

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

<b>In the Matter of</b>	)	
	)	
<b>Constitution Pipeline Company, LLC</b>	)	<b>Docket Nos. CP13-499-____</b>
	)	<b>CP18-5-____</b>

**PETITION OF CONSTITUTION PIPELINE COMPANY, LLC  
FOR REISSUANCE OF CERTIFICATE  
AND REAFFIRMANCE OF WAIVER DETERMINATION  
  
(Constitution Pipeline Project)**

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\* Designated to receive service in accordance with Rule 210 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.2010 (2025).

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**(Constitution Pipeline Project)**

Pursuant to Section 7(c) of the Natural Gas Act (“NGA”),<sup>1</sup> Part 157, subpart A of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”),<sup>2</sup> and Rule 207 of the Commission’s Rules of Practice and Procedure,<sup>3</sup> Constitution Pipeline Company, LLC (“Constitution”) respectfully requests that the Commission reissue a certificate of public convenience and necessity authorizing Constitution to construct and operate the Constitution Pipeline Project (the “Project”). Constitution also asks the Commission to affirm that, given that the Commission has already determined that the New York State Department of Environmental Conservation (“NYSDEC”) waived its authority under Section 401 of the Clean Water Act (“CWA”) to issue or deny a water quality certification for the Project (“401 Waiver Order”), NYSDEC’s waiver continues to apply to the portion of the Project located in New York State.

The Commission approved the Project in 2014, but it was never built.<sup>4</sup> The Project

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<sup>1</sup> 15 U.S.C. § 717f(c).

<sup>2</sup> 18 C.F.R. pt. 157, subpart A (2025).

<sup>3</sup> *Id.* § 385.207.

<sup>4</sup> *Constitution Pipeline, Co.*, 149 FERC ¶ 61,199 (2014) (“Certificate Order”), *reh’g denied*, 154 FERC ¶ 61,046 (2016) (“Rehearing Order”). The Certificate Order also authorized a related project, Iroquois Gas Transmission System, L.P.’s (“Iroquois”) Wright Interconnect Project, which will add new compression facilities and modify existing compression facilities at the Wright Compressor Station in Schoharie County, New York. The Wright Interconnect Project is designed to provide 650,000 dekatherms (“Dth”) per day of firm transportation service from the Constitution Pipeline Project to Iroquois’ existing mainline and

was designed to provide up to 650,000 Dth per day of firm transportation capacity from gas-rich production areas in northern Pennsylvania to gas-hungry markets in New York and New England. The Project was one of several pipelines planned to capture the benefits of transporting gas from the Marcellus Shale formation—the largest, lowest cost, and lowest methane-intensity production basin in the country—to neighboring New York and New England, where homes and businesses pay the highest costs for natural gas in the country and suffer significant risks to reliability of both natural gas and electric power service.

Despite the Commission’s approval, development of the Project was halted because NYSDEC failed to act on Constitution’s requests within a reasonable time, and ultimately denied, Constitution’s application for a water quality certification under Section 401 of the CWA.<sup>5</sup> While the Commission finally determined in 2019—five years after issuing the Certificate Order—that NYSDEC had waived its authority to issue the water quality certification,<sup>6</sup> Constitution announced in 2020 that, due to the delays and associated ballooning costs, it would no longer pursue the Project.<sup>7</sup>

Constitution revived the Project in early 2025 in response to persistently high natural gas and electricity prices, growing demand for energy, and ongoing reliability challenges in the Northeast. The need for pipeline projects like Constitution was

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Tennessee Gas Pipeline Company, L.L.C.’s (“Tennessee Gas”) pipeline system. Iroquois has indicated that it will soon file a separate petition for reissuance of the certificate approving the Wright Interconnect Project.

<sup>5</sup> A chronology of Constitution’s efforts to obtain a water quality certification from NYSDEC is provided in Section II.B., *infra*.

<sup>6</sup> *Constitution Pipeline Co.*, 168 FERC ¶ 61,129, at P 1 (“401 Waiver Order”), *order denying reh’g and stay*, 169 FERC ¶ 61,199 (2019) (“401 Waiver Rehearing Order”). NYSDEC appealed the Commission’s finding of waiver in federal court. Petition for Review, New York State Department of Environmental Conservation v. FERC, Nos. 19-4338, *et al.* (2d Cir. Dec. 30, 2019), ECF No. 1.

<sup>7</sup> Reuters, *Williams cancels N.Y. Constitution natgas pipeline* (Feb. 24, 2020), <https://www.reuters.com/article/business/energy/williams-cancels-ny-constitution-natgas-pipeline-idUSL2N2AO11B/>.

acknowledged in President Trump’s day-one Executive Orders declaring a national energy emergency and directing the Commission and other federal agencies to support infrastructure development specifically in the Northeast.<sup>8</sup>

Constitution respectfully requests that the Commission reissue a certificate of public convenience and necessity authorizing the Constitution Pipeline Project and include in its order issuing a certificate an affirmation that the 401 Waiver Order still applies to the New York State portion of the Project. Constitution is committed to providing the Commission with information needed to demonstrate that the Project is required by the public convenience and necessity and looks forward to addressing any questions concerning the Project.

## **I. GENERAL**

Unless otherwise stated in this Petition, all information submitted in Constitution’s June 13, 2013, Certificate Application remains correct.<sup>9</sup> Constitution incorporates by reference the exhibits from the original Certificate Application for the Project, the entire record of the Project in Docket No. CP13-499-000, and the waiver determination in Docket No. CP18-5-000.<sup>10</sup>

The exact legal name of Constitution is Constitution Pipeline Company, LLC, a limited liability company formed and existing under the laws of the State of Delaware.

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<sup>8</sup> *Declaring a National Energy Emergency*, Exec. Order No. 14,156 § 3(b), 90 Fed. Reg. 8433, 8434 (Jan 29, 2025) (directing federal agencies to use all “authorities available to them to facilitate the . . . transportation of energy in and through the . . . Northeast.”); *Unleashing American Energy*, Executive Order No. 14,154 § 5(d), 90 Fed. Reg. 8353, 8355-56 (Jan. 29, 2025) (directing agencies to “use all possible authorities, including emergency authorities, to expedite the adjudication of Federal permits” for “any project . . . deem[ed] essential for the Nation’s economy or national security.”).

<sup>9</sup> Application of Constitution Pipeline Co. for Certificates of Public Convenience and Necessity, Docket Nos. CP13-499-000, *et al.* (June 13, 2013) (“Certificate Application”).

<sup>10</sup> Petition for Declaratory Order of Constitution Pipeline Co., Docket No. CP18-5-000 (Oct. 11, 2017) (“Waiver Petition”).

Constitution's principal place of business is 2800 Post Oak Boulevard, Houston, Texas 77056-6106. Constitution is a wholly owned, indirect subsidiary of The Williams Companies, Inc ("Williams"). Upon the commencement of operations under the reissued certificate order, Constitution will become a natural gas company within the meaning of section 2(6) of the NGA<sup>11</sup> and, as such, will be subject to the jurisdiction of the Commission. Constitution will provide natural gas transportation service in interstate commerce under the terms of its FERC Gas Tariff, a *pro forma* copy of which was included in Constitution's original Certificate Application and approved subject to condition in the Certificate Order.

The names, titles, addresses, and telephone numbers of the persons to whom correspondence and communications concerning this application are to be addressed are:

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<sup>11</sup> 15 U.S.C. § 717a(6).

\* Designated to receive service in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.2010.

## **II. BACKGROUND**

### **A. Project Description**

The Commission authorized the Constitution Pipeline Project in 2014,<sup>12</sup> but because of continuing permitting and regulatory delays, Constitution determined in 2020 to suspend further development of the Project. The Project was designed to transport gas from Marcellus Shale production areas in North Central Pennsylvania to major markets in New York and New England. Constitution stated in its Certificate Application that by providing reliable access to these new natural gas supplies, the Project would enhance the Nation's energy security and support reduced costs of natural gas and electricity.<sup>13</sup>

As approved in the Certificate Order, the Project would have involved construction of approximately 125 miles of 30-inch pipeline extending from Susquehanna County, Pennsylvania, to Schoharie County, New York, along with receipt, delivery, and other appurtenant facilities. The Project facilities are nearly identical to the original Project facilities as analyzed in the Final Environmental Impact Statement<sup>14</sup> and Certificate Order. Constitution requested limited variances from the Commission over the course of its

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<sup>12</sup> Certificate Order, 149 FERC ¶ 61,199; Rehearing Order, 154 FERC ¶ 61,046.

<sup>13</sup> Certificate Application at 16-17.

<sup>14</sup> Final Environmental Impact Statement re Constitution Pipeline and Wright Interconnect Projects, Docket No. CP13-499-000, *et al.*, at 1-2 – 1-4 (Oct. 24, 2014) ("Final EIS").

development of the Project and incorporates by reference the Commission-approved variances<sup>15</sup>—all of which were located in Pennsylvania—into its current Project design.<sup>16</sup>

The Project continues to include:

- Approximately 125 miles of 30-inch pipeline extending from Susquehanna County, Pennsylvania, through Broome, Chenango, Delaware, and Schoharie Counties, New York;
- A receipt meter station located in Susquehanna County, Pennsylvania (Turnpike Road metering and regulating (“M&R”) Station);
- A receipt tap located in Susquehanna County, Pennsylvania;
- A meter, regulation, and delivery station located at Iroquois’ Wright Compressor Station property in the Town of Wright, Schoharie County, New York (Westfall Road M&R Station);
- Mainline valve assemblies at 11 locations along the Project;
- Pig launcher/receiver facilities and pig trap valves at the Turnpike Road M&R Station and the Westfall Road M&R Station; and
- Cathodic protection and other related appurtenant facilities.

The Project will provide service to a proposed interconnection with Iroquois at a new transfer compressor station in Wright, New York, and through a capacity lease on Iroquois to delivery points on the existing systems of Iroquois and Tennessee Gas. Iroquois’ project, referred to as the Wright Interconnect Project, was approved together with the

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<sup>15</sup> See Letter Order, Partial Notice to Proceed with Tree Felling and Variance Requests, Docket No. CP13-499-000 (Jan. 29, 2016) (“2016 Letter Order”).

<sup>16</sup> Constitution is also evaluating a potential ten-mile lateral in Pennsylvania, which would add additional supply of natural gas for increased reliability and flexibility. If Constitution decides to move forward with this lateral, Constitution will file an amendment application.

Constitution Pipeline Project in the Certificate Order, but never developed. Iroquois has indicated that it will file a separate petition for reissuance of its certificate authority to construct and operate the Wright Interconnect Project soon after this Petition is filed.

**B. Despite Efforts Beginning in 2012, Constitution Halted Development of the Project in 2020 Following Costly Permitting and Regulatory Delays**

The Commission approved the Constitution Pipeline Project in 2014 following a year-long pre-filing process<sup>17</sup> and 18 months of review of the Project's economic and environmental impacts.<sup>18</sup> The Commission concluded that given the strong demand for Project capacity, "the public convenience and necessity require[d] [its] approval."<sup>19</sup> The Commission also granted a blanket certificate authorizing Constitution to provide open-access transportation service pursuant to Section 284.221 of its regulations, and a blanket certificate authorizing future facility construction, operation, and abandonment pursuant to Section 157.204 of its regulations.<sup>20</sup>

Notwithstanding the Commission's approval, the Project became mired in undue delays concerning its application for a water quality certification from NYSDEC under Section 401 of the CWA.<sup>21</sup> Section 401 gives state agencies, such as NYSDEC, an opportunity to certify whether a project has demonstrated compliance with the state's water

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<sup>17</sup> See generally Docket No. PF12-9-000.

<sup>18</sup> The Commission conducted a comprehensive environmental review and specifically addressed all major areas of concern, which included karst geology; waterbodies and wetlands; interior forests and migratory birds; invasive plant species; environmental compliance enforcement; rare bat species; homeowners' insurance and property values; safety; indirect climate impacts; cumulative environmental impacts and possible alternatives. See Certificate Order, 149 FERC ¶ 61,199 at P 73.

<sup>19</sup> *Id.* PP 29, 24-29; Rehearing Order, 154 FERC ¶ 61,046 at PP 15-23.

<sup>20</sup> Certificate Order, 149 FERC ¶ 61,199 at PP 44-45 and ordering para. (B) & (C). Constitution notes that unlike its certificate authorizing it to construct the pipeline, the blanket construction and transportation certificates were not made subject to conditions and are still in effect. To the extent the Commission needs to reissue those certificates, Constitution requests that the Commission do so.

<sup>21</sup> See generally Steven A. Weiler & Marcia A. Stanford, *New York's Denial of Water Quality Certification for Three FERC-Authorized Pipelines: Flagrant Fiat or Valid Veto?*, 39 Energy L. J. 503, 514-15 (2018) [https://www.eba-net.org/wp-content/uploads/2023/02/21-503-540-Weiler\\_FINAL.pdf](https://www.eba-net.org/wp-content/uploads/2023/02/21-503-540-Weiler_FINAL.pdf).



quality standards.<sup>22</sup> Critically, the CWA provides that if a certifying agency such as NYSDEC “fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements . . . shall be waived.”<sup>23</sup>

Constitution applied to NYSDEC for a water quality certification on August 22, 2013.<sup>24</sup> NYSDEC requested an environmental impact statement, then more information, then asked Constitution to withdraw and resubmit its application to allow the agency more time for analysis.<sup>25</sup> In response to NYSDEC’s request, Constitution withdrew and resubmitted its application on May 9, 2014. NYSDEC subsequently requested even more information, and nearly a year later it again asked Constitution to withdraw and re-submit its application.<sup>26</sup> Constitution complied, withdrawing and re-submitting its application on April 27, 2015.<sup>27</sup>

On April 22, 2016, two years and eight months after Constitution filed its application, NYSDEC issued a letter denying Constitution’s application for a water quality certification for the New York portion of the Project.<sup>28</sup> NYSDEC’s decision was hailed by

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<sup>22</sup> 33 U.S.C. § 1341(a)(1).

<sup>23</sup> *Id.*

<sup>24</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at P 4. Note that like NYSDEC, the Pennsylvania Department of Environmental Protection (“PADEP”) has authority to issue water quality certifications in that State. The PADEP issued its water quality certification for the Pennsylvania portion of the Project on September 5, 2014, five months after receiving Constitution’s Section 401 application.

<sup>25</sup> A detailed chronology of Constitution’s Section 401 application process is available in Constitution’s October 11, 2017 Waiver Petition that NYSDEC had waived its authority to issue a Section 401 certification by failing to act on its request for certification within a year. *See also Constitution Pipeline Co. v. N.Y. State Dep’t of Env’t Conservation*, 868 F.3d 87, 91-98 (2d Cir. 2017), *cert. denied*, 584 U.S. 962 (2018) (denying appeal of denial of water quality certification).

<sup>26</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at PP 4, 6.

<sup>27</sup> *Id.* P 6.

<sup>28</sup> As noted below, NYSDEC’s order denying Constitution’s Section 401 application was issued long after NYSDEC had waived its authority under Section 401. *See* Constitution October 11, 2017 Petition for Declaratory Order, Docket No. CP18-5-000, app. at 003181-94 (reproducing NYSDEC’s April 22, 2016 Water Quality Certification/Notice of Denial); 401 Waiver Order at P 6.; *see also* Scott Waldman, *Cuomo’s pipeline decision may have ripple effects for energy policy*, Politico (Apr. 27, 2016),

project opponents as a “turning of the tide” against gas projects in New York and a “political test of [then-New York] Governor Cuomo’s environmental legacy.”<sup>29</sup>

Constitution continued its efforts to develop the Project, appealing NYSDEC’s purported denial of the certification in federal court and separately seeking a petition for declaratory order from the Commission requesting that the Commission find that NYSDEC had waived its authority under Section 401 by failing to act on Constitution’s request for certification within a year.<sup>30</sup>

The drawn-out certification process and resulting litigation forced Constitution to ask the Commission for two extensions of time to construct the Project, the first in 2016 and the second in 2018. The Commission granted both extensions, recognizing that despite its challenges with NYSDEC, Constitution was “diligently pursuing completion of the project.”<sup>31</sup>

Finally, after years of litigation and a decision by the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) in *Hoopa Valley Tribe v. FERC*, an unrelated case in which the court struck down an equivalent “coordinated withdrawal-and-resubmission scheme” used by California and Oregon to delay action on an application for

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<https://www.politico.com/states/new-york/albany/story/2016/04/cuomos-pipeline-decision-may-have-ripple-effects-for-energy-policy-101093>.

<sup>29</sup> Scott Waldman, *Cuomo administration rejects Constitution pipeline*, Politico (Apr. 22, 2016), <https://www.politico.com/states/new-york/albany/story/2016/04/cuomo-administration-rejects-constitution-pipeline-101005>.

<sup>30</sup> *Constitution Pipeline v. N.Y. State Dep’t of Env’t Conservation*, 868 F.3d at 99; *Constitution Pipeline Co.*, 162 FERC ¶ 61,014 (denying Waiver Petition), *reh’g denied*, 164 FERC ¶ 61,029 (2018), *pet. for review*, *Constitution Pipeline Co. v. FERC*, No. 18-1251 (D.C. Cir. Sept. 14, 2018) (voluntary remand).

<sup>31</sup> *Constitution Pipeline Co.*, Letter Order, Docket No. CP13-499-003 (July 26, 2016) (order granting first extension request), *reh’g denied*, 157 FERC ¶ 61,145, at P 4 (2016); *Constitution Pipeline Co.*, 165 FERC ¶ 61,081, at P 10 (2018) (order granting second extension request), *reh’g denied*, 169 FERC ¶ 61,102, at P 21 (2019).

a water quality certification,<sup>32</sup> the Commission determined in 2019 that NYSDEC waived its authority under CWA Section 401 to issue or deny a water quality certification for the Project.<sup>33</sup> The Commission found that “[NYSDEC’s] and Constitution’s actions in connection with a withdrawal and resubmission scheme for the purpose of avoiding section 401’s one-year time limit for state action are, as relevant here, analogous to the agreement between the parties in *Hoopa Valley*.”<sup>34</sup> The Commission concluded that the “[NYSDEC] failed or refused to act on Constitution’s request for a water quality certification within the one-year period running from Constitution’s first resubmission on May 9, 2014, to a deadline of May 9, 2015—i.e., that the April 27, 2015 withdrawal and resubmission *did not restart the one year clock for waiver*” and that the NYSDEC’s later purported denial of Constitution’s water quality certification application by had “no legal significance.”<sup>35</sup> Undeterred, NYSDEC and other Project opponents appealed both the Commission’s Certificate Order and the 401 Waiver Order in the U.S. Court of Appeals for the Second Circuit (“Second Circuit”).

At this point, Constitution had invested over seven years and \$354 million into the Project, with the years of regulatory uncertainty and litigation having increased the Project’s costs from an estimated \$683 million to roughly \$1 billion as of 2020.<sup>36</sup> On

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<sup>32</sup> 913 F.3d 1099, 1103 (D.C. Cir. 2019) (determining that “a state waives its Section 401 authority when, pursuant to an agreement between the state and applicant, an applicant repeatedly withdraws-and-resubmits its request for water quality certification over a period of time greater than one year.”).

<sup>33</sup> 401 Waiver Order, 168 FERC ¶ 61,129; 401 Waiver Rehearing Order, 169 FERC ¶ 61,199.

<sup>34</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at PP 34 & 40.

<sup>35</sup> *Id.* (emphasis added).

<sup>36</sup> See Mary Esch, *Costs, delays scuttle 124-mile Constitution Pipeline Project*, AP News (Feb. 24, 2020), <https://apnews.com/general-news-468d090d04e702a32be11e33ecc26fa4>.

November 24, 2020, Constitution reported to the Commission that it was suspending work on the Project.<sup>37</sup>

Since Constitution had announced it would not be pursuing the Project, the Second Circuit dismissed the appeals as moot. Consistent with its standard practice, the court also vacated both Commission orders on procedural grounds.<sup>38</sup> The court made no findings on the merits. In any event, in light of the *vacatur*, and as further set forth in Part V below, Constitution respectfully requests that the Commission affirm that its determination in the 401 Waiver Order still applies to the Project.

### **C. Constitution Resumed Development of the Project in 2025**

Since 2021, market conditions and increasing reliability concerns have underscored the need for the Project. Gas prices in the Northeast have risen more than 2.5 times over the national benchmark of Henry Hub’s winter average in the past 15 years,<sup>39</sup> and prices continue to rise despite the Northeast’s proximity to the Nation’s most abundant and lowest-cost production in the Marcellus Shale region.<sup>40</sup> On his first day in office, President Trump issued Executive Order No. 14,156, *Declaring a National Energy Emergency*, in which he declared that “inadequate development” of pipeline infrastructure is threatening national security and causing excessive energy prices, particularly in the Northeast.<sup>41</sup> Executive Order No. 14,156 focuses on the adverse impacts that “dangerous State and local

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<sup>37</sup> Constitution Pipeline Co. Project Status Update and Final Monitoring Report at 1, Docket Nos. CP13-499-000, *et seq.* (Nov. 24, 2020).

<sup>38</sup> Motion Order, New York State Department of Environmental Conservation v. FERC, Nos. 19-4338, *et al.* (2d Cir. Nov. 18, 2021), ECF No. 161 (citing *Radiofone, Inc. v. FCC*, 759 F.2d 936, 940-41 (D.C. Cir. 1985) (finding vacatur appropriate where agency order was “moot for a reason that deprives the agency action of all operative effect”)).

<sup>39</sup> S&P Global, *Constitution Pipeline Market Impact Report*, at 17 (Nov. 2025) (“S&P Study”), <https://view.highspot.com/viewer/41207f04c15a7c5f88b8fb2f90dc45c9#1>, Attachment A, hereto.

<sup>40</sup> *Id.* at 13.

<sup>41</sup> Exec. Order No. 14,156 § 1, 90 Fed. Reg. 8433, 8433.

policies” have had upon the development of energy infrastructure in the Northeast, and directs federal agencies to use all “authorities available to them to facilitate the . . . transportation of energy . . . in and through . . . the Northeast.”<sup>42</sup> That same day, President Trump also issued Executive Order No. 14,154, *Unleashing American Energy*, which similarly directs agency heads to “use all possible authorities, including emergency authorities, to expedite the adjudication of Federal permits” for “any project . . . deem[ed] essential for the Nation’s economy or national security.”<sup>43</sup>

The Constitution Pipeline Project has emerged as a key component in addressing the National Energy Emergency and lowering natural gas prices in the Northeast. President Trump himself has taken active interest in facilitating development of the Project,<sup>44</sup> and Environmental Protection Agency Administrator Lee Zeldin has stated that building the Project is “vital for New England’s grid stability” and to reduce energy prices.<sup>45</sup>

Constitution has been in discussions with federal and state officials about developing the Project and formally commenced regulatory work by filing a request for a water quality certification from NYSDEC on May 30, 2025.<sup>46</sup> Constitution noted that its renewed application for a water quality certification was “subject to a full reservation of

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<sup>42</sup> *Id.* §§ 1 and 3(b), 90 Fed. Reg. at 8434.

<sup>43</sup> Exec. Order No. 14,154 § 5(d), 90 Fed. Reg. 8353, 8355-56.

<sup>44</sup> Reuters, *Williams says it welcomes Trump’s support for Constitution gas pipeline* (Mar. 14, 2025) <https://www.reuters.com/world/us/williams-says-it-welcomes-trumps-support-constitution-gas-pipeline-2025-03-14/>.

<sup>45</sup> EPA, *ICYMI: Administrator Zeldin in Boston Globe: Building the Constitution Pipeline is vital for New England’s grid stability* (Aug. 6, 2025) (citing Lee Zeldin, *Building the Constitution Pipeline is vital for New England’s grid stability*, Boston Globe (Aug. 5, 2025)), <https://www.epa.gov/newsreleases/icymi-administrator-zeldin-boston-globe-building-constitution-pipeline-vital-new>.

<sup>46</sup> Constitution Pipeline Co., LLC, Section 401 Water Quality Certification Request, DEC #0-999-00181/00029 (May 30, 2025). On the same date, Constitution filed a request for a Clean Water Act Section 404 Permit and a Rivers and Harbors Act Section 10 Permit with the U.S Army Corps of Engineers. See Constitution Pipeline Co., Clean Water Act Section 404 Permit and Rivers and Harbors Act Section 10 Permit, NAN-2012-0049-ULA (May 30, 2025).

rights that New York has waived its Section 401 authority under the Clean Water Act.”<sup>47</sup> On November 7, 2025, Constitution withdrew its application for a water quality certification from NYSDEC.<sup>48</sup>

At the time Constitution originally filed its Certificate Application, it had executed long-term precedent agreements for the entire Project capacity.<sup>49</sup> Due to Constitution’s halting of efforts to develop the Project in 2020, however, the precedent agreements were terminated. In 2025, Constitution recommenced discussions with shippers, and commissioned a market study to assess need for the Project.

### **III. THE NORTHEAST U.S. NEEDS CONSTITUTION**

The Project represents a major step toward addressing the irrational situation in which, despite neighboring the Nation’s most prolific, low-cost natural gas production area—the Marcellus Shale formation—homes and businesses in New York and New England pay the highest energy costs in the country and face significant reliability risks. Due to the lack of pipeline capacity into the region, electric generators in New England rely on the *import of LNG* from foreign nations, which comes at significant costs and carries reliability risks.<sup>50</sup> Numerous pipeline projects have been proposed to meet the

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<sup>47</sup> See Attachment B, Constitution Pipeline Company, LLC, New York State Section 401 Water Quality Certification Request Cover Letter, n.1 (May 30, 2025).

