

**Attorneys General of Maryland, Massachusetts, Connecticut, Delaware, Illinois,
Minnesota, New Mexico, Oregon, Rhode Island, Virginia, and the District of Columbia**

May 7, 2020

Via Fed-Ex and Electronic Mail

The Honorable Neil Chatterjee
Chairman
U.S. Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: State Attorneys General Request for an Immediate Moratorium on Gas and LNG
Infrastructure Projects

Dear Chairman Chatterjee:

The attorneys general of Maryland, Massachusetts, Connecticut, Delaware, Illinois, Minnesota, New Mexico, Oregon, Rhode Island, Virginia, and the District of Columbia (State Attorneys General) respectfully request that the Federal Energy Regulatory Commission (Commission) declare an immediate moratorium on approvals of all new and pending natural gas pipelines, liquefied natural gas (LNG) export facilities, and related fossil-fuel infrastructure projects until the end of the COVID-19 crisis.¹ Doing so is necessary to preserve the due process rights of interested parties, many of whom are dealing with unprecedented challenges to their health and economic wellbeing from the COVID-19 crisis and whose ability to participate in hearings and proceedings may be accordingly constrained.²

The current pandemic has caused heartache and death for thousands of Americans and upended fundamental aspects of daily life for all. Coping with and combating the effects of the pandemic in our lives and in our communities should be every American's top priority at this time. COVID-19 has required individuals and state and local governments to attend to matters of pressing, existential urgency. The federal government and its agencies, including the Commission, must acknowledge that fact, and modify their practices accordingly.

No matter subject to Commission review and approval spurs greater public debate or has a more significant on-the-ground impact on the lives of individuals and communities than the permitting of fossil fuel infrastructure. Proceedings to approve such projects implicate interests as fundamental as whether a pipeline company can seize private land through eminent domain and whether communities will be burdened with pollution from supporting infrastructure and the risk

¹ This moratorium should extend for the duration of the current emergency period as declared by the Federal Emergency Management Agency.

² The State Attorneys General support a similar request submitted by Representatives Raskin, Omar, McGovern, and others on April 15, 2020 available at <https://raskin.house.gov/sites/raskin.house.gov/files/FINAL%20LETTER%20-%20204.15.20%20Letter%20to%20FERC%20re%20Pipeline%20Approval%20Moratorium.pdf>.

of malfunction. In addition, such infrastructure projects may be at odds with the efforts of state and local governments to combat climate change by reducing fossil fuel emissions.

Even under typical circumstances, it is difficult for affected stakeholders to fully advocate for their interests.³ The COVID-19 pandemic has imposed even greater burdens on communities attempting to organize their interests and participate in Commission proceedings. The Commission should account for the unprecedented hardships the pandemic has imposed on citizens and postpone any approvals of permanent gas infrastructure until those affected by its decisions can once again focus on these matters. Only by doing so can the Commission ensure that individuals and communities will not be prejudiced in Commission proceedings by the effects of the pandemic.

To preserve the due process rights of parties during this unprecedented time, and to ensure that the communities that will ultimately be burdened by any approvals are sufficiently heard, the State Attorneys General respectfully request that the Commission impose an immediate moratorium on all new approvals of fossil-fuel infrastructure projects.

Thank you for your prompt attention to this matter.

Sincerely,



Brian E. Frosh
Attorney General
State of Maryland



Maura Healey
Attorney General
Commonwealth of Massachusetts

³ See *Spire STL Pipeline LLC*, 169 FERC ¶ 61134 (2019), Partial Dissent of Commissioner Glick at PP 33 -34 (concluding that the Commission’s practice allowing developers of a fossil fuel pipeline to proceed with pipeline construction prior to resolution of any pending request for re-hearing of the Commission’s pipeline certification order is a “fundamentally unfair” practice that should “keep every member of this Commission up at night” and an example of bureaucratic indifference that is “hard to stomach.”). See also *Certification of New Natural Gas Pipeline Facilities*, Docket No. PL18-1-000, Comments of Massachusetts, Illinois, Maryland, New Jersey, Rhode Island, Washington, and the District of Columbia (July 25, 2018).



William Tong
Attorney General
State of Connecticut



Kathleen Jennings
Attorney General
State of Delaware



Kwame Raoul
Attorney General
State of Illinois



Keith Ellison
Attorney General
State of Minnesota



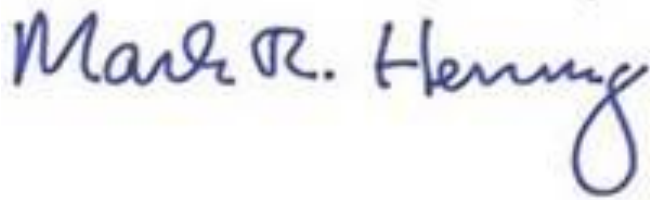
Hector H. Balderas
Attorney General
State of New Mexico



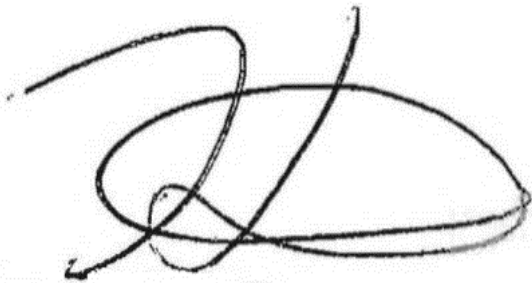
Ellen F. Rosenblum
Attorney General
State of Oregon



Peter F. Neronha
Attorney General
State of Rhode Island



Mark R. Herring
Attorney General
Commonwealth of Virginia



Karl A. Racine
Attorney General
District of Columbia