

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Spire STL Pipeline LLC

)

Docket No. CP17-40-007

**MOTION TO INTERVENE OUT-OF TIME
OF INTERNATIONAL PAPER COMPANY AND WESTROCK COMPANY**

Pursuant to Rule 214(d) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. § 385.214(d) (2021), International Paper Company (“International Paper”) and WestRock Company (“WestRock”) hereby move for leave to intervene out-of-time in the above-captioned proceeding.

In support of this Motion, International Paper and WestRock state as follows:

I. SERVICE AND COMMUNICATION

All correspondence, communications, pleadings and other documents relating to this proceeding should be served upon the following:

Andrea J. Chambers Covington & Burling LLP One CityCenter 850 10th St. NW Washington, DC 20001 Telephone: (202) 662-5145 achambers@cov.com	Jonathan Wright Covington & Burling LLP One CityCenter 850 10th St. NW Washington, DC 20001 Telephone: (202) 662-5170 jgwright@cov.com
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II. DESCRIPTION OF FILING

On June 22, 2021, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *Environmental Defense Fund v. FERC* vacating and remanding FERC’s order issuing a certificate of public convenience and necessity to Spire STL Pipeline LLC (“Spire STL”) under Section 7 of

the Natural Gas Act (“NGA”).¹ On July 26, 2021, Spire STL filed an application for a temporary certificate of public convenience and necessity stating that if the Spire STL Pipeline is removed from service, Spire Missouri Inc. (“Spire Missouri”), the local distribution company served by the Spire STL Pipeline, will be unable to obtain adequate service to satisfy peak demand during the 2021-2022 winter heating season in the St. Louis region. On August 6, 2021, the Commission issued notice of Spire STL’s application for a temporary certificate, establishing September 7, 2021 as the deadline for interventions.² The court issued its mandate to FERC vacating and remanding Spire STL’s prior certificate of public convenience and necessity on October 8, 2021.

Section 7(c)(1)(B) of the NGA authorizes the Commission to issue a temporary certificate in cases of emergency, to assure maintenance of adequate service. In its September 14 Temporary Certificate order, FERC concluded that once the Court’s mandate issued, and until the Commission could complete its assessment of Spire STL’s application, an emergency exists under the NGA insofar as the Court’s vacatur presents the potential for a sudden loss of gas supply or capacity in the St. Louis region.³ The Commission concluded that it did not need to wait until such a supply shortage occurred before issuing a temporary certificate, and issued a temporary certificate *sua sponte* for 90 days pending action on Spire STL’s July 26 application for a temporary certificate.⁴

The Commission’s Temporary Certificate that provides the only authority under the NGA for the STL Pipeline to remain in operation is due to expire on December 13, 2021. The fact that the temporary certificate could expire requiring the pipeline to stop operations during the winter

¹ *EDF v. FERC*, 2 F.4th 953 (D.C. Cir. 2021).

² *Notice of Application and Establishing Intervention Deadline*, Docket No. CP17-40-007 (issued Aug. 6, 2021).

³ *Spire STL Pipeline LLC*, 176 FERC ¶ 61,160 at P 7 (2021).

⁴ *Id.* P 11.

heating season exacerbates the emergency situation FERC sought to remedy by issuing the 90-day Temporary Certificate, and supports the Commission issuing a further extension of that Temporary Certificate pending Commission action on Spire's STL application.

III. MOTION TO INTERVENE

International Paper is a New York corporation with its principal place of business in Memphis, Tennessee. International Paper operates six plants located in Missouri, with three plants located in the Saint Louis area (Fenton, Gateway Sheets (Saint Louis) and Maryland Heights). Each of the Fenton, Gateway Sheets and Maryland Heights plants receives natural gas supplies transported over the Spire STL Pipeline as a customer of Spire Missouri. These plants produce packaging for critical consumer products, including medical equipment and food and dairy products, and have combined average daily sales of over \$1 million. International Paper's plants also employ approximately 220 people in the Saint Louis region and International Paper is concerned about the safety and welfare of its employees. International Paper anticipates additional costs for alternative supplies of LNG, CNG or diesel. Thus, International Paper therefore has interests that may be directly affected by the outcome of this proceeding. No other party can adequately represent International Paper's interests in this proceeding. Accordingly, International Paper's participation in this proceeding is in the public interest.

WestRock is a Delaware corporation with its principal place of business in Atlanta, Georgia. WestRock operates plants located in Springfield and St. Louis. The plant receives supplies transported over the Spire STL Pipeline as a customer of Spire Missouri. WestRock's plants provide food service packaging. The WestRock Chesterfield Container facility is providing essential services to support the food, beverage, health and personal care industries, including critical manufacturing supplying the food and pharmaceutical industries, as well as recycling

operations, enabling companies and associated supply chains to produce and ship their products to grocers, pharmacies, convenience stores and retail food providers. WestRock anticipates additional costs for alternative supplies of LNG, CNG, or diesel to be more than \$325,000 for the Chesterfield plant. WestRock's plant also employs people in the region, and WestRock is concerned about the safety and welfare of its employees. Thus, WestRock therefore has interests that may be directly affected by the outcome of this proceeding. No other party can adequately represent WestRock's interests in this proceeding. Accordingly, WestRock's participation in this proceeding is in the public interest.

International Paper and WestRock respectfully submit that there is good cause for filing this Motion out-of-time. These companies only recently were informed by Spire Missouri that, in the event that the pipeline is forced to shut down its operations on December 13, 2021, service to their plants will be curtailed, forcing them to resort in some cases to burning LNG, CNG or diesel to provide minimum heat to their facilities to avoid causing damage to the facilities. These companies have strong sustainability programs and do not want to endanger the environment but they are also concerned about the health and welfare of the thousands of employees that work at the plants who may lose heat for their homes during the winter. Upon its discovery of the impacts on their operations and employees, these companies sought counsel and worked to intervene in this proceeding as promptly as possible. The companies submit that their intervention at this stage of this proceeding will not delay the outcome or impose burdens on any party as it appears that no party to this proceeding opposes the granting of the temporary certificate, although some seek to condition the approval of the certificate and others oppose such conditions. The companies also agree to accept the record as it stands currently. Accordingly, there is good cause to accept the Motion to Intervene Out-of-Time of International Paper and WestRock.

WHEREFORE, for the reasons discussed above, International Paper and WestRock move for leave to intervene in the captioned proceeding with the full rights of a party.

Respectfully submitted,

/s/ Andrea J. Chambers

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the foregoing document to be served upon each person designated on the Service List for this docket compiled by the Secretary in accordance with the Commission's Rules of Practice and Procedure.

Dated at Washington, DC, this 17th day of November 2021.

/s/ Andrea J. Chambers
Andrea J. Chambers