<sup>48</sup> See Letter from Lynda Schubring, PMP, Manager Planning, Williams to Evan Hogan, New York State Department of Environmental Conservation (Nov. 7, 2025), [https://dec.ny.gov/sites/default/files/2025-11/constitutionpl\\_nysdecwithdrawalletter.pdf](https://dec.ny.gov/sites/default/files/2025-11/constitutionpl_nysdecwithdrawalletter.pdf)

<sup>49</sup> Certificate Order, 149 FERC ¶ 61,199 at P 27.

<sup>50</sup> See Northeast Power Coordinating Council, *Northeast Gas/Electric System Study*, at 4 (Jan. 21, 2025) (“NPCC Study”), <https://share.google/xbABQ8gYyGuyyuSjx>. In fact, “[t]he record high global LNG prices that peaked following the Russian invasion of Ukraine corresponded to record high winter futures of New England indices.” *Id.* at 15.

pricing and reliability challenges but failed due to the same political and regulatory challenges that hampered Constitution.<sup>51</sup>

Williams commissioned a market study from S&P Global to assess the need for and market impacts of a revitalized Constitution Pipeline Project (the “S&P Study”). As further discussed below, the S&P Study determined that peak demand in the Northeast will remain high for the next 15 years, making additional infrastructure projects key to utilities’ reliability targets.<sup>52</sup> The S&P Study found that the Constitution Pipeline Project would increase deliverability of lower cost gas supply into constrained Northeast gas markets, alleviating a key winter bottleneck into New England.<sup>53</sup> Due to its direct access to supply and ability to reduce costs in Northeast gas and power markets, the Project is expected to achieve a higher utilization than other regional assets, including 85-90 percent throughput on peak days.<sup>54</sup> The Project will improve the efficiency, resiliency, and reliability of gas service and help to reduce gas prices in the Northeast, including during peak demand days.

**A. The Project Will Deliver up to \$8.5 Billion in Savings to Consumers During Its First 15 Years in Service**

The Project will reduce gas and electric prices in the Northeast. Peak Northeast gas prices have averaged at least 2.5 times the national benchmark of Henry Hub’s winter average over the past 15 years.<sup>55</sup> Price volatility is a particular challenge—due to lack of pipeline deliverability, regional prices often spike on peak winter days, such that prices

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<sup>51</sup> In addition to the Constitution Pipeline Project, the National Fuel Gas Supply Corp. Northern Access project was cancelled in 2024 (Docket No. CP15-115-000), the PennEast Pipeline was cancelled in 2021 (Docket No. CP15-558-000), the Algonquin Gas Transmission Access Northeast Pipeline was cancelled in 2017 (Docket No. PF16-1-000), and the Tennessee Gas Pipeline Company Northeast Energy Direct Pipeline was cancelled in 2016 (Docket No. CP16-21-000).

<sup>52</sup> S&P Study at 3.

<sup>53</sup> *Id.* at 23.

<sup>54</sup> *Id.* at 24.

<sup>55</sup> *Id.* at 18.

may reach 36 times the average levels on a given day.<sup>56</sup> The S&P Study found that without additional natural gas infrastructure, “Northeast wholesale winter gas prices will remain high and prone to extremes, leaving end-users potentially exposed to high costs and volatility.”<sup>57</sup>

This is consistent with assessments of both the Commission and ISO New England, which operates the region’s six-state power grid. In its most recent State of the Markets Report, the Commission reported that all major natural gas trading hubs in the country saw price reductions last year, except for the major hubs in the Northeast.<sup>58</sup> Transco Zone 6 N.Y., which serves New York City, experienced a 14 percent increase in natural gas prices, and Algonquin Citygates, which serves the Boston area, experienced a three percent increase.<sup>59</sup> The Commission’s recent Winter Energy Market and Electric Reliability Assessment shows that Algonquin City Gates “could see the highest prices in the county,” this winter, as winter natural gas futures prices rose by \$0.47/MMBtu over last year’s average at the Boston area hub.<sup>60</sup> Similarly, Transco Zone 6, “may face supply constraints this year,” as futures prices rose by \$3.18/MMBtu over last year’s average.<sup>61</sup> The higher price of natural gas is the primary reason that “ISO-NE has exhibited the highest energy prices in the Eastern Interconnect,” according to ISO New England’s 2024 Assessment of

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<sup>56</sup> *Id.* at 12.

<sup>57</sup> *Id.* at 19.

<sup>58</sup> FERC, Staff Report, *2024 State of the Markets*, at 16-17 (Mar. 20, 2025), <https://www.ferc.gov/media/state-markets-report-2024>.

<sup>59</sup> *Id.*

<sup>60</sup> FERC, Staff Report, *Winter Energy Market and Electric Reliability Assessment*, at 15-16 (Nov. 20, 2025), <https://www.ferc.gov/news-events/news/2025-2026-winter-energy-market-and-reliability-assessment>.

<sup>61</sup> *Id.*



Electricity Markets.<sup>62</sup> ISO New England’s 2024 Annual Markets Report also recognizes that its volatile winter pricing is driven by “regional pipeline constraints.”<sup>63</sup>

Higher gas prices in the Northeast place upward pressure on costs of electricity in the region. Electric prices in New York are 1.4 times higher than those in Texas and 1.2 times higher than in the areas of the Mid-Atlantic and Midwest covered by PJM.<sup>64</sup> New England similarly faces electricity production costs that are 1.5 times higher than those in Texas and 1.3 times higher than PJM.<sup>65</sup>

The Project is anticipated to mitigate these costs, delivering net cost savings of up to \$8.5 billion to consumers over a 15-year period, driven in large part by its mitigation of price spikes during peak days.<sup>66</sup> Even assuming no significant weather events occur (which is very unlikely), the Project will result in up to \$2.6 billion in reduced wholesale gas and power prices.<sup>67</sup>

These cost savings are consistent with those of other assessments. Another recent study from S&P Global, led by Daniel Yergin, finds that the “huge resource base” of the Marcellus Shale “remains constrained by pipeline exit capacity to markets . . . as a result of the ongoing political and environmental opposition to building new interstate pipeline capacity in the US.”<sup>68</sup> The study finds that expansions of pipeline infrastructure into the

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<sup>62</sup> Potomac Economics, 2024 Assessment of the ISO New England Electricity Markets, at 2 (June 18, 2025) <https://www.iso-ne.com/static-assets/documents/100025/iso-ne-2024-emm-report-final.pdf> (“ISO-NE has exhibited the highest energy prices in the Eastern Interconnect, primarily due to higher natural gas prices at pipeline delivery locations in New England.”).

<sup>63</sup> ISO New England, 2024 Annual Markets Report, at 16 (May 23, 2025) <https://www.iso-ne.com/static-assets/documents/100023/2024-annual-markets-report.pdf>.

<sup>64</sup> Wood Mackenzie, North America Power Tool, Base Case 1H 2025 (\$/Megawatt-hour (“MWh”)).

<sup>65</sup> *Id.*

<sup>66</sup> S&P Study at 3. These savings account for Constitution’s cost-of-service.

<sup>67</sup> *Id.* at 24, 27, 33.

<sup>68</sup> Daniel Yergin, Ph.D., *et al.*, *Major New US Industry at a Crossroads: A US LNG Impact Study – Phase 2*, S&P Global, at 27, 29 (Mar. 6, 2025) <https://www.spglobal.com/en/research-insights/special-reports/major->

Northeast would lead to greater savings per household than any other area of the country.<sup>69</sup>

In fact, that study supports additions of 1.5 billion cubic feet per day of capacity into New York and New England—nearly 2.5 times that being proposed by Constitution.<sup>70</sup>

This echoes findings in the original certificate proceeding that the Project would deliver cost savings to American homes and businesses. As stated in the Project’s Final EIS, the Project will “result[] in enhanced market competition, reduced price volatility, and lower prices.”<sup>71</sup>

**B. The Project Is Needed to Improve Reliability and Resilience of the Natural Gas and Electric Systems in the Northeast**

Grid operators in both New York and New England are warning that the lack of natural gas pipeline capacity into the regions presents significant reliability threats. New York will continue to rely significantly on natural gas-fired electric generation to meet growing demand for electricity because renewable resources do not have the necessary reliable resource capabilities.<sup>72</sup> The New York Independent System Operator’s (“NYISO”) states that demand for electricity is increasing due to electrification programs and new large-load customers such as data centers being used for artificial intelligence.<sup>73</sup> As a result, NYISO forecasts that demand could increase by an additional 1,600 megawatts (“MW”)

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[new-us-industry-at-a-crossroads-us-lng-impact-study-phase-2#Unleashing](#) (finding that in the Northeast, “pipeline expansions have the largest impact on wholesale gas prices”).

<sup>69</sup> See *id.* at 28-29.

<sup>70</sup> *Id.* at 27-28.

<sup>71</sup> Final EIS at 2-35.

<sup>72</sup> New York Independent System Operator, Inc., *2025 Power Trends: the New York ISO Annual Grid and Markets Report*, at 13-14 (June 2, 2025) (“NYISO Market Report”), <https://www.nyiso.com/documents/20142/2223020/2025-Power-Trends.pdf/51517a1b-36fa-4f3d-d44d-eabe23598514> (noting that “[w]hile all resources supplying the grid offer some of these capabilities, only New York’s existing fossil resources and certain hydro generators deliver the full array of services needed to balance a dynamic grid.”).

<sup>73</sup> *Id.* at 5.

by 2030,<sup>74</sup> and that winter demand is expected to grow by approximately 14,000 MW by the year 2040.<sup>75</sup> To meet growing demand, NYISO has called for construction of new dispatchable generation and repowering of existing natural gas plants.<sup>76</sup>

As electric demand increases, limits to natural gas deliverability present a growing risk to reliability, which is already under duress. NYISO made clear in its most recent state of the grid and markets report that “[r]eliability margins are declining,” and that “[e]lectric system reliability in winter is an increasing concern.”<sup>77</sup>

This challenge is particularly pressing during winter months, when the demand for natural gas is far higher across sectors, which limits the available fuel supply to natural gas-fired electric generators.<sup>78</sup> NYISO warns that “if gas-fired generators cannot secure fuel during peak winter demand periods, statewide deficiencies could arise as soon as winter 2029-2030[,]” and “[c]onsidering higher demand growth or extreme winter weather conditions, deficiencies may happen years earlier.”<sup>79</sup>

Lack of pipeline capacity into the region is a major source of this threat. NYISO states that “pipeline constraints in the winter months” threaten electric reliability.<sup>80</sup> In its recent reliability needs assessment, NYISO identified strained gas supply as a growing risk to electric system reliability statewide.<sup>81</sup> As electric demand continues to grow, “the gas

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<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at 10.

<sup>76</sup> *Id.* at 8-14.

<sup>77</sup> NYISO Market Report at 7, 10.

<sup>78</sup> *Id.* at 22 (“As New York becomes a winter-peaking system, the gas supply to electric generation plants is expected to be strained. On the coldest days, the natural gas distribution companies must serve residential heating first and, when there is insufficient gas supply, limit the fuel available to generators without firm contracts. These coldest days also correspond to peak winter demand periods when the gas generation fleet is needed the most.”).

<sup>79</sup> *Id.* at 11.

<sup>80</sup> *Id.* at 14.

<sup>81</sup> NYISO, 2024 Reliability Needs Assessment (Nov. 19, 2024), <https://www.nyiso.com/documents/20142/2248793/2024-RNA-Report.pdf>

supply to electric generation plants will be strained beyond what has been historically observed.”<sup>82</sup>

The New England region faces similar challenges. As in New York, natural gas pipeline capacity in New England is seasonally full.<sup>83</sup> New York, Rhode Island, Connecticut, and Massachusetts clean energy electricity targets require dispatchable energy to stabilize the grid.<sup>84</sup> New Hampshire’s power demand is set to surge 82 percent by 2050 from electrification alone. If 50 percent of that growth is met or backstopped by natural gas, that would require about 90 million cubic feet per day.<sup>85</sup>

As recently highlighted in a study from the Northeast Power Coordinating Council (“NPCC Study”), existing gas infrastructure in New England would be fully or near-fully utilized during a cold snap, presenting a significant threat to reliability.<sup>86</sup> Because very few electric generators hold firm transportation capacity, they face risks in the event of an extreme weather event or a pipeline outage.<sup>87</sup> ISO New England recently recognized this challenge, finding that “[k]ey drivers of growing winter risk include gas pipeline constraints that severely limit fuel available to the region’s 9 [gigawatts] of gas-only generators in cold weather.”<sup>88</sup> New England public utilities must depend on foreign

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<sup>82</sup> *Id.* at 27 (Nov. 19, 2024).

<sup>83</sup> Northeast Gas Power Coordinating Council, *Northeast Gas/Electric System Study*, at 78 (January 2025), [678fee912264907c381a0f68\\_NPCC Northeast Gas Electric System Study.pdf](https://cdn.prod.website-files.com/67229043316834b1a60feba3/678fee912264907c381a0f68_NPCC%20Northeast%20Gas%20Electric%20System%20Study.pdf); NERC, *Statement on NPCC Northeast Gas/Electric System Study* (Jan. 21, 2025), [https://cdn.prod.website-files.com/67229043316834b1a60feba3/678fee912264907c381a0f68\\_NPCC Northeast Gas Electric System Study.pdf](https://cdn.prod.website-files.com/67229043316834b1a60feba3/678fee912264907c381a0f68_NPCC%20Northeast%20Gas%20Electric%20System%20Study.pdf) (“natural gas dependency in New England and New York poses a high risk for electric reliability during extreme winter weather under certain circumstances. The analysis confirms that the natural gas system is fully or near fully utilized during extreme weather conditions.”).

<sup>84</sup> *Id.* at 79.

<sup>85</sup> Wood Mackenzie, *North America Power Tool*, Base Case 1H 2025.

<sup>86</sup> NPCC Study at 4-5 (“Hydraulic modeling confirms that the Study Region’s natural gas infrastructure is fully or near fully utilized during the modeled extreme cold weather period.”).

<sup>87</sup> *See id.* at 4.

<sup>88</sup> Potomac Economics, *2024 Assessment of the ISO New England Electricity Markets*, at xii n.3 (June 2025), <https://www.iso-ne.com/static-assets/documents/100025/iso-ne-2024-emm-report-final.pdf>.

supplies of LNG, which come at a premium price, to ensure reliability.<sup>89</sup> Summarizing the NPCC Study, the North American Electric Reliability Corporation (“NERC”) stated that “the natural gas system is fully or near fully utilized during extreme conditions and reveals that certain contingencies, such as pipeline disruptions and protracted extreme weather, pose severe threats to reliability.”<sup>90</sup>

Previous cold snaps in New England have exposed the region’s fuel security issues. ISO New England reports that the region’s fuel security risks have been evident since a 2004 cold snap.<sup>91</sup> During that freeze, more than 6,000 MW of natural gas-fired generation was unavailable, much of it due to lack of fuel, pushing the electricity system close to its limits.<sup>92</sup> These constraints have persisted, saddling the region with even greater risks as electric demand increases.<sup>93</sup>

The Project will address these reliability and national security issues by providing direct access to 650,000 Dth per day of firm pipeline capacity from the Nation’s most prolific natural gas production area. As Constitution explained in its Certificate Application, “the Project will benefit the consuming public by increasing competition among fuel sources and increasing the security of their gas supplies.”<sup>94</sup> In addition, as was recognized in the Project’s Final EIS, the purpose of the Project is, and remains, to

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<sup>89</sup> See NPCC Study at 4 (“The [LNG] importers to New England represent an integral part of gas-fired generators’ ability to satisfy fuel assurance objectives.”).

<sup>90</sup> NERC, *Statement on NPCC Northeast Gas/Electric System Study* (Jan. 21, 2025), <https://www.nerc.com/news/Pages/Statement-on-NPCC-Northeast-GasElectric-System-Study.aspx>.

<sup>91</sup> ISO New England Inc., *Operational Fuel Security Analysis*, at 10 (Jan. 17, 2018), [https://www.iso-ne.com/static-assets/documents/2018/01/20180117\\_operational\\_fuel-security\\_analysis.pdf](https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf).

<sup>92</sup> *Id.* at 10, n.4.

<sup>93</sup> Potomac Economics, *2024 Assessment of the ISO New England Electricity Markets*, at xii n.3 (June 2025), <https://www.iso-ne.com/static-assets/documents/100025/iso-ne-2024-emm-report-final.pdf>.

<sup>94</sup> Certificate Application at 16.

“increase[e] supply diversity and improv[e] operational performance, system flexibility, and reliability in the New York and New England market areas.”<sup>95</sup>

**C. The Project Would Supply Natural Gas to Electric Generators That Are Unable to Enter into Long-Term Agreements for Firm Capacity on Natural Gas Pipelines**

Electric generators’ needs for natural gas represent a major driver of need for the Project. Indeed, both New York and New England rely on natural gas-fired generators to meet about half of their electricity needs,<sup>96</sup> and natural gas prices drive wholesale power prices in both regions.<sup>97</sup> Despite the regions’ dependence on natural gas for electricity and the substantial reliability concerns discussed above, electric generators do not typically enter into long-term contracts for natural gas pipeline capacity due to the design of deregulated electric markets, as found within New York and New England.<sup>98</sup> Thus, although the Project is intended in large part to support electric generators’ needs for additional pipeline capacity, Constitution has not yet executed contracts with shippers committing to Project capacity, but intends to do so prior to the Commission’s issuance of an order on this Petition.

This is largely the result of a mismatch between designs of the electric and natural gas pipeline markets. Gas-fired electric generators in the Northeast generally rely on price

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<sup>95</sup> Final EIS at 1-2.

<sup>96</sup> Energy Information Admin., New York State Profile and Energy Estimates (last updated Jan. 16, 2025), <https://www.eia.gov/state/analysis.php?sid=NY>; Statement of Gordon van Welie, President and CEO, ISO New England, Federal and State Current Issues Collaborative, Docket No. AD24-7-000, at 5 (Apr. 25, 2025) (“ISO-NE Comments”).

<sup>97</sup> S&P Study at 26 (explaining that “Gas is the marginal fuel >90% of the time in New England and ~80% in New York, making it the leading driver of regional wholesale power prices”).

<sup>98</sup> *Engie Gas & LNG LLC v. Dep’t of Pub. Utilities*, 475 Mass. 191, 194 (2016) (“[E]lectric generators that use natural gas to produce electricity are generally unwilling or unable to enter into long-term contracts to secure firm gas capacity. For these generators, there is added risk for such contracting because there is no means by which they can be reasonably assured of receiving enough revenue to cover the cost of securing the gas capacity over the course of each year.”)

signals from short-term spot markets for electricity to determine how much natural gas they need to acquire to fuel their plants.<sup>99</sup> Due to this short-term market design, electric generators are unlikely to enter into long-term firm contracts for capacity on natural gas pipelines.<sup>100</sup> Interstate natural gas pipelines, on the other hand, typically are supported by long-term commitments from customers.

This mismatch has contributed to an underdevelopment of natural gas infrastructure, particularly in the Northeast, and the resulting high electricity prices and reliability concerns.<sup>101</sup> Last year, the Commission convened the Federal and State Current Issues Collaborative to, among other things, identify issues and explore solutions relating to electric reliability and natural gas-electric coordination.<sup>102</sup> During this proceeding, electric/natural gas utilities,<sup>103</sup> Regional Transmission Organizations/Independent System

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<sup>99</sup> ISO-NE Comments at 6-7.

<sup>100</sup> *Id.*; see also Summary of Initial Remarks of Nancy Bagot of the Electric Power Supply Association, Federal and State Current Issues Collaborative, Docket No. AD24-7-000, at 4 (Apr. 25, 2025) (“EPSA Comments”).

<sup>101</sup> See *id.* at 5-6 (“New England has long been challenged by . . . limited gas infrastructure to meet the combined peak demand from heating customers and power generation. This physical constraint drives up gas prices, forcing the region to rely on more expensive oil and [LNG].”); Post-Meeting Comments of National Grid USA, Federal and State Current Issues Collaborative, Docket No. AD24-7-000, at 6-7 (Jan. 3, 2025) (“National Grid Comments”) (“Gas-fired generators often do not enter into [firm transportation] contracts. Without this assurance, however, gas supply arrangements easily can be subject to curtailment or interruption—particularly on the coldest days of the winter season—and the reliability and integrity of the gas system and the power grid may be compromised as a result. This underscores the importance of creating appropriate incentives for generators to enter into [firm transportation] arrangements with pipelines to shore up gas supplies.”).

<sup>102</sup> *Joint Federal-State Task Force on Electric Transmission Federal and State Current Issues Collaborative*, 186 FERC ¶ 61,189 (2024), modified, 192 FERC ¶ 61,056 (2025).

<sup>103</sup> National Grid Comments at 2 (“[T]he Commission should promote creation of financial incentives and capacity market reforms to encourage gas generators to enter into seasonal or long-term contracts for firm access to reliable fuel sources and pipeline capacity.”). See *id.* at 3 (“New England and New York lack adequate gas infrastructure to ensure the reliable operation of natural gas both for winter heating service and for electric generation needed to serve customers. . . . In the near term, without adequate infrastructure and until such time that additional resources are commercially operational, these problems likely will worsen as demand for natural gas for retail service and electric generation continues to increase . . .”).

Operators,<sup>104</sup> the North American Electric Reliability Coordinator,<sup>105</sup> power producer trade groups,<sup>106</sup> and interstate pipelines<sup>107</sup> all recognized that necessary natural gas infrastructure is not being developed because electric power producers do not have the proper market incentives to enter into long-term binding precedent agreements. To resolve this issue, many stakeholders not only asked the Commission to authorize the construction of new natural gas pipeline infrastructure,<sup>108</sup> but also to encourage efforts to create market incentives for natural gas-fired electric generators to enter into long-term firm contracts to support such construction.<sup>109</sup>

More recently, the National Association of Regulatory Utility Commissioners (“NARUC”) issued a report culminating two years of studying gas-electric coordination challenges, in which it made several recommendations to ensure the safe, efficient, and reliable operation of the electric system.<sup>110</sup> As background, NARUC presented a “problem statement” that “[t]here is widespread recognition that the United States needs additional natural gas pipeline infrastructure to reliably meet the United States’ growing and changing

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<sup>104</sup> See ISO-NE Comments at 6-8.

<sup>105</sup> Comments of North American Electric Reliability Corporation for Second Meeting of Federal-State Current Issues Collaborative, Docket No. AD24-7-000, at 4 (Apr. 30, 2025) (“NERC Comments”) (“For FERC, the key, near-term challenges will be to work with the market areas under their jurisdiction to ensure that market mechanisms provide adequate incentive and compensation to encourage and reward generators to enter into appropriate fuel supply arrangement in a manner consistent with the merchant business model. FERC will also be essential in granting permits for new natural gas pipeline and storage capacity which will undoubtedly be necessary as load grows.”).

<sup>106</sup> EPSA Comments at 4 (“On the economics . . . the business models do not align in ways that are fundamental – power generators are unable to commit to a 10-year (much less a 20 or 30-year) contract to support the development of [new natural gas infrastructure]. . . . This requires difficult but important continued conversations regarding the financial approaches to supporting new infrastructure.”).

<sup>107</sup> Reply Comments of the Interstate Natural Gas Association of America, Federal and State Current Issues Collaborative, Docket No. AD24-7-000, at 6 (Jan. 21, 2025).

<sup>108</sup> NERC Comments at 4 (“FERC will also be essential in granting permits for new natural gas pipeline and storage capacity which will undoubtedly be necessary as load grows.”).

<sup>109</sup> *Id.*; see also NERC Comments at 4; see also National Grid Comments at 2.

<sup>110</sup> National Association of Regulatory Utility Commissioners Task Force on Gas-Electric Alignment for Reliability (GEAR), Report and Recommendations (Nov. 2025), <https://pubs.naruc.org/pub/2527936B-BEB6-767B-50BE-01BEEEB3091F>



demand for energy.”<sup>111</sup> NARUC made several statements concerning the need for additional gas pipeline infrastructure, which apply most pointedly to the Northeast:<sup>112</sup>

- “There are substantial obstacles to expanding the interstate natural gas pipeline system to meet the recognized need for more infrastructure and will become more challenging due to growing electricity demand largely needing to be met with natural gas.”
- “Constrained infrastructure also leads to higher natural gas and electricity prices in addition to reduced reliability.”
- “Much of the natural gas pipeline system lacks sufficient available capacity to meet significant new demand from natural gas utilities and generators, especially on a firm basis, and the federal permitting process is an obstacle to expanding the system.”

NARUC’s chief recommendation in this area was to “support federal permitting reform that would address infrastructure hurdles in a meaningful way such that new infrastructure can be in place in a timely manner to meet growing and changing natural gas and electricity demand.”<sup>113</sup>

These conclusions and recommendations, while expressed on a general level, support the need for projects just like the Constitution Pipeline Project, which will reduce energy prices and improve reliability. The Commission can take a meaningful step toward addressing these concerns by reissuing certificate authorization for the Project.

