP Southgate pipeline. In addition, given the years-long and wide-ranging issues with permitting and legal challenges to MVP and MVP Southgate, we request that the Commission provide a 30-calendar day comment period to allow affected landowners and communities sufficient time to voice their substantial concerns about this project.

Thank you for the opportunity to bring these issues to your attention.

Sincerely,



Valerie P. Foushee  
Member of Congress



Kathy Manning  
Member of Congress

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<sup>4</sup> [www.deq.nc.gov/pipelines/2018-1638v3-mvp-southgate-04292021/download](http://www.deq.nc.gov/pipelines/2018-1638v3-mvp-southgate-04292021/download)

<sup>5</sup> Fletcher, Kenny. “Virginia Air Board Denies Permit for Pipeline Compressor Station.” *Chesapeake Bay Foundation*, 3 Dec. 2021, [www.cbf.org/news-media/newsroom/2021/virginia/virginia-air-board-denies-permit-for-pipeline-compressor-station.html](http://www.cbf.org/news-media/newsroom/2021/virginia/virginia-air-board-denies-permit-for-pipeline-compressor-station.html).