

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

PennEast Pipeline Company, LLC : Docket No. CP15-558-000  
CP15-558-001  
CP15-558-002

**COMMENT OF SOURLAND CONSERVANCY  
REQUESTING RESCISSION OF TOLLING ORDER**

Intervenor, Sourland Conservancy, a non-profit corporation, hereby submits its comment requesting rescission of the Commission’s February 22, 2018 Order (“Tolling Order”) on the PennEast Pipeline Project (“Project”).

On January 19, 2018, the Commission issued a Certificate of Public Convenience and Necessity to PennEast Pipeline Company LLC.

In response, numerous parties filed requests for rehearing and stay, which presented meritorious arguments.

On February 22, 2018, the Commission issued an “Tolling Order” instead of a final order on the requests for rehearing and stay.

The Tolling Order does not decide the requests for rehearing and stay.

The Tolling Order gives the Commission an indefinite extension of time to rule on the requests for rehearing and stay.

The Tolling Order allows PennEast Pipeline Company to proceed with condemnation of residents’ homes.

The Tolling Order allows PennEast Pipeline Company to proceed to cut down trees and affect environmental resources.

The Tolling Order, by avoiding issuing a decision on the requests for rehearing and stay although required to so rule within 30 days, seeks to block judiciary review of the validity of the Commission’s orders.

The Tolling Order, by giving the Commission an indefinite extension of time to decide, seeks to block judicial review indefinitely, all the while allowing the project to proceed.

The Tolling Order denies due process rights under the U.S. Constitution. It denies the due process rights to a judicial hearing on the validity of FERC’s certificate to homeowners before their land is taken, and to other affected parties – including the State of New Jersey, community groups, homeowners, and citizens -- before trees and other environmental resources are harmed.

The Tolling Order allows this irreparable harm to occur now, even though the project has yet to meet all of the regulatory requirements of other agencies before the project can be constructed. The New Jersey Department of Environmental Protection, the Delaware River Basin Commission, and the United States Army Corps of Engineers each has the power to stop this project.

The Commission cannot allow harm while depriving parties of their day in court.

Rigging the process-- which is what the Tolling Order is doing-- is improper and contrary to law.

The Commission must act immediately to either: (1) rescind the Certificate of Public Convenience and Necessity (for all of the reasons set forth by the parties that requested rehearing and stay); or (2) rescind the Tolling Order, which would cause the requests for rehearing and stay to be deemed denied, thus allowing the parties to seek relief in the courts.

Respectfully submitted,

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