197 FERC ¶ 61,031
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Columbia Gulf Transmission, LLC Docket No. CP26-11-000

ORDER ISSUING CERTIFICATE

(Issued October 15, 2026)

1. On October 15, 2025, Columbia Gulf Transmission, LLC (Columbia Gulf) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)[1] and Part 157 of the Commission's regulations[2] for authorization to construct and operate new natural gas pipeline facilities in Lincoln and Pulaski Counties, Kentucky (Pulaski Project). The project is designed to provide 260,000 dekatherms per day (Dth/d) of firm transportation service to East Kentucky Power Cooperative, Inc.'s (East Kentucky) John S. Cooper Power Station (Cooper Station) in Pulaski County. As discussed below, we grant the requested authorization, subject to certain conditions.

I. Background and Proposal

2. Columbia Gulf, a Delaware limited liability company with its principal place of business in Texas, is a natural gas company as defined by NGA section 2(6),[3] engaged in the transportation of natural gas in interstate commerce. Columbia Gulf is authorized to do business in Delaware, Kentucky, Louisiana, Mississippi, Tennessee, Texas, West Virginia, and Wyoming.[4]

3. The proposed project will provide 260,000 Dth/d of firm transportation service to meet the demands of East Kentucky, a rural electric cooperative that plans to add a gas turbine facility and transition from coal to natural gas co-firing at its Cooper Station to

[1] 15 U.S.C. 717f(c).

[2] 18 C.F.R. pt. 157 (2025).

[3] 15 U.S.C. 717a(6).

[4] Application at 2.

ensure continued environmental compliance, increase reliability, and meet forecasted growth in energy needs.[5]

4. Specifically, Columbia Gulf proposes to install:

- approximately 41.3 miles of 30-inch-diameter pipeline extending from a tie-in facility with the Columbia Gulf mainline in Stanford, Kentucky, to a new South Somerset delivery point in Somerset, Kentucky;
- a tie-in to the Columbia Gulf mainline and new launcher/receiver assembly at milepost 0.00 in Stanford;
- four new mainline valve assemblies along the proposed pipeline; and
- a new meter and regulator station, including a tie-in to the Cooper Station, and new launcher/receiver assembly at milepost 41.29 in Somerset (South Somerset Delivery Meter Station).[6]

5. Columbia Gulf estimates that the project will cost approximately $413 million.[7] Columbia Gulf held an open season from May 29 to June 6, 2025, seeking binding commitments for the capacity to be made available by the project.[8] Following the open season, Columbia Gulf executed a precedent agreement with East Kentucky for the total project capacity for a 20-year term under Columbia Gulf's new Rate Schedule FTS-1-PUL.[9]

II. Notice, Interventions, and Comments

6. Notice of Columbia Gulf's application was issued on October 29, 2025, establishing November 19, 2025 as the deadline for interventions, comments, and protests. Timely, unopposed motions to intervene were filed by Virginia Natural Gas, Inc., East Kentucky, Atmos Energy Corporation, Antero Resources Corporation (Antero), and landowners Brian Dale Mullins, James David Trimble, Frank Marshall Denney and

[5] *Id.* at 1-4 & 9-12.

[6] *Id.* at 6.

[7] *Id.* at 7 & Ex. K.

[8] Columbia Gulf states that it held a reverse open season soliciting interest for turnback capacity and received no offers. Application at 13.

[9] *Id.* at 12-13.

Jamesetta Denney, and Donna D Hall and Joseph Hall.[10] Landowners Benjamin M. Padgett and Chris Daniels filed late motions to intervene, which were granted.[11]

7. The Commission also received comments regarding the proposed project. Commenters in support of the project generally state that it will strengthen energy reliability and support economic growth. Other commenters raise concerns about easements, property value impacts, safety, and project need, and request consideration of alternative routes.[12] Additionally, commenters raise concerns about the project's environmental impacts.

8. On November 19, 2025, Antero filed comments asking the Commission to determine whether the project will adversely affect Columbia Gulf's current customers. Columbia Gulf filed an answer to Antero's comments,[13] Antero filed an answer to Columbia Gulf's answer,[14] Columbia Gulf filed an answer to Antero's answer,[15] and Antero filed an answer to that answer.[16] Although the Commission's Rules of Practice

[10] Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2025).

[11] January 16, 2026 Notice Granting Late Intervention; February 29, 2026 Notice Granting Late Intervention.

[12] Some commenters further request that the Commission convene a formal evidentiary hearing to resolve disputed material issues of fact related to the project's routing, environmental impact, and public necessity. *See* Trimble Motion to Intervene at 2; Denny Motion to Intervene at 2. As the Commission has previously explained, "[i]t is common Commission practice to provide for paper hearing procedures regarding proposed infrastructure projects." *Transcon. Gas Pipe Line Co., LLC*, 192 FERC ¶ 61,134, P 28 (2025). Here, we find sufficient evidence exists in the written record to resolve all genuine issues of material fact, including issues related to the project's routing, environmental impact, and public necessity, and we thus find an evidentiary hearing unwarranted.

[13] Columbia Gulf December 4, 2025 Motion for Leave to Answer and Answer to Antero's November 19 Comments.

[14] Antero December 12, 2025 Motion for Leave to Answer and Answer to Columbia Gulf's December 4 Answer.

[15] Columbia Gulf December 22, 2025 Motion for Leave to Answer and Answer to Antero's December 12 Answer.

[16] Antero December 31, 2025 Motion for Leave to Answer and Answer to Columbia Gulf's December 22 Answer.

and Procedure do not permit answers to answers,[17] we accept these pleadings because they have assisted us in our decision-making process.

9. The concerns raised by commenters are addressed in the Environmental Assessment (EA) issued for the project and, as appropriate, below.

III. Discussion

10. Because Columbia Gulf's proposed facilities will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (c) and (e) of section 7 of the NGA.[18]

A. Certificate Policy Statement

11. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.[19] The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether to authorize the construction of new facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new construction.

12. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the new facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on

[17] 18 C.F.R. § 385.213(a)(2) (2025).

[18] 15 U.S.C. 717f(c), (e).

[19] *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC¶ 61,227, *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

1. No Subsidy Requirement

13. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined that, generally, where a pipeline proposes to charge incremental rates for new construction that are higher than the company's existing system rates, the pipeline satisfies the threshold requirement that existing shippers will not subsidize the project.[20] As discussed below, Columbia Gulf has demonstrated that its proposed incremental charges for the project are higher than its existing system rates.[21] Accordingly, we find that Columbia Gulf's proposal to charge its incremental reservation and usage charges as the initial recourse rates for firm transportation service ensures that its existing customers will not subsidize the Pulaski Project.

