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October 8, 2021

Chairman Richard Glick and
Commissioners Danly, Clements and Christie
Federal Energy Regulatory Commission
888 First Street NE
Washington D.C. 20426

Re: Spire Pipeline, Docket No. CP17-40
Notice of D.C. Circuit Grant of Mandate and Motions to Dismiss
Condemnation Actions Due to Loss of Jurisdiction

Dear Mr. Chairman and Commissioners,

My firm represents numerous landowners along the Spire Pipeline in Jersey, Scott and Greene Counties, Illinois and St. Charles County, Missouri. As the Commission is aware, today on October 8, 2021, the United States Court of Appeals issued the mandate in *Environmental Defense Fund v. FERC*, Docket No. 20-1016. With the grant of the mandate, the court's decision vacating the certificate due to lack of evidence showing that the project served public need and convenience is now in effect and the initial certificate authorizing the project is a nullity.

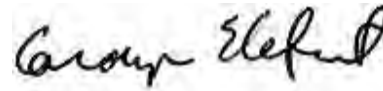
Since June 2021 when the D.C. Circuit vacated the certificate, the landowners warned the Commission that Spire had never secured legal title to 62 tracts of property crossed by the pipeline. Instead, Spire only holds equitable rights of possession granted by three federal courts which had jurisdiction over Spire's condemnation complaint under Section 717f(h) because Spire held a "certificate of public necessity and convenience." Now that Spire's certificate is a nullity, the federal courts no longer have jurisdiction and have no choice but to dismiss the case - which will put Spire in trespass on 62 properties. Attached please find the motions filed for this relief earlier this evening. These motions explain why a temporary certificate issued by the Commission will not suffice for the courts to retain jurisdiction.

The landowners do not wish to unduly disrupt pipeline operations - notwithstanding that the pipeline has interfered with their farming operations for the

past three years. That said, the Commission cannot expect the landowners to forfeit their Fifth Amendment rights and abide a forced taking of their property by a private company for a project that does not serve a public use and does not hold a valid certificate of convenience and necessity.

There is an easy fix to this problem: Spire -- just like any other private company seeking access to private property -- can negotiate acquisition from the landowners. The Commission must instruct Spire to acquire these property rights by negotiation or the Commission too will be complicit in an unconstitutional taking.

Respectfully submitted,

A handwritten signature in black ink that reads "Carolyn Elefant". The signature is written in a cursive, flowing style.

Carolyn Elefant
Law Offices of Carolyn Elefant, PLLC