**D. The Project Would Facilitate Conversion from Heating Oil to Natural Gas for Heating, Thereby Reducing Emissions Intensity**

Due to the lack of adequate pipeline capacity, New England is the last region of the country that relies significantly on fuel oil for heating, resulting in unnecessary emissions from an outmoded form of heating. The S&P Study finds that by increasing deliverability

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<sup>111</sup> *Id.* at 11-13.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 12.

of natural gas, the Project would facilitate conversions of homes and businesses from fuel oil to natural gas for heating.<sup>114</sup> Because the emissions intensity of natural gas is 28 percent lower than that of fuel oil, this would result in reduced emissions of pollutants and greenhouse gases.<sup>115</sup> Notably, increasing the natural gas share of residential and commercial demand by one percent in the relevant states would result in the avoidance of roughly 300,000 tons of carbon dioxide equivalents per year,<sup>116</sup> this amount is equivalent to removing about 70,000 passenger vehicles from the road.<sup>117</sup>

#### **IV. THE PROJECT IS REQUIRED BY THE PUBLIC CONVENIENCE AND NECESSITY**

The Project remains, as it was when the Commission approved it in the Certificate Order, required by the public convenience and necessity. The Commission has already examined the need for the Project, its effect on existing shippers, its effect on other pipelines and their captive customers, and landowners and surrounding communities, and found that the “the public convenience and necessity requires approval of the Project.”<sup>118</sup> These findings remain equally applicable today.

Under the Commission’s Certificate Policy Statement,<sup>119</sup> in deciding whether to authorize the new pipeline facilities, the Commission balances the project’s benefits against its potential adverse consequences. The threshold requirement is that the pipeline must be prepared to support the project financially without relying on subsidization from existing

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<sup>114</sup> S&P Study at 30.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*; U.S. Environmental Protection Agency: Greenhouse Gas Equivalencies Calculator, <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

<sup>118</sup> See Certificate Order, 149 FERC ¶ 61,199 at PP 29, 24-29.

<sup>119</sup> See Certification of New Interstate Natural Gas Pipeline Facilities, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (collectively, “Certificate Policy Statement”).

customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new pipeline. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved by the project against the residual adverse effects of the project. This is essentially an economic test. Only when the benefits of a project outweigh the adverse effects of the project on economic interests will the Commission proceed to complete an environmental analysis of the project, where other interests are considered.

As shown below, the Project continues to satisfy the Certificate Policy Statement and remains required by the public convenience and necessity.

**A. The Project Satisfies the No-Subsidy Requirement**

Since Constitution has no existing shippers, there is no risk of financial subsidies from existing shippers.<sup>120</sup> Therefore, the Project satisfies the Commission's threshold requirement under the Certificate Policy Statement that there be no subsidy from existing shippers.<sup>121</sup>

**B. Constitution Has Limited or Minimized Potential Adverse Effects on Customers, Existing Pipelines, Landowners, and Other Stakeholders**

The Commission found in the Certificate Order that the Project does not create any adverse impacts to existing customers because Constitution is a new pipeline company without existing customers. Likewise, there are no expected adverse impacts on other

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<sup>120</sup> Certificate Order, 149 FERC ¶ 61,199 at P 24.

<sup>121</sup> *See id.*

existing pipelines or their captive customers. No pipelines objected to Constitution's original application and no pipelines are expected to object to Constitution's present petition.<sup>122</sup>

The Commission also found in the Certificate Order that Constitution has taken sufficient steps to mitigate any adverse impacts to landowners.<sup>123</sup> As explained in the Certificate Order, during the application process Constitution "made changes to over 50 percent of the proposed pipeline route in order to address concerns from landowners and to negotiate mutually acceptable easement agreements," and located the pipeline within or parallel to existing rights-of-way where feasible.<sup>124</sup> Constitution has not changed the route of the Project as it was originally certificated, with the exception of the limited variances in Pennsylvania that were approved by the Commission.<sup>125</sup> Accordingly, the benefits of the extensive rerouting that occurred over the course of the pre-filing and certificate proceedings remain.

At the time the Certificate Order was issued, the Commission determined that Constitution had taken sufficient steps to minimize adverse impacts on landowners, and rejected Project opponents' assertions that such steps were inadequate given that Constitution only had signed easements with approximately 50 percent of landowners.<sup>126</sup> After issuance of the Certificate Order, Constitution obtained additional land rights. Currently, Constitution or its affiliates hold necessary easements for approximately 109 miles of the 125 miles—approximately 87 percent—of the pipeline route.

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<sup>122</sup> See *id.* P 25.

<sup>123</sup> *Id.* P 26.

<sup>124</sup> *Id.*

<sup>125</sup> See 2016 Letter Order.

<sup>126</sup> Rehearing Order, 154 FERC ¶ 61,046 at P 23.

In addition to its efforts to minimize impacts to landowners, Constitution engaged with communities and stakeholders to communicate project information, promote awareness of the federal and state permitting schedules, and provide training to first responders. As part of its outreach, Constitution executed a significant community grant program, providing approximately \$1.9 million to support community projects and first responders. Constitution commits to continue its outreach to landowners and stakeholders and will continue to support community initiatives and local non-profit organizations during the life of the project.

### **C. The Public Benefits of the Project Outweigh Any Potential Adverse Effects**

Given the Northeast’s pressing need for natural gas pipeline infrastructure and Constitution’s mitigation of any impacts on landowners and communities, the Project’s benefits outweigh any adverse impacts. The Commission has already made this determination and upheld it on rehearing.<sup>127</sup>

The need for the Project is even more pressing today than it was when the Commission issued the Certificate Order. Since that time, energy prices in the Northeast have remained stubbornly out-of-step, averaging at least 2.5 times the rest of the country’s on peak days.<sup>128</sup> To address this disparity, President Trump issued an Executive Order on his first day in office expressing concern with “inadequate development” of pipeline infrastructure in the Northeast, and directing agencies to use all “authorities available to them to facilitate the . . . transportation of energy . . . in and through . . . the Northeast.”<sup>129</sup> Executive Order No. 14,156 declares this problem “most pronounced in our Nation’s

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<sup>127</sup> Certificate Order, 149 FERC ¶ 61,199 at P 29; Rehearing Order, 154 FERC ¶ 61,046 at PP 18-23.

<sup>128</sup> S&P Study at 3, 17.

<sup>129</sup> Exec. Order No. 14,156 § 3(b), 90 Fed. Reg. at 8434.

Northeast and West Coast, where dangerous State and local policies jeopardize our Nation's core national defense and security needs, and devastate the prosperity of not only local residents but the entire United States population.”<sup>130</sup> These concerns are laser-focused on facilities like the Constitution Pipeline Project, which, notwithstanding that it will save homes and businesses up to \$8.5 billion over 15 years and ameliorate significant reliability concerns,<sup>131</sup> was halted by “dangerous State and local policies.” The Commission should adhere to the Administration's directive and ensure that the Project is not halted a second time.

Although Constitution has not yet executed contracts to replace the original precedent agreements for the Project that were terminated when Constitution allowed its certificate authorization to lapse in 2020, Constitution fully expects that the need for the Project will manifest itself in the form of binding contracts for the Project capacity. And, in that regard, Constitution intends to execute contracts for the Project capacity and file the same with the Commission prior to the issuance by the Commission of an order on this Petition.

In any event, under the circumstances presented here the Commission has ample evidence on which to determine that the Project's benefits outweigh its impacts, even without precedent agreements. While prior to issuance of the Certificate Policy Statement the Commission had in most cases required certificate applicants to demonstrate market support through contractual commitments of at least 25 percent of project capacity, the Commission eliminated that requirement in the Certificate Policy Statement.<sup>132</sup> The

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<sup>130</sup> *Id.* § 1, 90 Fed. Reg. at 8434.

<sup>131</sup> *See* NYISO Market Report at 14 (stating that “pipeline constraints in the winter months” threaten electric reliability).

<sup>132</sup> Certificate Policy Statement, 88 FERC at 61,743 (discussing past policy).

Commission declared that it “will no longer require an applicant to present contracts for any specific percentage of the new capacity.”<sup>133</sup> Instead, the Commission stated that it will consider “all relevant factors reflecting the need for the project,” which could include, but would not be limited to, “demand projections, potential cost savings to consumers, or a comparison of projected demand with the amount of capacity currently serving the market.”<sup>134</sup> The Commission explained that this policy would allow it to consider broader benefits of new pipeline capacity, which “could include, among other things, meeting unserved demand, eliminating bottlenecks, access to new supplies, lower costs to consumers, providing new interconnects that improve the interstate grid, providing competitive alternatives, increasing electric reliability, or advancing clean air objectives.”<sup>135</sup>

The Project provides many of the benefits discussed in the Certificate Policy Statement. The Project will “meet unserved demand” by providing additional pipeline capacity in the most pipeline-constrained area of the country, allowing utilities and electric generators (that do not traditionally sign up for pipeline capacity) to utilize the pipeline capacity and serve their needs.<sup>136</sup> The Project will “eliminate bottlenecks” that prevent abundant low-cost Marcellus Shale production from reaching the enormous demand centers of the Northeast, where gas is the most expensive in the Nation.<sup>137</sup> As such, the

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<sup>133</sup> *Id.* at 61,748.

<sup>134</sup> *Id.* at 61,747.

<sup>135</sup> Certificate Policy Statement, 90 FERC at 61,396.

<sup>136</sup> NPCC Study at 1 (“Generators do not typically hold firm transportation entitlements, relying instead on contracting for transportation with third parties who do hold firm rights or utilizing non-firm capacity that is available after firm customers’ gas has been scheduled.”).

<sup>137</sup> Certificate Policy Statement, 90 FERC at 61,396. *See, e.g., NEXUS Gas Transmission LLC*, 172 FERC ¶ 61,199, at P 25 (2020) (issuing certificate and finding “the NEXUS project will help to alleviate a bottleneck of available capacity for transporting gas from the Marcellus and Utica production regions to markets currently sourcing higher priced gas”), *reh’g denied*, 174 FERC ¶ 62,068 (2021), *pet. for review denied*, *City of Oberlin, Ohio v. FERC*, 39 F.4th 719, 729 (D.C. Cir. 2022) (“Specifically, FERC found that the Nexus

Project will provide homes and businesses in the Northeast with “access to new supplies.”<sup>138</sup> The Project will provide “lower costs to consumers” to the tune of up to \$2.6 billion over 15 years assuming there are no extreme weather events, and assuming extreme weather continues at the pace it has over the past 15 years, would save consumers up to \$8.5 billion.<sup>139</sup> The Project will provide “new interconnects that improve the interstate grid” by connecting to Iroquois’ Wright Interconnect Project, which will enable delivery of incremental natural gas supplies into the systems of Iroquois and Tennessee.<sup>140</sup> It will “increase[e] electric reliability” by delivering additional natural gas into the Northeast, where both NYISO and ISO New England express increasing concerns over regional electric reliability.<sup>141</sup> And it will “advance[] clean air objectives” by helping New England, the last region of the country with significant reliance on fuel oil for heating, transition away from fuel oil to natural gas, which would reduce emissions intensity by 28 percent.<sup>142</sup>

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Project was needed to alleviate a bottleneck in the capacity to transport gas from the Appalachian Basin and to increase supply to Midwestern markets.”).

<sup>138</sup> See Certificate Policy Statement, 90 FERC at 61,396. See, e.g., *PennEast Pipeline Co.*, 162 FERC ¶ 61,053, at PP 28, 30 (determining that end users would benefit from project because it would connect supplies from Marcellus Shale region to markets in Pennsylvania and New Jersey); *order on reh’g*, 164 FERC ¶ 61,098 (2018); *extension order*, 170 FERC ¶ 61,138 (2020); *order vacating authorizations*, 177 FERC ¶ 61,197 (2021); *Transwestern Pipeline Co.*, 121 FERC ¶ 61,175, at P 3 (2007) (“Granting the requested authorizations should permit additional, competitively-priced gas supplies to reach a rapidly growing region”); *reh’g denied*, 122 FERC ¶ 61,165 (2008).

<sup>139</sup> S&P Study at 24, 27, 33. See Certificate Policy Statement, 90 FERC at 61,396. See, e.g., *Spire STL Pipeline LLC*, 181 FERC ¶ 61,232, at P 37 (2022) (public need supported by pipeline’s showing that it reduced its project shipper’s costs of delivered gas); *reh’g denied*, 183 FERC ¶ 61,048 (2023).

<sup>140</sup> Certificate Policy Statement, 90 FERC at 61,396. *PennEast Pipeline*, 162 FERC ¶ 61,053 at P 28 (determining that end users would benefit from project’s construction because it would enhance the pipeline grid by providing additional transportation capacity from gas sources to markets in Pennsylvania and New Jersey).

<sup>141</sup> Certificate Policy Statement, 90 FERC at 61,396. See, e.g., *Tractebel Calypso Pipeline, LLC*, 103 FERC ¶ 61,106, at P 25 (approving new pipeline in part because it would increase electric reliability by securing baseload supplies for fuel for both new and existing power generation); *order granting certificate*, 106 FERC ¶ 61,273 (2004).

<sup>142</sup> Certificate Policy Statement, 90 FERC at 61,396. See, e.g., *Saltville Gas Storage Co.*, 107 FERC ¶ 61,267, at P 21 (gas storage project would provide public benefits by improving air quality through increasing the use of clean-burning natural gas for electric generation); *reh’g granted in part* 109 FERC ¶ 61,200 (2004);



It also bears noting that under its prior “optional certificate program,” the Commission’s practice was to permit applicants to seek certificates on an expedited basis even “without any market showing at all” provided they were willing to take on all economic risk associated with the projects.<sup>143</sup> The Commission reasoned that this policy would give “pipelines the ability to offer new service and construct facilities on a timely basis,”<sup>144</sup> and the D.C. Circuit upheld the Commission’s application of this policy.<sup>145</sup> The Commission approved numerous pipelines under the optional certificate program without requiring submission of any precedent agreements, based on broader policy intended to expedite the development of new projects.<sup>146</sup> Thus, an examination of past practice shows

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*clarification granted*, 110 FERC ¶ 61,318 (2005). *See also* S&P Study at 30 (“Constitution would increase supply deliverability and could facilitate [residential and commercial] switching from heating oil to natural gas, which has a 28% lower combustion emission intensity”).

<sup>143</sup> Certificate Policy Statement, 88 FERC at 61,743 (discussing past policy). *See, e.g., Mojave Pipeline Co.*, 69 FERC ¶ 61,244, at 61,921 (1994) (“Under the optional certificate regulations, the Commission is not required to examine the market need for a project.”), *order vacating prior orders*, 75 FERC ¶ 61,108 (1996).

<sup>144</sup> *Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol*, Order No. 436, 1982–1985 FERC Stats. & Regs., Regs. Preambles ¶ 30,665, at 31,569, *order on reh’g and clarification*, Order No. 436-A, 1982–1985 FERC Stats. & Regs., Regs. Preambles ¶ 30,675 (1985), *order on reh’g*, Order No. 436-B, 1986–1990 FERC Stats. & Regs., Regs. Preambles ¶ 30,688, *order denying reh’g*, Order No. 436-C, 34 FERC ¶ 61,404, *order denying applications for reh’g*, Order No. 436-D, 34 FERC ¶ 61,405, *reconsideration denied*, Order No. 436-E, 34 FERC ¶ 61,403 (1986), *subsequent appeal*, *Associated Gas Distribs. v. FERC*, 824 F.2d 981 (D.C. Cir. 1987).

<sup>145</sup> *Pub. Util. Com’n of State of Cal. v. FERC*, 900 F.2d 269, 282 (D.C. Cir. 1990).

<sup>146</sup> Certificate Policy Statement, 88 FERC at 61,743. *See, e.g., Mojave Pipeline Co.*, 47 FERC ¶ 61,200, at 61,695 (1989) (certificate approving 383 miles of pipeline and denying protestor’s request that the Commission “condition any authorization granted to Mojave to require Mojave to demonstrate a minimum level of firm contracts with nonaffiliated shippers before it can proceed”) (subsequent history omitted); *Mojave Pipeline Co.*, 46 FERC ¶ 61,311, at 61,932-33 (1989) (holding that it was not arbitrary for the Commission to decline “to condition WyCal’s optional certificate to require WyCal to submit long-term firm transportation service agreements executed with non-affiliated shippers [] before it can begin construction of its project or exercise the powers of eminent domain”) (internal quotation mark omitted; subsequent history omitted); *Gateway Pipeline Co.*, 55 FERC ¶ 61,488 (1991) (issuing certificate without discussion of contracts for capacity), *order on reh’g*, 62 FERC ¶ 61,213 (1993); *Altamont Gas Transmission Co.*, 54 FERC ¶ 61,028, at 61,068 (1991) (certificate order not quantifying existing contracts or discussing them in the context of market demand); *Wyoming-California Pipeline Co.*, 44 FERC ¶ 61,001, at 61,002 (after noting that the pipeline company “has no contracts with any party to provide a firm or interruptible transportation service and none of its capacity has been committed at this time,” granting preliminary determination on environmental issues advancing the project), *reh’g granted in part*, 45 FERC ¶ 61,234 (1988), *reh’g denied*, 46 FERC ¶ 61,310 (1989), *order issuing certificate*, 50 FERC ¶ 61,070, at 61,178 (1990) (granting certificate authorization without discussion or requirement of precedent agreements or market need).

that the Commission can approve projects without relying on precedent agreements, and in this case, where Constitution has demonstrated that its Project will address a national energy emergency and save consumers billions of dollars in energy costs, the Commission should find the Project in the public interest.

While the Project's benefits have become even more apparent since the Certificate Order was issued, its adverse impacts have lessened. Constitution has secured far more of the land rights needed for the Project, having increased from 50 percent at the time the Certificate Order was issued to nearly 89 percent today. As such, there are fewer adverse impacts to landowners today than there were when the Commission approved the Project previously.

The absence of executed precedent agreements as part of this Petition does not tip the balance of interests against approval of the authorizations requested herein. This proceeding is not analogous to *Jordan Cove* or *Turtle Bayou*, two other instances in which the Commission rejected certificate applications of project developers that lacked up-front customer commitments.<sup>147</sup> The developers in those cases had not submitted any market studies supporting the need for either of their projects and would be relying almost entirely on eminent domain to obtain land rights. In *Jordan Cove*, the developer of a 232-mile pipeline had failed "to make any significant showing of demand" even after the Commission issued four data requests over 3.5 years, and had obtained easements for only five percent of the permanent rights-of-way needed for the Project.<sup>148</sup> Likewise, in *Turtle Bayou*, the applicant presented no precedent agreements or market studies, instead relying

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<sup>147</sup> *Jordan Cove Energy Project, L.P.*, 154 FERC ¶ 61,190, *reh'g denied*, 157 FERC ¶ 61,194 (2016); *Turtle Bayou Gas Storage Co.*, 135 FERC ¶ 61,233, *reh'g rejected*, 136 FERC ¶ 61,052 (2011), *reconsideration denied*, 139 FERC ¶ 61,033 (2012).

<sup>148</sup> *Jordan Cove*, 157 FERC ¶ 61,190 at PP 33, 35-36.

solely on general assessments that need for storage capacity was growing, and would have needed to “obtain virtually all of the property rights needed for the project from a few unwilling landowners.”<sup>149</sup>

Constitution is unlike *Jordan Cove* or *Turtle Bayou*, as its market study shows that the Project will provide cost savings to consumers, and as shown in recent reports from grid operators, NARUC, NERC, and Executive Orders from the President, the Project is urgently needed to improve reliability. Furthermore, in contrast to the developers in *Jordan Cove* and *Turtle Bayou*, Constitution has secured the vast majority of land rights needed for the Project.

Nevertheless, Constitution recognizes the importance of precedent agreements and as indicated above, intends to file executed firm contracts prior to the Commission’s issuance of an order in this proceeding. And, of course, the Commission can require—as it does in most certificate orders—that Constitution execute firm contracts with customers prior to commencing construction.<sup>150</sup> This is a standard requirement that requires subscription to a substantial amount of a project’s capacity, which Constitution expects would be included in a reissued certificate order for the Project.<sup>151</sup> Accordingly, the Commission should conclude, as it did when it previously approved the Project, that “the Constitution Pipeline Project is required by the public convenience and necessity.”<sup>152</sup>

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<sup>149</sup> *Turtle Bayou*, 135 FERC ¶ 61,233 at P 33; *see also* 139 FERC ¶ 61,033 at P 15.

<sup>150</sup> *See, e.g., Transcon. Gas Pipe Line Co.*, 192 FERC ¶ 61,184, at ordering para. (B)(4) (2025) (in the order reissuing certificate, including condition that Transco file “a written statement affirming that it has executed firm service agreements for volumes and service terms equivalent to those in its precedent agreements, prior to commencing construction”).

<sup>151</sup> *See NEXUS Gas Transmission, LLC*, 160 FERC ¶ 61,022, at ordering para. (B)(4) (2017) (requiring NEXUS to execute firm contracts, which constituted 59 percent of the project capacity, prior to commencing construction); *Midship Pipeline Co., LLC*, 164 FERC ¶ 61,103, at P 12 and ordering para. (B)(4) (2018) (requiring Midship to execute firm contracts constituting 64 percent of the project capacity prior to commencing construction).

<sup>152</sup> Rehearing Order, 154 FERC ¶ 61,046 at PP 18, 23.

**V.      REQUEST FOR REAFFIRMANCE OF WAIVER UNDER  
SECTION 401 OF THE CLEAN WATER ACT**

Constitution requests that the Commission reaffirm its earlier finding that NYSDEC waived its opportunity to issue a certification under CWA section 401 for the New York State portion of the Project by failing or refusing to act on Constitution’s request for a water quality certification within one year.

In 2019, the Commission determined that NYSDEC waived its authority to issue a water quality certification for the Constitution Pipeline Project. The Commission determined in the 401 Waiver Order that the coordinated withdrawal-resubmission process NYSDEC used in evaluating the Constitution Pipeline Project was “equivalent” to the one struck down by the D.C. Circuit in *Hoopa Valley*.<sup>153</sup> In reaching this determination, the Commission highlighted that like *Hoopa Valley*, NYSDEC actively induced Constitution to repeatedly withdraw and resubmit its application in response to NYSDEC’s apparent need for additional time to review the application.<sup>154</sup> The Commission pointed out that although NYSDEC implied that Constitution’s application “would most likely be denied” if it had not participated in the scheme, there is no record evidence this representation was conveyed to Constitution.<sup>155</sup> Constitution, therefore, withdrew and resubmitted its application in good faith based on the representations and requests of the state, mirroring the situation in *Hoopa Valley*.<sup>156</sup>

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<sup>153</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at P 42.

<sup>154</sup> *Id.* PP 32-34.

<sup>155</sup> *See id.* P 33. *See also, Village of Morrisville, Vt. v. FERC*, 136 F.4th 1117, 1127-28 (D.C. Cir. 2025) (holding that an applicant’s unilateral decision to voluntarily withdraw and submit an application to address a state’s requests for information did not constitute waiver of section 401).

<sup>156</sup> *Id.* P 42. The Commission explicitly stated that the record demonstrates that Constitution withdrew and resubmitted its application to grant the NYSDEC more time to review the application, and that NYSDEC itself publicly acknowledged this fact. *Id.* P 34.

The Commission also rejected arguments from NYSDEC attempting to distinguish *Hoopa Valley* on the grounds that: 1) NYSDEC and Constitution did not have a formal withdrawal and resubmission scheme;<sup>157</sup> and 2) that Constitution's resubmissions constituted new applications under CWA section 401.<sup>158</sup> The Commission determined that the holding in *Hoopa Valley* was not restricted only to formal agreements between the state and the applicant, but rather extended to any functional agreement that circumvented FERC's authority over when a federal license will issue.<sup>159</sup> The Commission also noted that it did not need to consider whether subsequent resubmissions are new applications because the record demonstrated that NYSDEC itself did not treat Constitution's resubmissions as new applications.<sup>160</sup>

After reaching the conclusion that NYSDEC had operated an equivalent scheme to the one in *Hoopa Valley*, the Commission, therefore, found that the "[NYSDEC's] inaction pursuant to its functional agreement with Constitution beyond one year from the receipt of Constitution's first resubmission on May 9, 2014, constituted a failure or refusal to act within the plain meaning of those phrases in section 401."<sup>161</sup> "As a result," the Commission concluded, "[NYSDEC] waived its section 401 authority with regard to the Constitution Pipeline Project."<sup>162</sup>

The 401 Waiver Order was challenged in the Second Circuit, but while that case was pending, Constitution announced that it was no longer developing the Project. Because

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<sup>157</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at P 34.

<sup>158</sup> *Id.* PP 38-39.

<sup>159</sup> *Id.* P 34 (citing *Hoopa Valley*, 913 F.3d at 1104).

<sup>160</sup> *Id.* PP 38-39 (noting that NYSDEC treated public comments submitted prior to Constitution's revised application as still valid and that NYSDEC coordinated with Constitution to file perfunctory two-page letters withdrawing and resubmitting its application).

<sup>161</sup> *Id.* P 40.

<sup>162</sup> *Id.*

Constitution made such announcement, the Second Circuit dismissed the appeals as moot.<sup>163</sup> Consistent with its standard practice, the Second Circuit panel vacated the 401 Waiver Order solely on procedural grounds.<sup>164</sup> The court made no findings on the merits and, following the court order, the Commission took no additional action with respect to the 401 Waiver Order.