2. Project Need

14. The Pulaski Project will enable Columbia Gulf to provide an additional 260,000 Dth/d of incremental firm transportation service for East Kentucky. As described above, East Kentucky intends to use the transportation service to provide fuel to a new natural-gas-fired power facility, which will support the transition from coal to natural gas co-firing at its Cooper Station. Columbia Gulf has entered into a long-term binding precedent agreement with East Kentucky for 100% of the project's capacity, which is significant evidence of need for the proposed project.[22]

15. Adam Dixon contends that there is not evidentiary support that East Kentucky's decision to transition from coal-fired generation to natural gas co-fired generation is

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[20] *See, e.g.*, *Transcon. Gas Pipe Line Co., LLC*, 184 FERC ¶ 61,066, at P 12 (2023).

[21] *See infra* PP 26-27.

[22] *See, e.g.*, *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048, at P 29 (2025) (affirming that precedent agreements are the best evidence of project need); *Tex. Gas Transmission, LLC*, 181 FERC ¶ 61,049 (2022) (finding a long-term precedent agreement for almost 100% of the project's capacity is significant evidence of need for the proposed project); *see For a Better Bayou v. FERC*, No. 24-1291, slip op. at 21 (D.C. Cir. Aug. 25, 2026) ("'As a general rule,' we have held that the 'FERC may find market need by relying solely on a precedent agreement.'") (quoting *Sierra Club v. FERC*, 153 F.4th 1295, 1309 (D.C. Circ. 2025)).

needed to maintain environmental compliance or that doing so would be cost-efficient as compared to upgrading the current coal-fired facilities.[23] Issues related to East Kentucky's plan to replace coal-fired generation with natural gas co-fired generation are outside the scope of this proceeding. Aside from non-federal hydroelectric projects, the Commission does not have jurisdiction over facilities used for the generation of electricity.[24] The Commission will "not second-guess" East Kentucky's "business decisions to enter into contracts for natural gas transportation service" based on contentions about the cost-effectiveness or regulatory necessity of such non-jurisdictional facilities.[25]

3. Impacts on Existing Customers

16. Antero, a natural gas producer in the Marcellus and Utica shale plays, asks the Commission to determine whether the project will adversely affect Columbia Gulf's current customers, like Antero, particularly regarding ongoing outage issues affecting north to south flows on Columbia Gulf's mainline.[26] Antero states that East Kentucky "would be free to use its contract to flow north to south on a secondary basis, which would exacerbate the ongoing outage issues because capacity is chronically constrained in that direction."[27]

17. East Kentucky's primary receipt points are in the southern part of Columbia Gulf's system, and Columbia Gulf states that it has reserved 260,000 Dth/d of unsubscribed firm transportation capacity originating from its mainline pool in the southern part of its system to the new interconnection to support the proposed project.[28] Commission staff

[23] Adam Dixon November 7, 2025 Comments.

[24] 16 U.S.C. 824(b)(1) ("The Commission . . . shall not have jurisdiction, except as specifically provided in this subchapter and subchapter III of this chapter, over facilities used for the generation of electric energy . . ."); *see Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d 667, 718 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002) ("petitioners correctly point out that section 201(b) of the FPA denies FERC jurisdiction over 'facilities used for the generation of electric energy'"); *see also Fla. Se. Connection, LLC*, 162 FERC ¶ 61,233, at P 57 (2018) ("The Commission lacks jurisdiction to impose mitigation measures on downstream end-use consumers, be they power plants, manufacturers, or others.").

[25] *Tenn. Gas Pipeline Co., L.L.C.*, 196 FERC ¶ 61,093, at P 46 (2026).

[26] Antero November 19, 2025 Comments at 2-3.

[27] *Id.* at 4.

[28] Application at 7.

reviewed the application and determined that sufficient capacity exists to accommodate the south to north flows. We agree.

18. Although East Kentucky may request changes to receipt points for all or part of its service, Columbia Gulf is not required to grant such requests unless it determines that sufficient capacity exists. Columbia Gulf's FERC Gas Tariff provides that shippers submitting firm transportation nominations inside their transportation path have priority over shippers submitting firm transportation nominations outside of their transportation path.[29] Therefore, regarding north to south flows, Antero's firm transportation nominations inside its transportation path would have priority over East Kentucky's firm transportation nominations, which would be outside its transportation path.[30]

19. Antero, however, notes that "Commission policy requires that all scheduled firm transactions, whether primary or secondary, be curtailed on a pro rata basis."[31] Consistent with Commission policy, Columbia Gulf's FERC Gas Tariff provides that Columbia Gulf shall interrupt all scheduled firm transportation capacity, whether at primary or secondary receipt points, on a pro rata basis.[32] Stating that Columbia Gulf's system has experienced significant, extended outages for north to south transportation, Antero questions how Columbia Gulf will avoid negative impacts to existing customers on the north to south transportation path when there are curtailments.[33]

20. Commission staff reviewed the application and determined that Columbia Gulf has properly designed the proposed project and has reserved capacity on its mainline to accommodate the resulting additional flows to the new lateral. Moreover, Antero's southward nominations from its primary receipt points would have scheduling priority over any southward nominations East Kentucky could make from secondary receipt points. Therefore, we find that the proposed project is designed to provide incremental service to East Kentucky without degrading service to existing customers.

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[29] Columbia Gulf Transmission, LLC, FERC Gas Tariff, Third Revised Volume No. 1, § VII.7.2(b).

[30] *See* Columbia Gulf December 22, 2025 Answer at 3.

[31] Antero December 12, 2025 Answer at 3 and Antero December 31, 2025 Answer at 2-3.

[32] Columbia Gulf Transmission, LLC, FERC Gas Tariff, Third Revised Volume No. 1, § VII.16.4(a)(5).

[33] Antero December 31, 2025 Answer at 3.

21. As noted above, although firm transportation customers at primary receipt points have priority in scheduling,[34] once scheduled, all firm transportation customers, whether at primary or secondary receipt points, would be interrupted on a *pro rata* basis.[35] Therefore, Antero's status as a primary receipt point customer would not accord it priority over secondary receipt point customers like East Kentucky, in the event of circumstances that necessitate service interruptions. Importantly, however, it would be the occurrence of outages underlying the service interruptions[36] that would cause adverse impacts, not Columbia Gulf's proposed project, which, as discussed above, is properly designed to provide incremental service to meet the needs of the project shipper, East Kentucky, without degrading service to Columbia Gulf's existing customers.

4. Impacts on Existing Pipelines and Their Customers, and Landowners and Surrounding Communities

22. We also find that there will be no adverse impact on other pipelines in the region or their captive customers. The project's capacity will be used to serve East Kentucky's needs for additional firm transportation capacity, not to displace existing service providers.[37] No pipelines or their captive customers have protested Columbia Gulf's proposal.

23. We are further satisfied that Columbia Gulf has taken appropriate steps to minimize adverse economic impacts on landowners and surrounding communities. Construction of the proposed project will require approximately 676 acres of land, of which approximately 254 acres would be permanently impacted for operation of the facilities.[38] Approximately 27% of the pipeline route would be either co-located with existing easements or parallel to existing utility corridors.[39] Columbia Gulf states that it sited the proposed new facilities to avoid sensitive areas and reduce land impacts and that it has been working with affected landowners, federal, state, county, and local officials,

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[34] Columbia Gulf Transmission, LLC, FERC Gas Tariff, Third Revised Volume No. 1, § VII.7.2(b).

