

156 FERC ¶ 61,233
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Florida Southeast Connection, LLC	Docket Nos. CP14-554-000
Transcontinental Gas Pipe Line Company, LLC	CP15-16-000
Sabal Trail Transmission, LLC	CP15-17-000

ORDER DISMISSING REQUEST FOR STAY

(Issued September 29, 2016)

1. On August 17, 2016, Sierra Club and Flint Riverkeeper filed a second request that the Commission suspend and stay all construction authorized by the Commission's February 2, 2016 order issuing certificates until the Commission acts on their rehearing request.¹ Because the Commission has acted on their rehearing request, we dismiss their request for stay as moot.

I. Background

2. The Certificate Order granted Florida Southeast Connection, LLC (Florida Southeast), Transcontinental Gas Pipe Line Company, LLC (Transco), and Sabal Trail Transmission, LLC (Sabal Trail) certificates of public convenience and necessity authorizing the construction and operation of the Florida Southeast Connection Project, the Hillabee Expansion Project, and the Sabal Trail Transmission Project, respectively. In total, the order authorized the companies to construct and operate 685.5 miles of pipeline and 339,400 horsepower of compression in Alabama, Georgia, and Florida. The Commission received seven requests for rehearing of the Certificate Order, including a request filed jointly by the Sierra Club, Flint Riverkeeper, Kiokee-Flint Group, and Chattahoochee Riverkeeper.²

¹ *Florida Southeast Connection, LLC*, 154 FERC ¶ 61,080 (2016) (Certificate Order).

² Sierra Club and Flint Riverkeeper's joint March 3, 2016 rehearing request included a request to stay all construction activities pending rehearing. In a March 30,

(continued ...)

3. In early to mid-August 2016, Florida Southeast, Transco, and Sabal Trail filed requests to commence construction of the authorized pipeline and compressor facilities. On August 12, 2016, Commission staff granted Florida Southeast's request. In response, Sierra Club and Flint Riverkeeper renewed their request that the Commission stay all construction activities until the Commission issues its order on rehearing.³ On August 29, 2016, Sabal Trail filed a timely answer in opposition to the stay request.

II. Request for Stay

4. Sierra Club and Flint Riverkeeper argue that the Commission should not grant any requests to proceed with project construction while rehearing is pending because the Commission could modify or revoke the Certificate Order. Further, they state that issuing such notices could impede the Commission's ability to exercise its jurisdiction to "fairly and fully" review the rehearing requests and the parties' right to such consideration.⁴ Sierra Club and Flint Riverkeeper also assert that absent a stay construction may occur before they can appeal the Commission's decision to the U.S. Court of Appeals. Such construction, Sierra Club and Flint Riverkeeper argue, would result in irreparable harm, including the destruction of forests and wetlands.

5. On September 7, 2016, the Commission issued an order on rehearing, which denied Sierra Club and Flint Riverkeeper's request for rehearing.⁵ Because the Commission has acted on their rehearing request, Sierra Club and Flint Riverkeeper's stay request is moot and therefore dismissed.

2016 Order, the Commission denied this request to stay the projects. *Florida Southeast Connection, LLC*, 154 FERC ¶ 61,264 (2016) (finding justice did not require a stay).

³ Commission staff granted Transco's requests to commence construction on August 23 and September 1, 2016, and Sabal Trail's requests on August 18 and 25, 2016.

⁴ Sierra Club and Flint Riverkeeper August 17, 2016 Request for Stay at 2.

⁵ *Florida Southeast Connection, LLC*, 156 FERC ¶ 61,160 (2016). On September 20, 2016, Sierra Club and Flint Riverkeeper petitioned for review of the Certificate and Rehearing Orders. *Sierra Club et al. v. FERC*, D.C. Cir. 16-1329.

The Commission orders:

The request for stay filed on August 17, 2016, by Sierra Club and Flint Riverkeeper is dismissed.

By the Commission. Commissioner Clark is not participating.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.