Subsequent decisions further demonstrate the validity of the 401 Waiver Order. The D.C. Circuit and the Commission have recognized a distinction between a “coordinated” scheme, as occurred in *Hoopa Valley* and this proceeding, and “unilateral” withdrawal-and-resubmission by the project applicant.<sup>165</sup> In *Village of Morrisville*, for example, the D.C. Circuit held that a state does not waive its statutory certificate authority when an applicant unilaterally withdraws and resubmits its application in an attempt to improve its negotiating ability with the state.<sup>166</sup> Instead, the D.C. Circuit noted that “evidence of the State’s decision to delay was central to our holding in *Hoopa Valley*.”<sup>167</sup> The D.C. Circuit has also held that a state does not waive its statutory certificate authority if record evidence demonstrates that it merely acquiesced to an applicant’s decision to withdraw and resubmit its application.<sup>168</sup> In *Nevada Irrigation District*, the D.C. Circuit explained that the Commission must have evidence of an agreement to circumvent the statutory deadline and delay certification.<sup>169</sup>

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<sup>163</sup> Motion Order, *New York State Department of Environmental Conservation v. FERC*, Nos. 19-4338, *et al.* (2d Cir. Nov. 18, 2021), ECF No. 161.

<sup>164</sup> *Id.*

<sup>165</sup> See *Cal. State Water Res. Control Bd. v. FERC*, 43 F.4th 920, 931-32 (D.C. Cir. 2022). The Commission has further held that denial of an application constitutes action satisfying section 401’s requirements, and repeated denials of an application do not constitute a coordinated scheme. See *Turlock Irrigation Dist.*, 175 FERC ¶ 61,144 (2021).

<sup>166</sup> *Village of Morrisville, Vt.*, 136 F.4th at 1127-28.

<sup>167</sup> *Id.* at 1127.

<sup>168</sup> *Cal. State Water Res. Control Bd.*, 43 F.4th at 932-33.

<sup>169</sup> *Nev. Irrigation Dist. v. FERC*, 2025 WL 1905118, 4-5 (D.C. Cir. 2025).

While those decisions have limited the holding of *Hoopa Valley*, none of them are applicable to the Commission’s determination in the 401 Waiver Order. Here, like in *Hoopa Valley*, Constitution’s withdrawals and resubmissions of its application were done at NYSDEC’s behest, and were not performed unilaterally by Constitution.<sup>170</sup> The 401 Waiver Order properly recognizes that NYSDEC’s own statements provided record evidence of a coordinated scheme in which NYSDEC requested that Constitution withdraw its application in order to provide NYSDEC with time beyond the statutory deadline.<sup>171</sup> These statements demonstrate that, unlike in *Nevada Irrigation District* or other cases, NYSDEC orchestrated a withdrawal and resubmission scheme intended to circumvent section 401’s statutory timeline.<sup>172</sup> The Commission’s holding that NYSDEC’s practice was “equivalent to the situation in *Hoopa Valley*”<sup>173</sup> is still valid. Because NYSDEC failed to act on Constitution’s request for certification within one year, NYSDEC waived its authority under CWA section 401.

In this Petition, Constitution is asking the Commission to reissue certificate authority for the Project. Constitution has not changed and has not proposed any changes to the Project in New York that were also not submitted for review to NYSDEC during its CWA section 401 water quality certification review. Therefore, along with reissuing the same certificate authority that it previously issued, Constitution requests that the Commission affirm that its prior determination—“[NYSDEC] waived its section 401

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<sup>170</sup> 401 Waiver Order, 168 FERC ¶ 61,129 at P 34.

<sup>171</sup> *Id.* The Commission does not require evidence of a formal agreement between the state and the applicant to support a finding of waiver but has instead held that record evidence must demonstrate coordination between these parties to circumvent section 401. *See, e.g., Pac. Gas & Elec. Co.*, 172 FERC ¶ 61,064, at P 26 (2020).

<sup>172</sup> *N.Y. Dep’t of Env’t Conservation*, 991 F.3d 439, at 449-50 (2nd Cir. 2021). Furthermore, NYSDEC did not deny or otherwise take action on Constitution’s application in a manner satisfying section 401’s requirements. *See Turlock Irrigation Dist.*, 175 FERC ¶ 61,144.

<sup>173</sup> 401 Waiver Order 168 FERC ¶ 61,129 at P 42.

authority with regard to the Constitution Pipeline Project”—continues to apply to the Project today.<sup>174</sup>

## **VI. RATES AND TARIFF**

Constitution requests that the Commission approve the same *pro forma* tariff that was approved in the Certificate Order. Prior to filing the tariff with the Commission, Constitution will make the necessary revisions to reflect changes that have occurred since the Certificate Order was issued, including changes required in the Certificate Order and updates to the North American Energy Standards Board standards.<sup>175</sup> In addition, Constitution intends to update the cost of facilities and recourse rates for the Project following Iroquois’ filing of its petition for reissuance of the certificate approving the Wright Interconnect Project.

## **VII. ENVIRONMENTAL IMPACTS**

Constitution is proposing to construct and operate the same Project facilities that the Commission previously authorized including the variances to the Project route in Pennsylvania that were approved by the Commission after the Certificate Order was issued. Constitution incorporates by reference those variances into this Petition.<sup>176</sup> In addition, Constitution is providing an Environmental Consistency Summary, which demonstrates that the Project remains consistent with the Major Conclusions documented in the Commission’s Final Environmental Impact Statement for the Project. The Environmental Consistency Summary verifies that the Project aligns with prior environmental analysis

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<sup>174</sup> *Id.* P 40.

<sup>175</sup> Certificate Order, 149 FERC ¶ 61,199 at PP 54-63.

<sup>176</sup> *See* Letter Order, Constitution Pipeline Company, LLC, Docket No. CP13-499-000 (Jan. 29, 2016).



and that any observed changes are minor and do not significantly affect the human environment. Constitution continues to review the details related to environmental impacts that may have changed since the issuance of the Certificate Order and will supplement the record as necessary. Please note, too, that Constitution is working with the relevant permitting agencies to obtain the applicable federal permits and authorizations required in connection with the Project.

Constitution also notes that the Project will be able to deliver “NextGen Gas” into Northeast markets. NextGen Gas is tracked from the wellhead-to-the-delivery point and this pathway is among the lowest carbon-intensive natural gas found anywhere in the world. Constitution’s owner and operator, Williams, follows a strict certification process for these natural gas deliveries through implementation of its NextGen Gas program. Williams’ NextGen Gas program is an industry leading measurement-based quantification, monitoring, reporting, and verification program that certifies greenhouse emissions associated with the transportation and delivery of natural gas across Williams’ assets. Through partnership with a climate tech company called Context Labs, Williams collects and correlates data from multiple disparate sources, including satellites, planes, real-time ground-based monitoring devices, direct source-level measurement, and live operational data to provide the most reliable and comprehensive quantification of its natural gas supply chain emissions. Williams’ NextGen Gas program offers real-time tracking of greenhouse gas emissions intensity (on both methane and carbon intensity basis) with the low emissions attributes of transported and delivered natural gas represented by a verified certificate, with independent attestation by KPMG. Williams’ NextGen Gas program was designed to improve trust and transparency in emissions detection, quantification, and

reporting and to further enhance operational excellence by helping identify opportunities for Williams to continue to reduce emissions. Williams is currently the only large-scale U.S. natural gas midstream company to have joined the internationally recognized Oil & Gas Methane Partnership (“OGMP”) 2.0 and its NextGen Gas program has been recognized as a Gold Standard compliant pathway to achieving the Level 5 reporting standard, the highest standard of reporting under the OGMP 2.0 framework.

### **VIII. LANDOWNER NOTIFICATION**

With the Commission-approved variances described above, the Project has not changed since the issuance of the Certificate Order. Constitution will provide notice to affected landowners consistent with the landowner notification requirements that apply to certificate applications.<sup>177</sup> Constitution has attached an appropriate Form of Notice of Petition (Attachment C, hereto) for the Commission’s convenience.

### **IX. TIMING FOR REISSUANCES**

Constitution requests the Commission expeditiously issue an order reissuing the certificate for the Project so that Constitution can complete construction of the Project facilities and place the Project in service by May 2028.<sup>178</sup> Constitution also requests the Commission reaffirm that NYSDEC waived its authority under Section 401 of the CWA for failing or refusing to act on Constitution’s certification request within one year.

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<sup>177</sup> 18 C.F.R. § 157.6(d).

<sup>178</sup> To meet this expedited schedule, Constitution requests waiver of a hearing under Rule 801 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.801, and waiver of any other requirements that may facilitate this request.

## **X. OTHER AUTHORIZATIONS**

Aside from this Petition, Constitution is not aware of any other application to supplement or effectuate the proposal set forth herein which must be or is to be filed by it, by any of its customers, or any other person with any other federal, state, or other regulatory body.

## **XI. EXHIBITS AND ATTACHMENTS**

Constitution incorporates by reference the exhibits from the original Certificate Application and the entire record of the Project in Docket Nos. CP13-499 and CP18-5. As part of this petition the following attachments are being included herein.

Attachment A – S&P Global, *Constitution Pipeline Market Impact Report*  
(Nov. 2025)

Attachment B – New York State Section 401 Water Quality Certification Request  
Cover Letter (May 30, 2025)

Attachment C – Form of Notice

Attachment D – Flow Diagram (updated Exhibit G and Exhibit G-II)

Attachment E – Updated Landowner List

Attachment F – Alignment Sheets

Attachment G – Split Aerial Alignment Comparison

Attachment H – Permit Table

Attachment I – Environmental Consistency Summary

## **XII. CONCLUSION**

WHEREFORE, Constitution respectfully requests:

1. That the Commission issue an order reissuing the certificate of public convenience and necessity for the Project;
2. That the Commission reaffirm that NYSDEC has waived its authority under Section 401 of the CWA;
3. That this Petition be processed in accordance with the shortened procedures set forth in Rules 801 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.801, and, in connection therewith, Constitution waives oral hearing and the opportunity for filing exceptions to the decision of the Commission, and that the Commission issue the Form of Notice of Petition attached hereto; and
4. That the Commission grant such other and further relief as may be proper and appropriate.

Respectfully submitted,

CONSTITUTION PIPELINE COMPANY,  
LLC

By /s/ Stephen A. Hatridge  
Stephen A. Hatridge  
Vice President & Assistant General Counsel  
Constitution Pipeline Company, LLC

### **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 Federal Energy Regulatory Commission in this proceeding.

Dated at Houston, TX this 19th day of December 2025.

/s/ Stephen A. Hatridge  
Stephen A. Hatridge  
Vice President & Assistant General Counsel  
Constitution Pipeline Company, LLC

## **ATTACHMENT A**

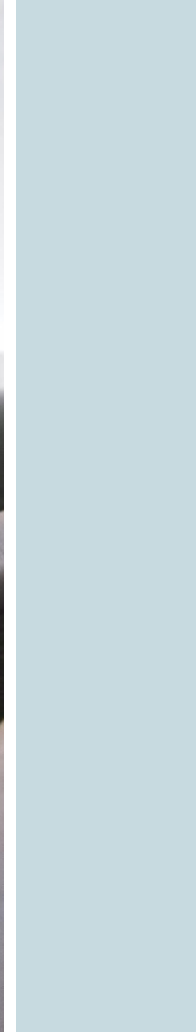
**S&P Global, *Constitution Pipeline Market Impact Report* (Nov. 2025) (“S&P Study”)**

# Constitution Pipeline Market Impact Report

An assessment of Constitution Pipeline's  
prospective impact on the integrated  
Northeastern Energy Market Dynamics

Report by Commodity Insights and Market  
Intelligence

**November 2025**



# S&P Global Study Acknowledgements

This report represents the independent analysis and views of S&P Global. The study was supported by The Williams Companies, Inc. S&P Global is exclusively responsible for all the analyses, content and conclusions of the study. The study makes no policy recommendations.

The Gas Pipeline Competition Model (GPCM), with proprietary S&P data, was leveraged to determine the impact of Constitution Pipeline on regional gas prices in New York, Connecticut, Massachusetts, and Rhode Island. The modelling indicates that the introduction of Constitution Pipeline would mitigate against extreme winter price spikes, with additional savings forecast based on weather-normalized modeling. It is understood that wholesale gas prices are not fully reflected in end-users' costs, given that gas utilities have confidential gas sourcing strategies not publicly available that mitigate some of the impact. It is also evident that spikes in wholesale prices do impact end-user costs. Thus, S&P Global believes that wholesale price analysis remains the best available analytical approach to estimate potential savings.

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# Executive Summary



**Since 2010, infrastructure expansions have enabled US natural gas prices to decline >45%; meanwhile, Northeast US winter gas prices have averaged 2.5 times higher than national prices as gas infrastructure has remained constrained**

- The Marcellus and Utica contain enough commercial gas resource **to meet US demand (including exports) for 16 years**
- Peak day demand in the Northeast can reach **twice the annual average**, straining the gas pipeline grid to serve this load; higher wholesale gas price likely costs **end-users billions of dollars and constrains the development of diverse industry**



**Current dynamics could trigger daily price spikes of 30x annual averages into the 2040s; streamlined permitting could accelerate development of the Constitution Pipeline as a solution that could mitigate spikes by providing access to low-cost supply, resulting in lower prices to end-users, due to its modelled high pipeline utilization in winter**

- Renewables growth, along with electrification, will continue to **shift peak power demand for gas in power to winter, keeping demand resilient for the next 15 years** and making new infrastructure projects **key to utilities' reliability targets**
- Without additional infrastructure, **wholesale gas prices will remain high during peak months and prone to extremes**



**Constitution Pipeline would drive potential savings of up to \$11.6 billion<sup>1</sup>, comprised of avoided costs during extreme price events and average weather savings (some impact is mitigated by gas supply contracting), comfortably covering the lifetime cost of the pipeline to consumers of \$3.0 billion<sup>2</sup>**

- Net consumer savings of up to **\$8.5 billion lead<sup>3</sup> to \$432 million<sup>3</sup> in combined federal and state tax revenue, and support 1,000 jobs annually in New York, as well as 510 in Massachusetts, 310 in Connecticut, and 125 in Rhode Island**
- Constitution also facilitates **conversions from heating oil to natural gas which would reduce emissions intensity by 28%**

1. Calculated by multiplying potential peak month price reductions across average forecast January demand in the selected states; 2. Estimated annual cost of service equal to 20% of CAPEX, in real 2024 terms 3. Results are cumulative across 2028-2043 for New York, Massachusetts, Connecticut, and Rhode Island  
Source: S&P Global Commodity Insights

# Contents

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## **The US Gas Market – 15 Years of Unprecedented Growth**

A Paradox of Plenty – Northeast US Gas Market Dynamics

Addressing the Shortfall – The Constitution Pipeline

Key Takeaways

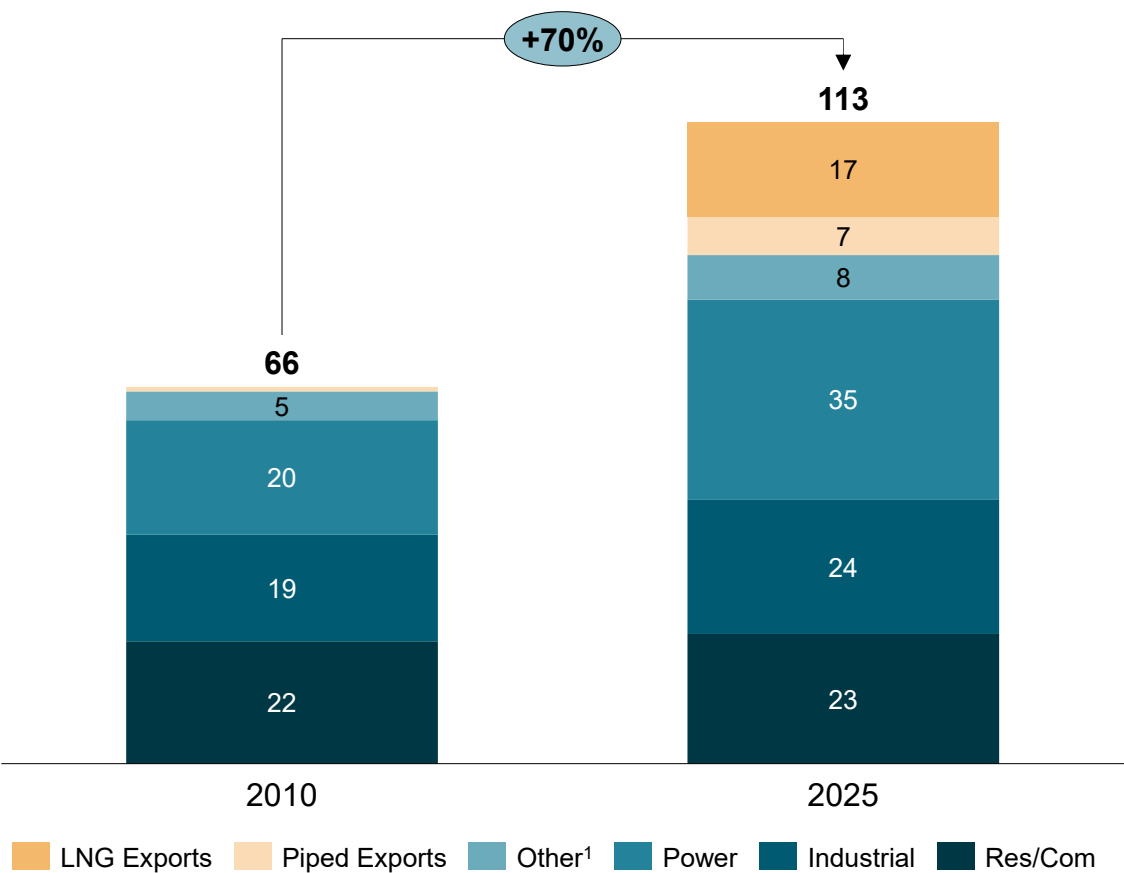
Appendix

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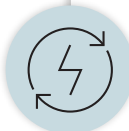
# The US gas market has experienced 15 years of unprecedented growth, enabling energy independence, an industrial revival, cleaner power and a new US LNG export sector

## US Gas Demand by Sector

Bcf/d



1. Other demand includes pipeline (consumption on pipeline operation), lease, plant and vehicle fuel; 2. Includes direct, indirect, and induced jobs  
Source: S&P Global Commodity Insights



**Enabled US energy independence** – The US became a net natural gas exporter for the first time in 60 years, with low-cost shale gas driving 75% of growth



**Facilitated ‘fast’ decarbonization** – Gas displaced ~127 GW of US coal capacity over the last 2 decades, leading to a ~40% reduction in associated emissions



**Spurred the creation of a significant new export industry** – US LNG is projected to contribute \$1.3 trillion to GDP through 2040 and create on average 500,000 jobs<sup>2</sup> over that period



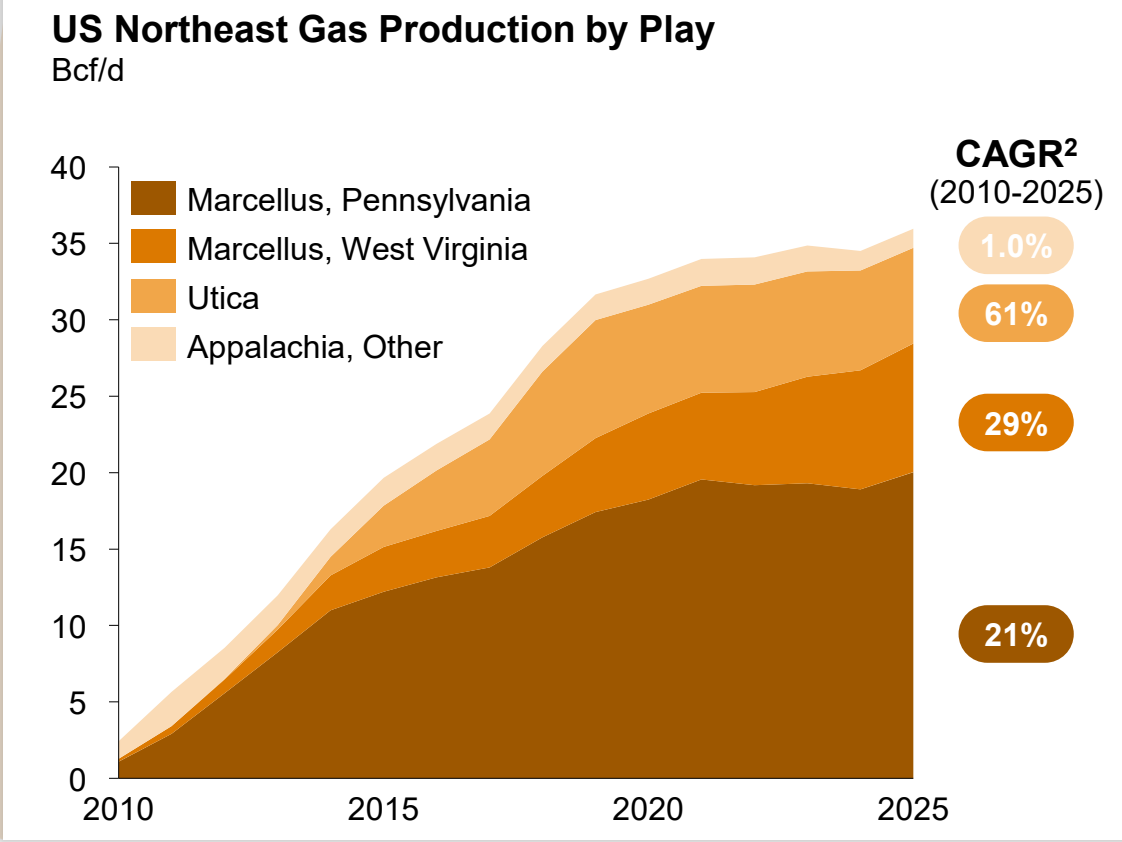
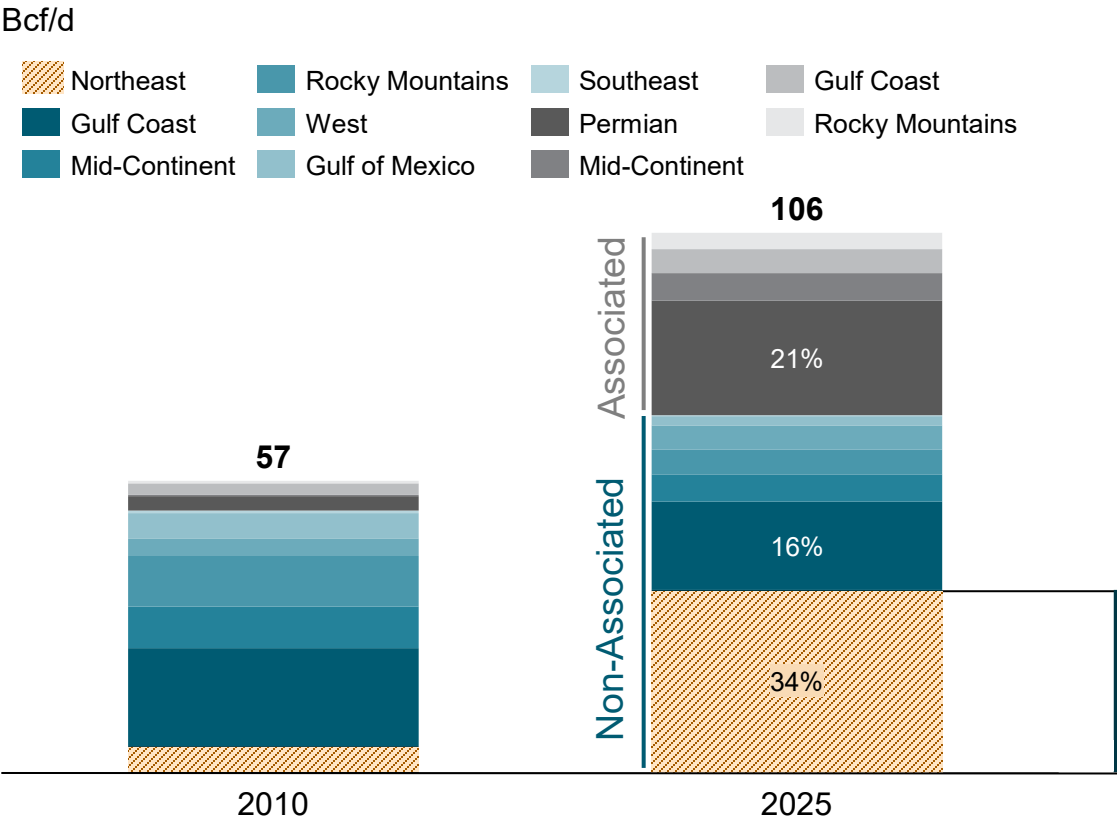
**Key support for US allies and trading partners** – US LNG exports replaced nearly half of Europe's Russian pre-war gas imports, while piped exports to Mexico meet over 70% of their domestic gas demand



**US industrial resurgence** – over 30% increase in industrial gas demand since 2005 (including petrochemicals, steel, and plastics manufacturing), with facilities concentrated near low-cost supply

# Most of the recent growth in domestic gas production is split between significant associated gas in the Permian and the prolific low-cost dry gas resources in Appalachia