[35] *Id.* § VII.16.4(a)(5).

[36] Natural gas pipeline outages can occur due to a variety of reasons, including planned/unplanned maintenance, equipment failures, operational imbalances, supply disruptions, demand surges, or natural disasters/extreme weather events.

[37] Application at 20.

[38] EA at 6.

[39] *Id.* at 29.

and other stakeholders to minimize concerns regarding the project.[40] Accordingly, we find that the proposed project has been designed to minimize adverse economic impacts on landowners and surrounding communities.

24. Regarding concerns about impacts on property values, a project's impact on property values depends on many factors, including the size of the tract, the values of adjacent properties, the presence of other utilities, the current value of the land, and the current land use.[41] Appraisal methods used to value land are typically based on objective characteristics of the property and any improvements. With so many variables exerting impact, it is difficult to separate the effect, if any, a project may have on property values. Moreover, valuation is tied to a potential purchaser's planned use of the land and therefore inherently speculative.[42]

5. Certificate Policy Statement Conclusion

25. The Pulaski Project will provide 260,000 Dth/d of incremental firm transportation service. Columbia Gulf has entered into a binding agreement for 100% of the project's capacity. Accordingly, we find that Columbia Gulf has demonstrated a need for the project. We further find that the project will not have adverse impacts on existing shippers or other pipelines and their existing customers, and that Columbia Gulf has taken sufficient steps to minimize adverse impacts on landowners and surrounding communities. Therefore, we conclude that the project, as conditioned, is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the project below.[43]

[40] Application at 21-22.

[41] *See ANR Pipeline Co.*, 195 FERC ¶ 61,169, at P 29 (2026); *Algonquin Gas Transmission, LLC*, 151 FERC ¶ 61,118, at P 56 (2015).

[42] *See ANR Pipeline Co.*, 195 FERC ¶ 61,169 at P 29.

[43] *See* Certificate Policy Statement, 88 FERC at 61,745-46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

B. Rates

1. Incremental Recourse Rates

26. Columbia Gulf estimates that the cost of constructing the Pulaski Project is $412,968,336,[44] and it proposes an incremental recourse rate under its newly established Rate Schedule FTS-1-PUL for the capacity created by the project.[45] Columbia Gulf proposes an incremental recourse reservation charge of $18.625 per Dth based on a first-year fixed cost of service of $58,111,556 and billing determinants of 3,120,000 Dth.[46] Columbia Gulf also proposes an incremental usage charge of $0.00 per Dth based on first-year variable cost of service of $0.00 per Dth and annual billing determinants of 71,175,000 Dth.[47] Columbia Gulf proposes to apply its currently effective ITS-1 rate for interruptible service.[48] Columbia Gulf designed the initial incremental rate based on its last approved system depreciation rate of 0.625%[49] and its last approved pretax rate of return of 12.50%.[50]

27. We have reviewed Columbia Gulf's proposed initial recourse rate and cost of service and find that they are consistent with current Commission policy. To satisfy the no-subsidy requirement of the Commission's Certificate Policy Statement, the Commission presumes that a pipeline should charge incremental rates for proposed expansion capacity if the incremental rate exceeds the maximum system recourse rate.[51] Columbia Gulf's proposed Rate Schedule FTS-1-PUL incremental rate of $18.625 per Dth

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[44] Application, Exhibit K at 1.

[45] Application at 13.

[46] Application, Ex. P at 1.

[47] *Id.* Columbia Gulf's proposed project billing determinants are based on a 75% load factor.

[48] *See* Columbia Gulf April 22, 2026 Data Response.

[49] Application, Ex. P at 3. The depreciation rate was established in Docket No. RP23-887-000. *Columbia Gulf Transmission, LLC*, 184 FERC ¶ 61,122 (2023).

[50] Application, Ex. P at 6. The rate of return was established in Docket No. RP97-52-000. *Columbia Gulf Transmission, LLC*, Docket No. RP97-52-000, at 2 (Apr. 29, 1998) (delegated order).

[51] *See*, *e.g.*, *Tenn. Gas Pipeline Co.*, 196 FERC ¶ 61,093 at P 68; *Transco*, 184 FERC ¶ 61,066 at P 12.

($18.625 per Dth reservation charge plus $0.00 per Dth usage charge) is greater than the Rate Schedule FTS-1 system recourse rate of $6.0957 per Dth ($6.0839 per Dth reservation charge plus $0.0118 per Dth usage charge).[52] Therefore, we approve Columbia Gulf's proposed incremental firm transportation recourse reservation and usage charges under Rate Schedule FTS-1-PUL for the Pulaski Project. We also approve Columbia Gulf's proposal to apply its currently effective ITS-1 rate for interruptible service for the project.[53]

2. Fuel Retention

28. Columbia Gulf proposes to apply its generally applicable system fuel retention rate of 3.168% under Rate Schedule FTS-1 for the project. The company included a fuel study in its application which reflects an overall reduction in fuel use.[54] Columbia Gulf states that the project is expected to increase throughput without adding incremental fuel usage.[55]

29. Because the project facilities would yield a net system fuel benefit to the existing system shippers without subsidization, we will approve Columbia Gulf's proposal to charge its generally applicable system fuel retention rate under Rate Schedule FTS-1.

3. Reporting Incremental Costs

30. Section 154.309 of the Commission's regulations includes bookkeeping and accounting requirements applicable to all expansions for which incremental rates are charged. The requirements ensure that costs are properly allocated between pipelines' existing shippers and incremental expansion shippers.[56] Therefore, we will require Columbia Gulf to keep separate books and accounting of costs and revenues attributable to the incremental capacity created by the project as required by section 154.309 of the Commission's regulations.[57] The books should be maintained with applicable cross-reference and the information must be in sufficient detail so that the data can be

[52] Columbia Gulf Transmission, LLC, Columbia Gulf Tariffs, Currently Effective Rates, FTS-1 Rates (15.0.0).

[53] *See* Columbia Gulf April 22, 2026 Data Response at 1.

[54] *See id.* at 2.

[55] Application at 20.

[56] 18 C.F.R. § 154.309 (2025).

[57] *Id.*

identified in Statements G, I, and J in any future NGA section 4 or 5 rate case, and the information must be provided consistent with Order No. 710.[58]

4. Negotiated Rates

31. Columbia Gulf proposes to provide firm transportation service to East Kentucky under a negotiated rate agreement.[59] It must file either the negotiated rate agreement or tariff records setting forth the essential terms of the agreement in accordance with the Alternative Rate Policy Statement[60] and the Commission's negotiated rate policies.[61]

5. *Pro Forma* Tariff Records

32. Columbia Gulf proposes *pro forma* tariff records incorporating changes to rates and rate schedules for the implementation of the service provided by the project. We approve the *pro forma* tariff records included in Exhibit P and direct Columbia Gulf to file corresponding actual tariff records before the proposed in-service date of the project.[62]

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[58] *See Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines*, Order No. 710, 122 FERC ¶ 61,262, at P 23 (2008).

