

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

PennEast Pipeline Company, LLC)

Docket No. CP15-558-000

**MOTION FOR A STAY PENDING REHEARING AND COMPLETION OF
THE RECORD PURSUANT TO 15 U.S.C. § 717n(d) SUBMITTED BY
DELAWARE RIVERKEEPER NETWORK**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.212 (2010), the Delaware Riverkeeper Network (“DRN”) hereby moves for a stay of the Commission’s January 19, 2018 (“Order”) granting a Certificate of Public Convenience and Necessity (“Certificate”) to PennEast Pipeline Company LLC (“PennEast”) to construct the PennEast Pipeline Project (“Project”), and for a stay of any construction activity and any other land disturbance conducted under the Certificate, pending review of the Order on Rehearing.

Unless a stay is issued by the Commission, construction of the Project will go forward without the benefit of the meaningful environmental analysis that the National Environmental Policy Act requires. Once construction and other land disturbing activities commence, sensitive and ecologically important resources in which DRN has significant interests will be harmed. Indeed, the construction

conducted under the Commission's Certificate will irreparably harm DRN unless it is stayed.¹

Furthermore, every state and federal agency that has taken action pursuant to this Project have failed to submit the full record of those decisions to the Commission docket for the Project, as required by the Commission's regulations. *See* 15 U.S.C. §§ 717n(d). This failure to comply with the Commission's clear regulatory requirements render any Orders approving construction activity unlawful. 15 U.S.C. § 717n(d) specifically requires that the Commission "shall with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer with respect to [the Certificate]." 15 U.S.C. § 717n(d). A compilation of the complete record here is crucial as it is the basis for any judicial appeal of any related permits, authorizations, or certificates. *See* 15 U.S.C. § 717n(d)(2).

This is critical information because it provides the record for any potential appeal by an aggrieved party. Because these records remain missing aggrieved parties have been unduly harmed because their ability to challenge those actions depend on access to the underlying records supporting those agency decisions. This is particularly important here where any appeal is a record review case that

¹ DRN incorporates by reference all of the arguments made as contained in its Rehearing Request in support of its Motion for Stay.

would be limited to the record that was before the agency when the agency made its decision. Until the Commission demonstrates full compliance with Section 717n, any construction activity authorized pursuant to those permits is unlawful.

Respectfully submitted this 24th day of January, 2018.

s/ Aaron Stemplewicz

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