## US Associated vs Non-associated Gas Production by Region<sup>1</sup>



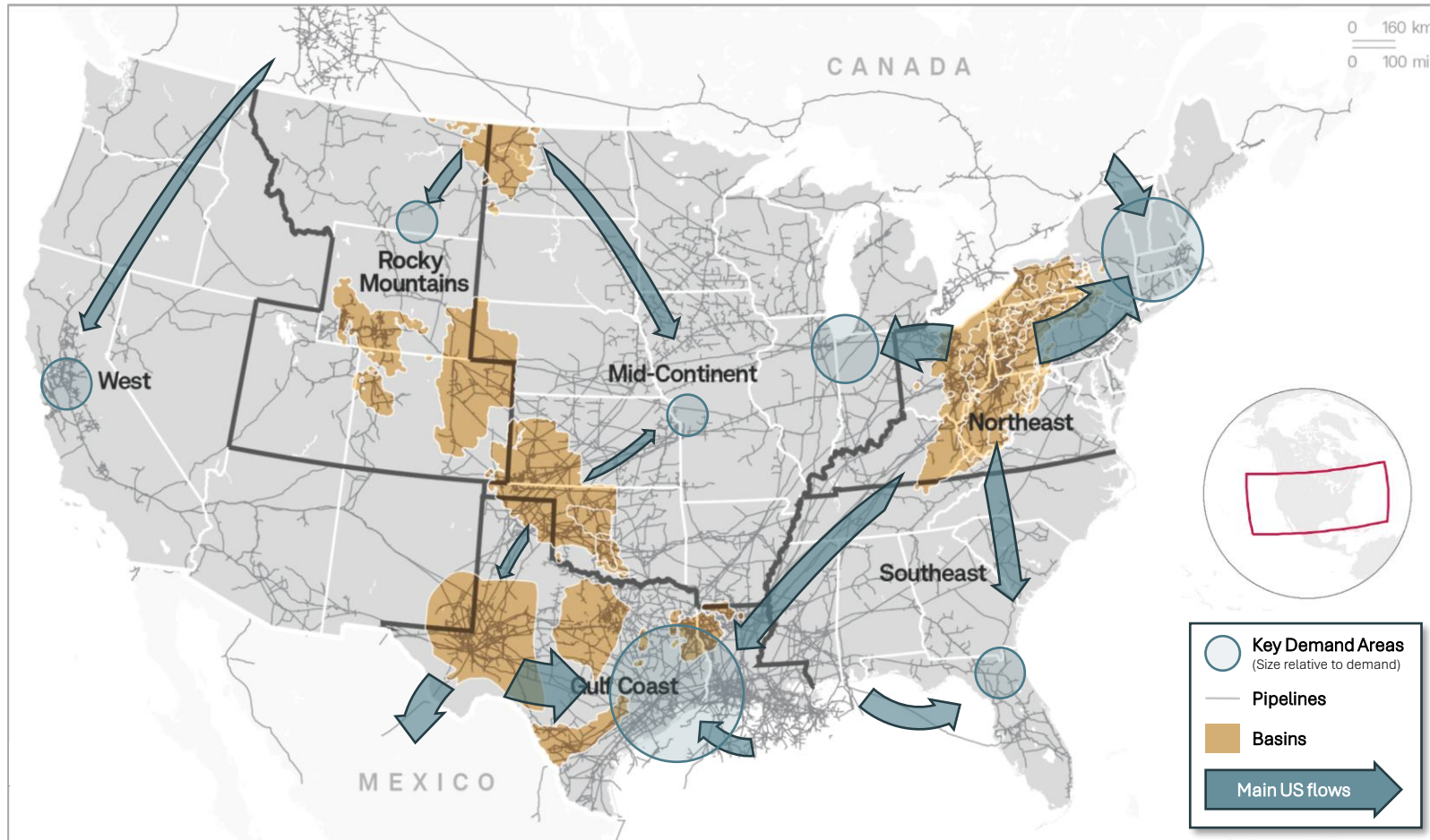
**The Marcellus and Utica plays anchor US dry gas supply** with >30 Bcf/d growth over the past 15 years, combining vast low-cost resources with top-tier well productivity from one of the lowest carbon intensive (CI) basins in the US (40-50% lower CI than the Permian in 2025)

1. Domestic supply available to the US markets is complemented by piped imports from Canada (5.8 Bcf/d on average in 2025); 2. CAGR considered from 2011 to 2025 for Utica, as production in 2010 was nearly zero  
Source: S&P Global Commodity Insights

The US gas market is the largest and most interconnected in the world, yet regional bottlenecks to demand centers which increase costs persist, especially in the Northeast

The US has  
>300,000 miles of  
natural gas  
transmission  
pipelines, more than  
**double the entire  
EU integrated  
system**

The annual volume of  
natural gas  
transported in the US  
pipeline grid **exceeds  
the combined  
consumption of 130  
countries**



**>\$280 billion dollars**  
has been spent  
expanding and  
improving the US  
gas pipeline network  
over the past 15  
years

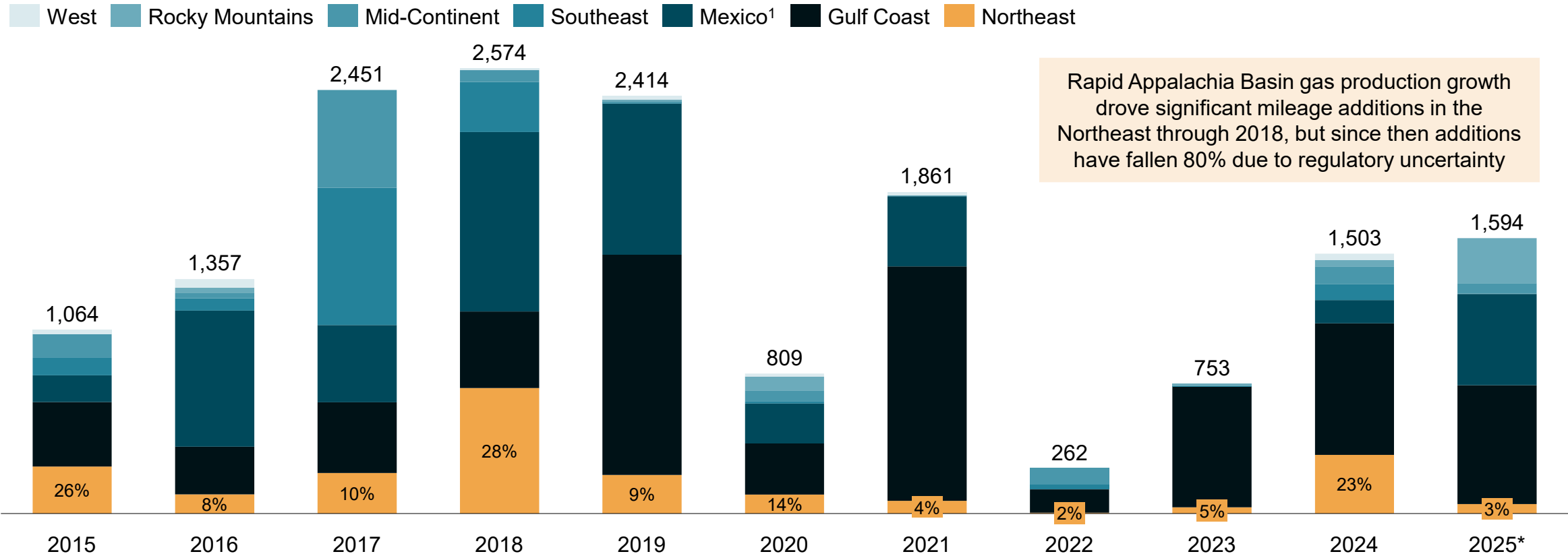
There are **>150 gas  
pipeline companies  
in the US**, twice as  
many as in the EU  
and Latin America  
combined

Source: ACER, EIA, UN, S&P Global Commodity Insights

Roughly 1,500 miles of gas pipeline have been added annually over the past decade; construction across the Northeast corridor, however, has been muted, hindering growth

Miles of Natural Gas Pipeline Added in the US by In-service Year and End Market

Miles of pipeline

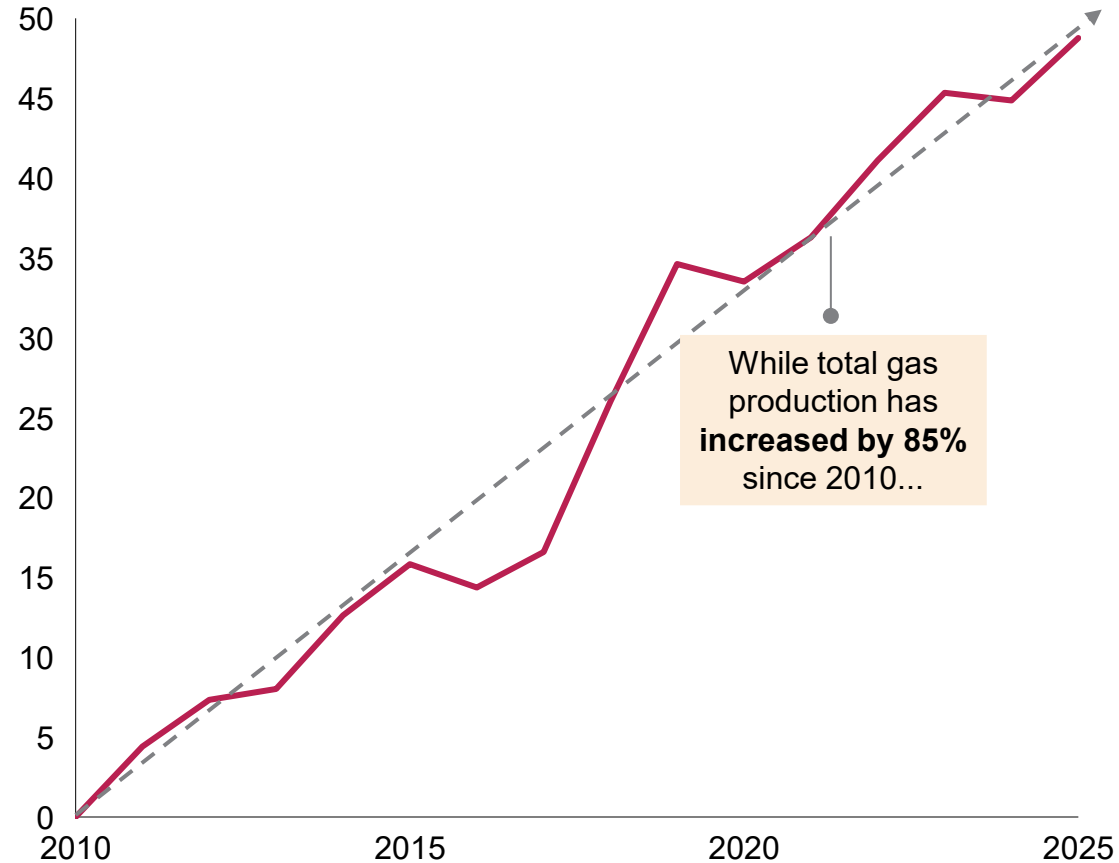


1. "Mexico" includes both cross-border export pipelines into Mexico and pipeline additions within Mexico that flow additional US volumes, data through September 2025  
Source: EIA, S&P Global Commodity Insights

This phase of natural gas expansion is driven by plentiful, affordable supply and extensive infrastructure development, resulting in gas prices declining by 45% since 2010

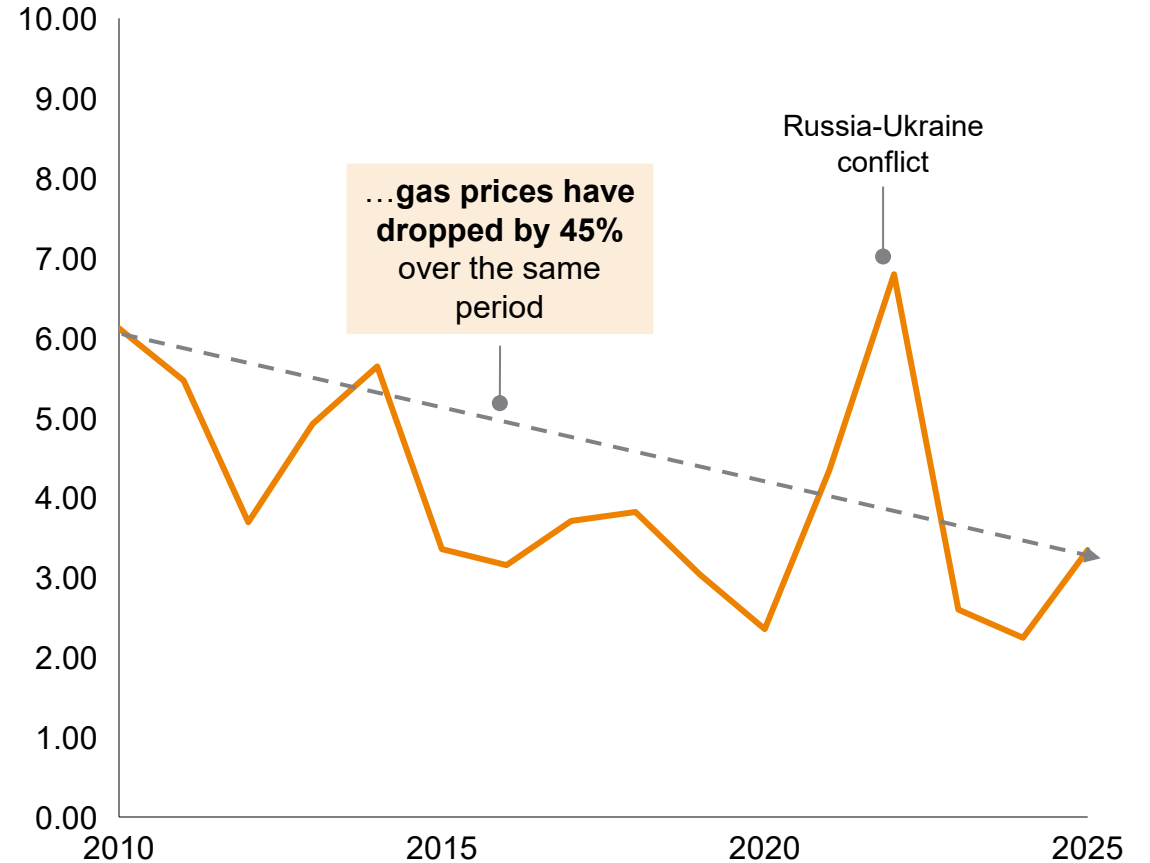
### US Lower 48 Gas Supply Growth

Bcf/d



### Henry Hub Gas Prices

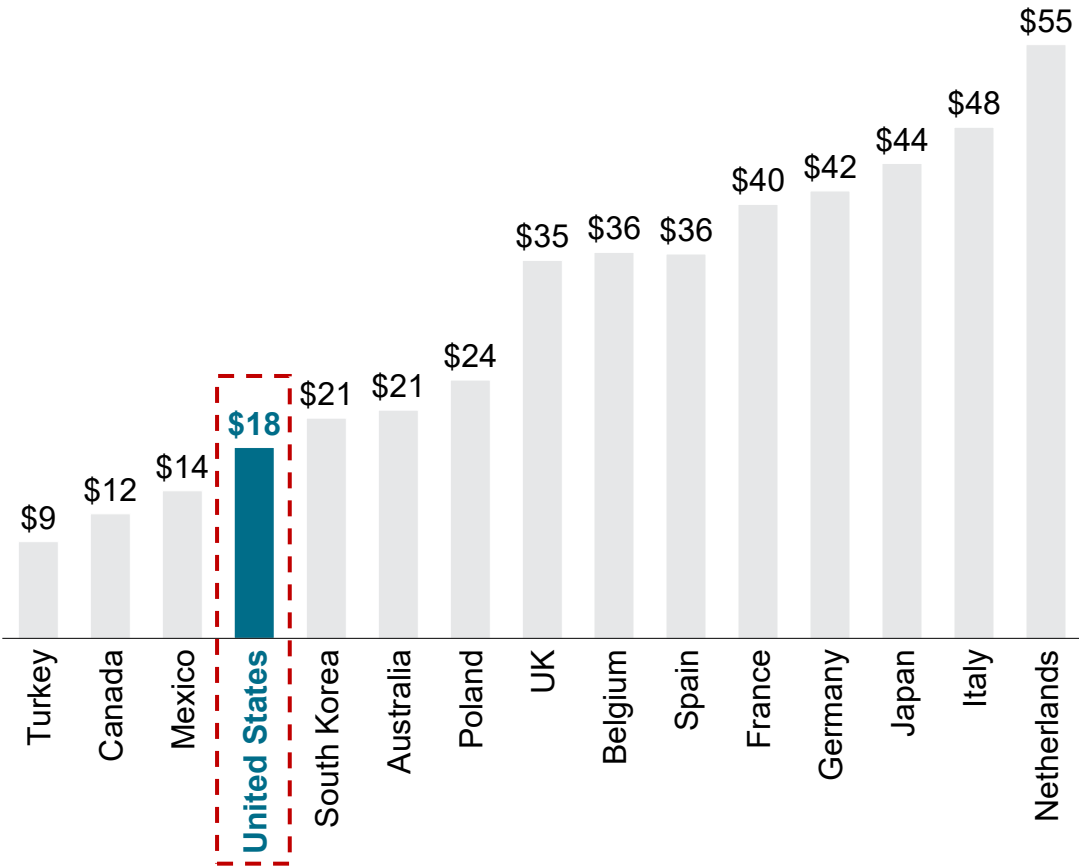
Real 2024 \$/MMBtu



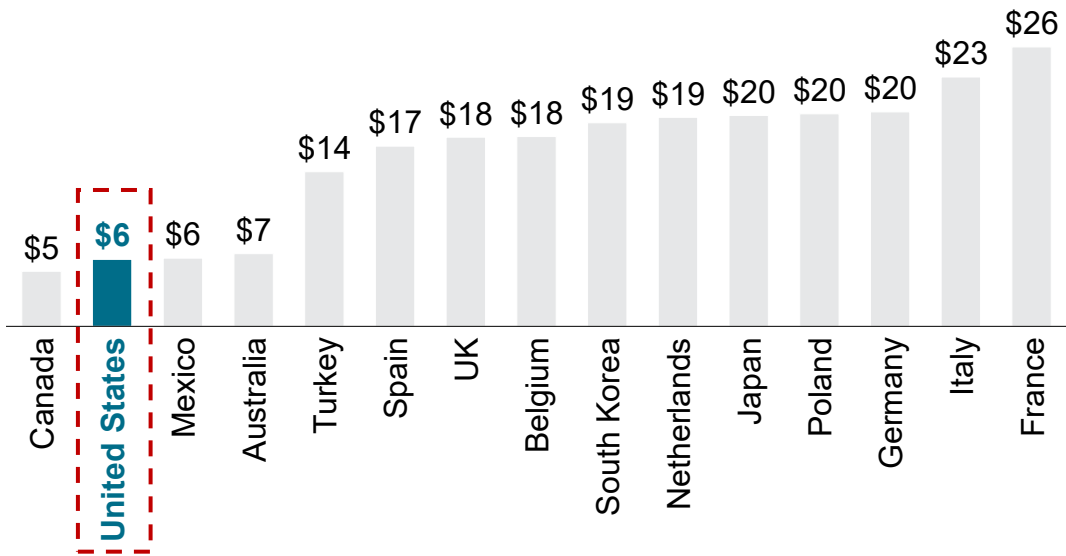
Source: S&P Global Commodity Insights

As a result, US natural gas prices rank among the lowest in the world (about 30% of most European countries), representing a significant competitive advantage for the US

**Residential Natural Gas Prices by Country<sup>1</sup>**  
Real \$/MMBtu (2024 Average)



**Industrial Natural Gas Prices by Country**  
Real \$/MMBtu (2024 Average)



1. Top 15 OECD Countries by population with publicly available data  
Source: IEA, S&P Global Commodity Insights



# Contents

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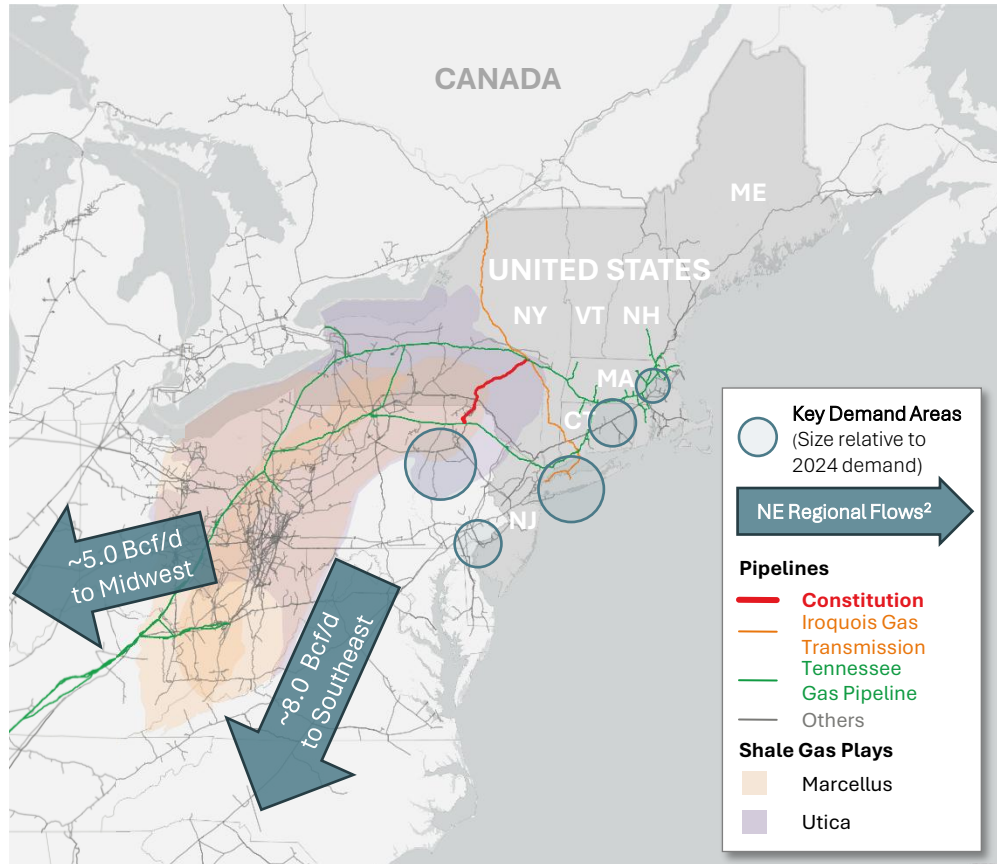
Key Takeaways


Appendix


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# The Northeast<sup>1</sup> gas markets face unique challenges – despite huge nearby resources, pipeline constraints limit supply access, leading to price spikes during demand peaks

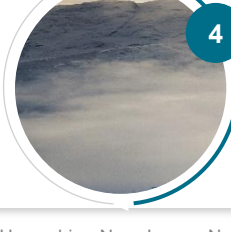
## Northeast Gas Key Basins, Infrastructure and Demand Areas<sup>2</sup>



- 

The NE **holds 620 Tcf** of commercial gas resources in the **Marcellus/Utica**, one of the largest and most economic basins in the world
- 

Large, **highly seasonal demand market where peak demand is double summer levels** (which significantly strains pipeline infrastructure)
- 

**Pipeline constraints reduce the system's ability to effectively serve peak demand...**
- 

**...causing sharp price spikes** that can reach **36x** average levels in a given day

1. US Northeast includes the states and district of Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia

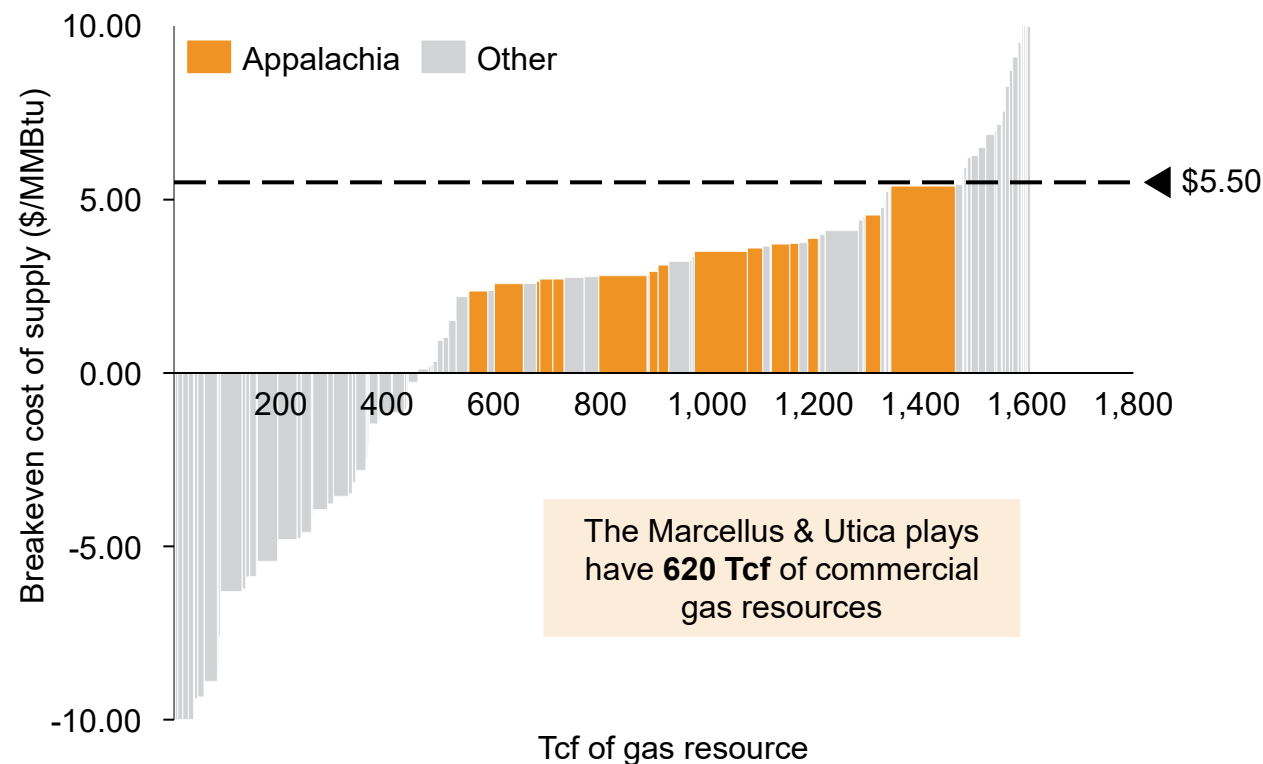
2. Main Northeast inter-regional gas net flows as of 2024