[59] Application at 14-15.

[60] *Alts. to Traditional Cost-of-Serv. Ratemaking for Nat. Gas Pipelines; Regul. of Negotiated Transp. Servs. of Nat. Gas Pipelines*, 74 FERC ¶ 61,076, *clarification granted*, 74 FERC ¶ 61,194, *order on reh'g and clarification*, 75 FERC ¶ 61,024, *reh'g denied*, 75 FERC ¶ 61,066, *reh'g dismissed*, 75 FERC ¶ 61,291 (1996), *petition denied sub nom. Burlington Res. Oil & Gas Co. v. FERC*, 172 F.3d 918 (D.C. Cir. 1998) (Alternative Rate Policy Statement).

[61] *Nat. Gas Pipelines Negotiated Rate Policies & Practices; Modification of Negotiated Rate Pol'y*, 104 FERC ¶ 61,134 (2003), *order on reh'g & clarification*, 114 FERC ¶ 61,042, *reh'g dismissed & clarification denied*, 114 FERC ¶ 61,304 (2006).

[62] Pipelines are required to file any service agreement containing non-conforming provisions and to disclose and identify any transportation term or agreement in a precedent agreement that survives the execution of the service agreement. *See* 18 C.F.R. § 154.112(b) (2025); *see also, e.g.*, *Tex. E. Transmission, LP*, 149 FERC ¶ 61,198, at P 33 (2014).

C. Environmental Analysis

33. On November 24, 2025, as revised on December 18, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Pulaski Project.*[63] The notice was published in the *Federal Register* and mailed to interested parties, including federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. Commission staff held two public scoping sessions in the project vicinity on December 9 and 10, 2025 in Stanford and Somerset, Kentucky. The primary issues raised during scoping concerned mitigation; alternative routes; and impacts on safety, wildlife, trees, vegetation, grasslands, wetlands, water, soils, land use, livestock, recreation, and cultural and historical resources.

34. Pursuant to the National Environmental Policy Act of 1969 (NEPA),[64] Commission staff prepared an EA, which was issued on June 22, 2026.[65] The Notice of Availability of the EA was published in the *Federal Register* and established a 30-day comment period.[66] The notice was mailed to interested parties, including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. The analysis in the EA addresses geology; soils; water resources; vegetation, wildlife, and special status species; cultural resources; land use, recreation, and visual resources; air quality, including effects of greenhouse gas (GHG) emissions; noise; reliability and safety; and alternatives. The EA addressed all environmental comments received during scoping and concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[67]

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[63] 90 Fed. Reg. 54665 (Nov. 28, 2025); 90 Fed. Reg. 60090 (Dec. 23, 2025).

[64] 42 U.S.C. 4321 *et seq.*, *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

[65] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1776417144.

[66] 91 Fed. Reg. 38414 (June 25, 2026).

[67] EA at 51. Commission staff could not determine whether the impacts from greenhouse gas (GHG) emissions attributable to the project would be significant or insignificant. *Id.* at 39; *see* 42 U.S.C. 4336(b)(2) ("An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown . . . ."). We note that NEPA does not require

35. Under NEPA, the Commission considers impacts to all potentially affected communities. Project activities that would affect local communities include construction and operation of the pipeline facilities. Project construction would affect a total of 676 acres of land, of which 254 acres would be permanently affected during operation.[68]

36. As described in the EA, the project's potential effects on local communities during construction include visual effects,[69] air effects,[70] and noise effects,[71] all of which would be temporary and less than significant. Impacts during construction on visual resources would be primarily due to the presence of construction equipment, vegetation clearing, trenching in the right-of-way, and the use of temporary workspace.[72]

37. To minimize air quality effects from fugitive dust emissions during construction, Columbia Gulf has committed to implementing measures from its Fugitive Dust Control Plan, which include applying water to construction sites and access roads, establishing reduced vehicle speed limit on unpaved roads, covering open bodied trucks while transporting materials, and constructing and maintaining construction entrances to prevent tracking mud and soil onto paved roads.[73] To mitigate exhaust emissions during construction, Columbia Gulf would restrict idling on equipment and vehicles not in active use, use ultra-low sulfur fuel, and construct the project in accordance with applicable regulations and manufacturers' recommendations imposed at the time of manufacture of the vehicles.[74]

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that the Commission formally label project-related GHG emissions as significant or insignificant. *See Citizens Action Coal. of Ind., Inc. v. FERC*, 125 F.4th 229, 241-42 (D.C. Cir. 2025) (holding that "the absence of a 'significance' label does not violate NEPA, CEQ guidance, or FERC regulations") (citing *Food & Water Watch v. FERC*, 104 F.4th 336, 346 (D.C. Cir. 2024) (*East 300*)); *see also Transcon. Gas Pipe Line Co., LLC*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

[68] EA at 36.

[69] *Id.* at 32.

[70] *Id.* at 33.

[71] *Id.* at 40.

[72] *Id.* at 32.

[73] *Id.* at 35.

[74] *Id.*

38. Regarding noise effects, while most construction activities would occur during the daytime hours, certain construction activities would take place during nighttime hours, which could affect local communities. Specifically, horizontal directional drilling (HDD) would require continuous activity.[75] The EA explains that noise increases due to HDD activities would temporarily affect noise-sensitive areas (NSA) near the Highway 39, Highway 80, and Pittman Creek HDDs. While most of the HDD noise would not be clearly noticeable[76] and would not result in significant effects, the estimated noise attributable to the Highway 39 HDD would be perceived as a doubling of sound.[77] As discussed further below, given the proximity of NSAs to the Highway 39 HDD, we require, as Environmental Condition 15 in the appendix to this order, that Columbia Gulf file with the Commission a plan to restrict the total noise increase during drilling to no more than 10 decibels over background levels at NSAs where existing noise levels exceed 55 decibels on the A-weighted scale (dBA) day-night sound level (L_{dn}).[78] Based on the scope of construction activities, limited duration, and temporary nighttime hours, we conclude that construction-related noise effects would not be significant.

39. The EA finds that project operation would result in visual impacts,[79] air effects,[80] and noise effects,[81] all of which would be less than significant. Regarding effects on visual resources during operation, the new permanent right-of-way would require long-term maintenance and the project's aboveground facilities would be located within the operational right-of-way, or adjacent to existing, operating industrial facilities. Based on the proposed locations of the above-ground facilities and the conversion to an herbaceous right-of-way, the EA concludes, and we agree, that visual effects from operation of the facilities would be minimal.[82] The EA concludes that project operation would not have significant impacts on air quality because operational emissions would be

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[75] *Id.* at 54.

[76] *Id.*

[77] *Id.* at 42.

