

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

IN THE MATTER OF	)	
	)	
Spire STL Pipeline LLC	)	
Application for A Temporary Emergency	)	Docket No. CP17-40-007
Certificate, or, in the Alternative,	)	
Limited-Term Certificate	)	

**Motion to Intervene of Sierra Club and New Jersey Conservation  
Foundation Regarding Spire STL Pipeline LLC’s Application For a  
Temporary Emergency Certification, or, in the Alternative, Limited-Term  
Certificate**

On July 26, 2021, the Spire STL Pipeline LLC (“Spire STL”) submitted an “Application of Spire STL Pipeline LLC for a Temporary Emergency Certificate, Or, In the Alternative, Limited-Term Certificate,” (the “Spire Post-Dispositional Application”) in FERC Docket No. CP17-40. Spire STL’s application seeks a “temporary certificate of public convenience and necessity for the Spire STL Pipeline Project. . . .” See Spire Post-Dispositional Application at 1.

In accordance with Rule 214 of FERC’s Rules of Practice and Procedure, 18 C.F.R. § 385.214, and 18 C.F.R. § 157.10, New Jersey Conservation Foundation (“NJCF”) and Sierra Club (collectively, “Movants”) respectfully move the

Commission to grant intervention in the above-captioned matter, on the terms set forth below.<sup>1</sup>

**I. This Motion to Intervene Is A Timely Response  
to a New Application**

Spire seeks, for the first time, a temporary emergency certificate, pursuant to 15 U.S.C. § 717f(c)(1)(B). This is fundamentally a new application, to be reviewed on different facts and an entirely different legal standard, than was the initial application. Although the Commission has not yet given notice of the emergency application, *see* 18 C.F.R. 385.210(b), such notice is warranted, and the new application should establish a new period for timely intervention. While FERC has assigned the application a sub-docket in the original proceeding, this does not preclude FERC from treating the emergency application as a new application warranting a new opportunity for timely intervention. As the Landowner-intervenors explain, Accession 20210805-5033 at 5, FERC's treatment of similar applications on the hydroelectric side indicates that a new opportunity for intervention should be provided here.

**II. Alternatively, Movants Should Be Permitted to  
Intervene Out of Time**

In the alternative, Movants should be permitted to intervene out of time. Movants have good cause for not having intervened before now, 18 C.F.R.

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<sup>1</sup> Pursuant to Rules 212 and 213(a)(2) of the Commission's rules, 18 C.F.R. §§385.212, 385.213(a)(2), NJCF and Sierra Club respectfully move for permission to respond to any answer that may be filed in opposition to their Motion to Intervene.

§ 385.214(b)(3), and the remaining Rule 214(d)(1) factors also support allowing intervention.

Movants have good cause for not having intervened before now because until now, this proceeding did not implicate the standards for an emergency certificate or Spire's novel request for a limited term certificate. Movants sought intervention promptly after submission of this application, prior to even FERC issuing notice thereof.

Allowing intervention at this stage will not disrupt proceedings or prejudice other parties, because no proceedings have yet occurred regarding this new application, and the issues movants seek to raise here do not and could not disrupt the prior proceedings leading to the now-vacated certificate order.

### **III. Movants' Interests and Information**

As explained in their concurrently-filed comment and protest, Movants oppose the application, and in the alternative, argue that any emergency certificate must strictly limit the authorized activities to those necessary to ensure that residents and businesses have reliable access to gas, while ensuring that Spire not benefit from its self-created emergency.

#### **1. Sierra Club**

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Sierra Club states that the exact name of the movant is the Sierra Club, and the movant's principal place of business is 2101 Webster Street, Suite 1300, Oakland, CA 94612.

Pursuant to 18 C.F.R. § 385.203(b)(3), Sierra Club identifies the following persons for service of correspondence and communications regarding this application:

Nathan Matthews	Meral Basit
Senior Attorney	Legal Assistant
Sierra Club	Sierra Club
2101 Webster St., Suite 1300	2101 Webster St., Suite 1300
Oakland, CA 94612	Oakland, CA 94612
415-977-5695 (tel)	415-977-5779 (tel)

Sierra Club should be granted intervention because its members will be impacted by the pipeline and local facilities. 18 C.F.R. § 385.214(b)(2)(ii).

Sierra Club has 11,524 members in Missouri, and 2,611 members in St. Louis. Many of these members receive gas from Spire MO. These members are affected by Spire's actions, operation of the pipeline, and FERC's response to the D.C. Circuit's remand.

In addition, Sierra Club members throughout the nation have an interest in FERC's responses to judicial vacatur, FERC's interpretation of what does and does not constitute an emergency, and other legal questions presented by this application.

Sierra Club has demonstrated the vitality of these interests in many ways. Sierra Club runs national advocacy and organizing campaigns dedicated to reducing American dependence on fossil fuels, including natural gas, and to protecting public health. These campaigns, including its Beyond Coal and Dirty Fuels campaigns, are

dedicated to promoting a swift transition away from fossil fuels and towards reducing global greenhouse gas emissions.

## **2. New Jersey Conservation Foundation**

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), New Jersey Conservation Foundation (“NJCF”) states that the exact name of the movant is the New Jersey Conservation Foundation, and the movant’s principal place of business is c/o Bamboo Brook, 170 Longview Road, Far Hills, NJ 07931.

Pursuant to 18 C.F.R. § 385.203(b)(3), NJCF identifies the following persons for service of correspondence and communications

Jennifer Danis, Esq.  
Morningside Heights Legal Services  
Columbia University School of Law  
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NJCF is a 501(c)(3) non-profit organization whose mission is to preserve land and natural resources for the benefit of all; to protect natural areas and farmland through land acquisition and stewardship; to promote strong New Jersey land use policies; and to forge partnerships to help safeguard clean drinking water and other natural resources. NJCF owns over 20,000 acres, which it stewards for the benefit of the public and the environment. Additionally, NJCF has protected over 125,000 acres of natural areas and farmland in New Jersey. NJCF actively works towards a clean energy future, and is deeply invested in preventing the authorization and building of uneconomic, unneeded fossil fuel infrastructure that threaten

conservation lands and cause economic harm to its members that are ratepayers of LDC-shippers on such projects. NJCF is embroiled in active litigation against the PennEast Pipeline, and is seeking vacatur of its Section 7 authorization in the D.C. Circuit. Spire's Post-Dispositional Application appears to threaten the time, legal work, effort, and financial commitments organizations like NJCF have made to fighting unnecessary pipelines like PennEast and Spire STL. NJCF therefore has and represents interests that could be affected directly by the outcome of this proceeding. Finally, NJCF has an interest in FERC's responses to judicial vacatur, FERC's interpretation of what does and does not constitute an emergency, and other legal questions presented by this application.

#### IV. Conclusion

For the reasons set forth above, Movants respectfully request that this Motion to Intervene be granted and they be permitted to participate, with the full rights of a party, in the above-captioned proceedings before FERC. Movants reserve the right to raise additional issues at a later date.

Respectfully Submitted,

/s/ Nathan Matthews  
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Counsel to Movant New Jersey  
Conservation Foundation

Dated: August 6, 2021

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Oakland, CA this 6<sup>th</sup> day of August, 2021.



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