Source: S&P Global Commodity Insights

This market has direct access to the Appalachia basin, one of the largest and most economic resource bases in the world (encompassing the Marcellus and Utica plays)

### Lower 48 US Onshore Commercial Gas Resources by Play<sup>1</sup>

\$/MMBtu, Tcf of gas resource



### Appalachia Basin alone has enough gas to potentially...



Guarantee gas availability to support US domestic demand plus exports for **16 years**



Deliver **uninterrupted power** to New York City's 8.5 million residents for a **full millennium**



Enable **a century of reliable food production** by ensuring long-term fertilizer supply

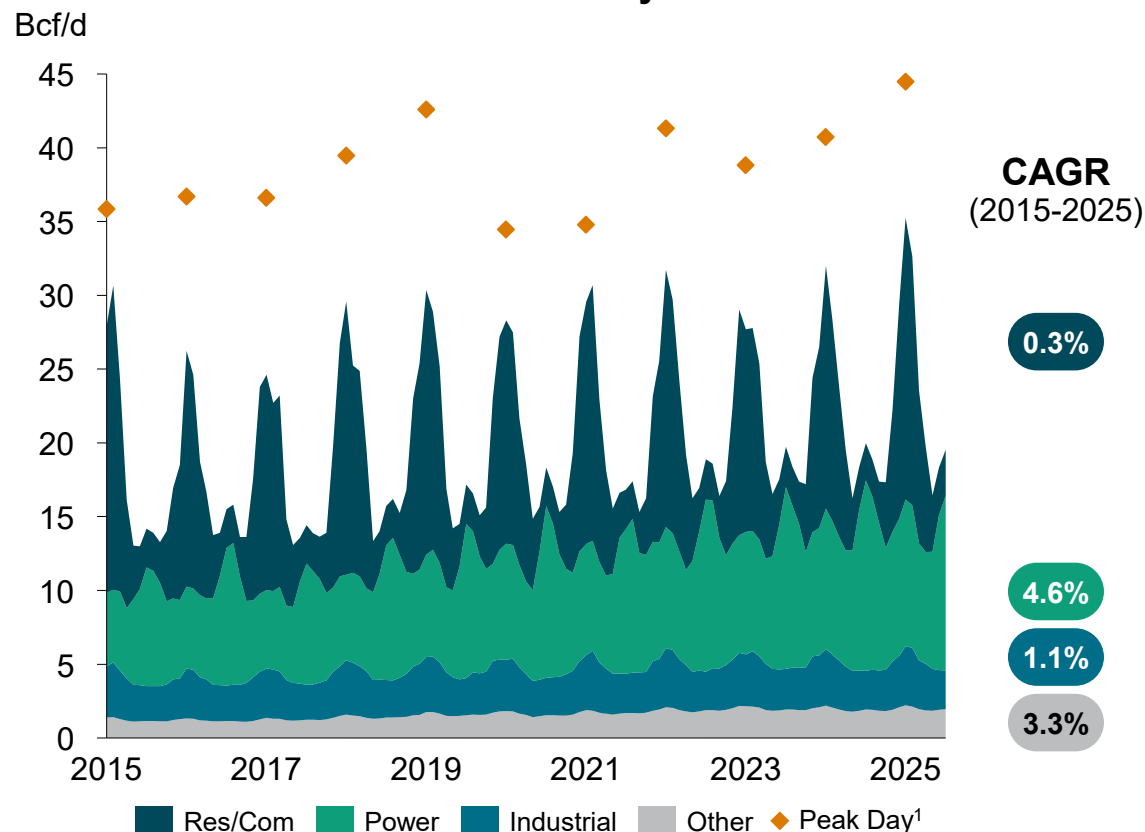


Deliver the energy required to support **all existing data centers for 100 years**

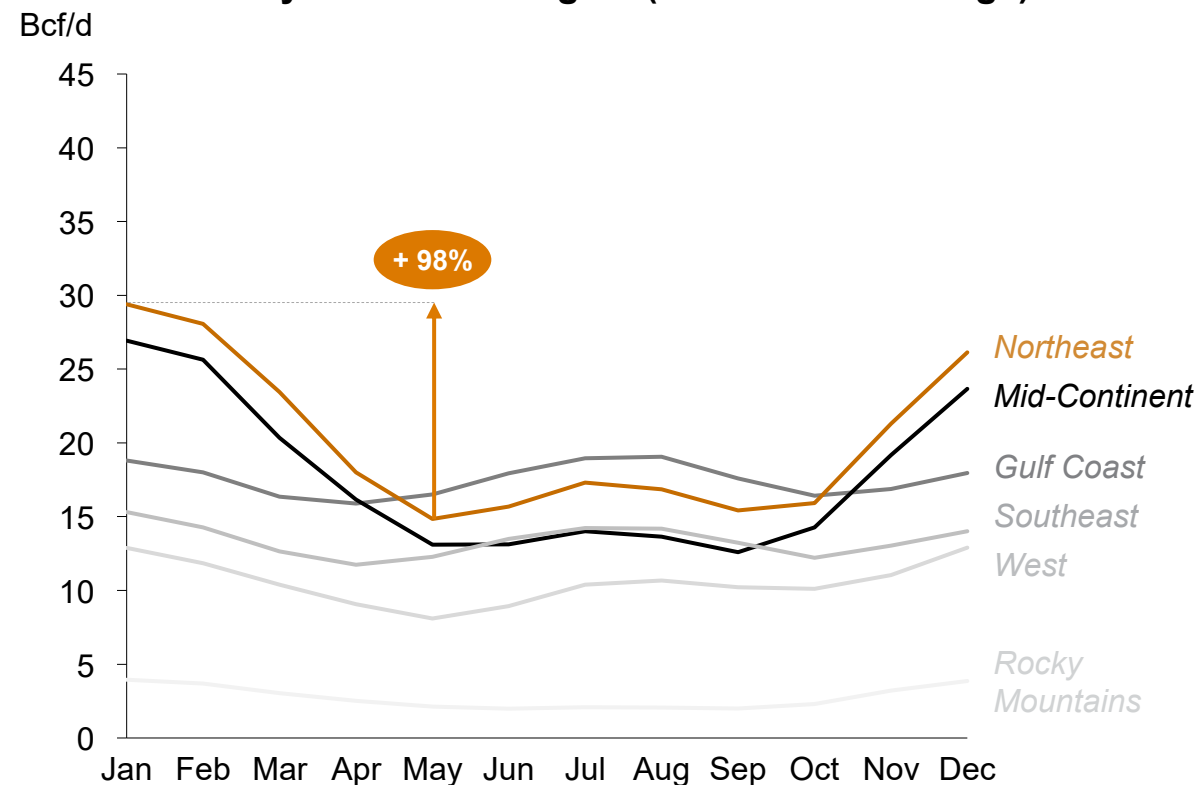
<sup>1</sup> Commercial gas resources are remaining recoverable volumes, economical at referred prices, that broadly align with 1P and 2P reserves but reflect a longer-term development outlook  
Source: S&P Global Commodity Insights

The region has a highly seasonal demand profile driven by winter heating, with peak month demand twice that of low demand months, straining the gas pipeline grid

### Northeast Historical Gas Demand by Sector



### Gas Demand by Month and Region (2015 – 2025 Average)

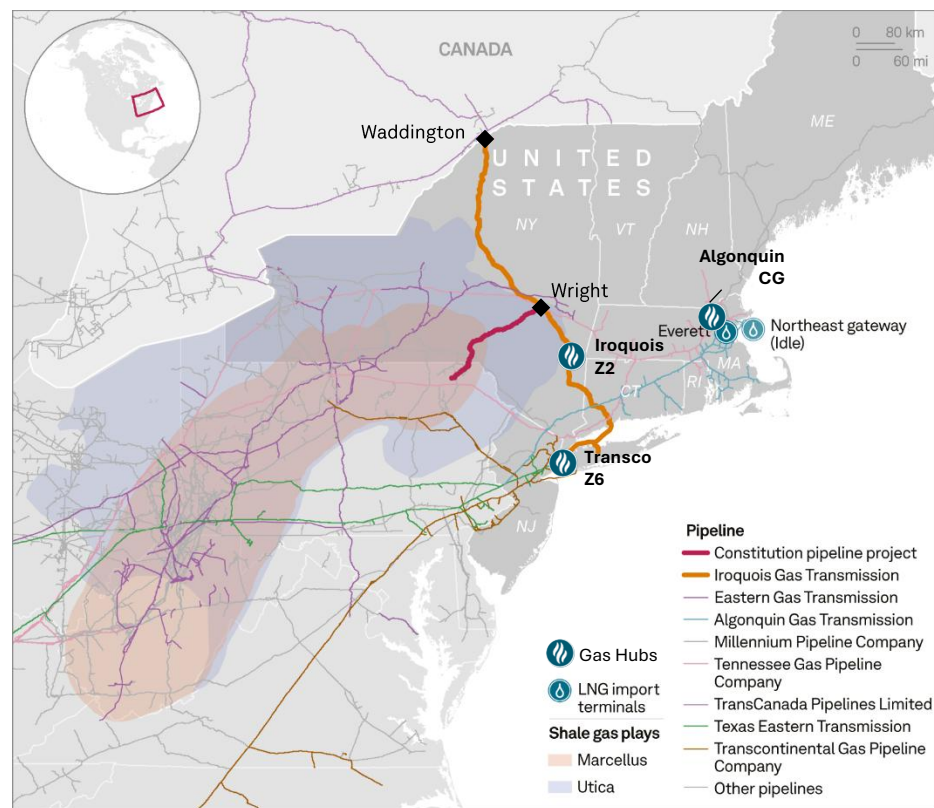


The gas pipeline system must be designed for peak resilience with **peak-day demand reaching 2x annual average levels** in the Northeast

1. Peak day represents the intra-year daily peak of total demand for a given year  
Source: S&P Global Commodity Insights

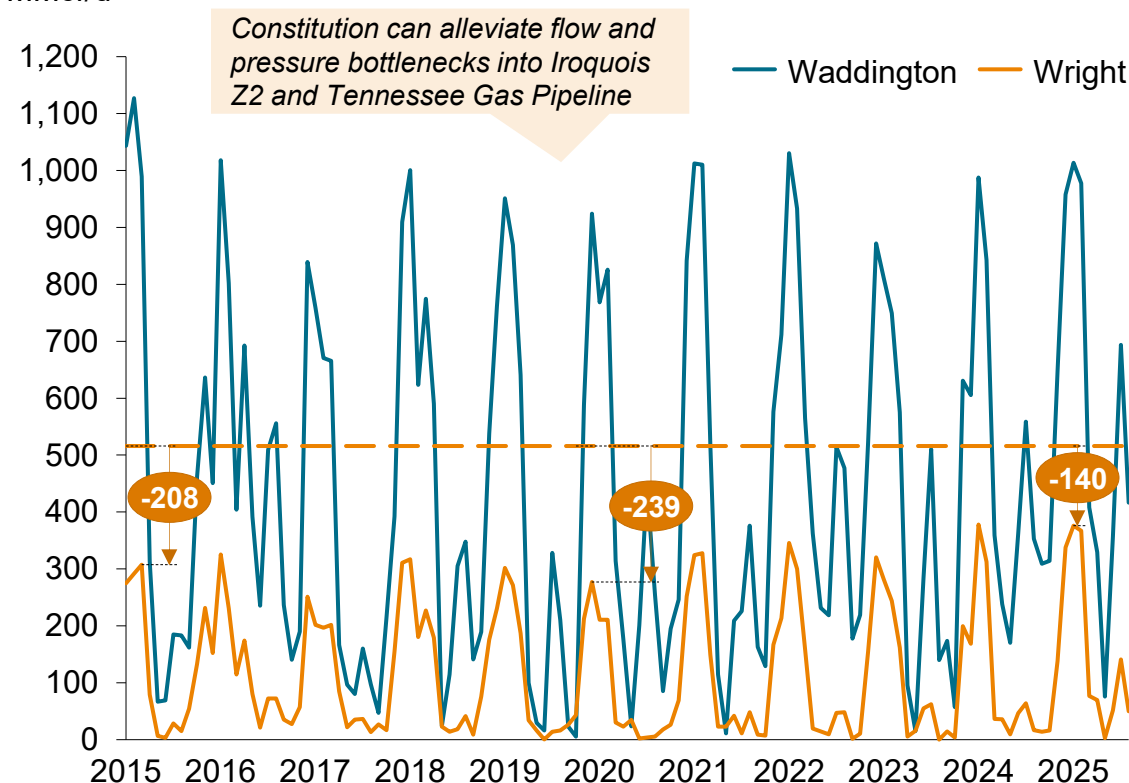
Improving access to affordable gas for regional end-users on peak days is necessary to alleviate a key bottleneck into two major regional pipeline networks at Wright, NY

### Select IGT<sup>1</sup> Connections in Northeast market



### Average Monthly Flows at Key IGT Points

MMcf/d



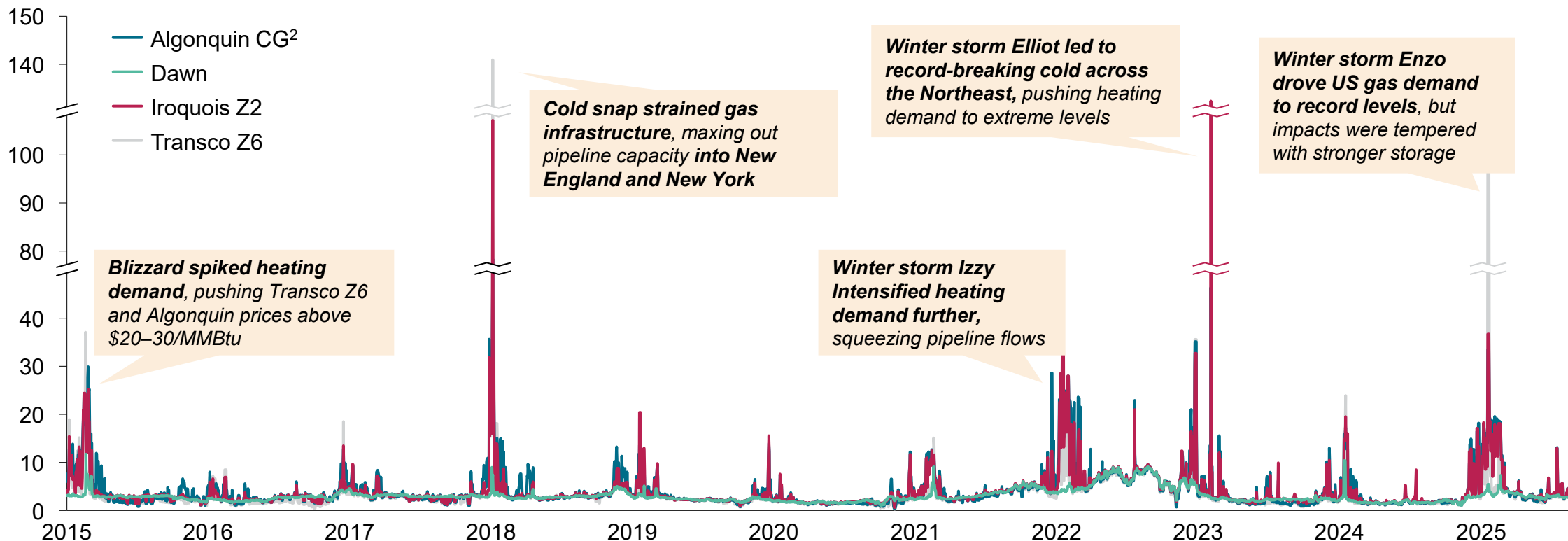
Flows entering IGT at Waddington, Ontario, CA are consumed along IGT Z1 prior to connecting with Tennessee Gas Pipeline system at Wright, NY, limiting downstream flows. As a result, Wright rarely operates at full utilization; **supply shortfall on peak days would exceed the monthly data shown**

1. Iroquois Gas Transmission  
Source: S&P Global Commodity Insights

These combined dynamics have generated seasonal price spikes and costly extreme pricing events, which are becoming more frequent (roughly every 5 years)

### Historical Daily Prices<sup>1</sup> at Select Northeast Gas Hubs

Nominal \$/MMBtu



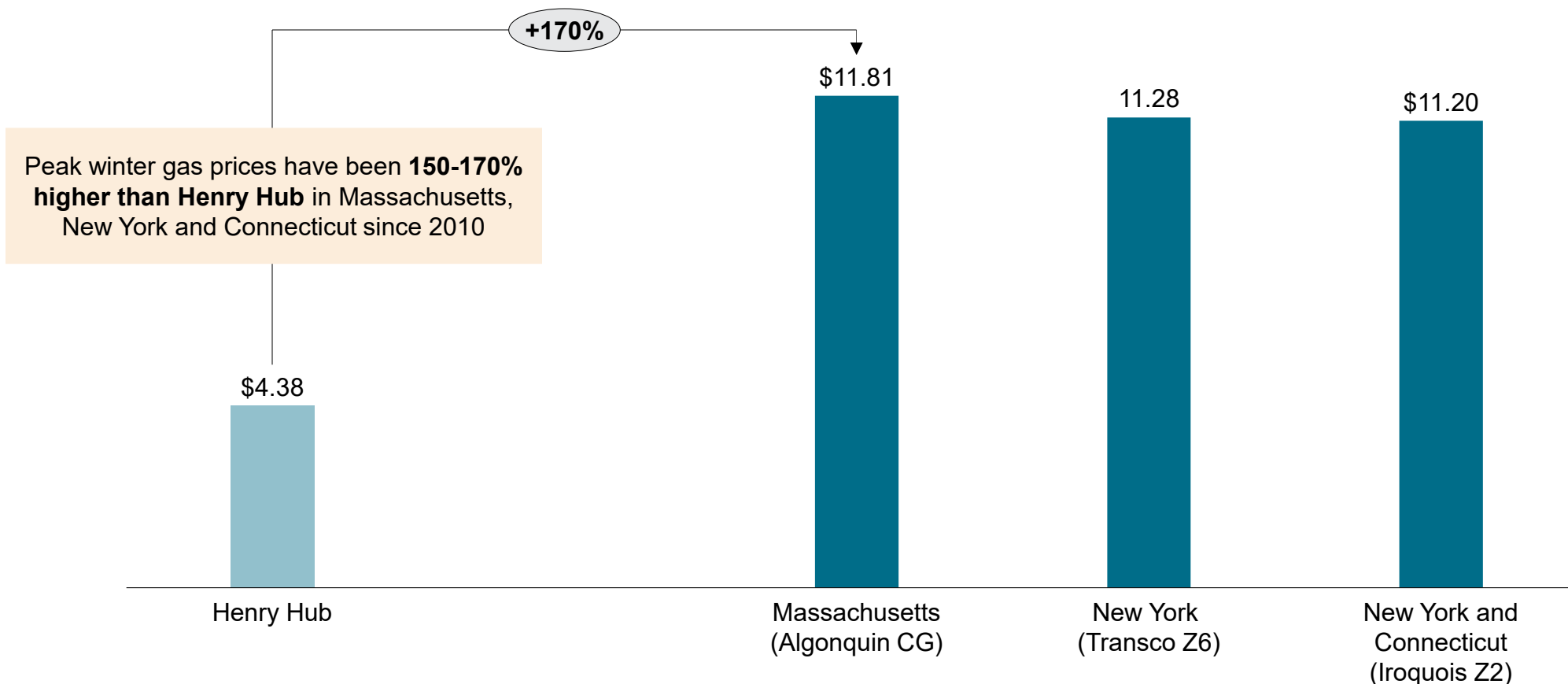
Weather-driven **price volatility is the new normal in the Northeast**, but \$20/MMBtu price levels are still exceptional in the broader U.S. context

1. Many gas buyers are not subject to these extreme prices (due to existing firm pipeline capacity which enables commodity purchases at 1st of month index or from in-basin hubs); 2. Algonquin City Gates  
Source: EIA, S&P Global Commodity Insights

In fact, peak Northeast gas prices have averaged at least 2.5x the national benchmark Henry Hub winter average over the past 15 years, raising regional end-user costs

### Historical Natural Gas Prices at Select Hubs (January Average for the 2010 – 2025 Period)<sup>1</sup>

Real 2024 \$/MMBtu

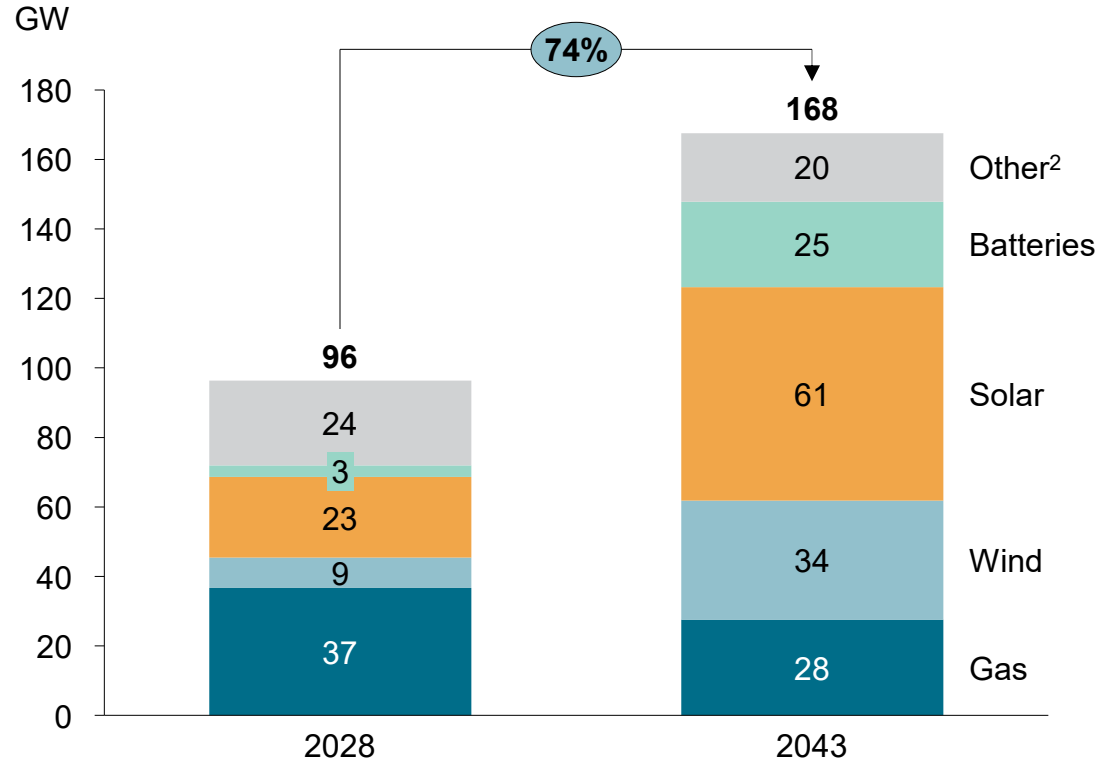


1. This analysis considers wholesale gas prices; the impact of daily spot market purchases tends to have an outsized impact on these prices, which differs from end-user retail price impacts  
Source: S&P Global Commodity Insights