[78] *See infra* PP 55-57.

[79] EA at 32.

[80] *Id.* at 33.

[81] *Id.* at 40.

[82] *Id*. at 32.

limited to fugitive emissions.[83] Regarding operational noise impacts, the EA finds that anticipated noise attributable to project operation would not have a significant impact on the NSAs because noise levels from the South Somerset Delivery Meter Station would be below an L_{dn} of 55 dBA. To ensure noise levels are in compliance with applicable noise requirements, the EA recommends, and we require as Environmental Condition 16 in the appendix to this order, that Columbia Gulf file a noise survey within 60 days after placing the meter station into service and install additional noise controls if sound levels are exceeded, which will ensure that project operations will not result in significant noise effects.

40. The EA recommended implementation of Columbia Gulf's proposed construction procedures and mitigation measures and Commission staff recommendations,[84] which we have adopted as conditions in the appendix of this order.

1. Comments on the EA

41. The Commission received comments on the EA from Rebecca Ritchey, Eric Johnson, Andrew Daniels and Christopher Daniels, and Columbia Gulf.[85] We respond to the comments below.

a. Eminent Domain

42. Rebecca Ritchey expresses concern about the use of eminent domain for the project, as well as Columbia Gulf's negotiation tactics.[86] The Commission has long held that legal disputes regarding property rights, including issues regarding eminent domain and compensation,[87] are not within the Commission's jurisdiction, but instead matters to

[83] *Id.* at 37.

[84] *Id.* at 51.

[85] Additionally, EPA noted that it has no comments, and Marshall Todd and Carol Russel filed comments in support of the project. Columbia Gulf provided a table suggesting minor clarifications of the EA on topics like effects on soils, land use, air quality, and reliability and safety. Commission staff has reviewed these clarifications, determined that they would not alter the conclusions in the EA, and found them acceptable. We agree. Columbia Gulf's comments on the EA's noise recommendation are discussed further below.

[86] Rebecca Ritchey July 20, 2026 Comments.

[87] *See, e.g.*, *All. Pipeline, L.P.*, 184 FERC ¶ 61,024, at P 16 (2023) ("[T]he Commission has no authority to oversee the process of acquiring land rights via eminent domain, including issues of just compensation and timing.") (citing *PennEast Pipeline*,

be resolved in court.[88] While easement negotiations are a private matter between a pipeline company and a landowner, the Commission expects companies to engage in good faith negotiations with landowners.

b. Amphibians

43. Eric Johnson requests that Commission staff survey the project area for amphibians, determine if the project would have a negative impact on amphibian habitats, and relocate any identified amphibians.[89] The EA addresses wildlife impacts, including impacts on federally and state listed species that might occur within the project area.[90] The EA indicates that suitable habitat is present for one amphibian species that is proposed for listing, that Columbia Gulf's avoidance and mitigation measures would minimize effects on that listed species, and that the proposed project is not likely to

174 FERC ¶ 61,056, at P 10 (2021); *Atl. Coast Pipeline, LLC*, 164 FERC ¶ 61,100, at P 88 (2018); *Mountain Valley Pipeline, LLC*, 163 FERC ¶ 61,197, at P 76 (2018)); *Midwestern Gas Transmission Co.*, 116 FERC ¶ 61,182, at P 65 (2006) ("In an eminent domain proceeding, the court will require the pipeline to compensate the landowner for the economic value of the right-of-way, as well as for any damages incurred during construction. The level of compensation paid in a condemnation proceeding would be determined by the court.").

[88] *Sacramento Mun. Util. Dist.*, 178 FERC ¶ 61,112, at P 15 (2022) (citing *Halecrest Co.*, 60 FERC ¶ 61,121, at 61,413 (1992) (finding that the Federal Power Act does not confer the Commission with any jurisdiction or authority to resolve disputes between the licensee and third parties that concern interests in real property)); *see also Columbia Gas Transmission, LLC*, 158 FERC ¶ 61,046, at P 28, n.35 (2017) (explaining that the Commission takes no role in negotiating property rights); *Californians for Renewable Energy, Inc. v. Williams Nw. Pipeline*, 135 FERC ¶ 61,158, at P 17 (2011) ("[I]nterpretation of the language of easement is a matter for a court of appropriate jurisdiction, not the Commission, which possesses no jurisdiction over, or expertise in, such matters."); *Columbia Gas Transmission Corp.*, 128 FERC ¶ 61,050, at P 47 (2009) (explaining that compensation for property and mineral rights is a private contractual matter over which the Commission does not have jurisdiction); *Arlington Storage Co., LLC*, 125 FERC ¶ 61,306, at PP 41, 43 (2008) (explaining that the Commission has no jurisdiction over landowners' real property or damages claims nor over landowner valuation claims).

[89] Eric Johnson June 26, 2026 Comments.

[90] EA at 26.

jeopardize its continued existence.[91] We note that the Kentucky Energy and Environmental Cabinet, the state's environmental agency, did not identify concerns for sensitive amphibians in the project area.[92] The EA determined that the project's impacts on fisheries resources and aquatic habitats would be minor and temporary.[93] We agree and find that no further measures regarding amphibians are required.

c. Groundwater and Livestock

44. Andrew and Christopher Daniels ask the Commission to require Columbia Gulf to conduct a site-specific groundwater survey on their parcel no later than 60 days before construction; install permanent replacement water infrastructure no later than 30 days before ground disturbance for all affected paddocks; and coordinate with them no later than 90 days before construction regarding scheduling around active livestock breeding operations within 500 yards of the work zone. They acknowledge that the EA notes Columbia Gulf's commitment to provide permanent frost-proof automated watering systems, or an agreeable alternative,[94] but state that this commitment is unenforceable and that the EA does not identify specific details on the infrastructure affected, set enforceable pre-construction milestones, or address the permanent loss of the water source.[95] Additionally, Ms. Ritchey notes concerns about the destruction and potential fill of the 150-foot groundwater well located on her back field that provides water to livestock and to her barn.[96]

45. The EA explains the project's effects on groundwater resources, concluding that pipeline excavation would generally be at a maximum depth of 6 to 10 feet and that these minor disturbances would be highly localized and would only temporarily affect groundwater resources.[97] As described in the EA, Columbia Gulf will offer both pre- and

[91] EA at app. B, p. 67. For species proposed for listing, a federal agency must confer with the U.S. Fish and Wildlife Service only when the agency determines that its action would likely jeopardize the continued existence of the proposed species or destroy or adversely modify proposed critical habitat. 16 U.S.C. 1536(a)(4).

[92] EA at 26.

[93] *Id.* at 23 and Appendix B, p. 67.

[94] EA at 19.

[95] Andrew Daniels & Christopher Daniels July 22, 2026 Comments.

[96] Rebecca Ritchey July 20, 2026 Comments.

