

155 FERC ¶ 61,087
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Cheryl A. LaFleur, Tony Clark,
and Colette D. Honorable.

Tennessee Gas Pipeline Company, L.L.C.

Docket No. CP14-529-000

ORDER DENYING STAY

(Issued April 22, 2016)

1. On March 11, 2016, the Commission issued a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing Tennessee Gas Pipeline Company, L.L.C. (Tennessee) to construct and operate pipeline facilities in Albany County, New York; Berkshire and Hampden Counties, Massachusetts; and Hartford County, Connecticut, and modify an existing compressor station in Hampden County, Massachusetts (Connecticut Expansion Project).¹

I. Request For Stay

2. On April 8, 2016, Northeast Energy Solutions, Inc. moved for a stay of all construction activity associated with the Connecticut Expansion Project.² Northeast Energy Solutions contends that a stay is necessary to preserve the status quo pending review on rehearing of the adequacy of the Commission's analysis under the National Environmental Policy Act (NEPA).³ On April 15, 2016, Tennessee filed an answer opposing Northeast Energy Solutions' motion for stay.

¹ *Tennessee Gas Pipeline Co., L.L.C.*, 154 FERC ¶ 61,191 (2016) (March 11 Order).

² On March 30, 2016, the Commission issued an order denying a request for stay filed by Sandisfield Taxpayers Opposed to the Pipeline. *Tennessee Gas Pipeline Co., L.L.C.*, 154 FERC ¶ 61,263 (2016).

³ Motion for Stay, filed April 8, 2016, at 4.

3. For the reasons discussed below, the Commission finds that justice does not require a stay and therefore denies Northeast Energy Solution's request.

II. Commission Determination

4. The Commission grants a stay when "justice so requires."⁴ In determining whether this standard has been met, the Commission considers several factors, including: (1) whether the party requesting the stay will suffer irreparable injury without a stay, (2) whether issuing a stay may substantially harm other parties; and (3) whether a stay is in the public interest.⁵ If the party requesting the stay is unable to demonstrate that it will suffer irreparable harm absent a stay, we need not examine the other factors.⁶

5. In support of its motion, Northeast Energy Solutions states that the Project "will permanently alter the landscape."⁷ This generalized claim does not constitute evidence of irreparable harm that would justify a stay.⁸

6. Northeast Energy Solutions also contends that a stay is necessary to ensure that the Project does not "go forward without the benefit of the thorough and meaningful environmental analysis that NEPA requires."⁹ In approving the Connecticut Expansion

⁴ *Enable Gas Transmission, LLC*, 153 FERC ¶ 61,055, at P 118 (2015) (*Enable*); *Transcontinental Gas Pipe Line Co., LLC*, 150 FERC ¶ 61,183, at P 9 (2015).

⁵ Ensuring definiteness and finality in our proceedings also is important to the Commission. *See Constitution Pipeline Co.*, 154 FERC ¶ 61,092, at P 9 (2016); *Enable*, 153 FERC ¶ 61,055 at P 118; *Millennium Pipeline Co.*, 141 FERC ¶ 61,022, at P 13 (2012).

⁶ *See, e.g., Algonquin Gas Transmission, LLC*, 154 FERC ¶ 61,236, at P 8 (2016); *Transcontinental Gas Pipe Line*, 150 FERC ¶ 61,183 at P 9; *Millennium Pipeline, L.L.C.*, 141 FERC ¶ 61,022 at P 14.

⁷ Motion for Stay at 4.

⁸ *See Florida Southeast Connection, LLC*, 154 FERC ¶ 61,264, at P 8 (2016) (denying stay premised upon "generalized environmental harm without identifying specifics"); *Empire Pipeline, Inc.*, 153 FERC ¶ 61,379, at P 11 (2015) (denying stay where movant "provided only unsupported, generalized allegations about environmental harm resulting from the project"); *Transcontinental Gas Pipe Line Co.*, 150 FERC ¶ 61,183, at P 19 (denying stay request where movant "only asserts generalized environmental harm to its members without identifying specifics"); *Tennessee Gas Pipeline Co.*, 96 FERC ¶ 61,116, at 61,446 (2001) ("general allegations do not constitute evidence of irreparable harm that would justify staying the orders in this proceeding").

⁹ Motion for Stay at 2.

Project, the Commission fully considered the Environmental Assessment prepared by Commission staff and addressed the comments of Northeast Energy Solutions and others in the March 11 Order's environmental discussion.¹⁰ The Commission determined that, on balance, the Connecticut Expansion Project, if constructed and operated in accordance with the application and supplements, and in compliance with the 27 environmental conditions appended to that order, would not significantly affect the quality of the human environment.¹¹ Given this conclusion, we do not believe that denying the request for stay puts the environment at risk.

7. For these reasons, the Commission finds that Northeast Energy Solutions has not demonstrated that it will suffer irreparable harm, and its request for stay is denied.

The Commission orders:

The request for stay filed by Northeast Energy Solutions is denied.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

¹⁰ March 11 Order at PP 28-148.

¹¹ *Id.* at P 146.