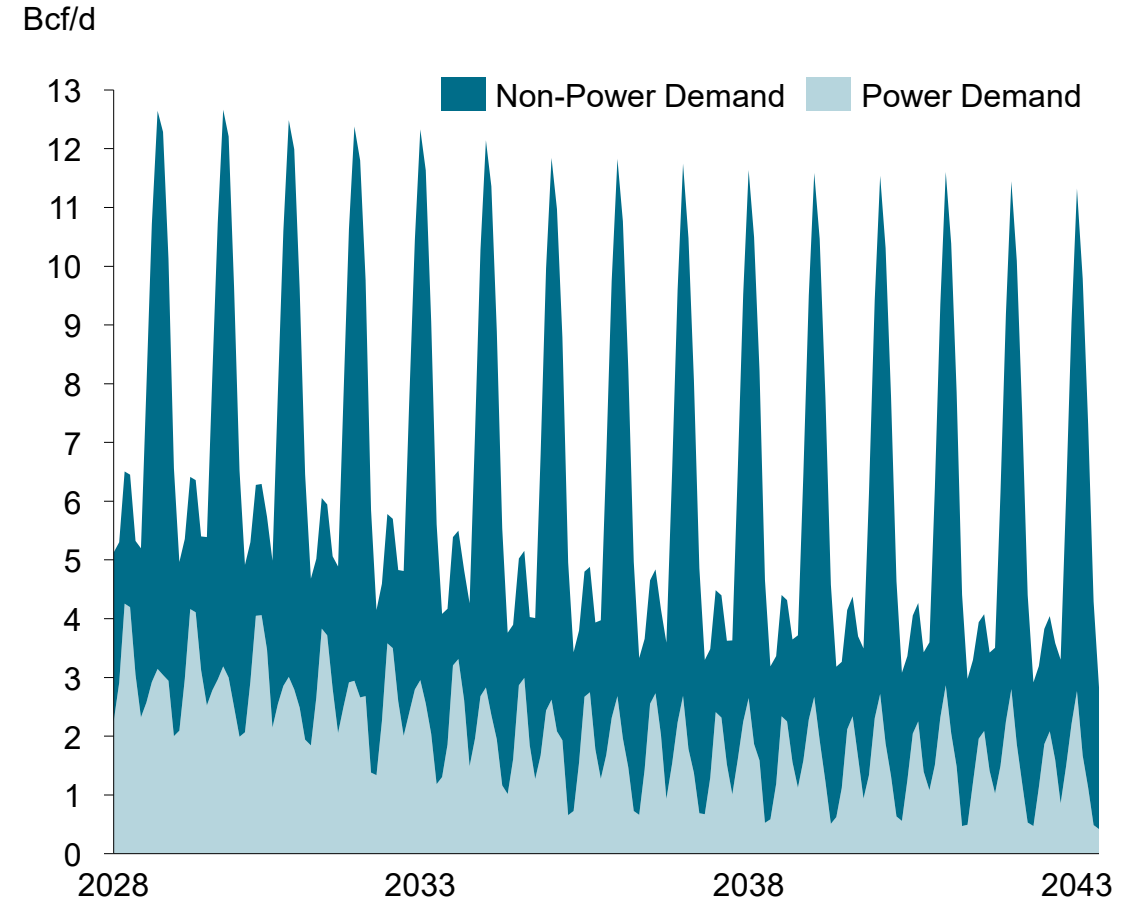
Even with strong renewables build-out and electrification of more end uses, regional gas markets are projected to remain tight in winter, with persistent peak demand

### NYISO and ISO-NE Installed Power Capacity by Fuel<sup>1</sup>



Natural gas still plays a key role in the electrification boom by providing **reliability to back-up intermittent renewables**

### Constitution Footprint Monthly Gas Demand Outlook (2028-43)<sup>3</sup>



1. Assumes timely construction and in-service years of renewables projects as planned in their respective ISOs; 2. Other includes Coal, Oil, Nuclear, Hydro, Biomass, Geothermal and Pumped Storage;

3. Initial contract term of Constitution Pipeline, including New York, New Jersey, and New England

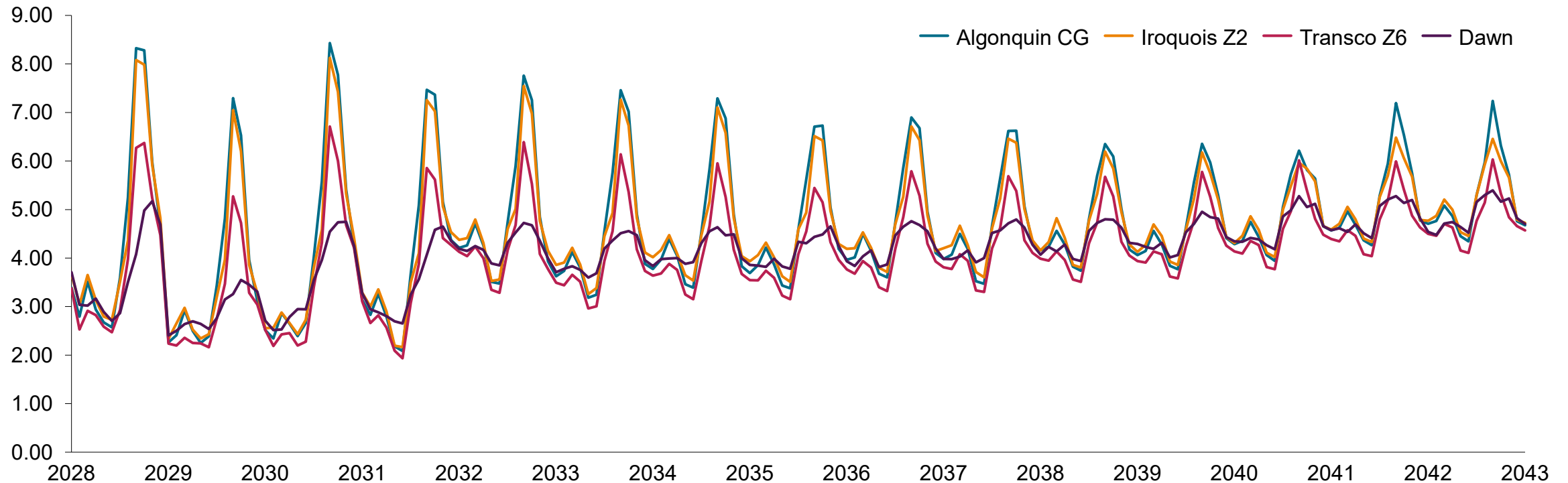
Source: S&P Global Commodity Insights



Without additional infrastructure, Northeast wholesale winter gas prices will remain high and prone to extremes, leaving end-users potentially exposed to high costs and volatility

### Monthly Price Outlook for Select Hubs

Real 2024 \$/MMBtu



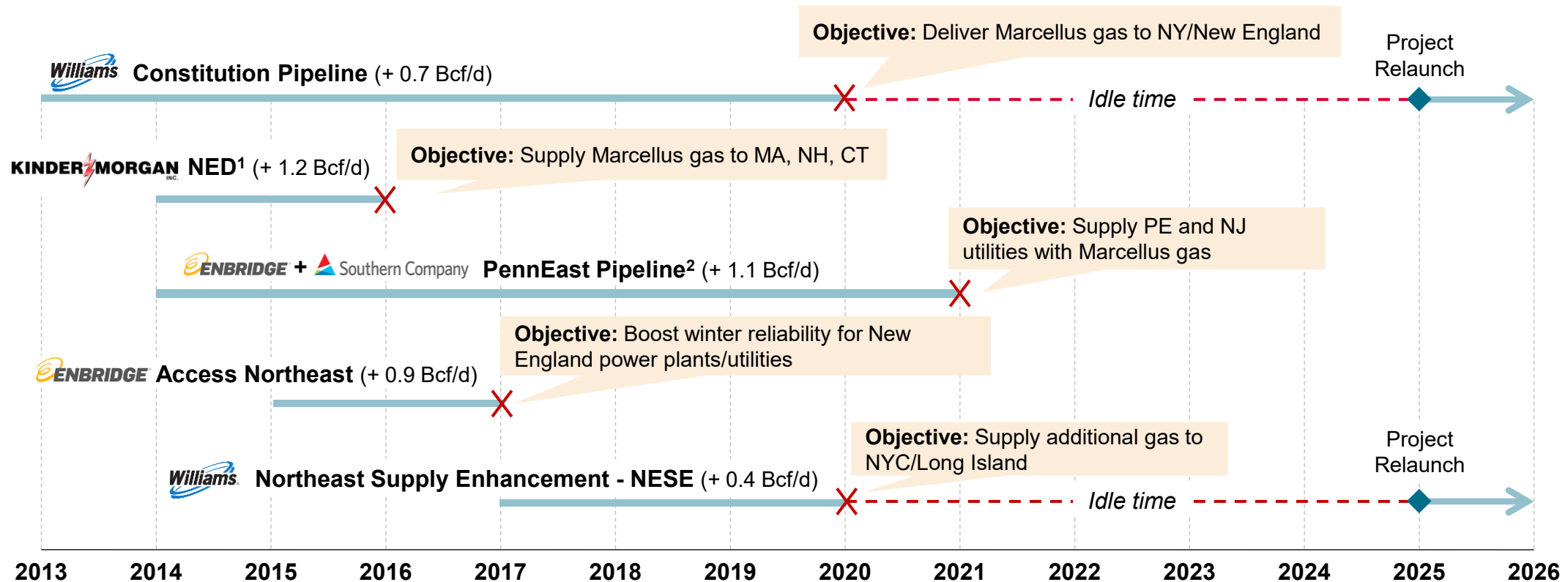
Consistently high peak-month demand in January across Northeast markets leads to **significant risk of price spikes assuming no new pipelines are constructed** to alleviate supply constraints. These spikes occur in S&P's models assuming optimal pipeline flows; **real consumer risk is far greater**

Source: S&P Global Commodity Insights

Despite multiple attempts over the past decade to increase pipeline capacity and bring more supply to the region, no large pipeline project has overcome regulatory challenges

### Northeast Gas Pipelines Projects Timeline (2015 – 2025)

NOT EXHAUSTIVE

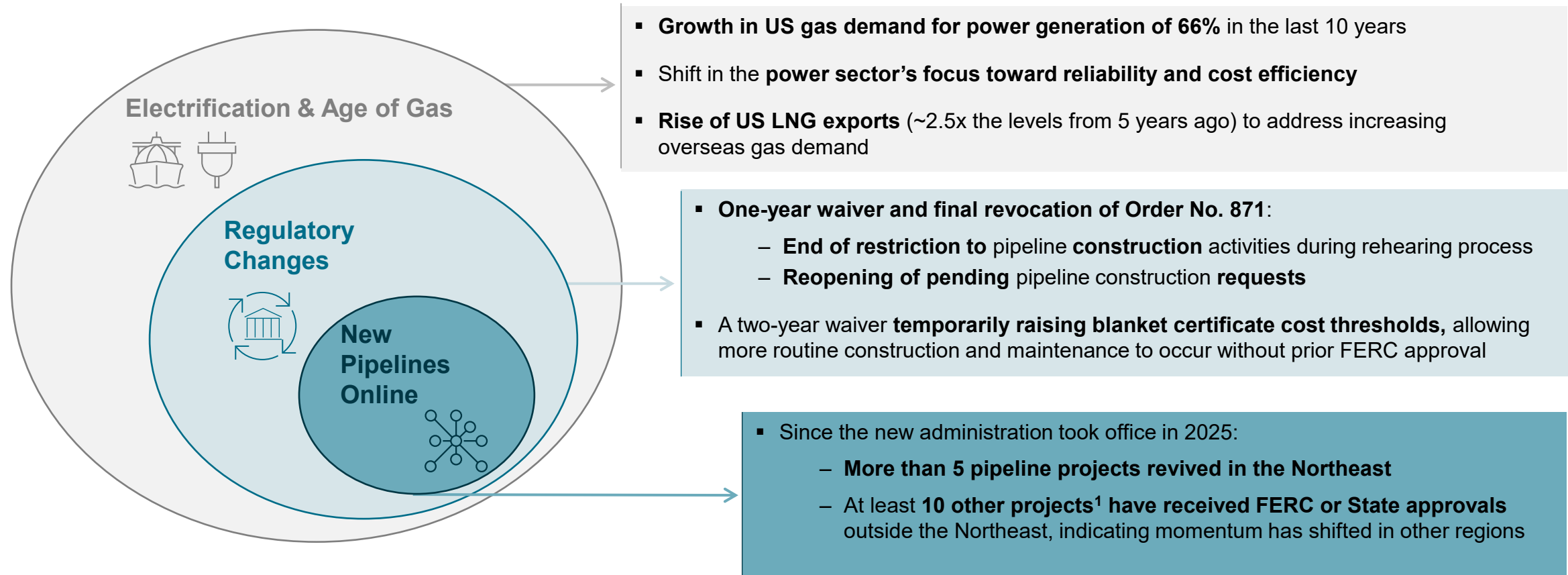


**Over 4 Bcf/d of new projects** (~50% of Constitution's footprint demand) have been proposed to improve Northeast pipeline infrastructure issues, but **due to political pressures none moved forward**

1. "NED" = Northeast Energy Direct; 2. Consortium includes Enbridge, South Jersey Industries Inc, New Jersey Resources Corp, Southern Co. and UGI Corp.  
Source: EIA, FERC, S&P Global Commodity Insights

However, there is renewed optimism with policy focus at the federal level to streamline energy infrastructure permitting and accelerate gas pipeline approvals and timelines

## Elements Driving Gas Midstream Expansion in the US



1. Including upgrades, reversals, laterals and capacity leases  
Source: S&P Global Commodity Insights

# Contents

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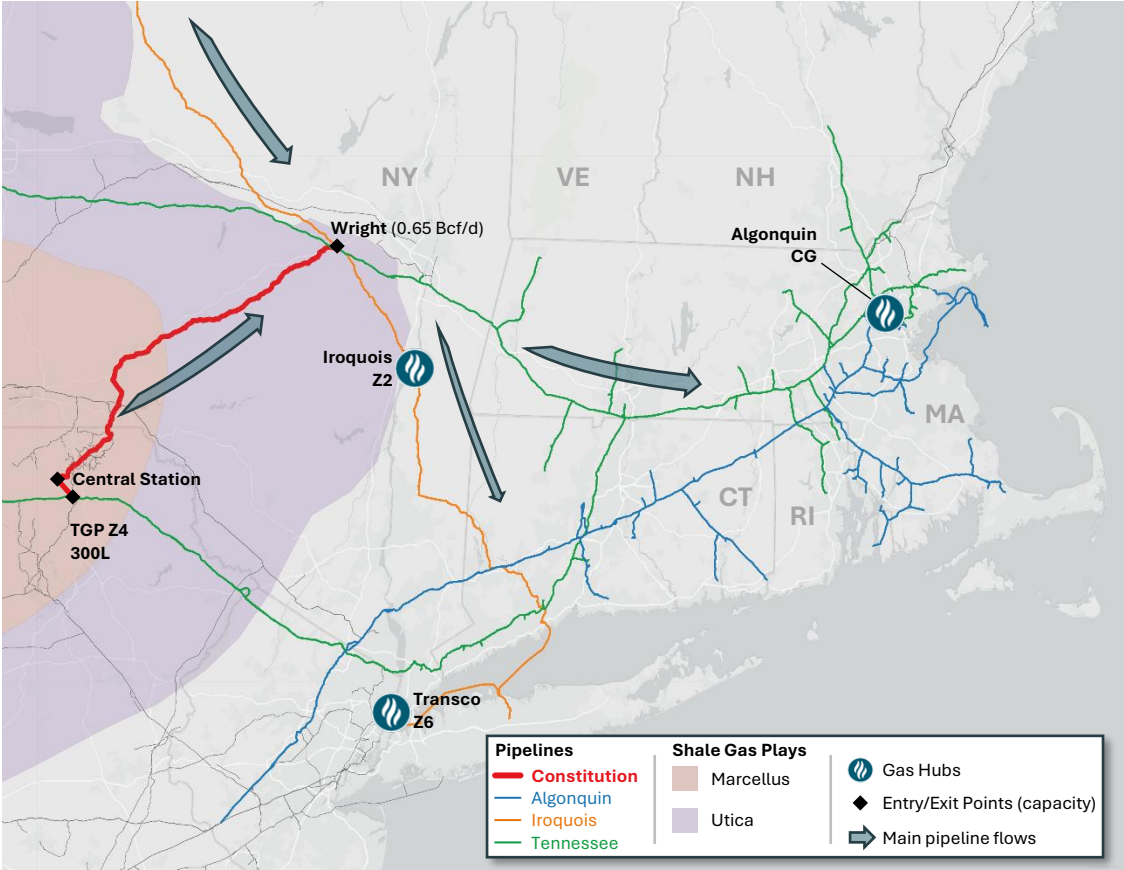
Key Takeaways

Appendix

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# Constitution Pipeline would increase delivery capacity of lower cost gas supply into constrained Northeast gas markets, alleviating a key winter bottleneck into New England

## Constitution Pipeline Map



Source: S&P Global Commodity Insights

### Project Specifications

~135 Miles Length   30-inch Pipe Diameter   650 MMcf/d Firm Capacity   ~\$1.2 B Capex

### Supply

- Direct access to Marcellus gas, enabled by incremental 22,000 hp, increasing supply optionality

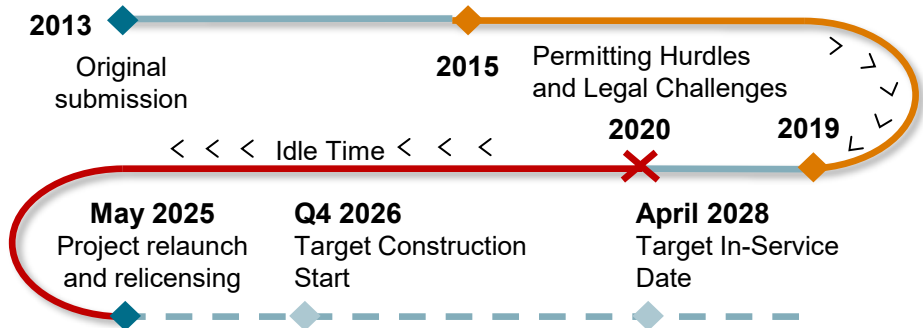
### Demand

- Aimed at serving a diverse and large number of customers, mostly LDCs and power generators

### Strategic Rationale

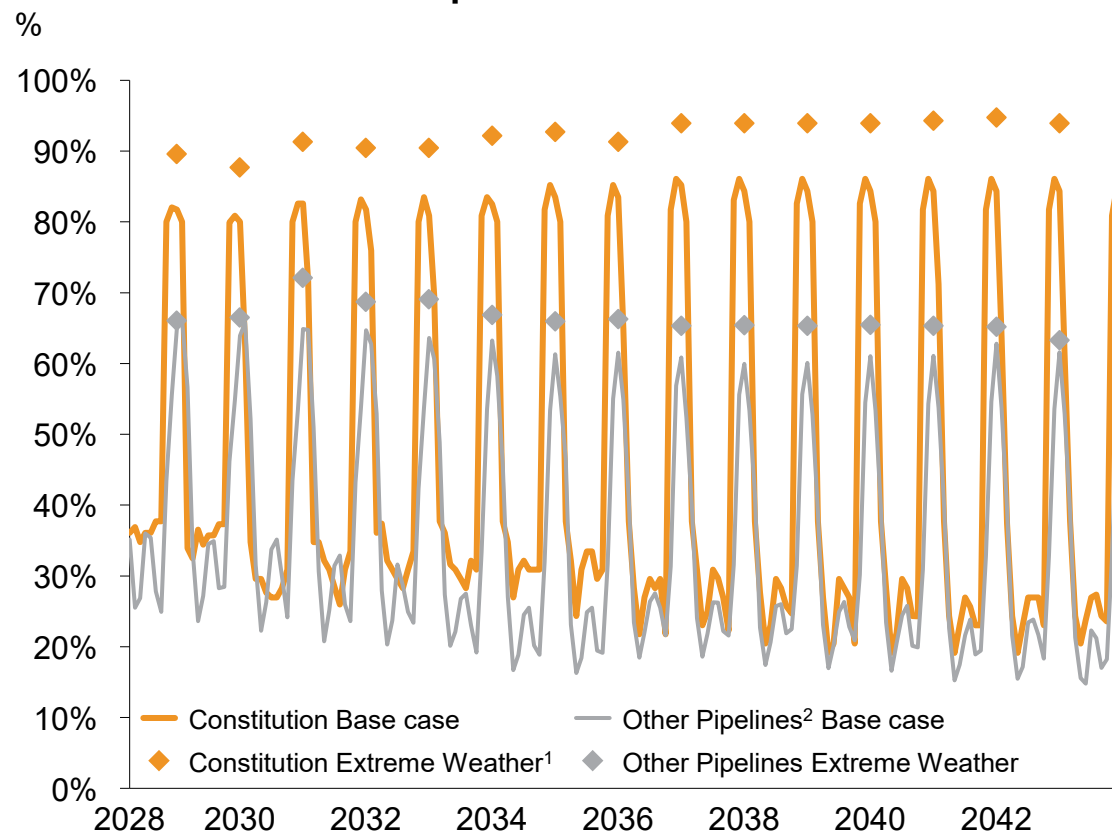
Constitution targets enhancing affordability for millions by delivering additional natural gas to the US Northeast, improving grid reliability, and lowering emissions

### Project Timeline



The pipeline is expected to achieve a higher utilization than other regional assets, due to its direct access to supply and ability to reduce costs in Northeast gas & power markets

### Constitution vs. Other Pipelines Modeled Flows



Constitution Pipeline is forecast to have **85-90% utilization on peak**; the seasonal utilization is representative of other assets in the region

### Constitution is projected to have a wide range of benefits....



1

Constitution **reduces gas prices** during market dislocations caused by outages and extreme weather, **leading to savings of up to \$8.9 B**



2

Over 15-year contract period, average weather modeling leads to material drops in wholesale gas and power prices, **saving up to \$2.6 B**



3

After accounting for cost of service, the **net savings of up to \$8.5 B** leads to **\$4.5 B in GSP<sup>3</sup>** and **supports 2,000 jobs annually**



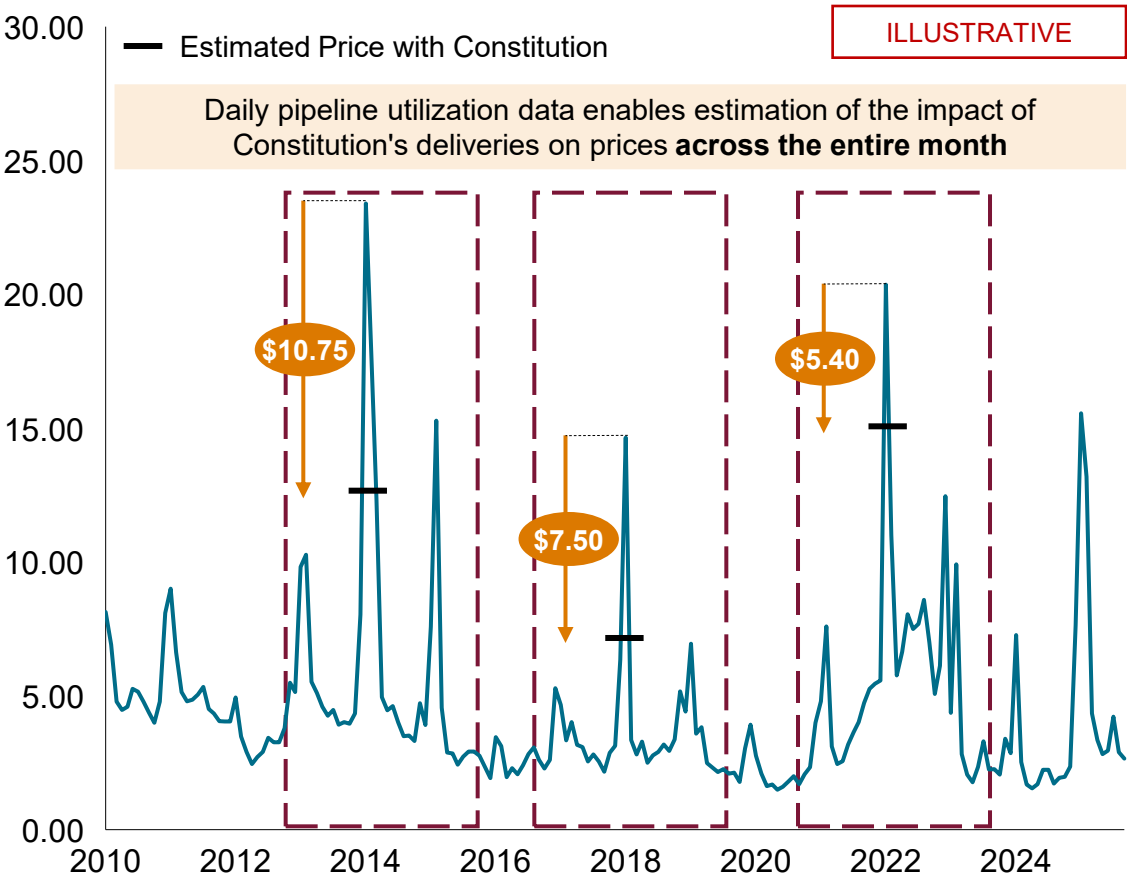
4

Increases natural gas supply to the region, potentially **supporting greater heating oil replacement**

1. Extreme Weather Sensitivity represents a modeled scenario which includes high demand and infrastructure constraints, approximating extreme weather-induced price events; 2. Other includes Iroquois, Tennessee Gas and Algonquin; 3. GSP – Gross State Product  
Source: S&P Global Commodity Insights

Within the Northeast, at least 3 extreme price events were registered during the last 15 years (plus additional years of elevated prices); Constitution would mitigate these effects

Iroquois Z2 Natural Gas Monthly Historical Prices<sup>1</sup>  
\$/MMBtu



Extreme Price Reduction Methodology

8.4 Bcf/d of impacted demand	Constitution would impact various pricing hubs across <b>CT, MA, NY and RI</b> , benefitting industrial users, LDCs and power generators <sup>2</sup>
\$3-7/MMBtu savings all months	Increased supply could have reduced <b>peak month prices at Iroquois Z2 by nearly \$7/MMBtu on average</b> , with smaller impacts on Algonquin CG, Transco Z6 and Dawn
3x across 15 years	It is reasonable to assume that <b>at least 3 extreme price events would occur in the next 15 years</b> , with adjacent years also elevated due to cumulative storage effects
\$8.9 B across events	These monthly savings <b>multiplied by the total gas demand</b> provides <b>nearly \$3 B in savings each event</b>