[97] EA at 19.

post-construction quality and yield testing to landowners for all water supply wells and springs within 150 feet of construction workspaces and on a case-by-case basis for landowners outside of the 150-foot range.[98] The EA finds, and we agree, that, based on Columbia Gulf's construction procedures, mitigation measures, and the scope of the project, the effects on groundwater resources would be minor and temporary.[99] We also note that the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) requires project proponents to develop specific procedures in coordination with landowners to allow for livestock movement and protection during construction,[100] and Columbia Gulf states it will coordinate with the landowners on the scheduling of a 300-yard setback of construction activities around active livestock breeding operations.[101]

46. Regarding the Daniels' request that Columbia Gulf compensate them for potential livestock management costs, we note that the Commission has no authority to impose monetary damages or to otherwise require pipeline developers to compensate landowners for property damage.[102] However, the Commission offers Alternative Dispute Resolution services to assist voluntary parties in resolving disputes, including facilitating negotiations to reach mutual agreements. And regarding Ms. Ritchey's property, in an August 3, 2026 data response, Columbia Gulf offered to relocate her well outside of the proposed permanent easement and construction workspace.[103] We find that, with Columbia Gulf's commitments to well relocation and water testing, groundwater impacts would not be significant.

d. Vegetation and Grazing

47. Ms. Ritchey states that the project would result in the loss of viable crop/grazing pastures and the clearing of 100 feet of trees that provide shade to livestock and hold soil moisture. Ms. Ritchey adds that the trees on her property that would be cleared are over one hundred years old and of great sentimental value.[104] Ms. Ritchey asks that the pipeline be rerouted to the east of her property.

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[98] *Id.* at 20.

[99] *Id.* at 19.

[100] Section III.F.3 of the Commission's Plan.

[101] Columbia Gulf August 3, 2026 Data Response.

[102] *Spire STL Pipeline LLC*, 174 FERC ¶ 61,219, at P 40 (2021).

[103] Columbia Gulf August 3, 2026 Data Response at 3.

[104] Ms. Ritchey also indicates that the burial site of a family dog, a horse, and other family pets are in the section of land central to the path of the pipeline. We note that,

48. The EA explains that about 26% of the project construction effects would occur in agricultural land, primarily for cultivating row crops, and that there is also pastureland within the project area, which is used for grazing cattle.[105] Construction-related effects on agricultural land would generally be temporary, typically occurring over only one growing season. Columbia Gulf would minimize adverse impacts by implementing the Commission's Plan and restore most agricultural land to pre-construction conditions to the extent practicable in accordance with the Commission's Plan and the Commission's *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures).[106] Commission staff would monitor restoration efforts and require corrective action where necessary to ensure compliance with this order. Pursuant to the Commission's Plan, revegetation of agricultural areas would be considered successful when crop growth and vigor, based on visual inspection, are similar to adjacent undisturbed portions of the same field. The EA concludes that, with Commission staff environmental compliance monitoring of Columbia Gulf's construction and restoration mitigation measures, effects on agricultural land would not be significant.[107]

49. Regarding tree clearing, the EA notes that about 26 percent of the project construction effects would occur in forested land.[108] Project construction would clear 176.8 acres of forested land and approximately 71.3 acres of forested vegetation would be permanently converted to herbaceous vegetation.[109] The EA acknowledges that effects on upland forest would be long-term effects, as it would take 10 to 30 years for trees to regenerate outside of the permanently maintained right-of-way.[110] The maintenance corridor within the new permanent right-of-way would be maintained in a non-woody state and mowed periodically pursuant to the Commission's Plan and Procedures. The EA concludes that the project would not significantly affect

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regarding property disputes like this, the Commission's Alternative Dispute Resolution services can assist voluntary parties in resolving disputes, including facilitating negotiations to reach mutual agreements. The Commission's Dispute Resolution Service can be contacted through its Landowner Helpline at 1-877-337-2237 (toll-free) or emailed at landownerHelp@ferc.gov.

[105] EA at 30.

[106] *Id.*

[107] *Id.*

[108] *Id.* at 23.

[109] Columbia Gulf December 18, 2025 Supplemental Filing, Appendix 2D.

[110] EA at 23.

vegetation.[111] We further note that, in its August 3, 2026 data response, Columbia Gulf committed to continuing negotiations with Ms. Ritchey on options to reduce impacts on the large oak trees identified in her comments.[112]

50. At staff's request,[113] Columbia Gulf evaluated a route deviation to the east of the Ritchey property to minimize disturbance to grazing pastures, as well as avoid the trees referenced in Ms. Ritchey's comments. The route deviation would require an increase in the length of the pipeline, from 0.54 mile to 0.69 mile, and an increase of 1.99 acres of land disturbance. The route deviation would result in a reduction of 2.94 acres of effects on agricultural land but would result in an increase of 4.93 acres of effects on forested land.[114] Commission staff reviewed the route deviation and, given that the proposed route would result in less total acres of disturbance and short-term effects on agricultural land compared to the route deviation that would require an increased length of pipe, additional long-term effects on forested land, and impacts on adjacent properties, declined to recommend the suggested route deviation. We agree.

e. Safety

51. Ms. Ritchey expresses concerns about fire and explosion risks associated with tight angled pipeline bends, based in part on a 2019 Enbridge gasoline explosion in a neighboring county,[115] and requests that the Commission establish a pipeline supervisory control center for monitoring and controlling the pipeline, as well as requiring proof of insurance to cover pipeline disasters.[116] As discussed in the EA, the project facilities would be designed, constructed, operated, and maintained in accordance with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration's (PHMSA) Minimum Federal Safety Standards,[117] which require a pipeline operator to establish an integrity management program that includes safety

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[111] *Id.*

[112] Columbia Gulf August 3, 2026 Data Response at 4.

[113] Commission staff July 27, 2026 Data Request.

[114] Columbia Gulf August 3, 2026 Data Response at 3-4.

[115] We note that the proposal in this proceeding involves natural gas facilities, not gasoline facilities, over which the Commission has no jurisdictional siting authority, and that the project proponent in this proceeding is Columbia Gulf, not Enbridge.

[116] Rebecca Ritchey July 20, 2026 Comments.

[117] *See* 49 C.F.R. pt. 192 (2025).

measures and compliance monitoring along its pipeline systems by foot and aerial surveys and a Supervisory Control and Data Acquisition system.[118]

52. PHMSA has the exclusive authority to promulgate and enforce safety regulations and standards for the design, installation, construction, initial inspection, initial testing, operation and maintenance of facilities used in the transportation of natural gas. These regulations include specifications for material selection and qualification; minimum design requirements, including pipeline bends; and protection of the pipeline from internal, external, and atmospheric corrosion. The regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures.[119] The EA also explains that PHMSA requires each operator to establish and maintain liaison with appropriate fire, police, and public officials to learn the resources and responsibilities of each organization that may respond to a natural gas pipeline emergency, and to coordinate mutual assistance. Columbia Gulf would also provide appropriate training to local emergency service personnel before the facilities are placed in service.[120]

53. The EA concludes, and we agree, that with adherence to U.S. Department of Transportation's pipeline standards, the project facilities' construction and operation would represent a minimum increase in risk to the public.[121] Accordingly, we find that further analysis or additional safety requirements are not warranted. Regarding the request to require Columbia Gulf to compensate for or provide proof of insurance to cover impacts of pipeline disasters, we note that the Commission has no authority to impose monetary damages or to otherwise require pipeline developers to compensate landowners for property damage.[122]

f. Downstream Use of the Gas

54. Ms. Ritchey also raises concerns with the potential downstream use of the gas at artificial intelligence data centers.[123] The Commission is not required to consider environmental impacts associated with the end use of transported gas, over which the

[118] *Id.*, subpart O.

[119] EA at 44.

[120] *Id.*

[121] *Id.* at 46.

[122] *Spire STL Pipeline LLC*, 174 FERC ¶ 61,219 at P 40.

[123] Rebecca Ritchey July 20, 2026 Comments.

Commission does not exercise regulatory authority.[124] Nonetheless, we note that Columbia Gulf evaluated the project's potential impacts when combined with other planned projects. While Cooper Station was identified and considered, no planned data centers were identified within the geographic scope of the project.[125]

g. Noise

55. Columbia Gulf requests clarification or correction to Commission staff's recommended environmental condition 15 in the EA, which requires Columbia Gulf to file an HDD noise mitigation plan for the estimated noise attributable to the Highway 39 HDD.[126] Columbia Gulf states that sound levels at NSA 2 and NSA 3 are anticipated to exceed 55 dBA L_{dn} and that existing ambient noise levels at these NSAs already exceed 55 dBA L_{dn}. Columbia Gulf compares the noise attributable to the HDD at NSA 3 (68.5 dBA) to the existing ambient noise level (58.8 dBA L_{dn}) at the NSA and reports that the difference would be 9.7 decibels. Columbia Gulf asserts that, because the difference between those two figures is less than 10 decibels, additional HDD-specific noise mitigation may not be warranted. We disagree.

56. In its analysis of HDD noise effects and as shown in the EA, Commission staff compared the expected total noise (HDD noise and existing ambient noise), in this instance 68.9 dBA L_{dn} at NSA 3, to the existing ambient noise level, in this instance 58.8 dBA L_{dn} at NSA 3. This indicates an estimated noise increase of 10.1 decibels at NSA 3. As the EA explains, a noise increase of 10 decibels could be perceived as more than a doubling of noise.[127] As noted in the EA, Columbia Gulf does not propose noise mitigation at the HDD. For these reasons, the EA recommends that Columbia Gulf file an HDD noise mitigation plan for the Highway 39 HDD to restrict the noise attributable to the drilling operations to no more than an L_{dn} of 55 dBA at the NSAs.

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[124] *See Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo*., 605 U.S. 168, 188-90 (2025) (explaining that "NEPA calls for the agency to focus on the environmental effects of the project itself" and that agencies "are not required to analyze the effects of projects over which they do not exercise regulatory authority"); *see also E. Tenn. Nat. Gas, LLC*, 192 FERC ¶ 61,153, at PP 23, 28 (2025).

[125] Columbia Gulf August 3, 2026 Data Response at 2.

[126] Columbia Gulf July 22, 2026 Comments.

[127] EA at 40. The human ear's threshold of perception for noise change is considered to be 3 dBA; 6 dBA is clearly noticeable to the human ear, and a 9 dBA change is perceived as a doubling or halving of noise.

57. However, because existing ambient noise levels already exceed 55 dBA L_{dn},[128] we are modifying Environmental Condition 15 in the appendix to this order. The Commission staff's Guidance Manual states that noise increases should be limited to no more than 10 dBA over background if ambient noise levels are above 55 dBA L_{dn}.[129] Accordingly, to ensure HDD noise is not significant, we require in Environmental Condition 15 that Columbia Gulf file an HDD noise mitigation plan and, during drilling operations, implement the approved plan, monitor noise levels, document the noise levels in the biweekly status reports, and restrict the total noise increase to no more than a 10 dB increase over background levels at the NSAs where existing noise levels exceed 55 dBA L_{dn}.

2. Environmental Analysis Conclusion

58. We have reviewed the information and analysis contained in the EA, as well as the other information in the record, regarding potential environmental effects of the project. We accept the environmental recommendations in the EA and include them as conditions in the appendix to this order. Based on the analysis in the EA, as supplemented or clarified herein, we conclude that if constructed and operated in accordance with Columbia Gulf's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.[130]

59. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analysis. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

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[128] Columbia Gulf July 22, 2026 Comments.

[129] *See* FERC Guidance Manual For Environmental Report Preparation for Applications Filed Under the Natural Gas Act, February 2017 at 4-131.

[130] We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 67.

IV. Conclusion

60. We find that Columbia Gulf has demonstrated a need for the Pulaski Project, which will provide 260,000 Dth/d of incremental firm transportation service. Further, the project will not have adverse impacts on Columbia Gulf's existing shippers or other pipelines and their existing customers, and the project's benefits will outweigh any adverse effects on landowners and surrounding communities. The Commission recognizes that the proposed project would impact the environment and individuals living in the vicinity of the project facilities, but the project impacts, as mitigated, would not be significant. Based on the discussion above, we conclude that, under section 7 of the NGA, the public convenience and necessity requires approval of the Pulaski Project, subject to the conditions in this order.

61. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. This does not mean, however, that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.[131]

62. Where landowners subject to eminent domain intervene and protest a certificate proceeding, and the certificate holder has not acquired all necessary property interests, the Commission presumptively stays its NGA section 7(c) certificate orders during the 30-day rehearing period.[132] Where the landowners file timely requests for rehearing, the stay remains in place pending Commission resolution of rehearing requests, up until 90 days following the date that rehearing requests may be deemed denied under NGA section 19(a).[133] Because several affected landowners intervened and protested in this

[131] *See* 15 U.S.C. 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with federal law); *see also Schneidewind v. ANR Pipeline Co*., 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory authority over the transportation of natural gas is preempted); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

[132] *See Limiting Authorizations to Proceed with Construction Activities Pending Rehearing*, Order No. 871-B, 175 FERC ¶ 61,098, at PP 43-51 (2021); *see also Removal of Reguls. Limiting Authorizations to Proceed with Constr. Activities Pending Rehearing*, 193 FERC ¶ 61,014, at P 46 (2025) (stating that the Commission will continue the presumptive stay policy established in Order No. 871-B).

[133] Order No. 871-B, 175 FERC ¶ 61,098 at P 43.

proceeding and Columbia Gulf has not yet acquired all necessary property interests, we stay the certificate per Commission policy as described above. Columbia Gulf may move to lift the stay based on a showing of significant hardship,[134] and the Commission would seek to act expeditiously on any such motion.[135]

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

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Columbia Gulf, authorizing it to construct and operate the Pulaski Project, as described and conditioned herein, and as more fully described in the application and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in Ordering Paragraph (A) is stayed during the 30-day rehearing period and pending Commission resolution of any timely requests for rehearing filed by landowners, up until 90 days following the date that a request for rehearing may be deemed to have been denied under NGA section 19(a). If no request for rehearing is filed by landowners, the stay will automatically lift following the close of the 30-day period for seeking rehearing.

(C) The certificate authority issued in Ordering Paragraph (A) is conditioned on Columbia Gulf's:

(1) completion of construction of the proposed facilities and making them available for service within three years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;

[134] *Id.* P 51.

[135] As the Commission stated in Order No. 871-B, we note again that "a commitment by the pipeline developer not to begin eminent domain proceedings until the Commission issues a final order on any landowner rehearing requests will weigh in favor of granting such a motion." *Id.*

(2) compliance with all applicable Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and

(3) compliance with the environmental conditions listed in the appendix to this order.

(D) Columbia Gulf shall file a written statement affirming that it has executed a firm contract for the capacity level and terms of service represented in its signed precedent agreement, prior to commencing construction.

(E) Columbia Gulf's proposed initial incremental firm recourse reservation charge and usage charge under Rate Schedule FTS-1-PUL and the proposed system IT rate are approved for the project.

(F) Columbia Gulf's proposal to charge its system fuel percentage for the project is approved.

(G) Columbia Gulf shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Columbia Gulf. Columbia Gulf shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix

Environmental Conditions

As recommended in the Environmental Assessment (EA), and modified herein, this authorization includes the following conditions:

1. Columbia Gulf Transmission, LLC (Columbia Gulf) shall follow the construction procedures and mitigation measures described in its application and supplements, including responses to staff data requests, and as identified in the environmental assessment (EA), unless modified by the Order. Columbia Gulf must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
    b. justify each modification relative to site-specific conditions;
    c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
    d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification**.

2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project. This authority shall allow:

    a. the modification of conditions of the Order;
    b. stop-work authority; and
    c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from project construction and operation activities.

3. **Prior to any construction**, Columbia Gulf shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Columbia Gulf shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

   Columbia Gulf's exercise of eminent domain authority granted under Natural Gas Act (NGA) section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Columbia Gulf's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline and facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Columbia Gulf shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area**.

   This requirement does not apply to route variations required herein, extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

   Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

   a. implementation of cultural resources mitigation measures;
   b. implementation of endangered, threatened, or special concern species mitigation measures;

c. recommendations by state regulatory authorities; and
d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **Within 60 days of the acceptance of the authorization and before construction begins**, Columbia Gulf shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP, or the Director's designee. Columbia Gulf must file revisions to the plan as schedules change. The plan shall identify:

a. how Columbia Gulf will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
b. how Columbia Gulf will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
e. the location and dates of the environmental compliance training and instructions Columbia Gulf will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
f. the company personnel (if known) and specific portion of Columbia Gulf's organization having responsibility for compliance;
g. the procedures (including use of contract penalties) Columbia Gulf will follow if noncompliance occurs; and
h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
    1. the completion of all required surveys and reports;
    2. the environmental compliance training of onsite personnel;
    3. the start of construction; and
    4. the start and completion of restoration.

7. Columbia Gulf shall employ at least one EI per construction spread. The EI(s) shall be:

a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
d. a full-time position, separate from all other activity inspectors;
e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
f. responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, Columbia Gulf shall file updated status reports with the Secretary on a **biweekly** basis until all construction and restoration activities are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. an update on Columbia Gulf's efforts to obtain the necessary federal authorizations;
b. the construction status of the project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally-sensitive areas;
c. a listing of all problems encountered and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
d. a description of the corrective actions implemented in response to all instances of noncompliance;
e. the effectiveness of all corrective actions implemented;
f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
g. copies of any correspondence received by Columbia Gulf from other federal, state, or local permitting agencies concerning instances of noncompliance, and Columbia Gulf's response.

9. Columbia Gulf must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction of any project**

facilities. To obtain such authorization, Columbia Gulf must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Columbia Gulf must receive written authorization from the Director of OEP, or the Director's designee, **before placing the project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Columbia Gulf shall file an affirmative statement with the Secretary, certified by a senior company official:

    a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
    b. identifying which of the conditions in the Order Columbia Gulf has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

12. Columbia Gulf filed its water quality certification issued by Kentucky Energy and Environment Cabinet Department of Environmental Protection on September 9, 2026. **Prior to construction**, Columbia Gulf shall file, for review and written approval of the Director of OEP, or the Director's designee, any revisions to its project design necessary to comply with the water quality certification conditions.

13. Columbia Gulf shall **not begin** construction activities **until**:

    a. FERC staff receives comments from the FWS regarding the proposed action;
    b. FERC staff completes ESA consultation with the FWS; and
    c. Columbia Gulf has received written notification from the Director of OEP, or the Director's designee, that construction or use of mitigation may begin.

14. Columbia Gulf shall **not begin** construction of facilities and/or use of staging, storage, or temporary work areas and new or to-be-improved access roads **until**:

    a. Columbia Gulf files with the Secretary:
        1. remaining cultural resources survey report(s);

2. site evaluation report(s) and avoidance/treatment plan(s), as required; and
3. comments on the cultural resources reports and plans from the Kentucky State Historic Preservation Office.

b. the Advisory Council on Historic Preservation is afforded an opportunity to comment if historic properties would be adversely affected; and

c. the FERC staff reviews and the Director of OEP, or the Director's designee, approves the cultural resources reports and plans, and notifies Columbia Gulf in writing that treatment plans/mitigation measures (including archaeological data recovery) may be implemented and/or construction may proceed.

All materials filed with the Commission containing **location, character, and ownership** information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CUI//PRIV- DO NOT RELEASE**."

15. **Prior to construction of the Highway 39 HDD**, Columbia Gulf shall file with the Secretary, for review and written approval by the Director of OEP, or the Director's designee, an HDD noise mitigation plan to reduce the projected noise level attributable to the proposed drilling operations. During drilling operations, Columbia Gulf shall implement the approved plan, monitor noise levels, document the noise levels in the **biweekly** status reports, and restrict the total noise increase (i.e. HDD noise and existing ambient noise) to no more than 10 decibels over background levels at NSAs where existing noise levels exceed 55 dBA L_{dn}.

16. Columbia Gulf shall file a noise survey with the Secretary **no later than 60 days** after placing the South Somerset Delivery Meter Station in service. If a full flow rate noise survey at the station's maximum design capacity is not possible, Columbia Gulf shall provide an interim survey at the maximum possible flow rate and provide the full flow rate survey **within 6 months.** If the noise attributable to the operation of the South Somerset Delivery Meter Station under interim or full flow rate conditions exceeds an L_{dn} of 55 dBA at any nearby NSAs, Columbia Gulf shall file a report on what changes are needed and install the additional noise controls to meet the level **within 1 year** of the in- service date. Columbia Gulf shall confirm compliance with the above requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.