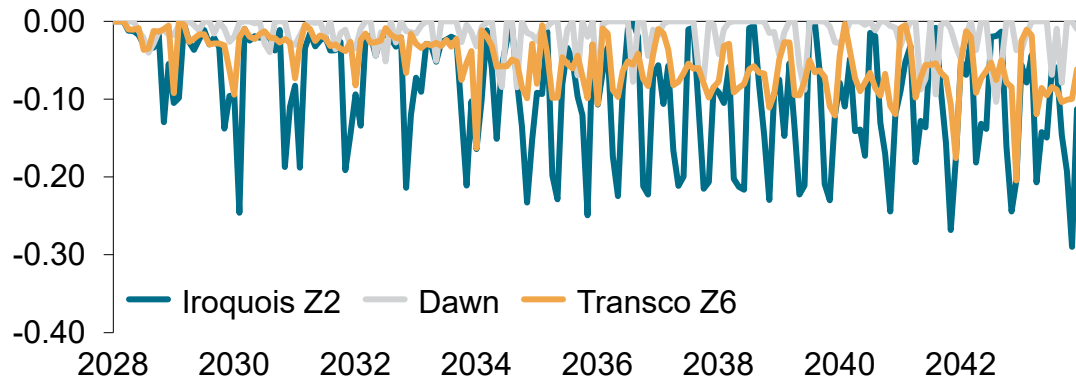
1. See Methodology in the Appendix for further details; 2. The extent to which demand is exposed to price spikes depends on contractual agreements and how they charge end-consumers; this varies greatly among sectors, with power having the most direct passthrough  
Source: S&P Global Commodity Insights



Constitution will reduce wholesale gas prices up to 6% in average winters, power savings increase over time as electrification boosts demand for dispatchable power during winter

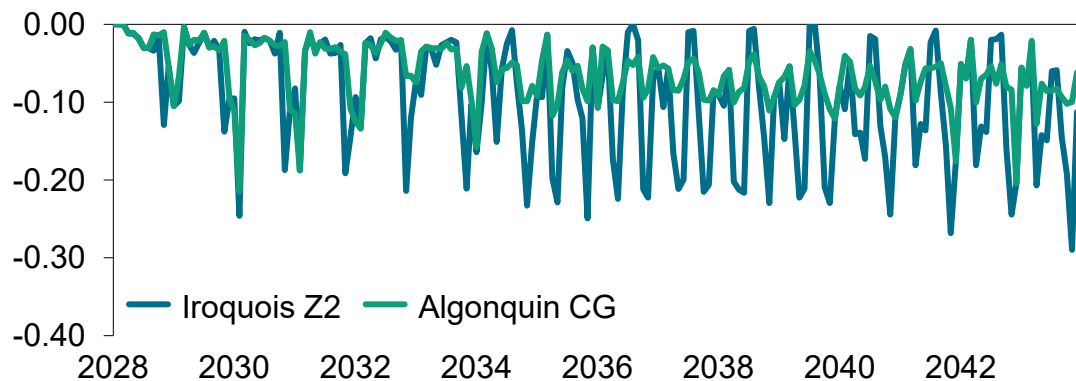
### New York Gas Price Impact of Constitution

Real 2024 \$/MMBtu



### New England Gas Price Impact of Constitution

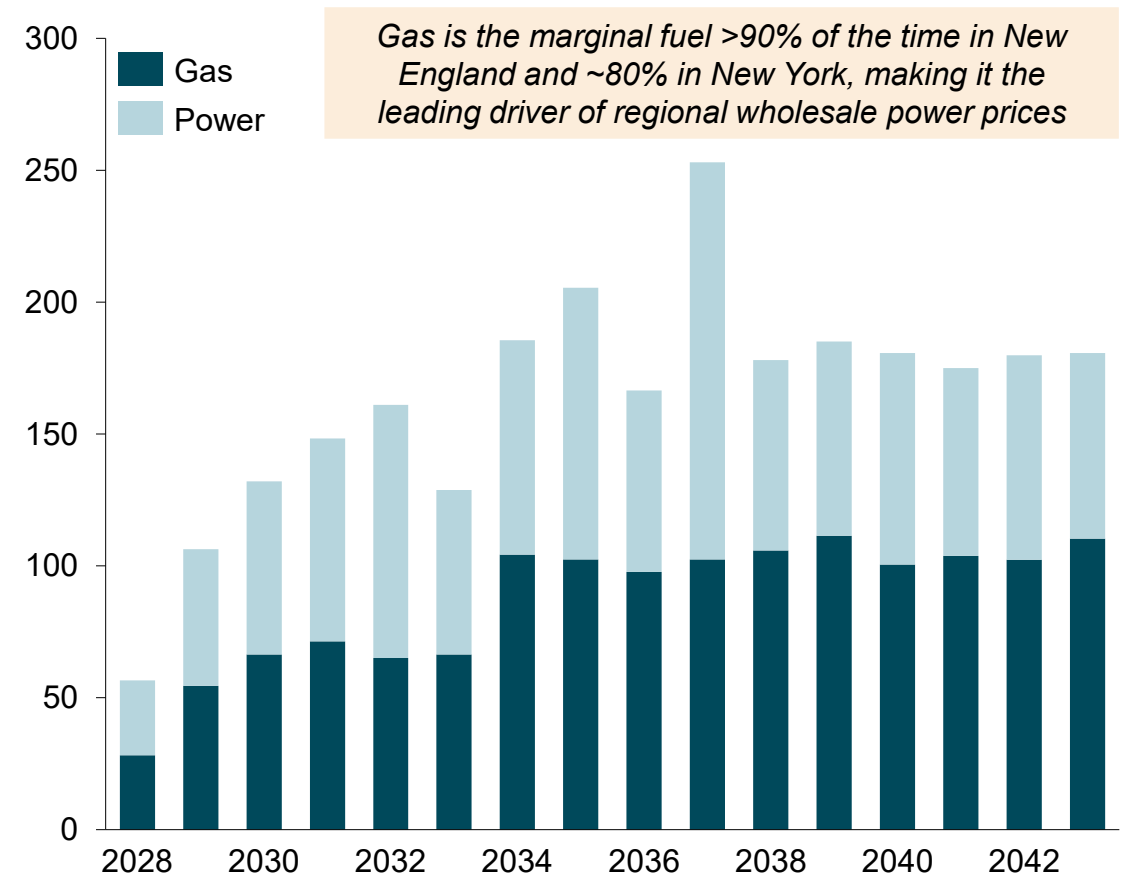
Real 2024 \$/MMBtu



Source: S&P Global Commodity Insights

### Gas and Power Savings with Constitution (Average Weather)

Real 2024 \$ Millions

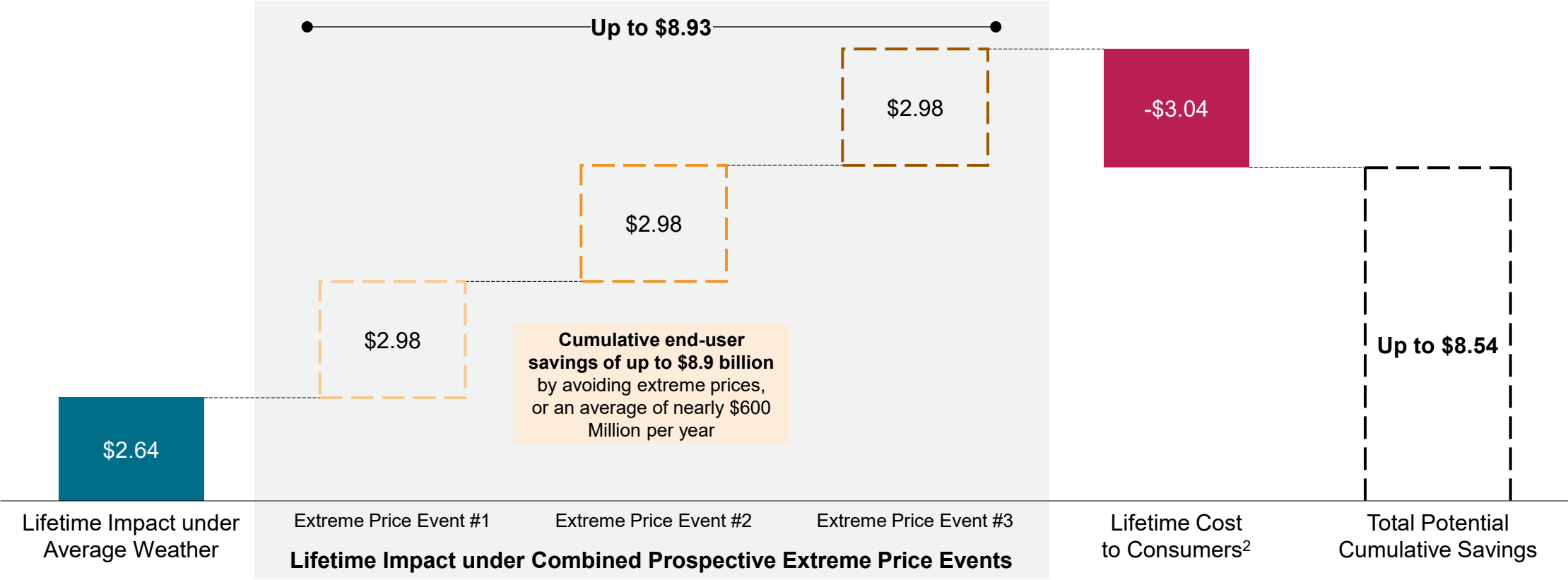




Avoiding a single extreme price event in addition to average weather savings offsets 15 years of end-user costs; recent history would imply net savings of up to \$8.5 billion

Cumulative Savings Across Constitution Pipeline Contract Term<sup>1</sup>

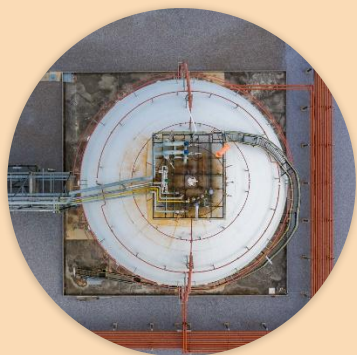
Real 2024 \$ Billions



1. See Methodology in the Appendix for more details; 2. Assumes annual cost of service equal to 20% of capex, which is common for interstate pipelines in the region and may not reflect actual cost of service for Constitution Pipeline  
Source: S&P Global Commodity Insights

The construction of Constitution Pipeline is estimated to have cascading effects across the region, generating up to \$4.4 B in regional GSP and supporting nearly 2,000 jobs annually

2028 – 2043<sup>1</sup>



**\$8.5 B**

Max. Cumulative Net Savings Across Constitution Pipeline Project Contract Term



**~2,000**

Average annual direct, indirect and induced US jobs supported



**\$4.4 B**

Impact on Regional GSP



**\$432 M**

Total federal and state tax revenues



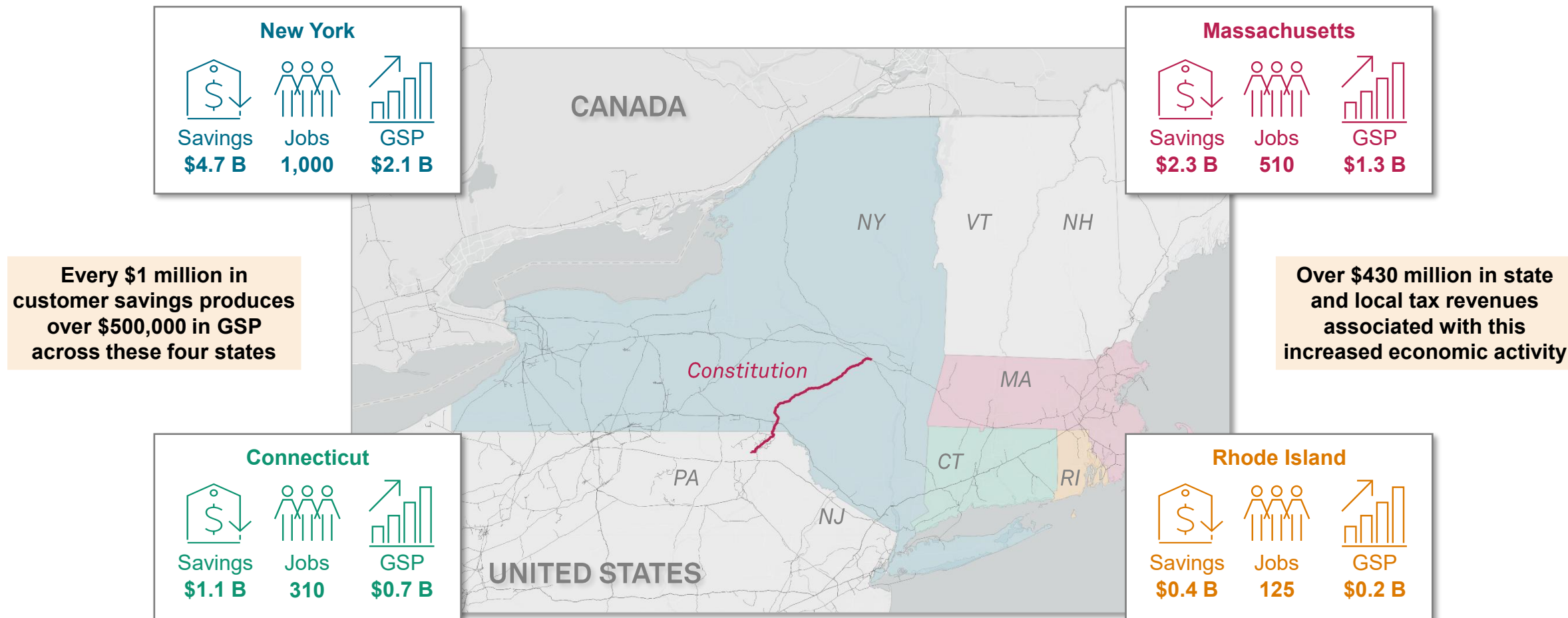
**\$8.5 B**

Total revenues for NY, CT, MA and RI businesses

1. Unless otherwise stated, monetary figures are cumulative results from 2028 – 2043 in real 2025 USD  
Source: S&P Global Commodity Insights

Economic impacts are distributed throughout the region, highlighting the effect of expanding infrastructure to support highly integrated gas and power markets

### Impact of Constitution Pipeline on Gross State Product, Savings<sup>1</sup> (2028-43) and Annual Additional Jobs Supported

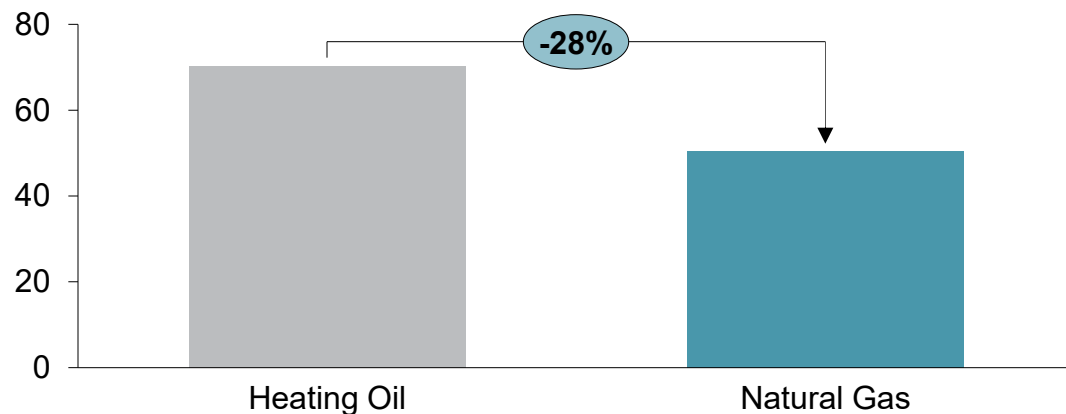


1. Total Savings are net of end-user costs and are based on pro-rata share of footprint natural gas demand for each state and does not reflect ultimate Constitution Pipeline shippers, which are uncertain at this stage  
Source: S&P Global Commodity Insights

Constitution would increase gas supply and could facilitate residential and commercial switching from heating oil to gas, which has a 28% lower combustion emission intensity

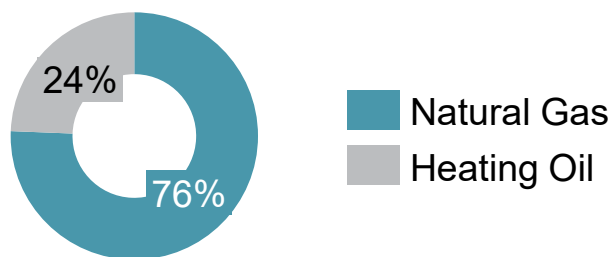
### Combustion Emissions Intensity, Heating Oil vs. Natural Gas

gCO<sub>2</sub>e/MJ



### 2024 ResCom Energy Mix, Constitution Impact Footprint

%



Increasing the natural gas share of ResCom demand by 1% in the relevant states would result in roughly 300,000 tCO<sub>2</sub>e avoided per year, equivalent to:



70,000 passenger vehicles

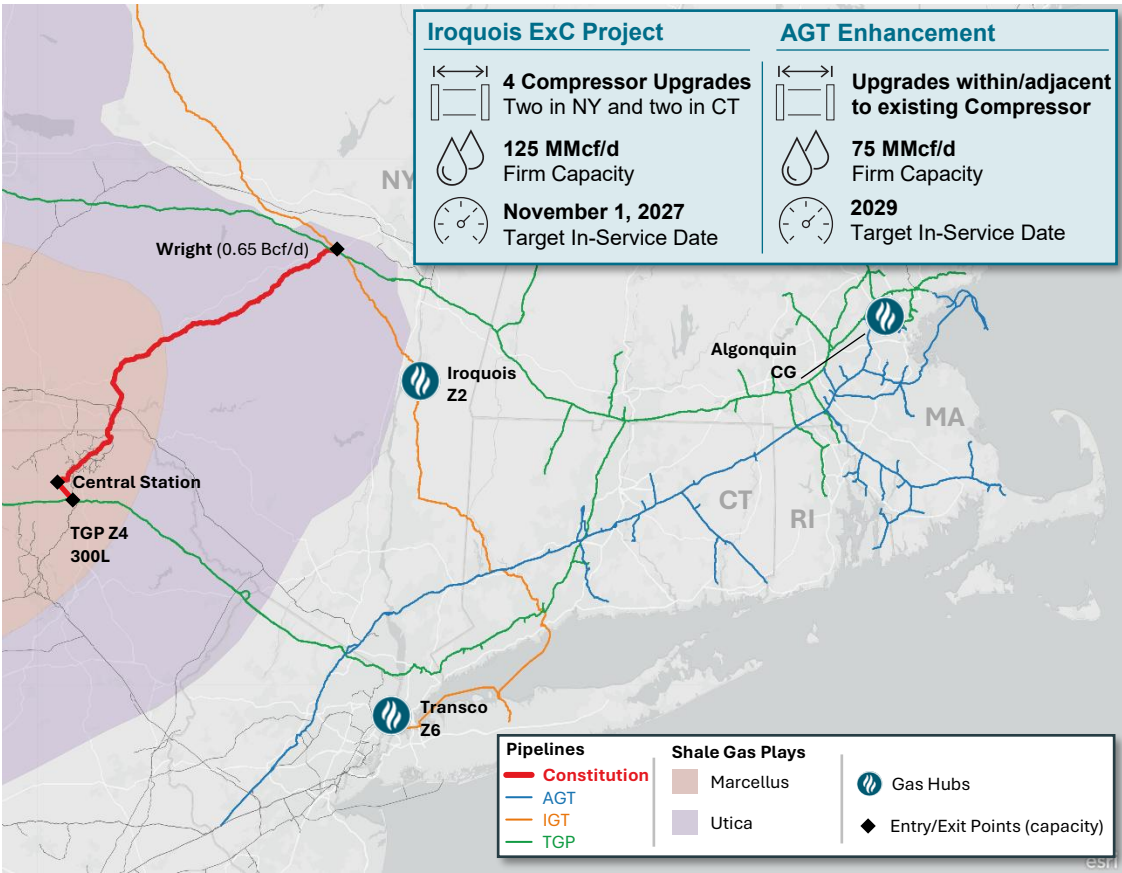
This equates to just over 5% of Constitution Pipeline's capacity

- Though residential and commercial consumers have been transitioning from heating oil to natural gas and all-electric options for heating, there remains a material portion of demand still served by higher-emitting liquid fuels
- The shift from heating oil to cleaner natural gas hinges on distribution pipeline availability, shipper contracts, conversion costs, and policy environment, which currently favors electrification

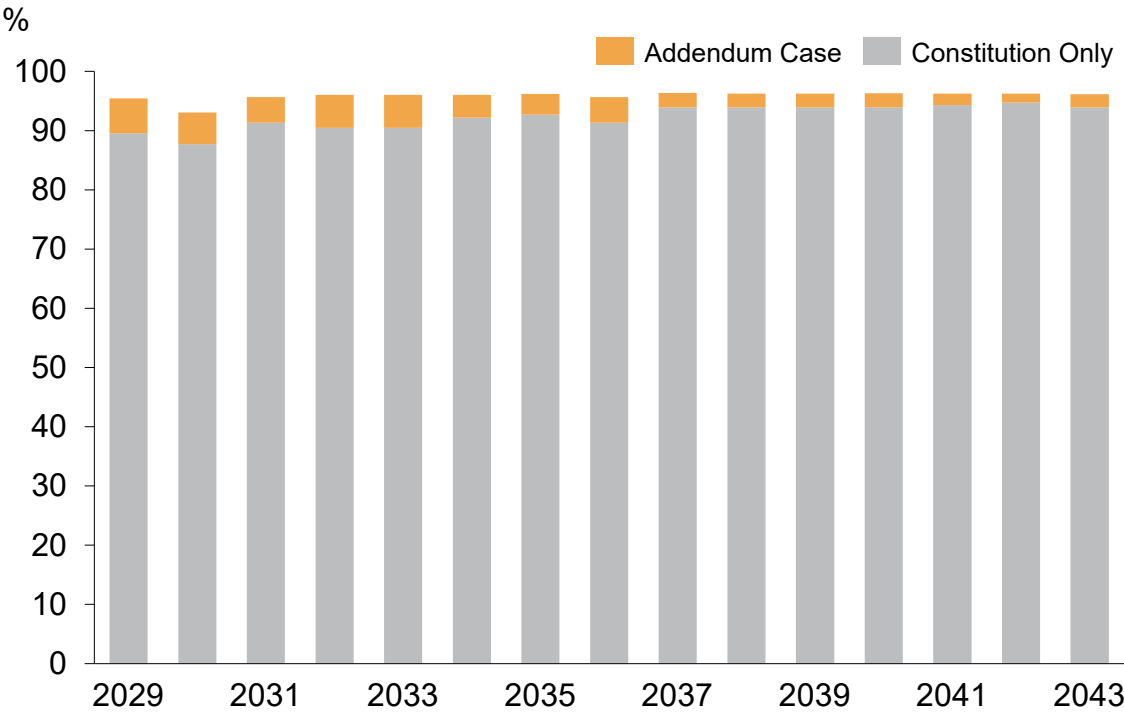
Source: EIA State Energy Data System, S&P Global Commodity Insights, US EPA

# Announced expansions on IGT and AGT pipelines downstream of Constitution Pipeline would further relieve bottlenecks and extend the economic benefits to regional end-users

## Upcoming Pipeline Expansion Projects in the Northeast



## Peak Month Constitution Utilization in Extreme Weather



The “Addendum Case” considers the **joint development of the Constitution pipeline plus announced downstream expansions on Iroquois and Algonquin**, relieving bottlenecks and improving deliverability under stress conditions

Source: S&P Global Commodity Insights

# Contents

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The US Gas Market – 15 Years of Unprecedented Growth

A Paradox of Plenty – Northeast US Gas Market Dynamics

Addressing the Shortfall – The Constitution Pipeline

**Key Takeaways**

Appendix

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# Key Study Takeaways



Constitution Pipeline would support up to 2,000 jobs annually and \$4.5 B of GSP during its lifespan, generating over \$400 MM in combined federal and state taxes

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Bottlenecks will remain as winter power demand grows, resulting in continued high energy costs for consumers; Constitution Pipeline delivers low-cost supply to a key chokepoint into multiple pipelines

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Energy security and affordability are of paramount concern, and the need for increased resiliency in the power system as power demand dynamics increases the need for incremental pipeline capacity

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Constitution would reduce wholesale gas prices at key hubs, impacting 8.4 Bcf/d of demand across 3 extreme price events in 15 years, generating up to \$8.9 billion in savings by mitigating price spikes

---



In addition to alleviating these extreme market dislocations, Constitution Pipeline would provide \$2.6 billion in cumulative savings by offering year-round access to nearby world-class gas resources

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Constitution Pipeline would increase natural gas supply during peak demand periods and potentially support greater heating oil replacement, especially when supported by downstream expansions

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# Contents

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The US Gas Market – 15 Years of Unprecedented Growth

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Addressing the Shortfall – The Constitution Pipeline

Key Takeaways

**Appendix**

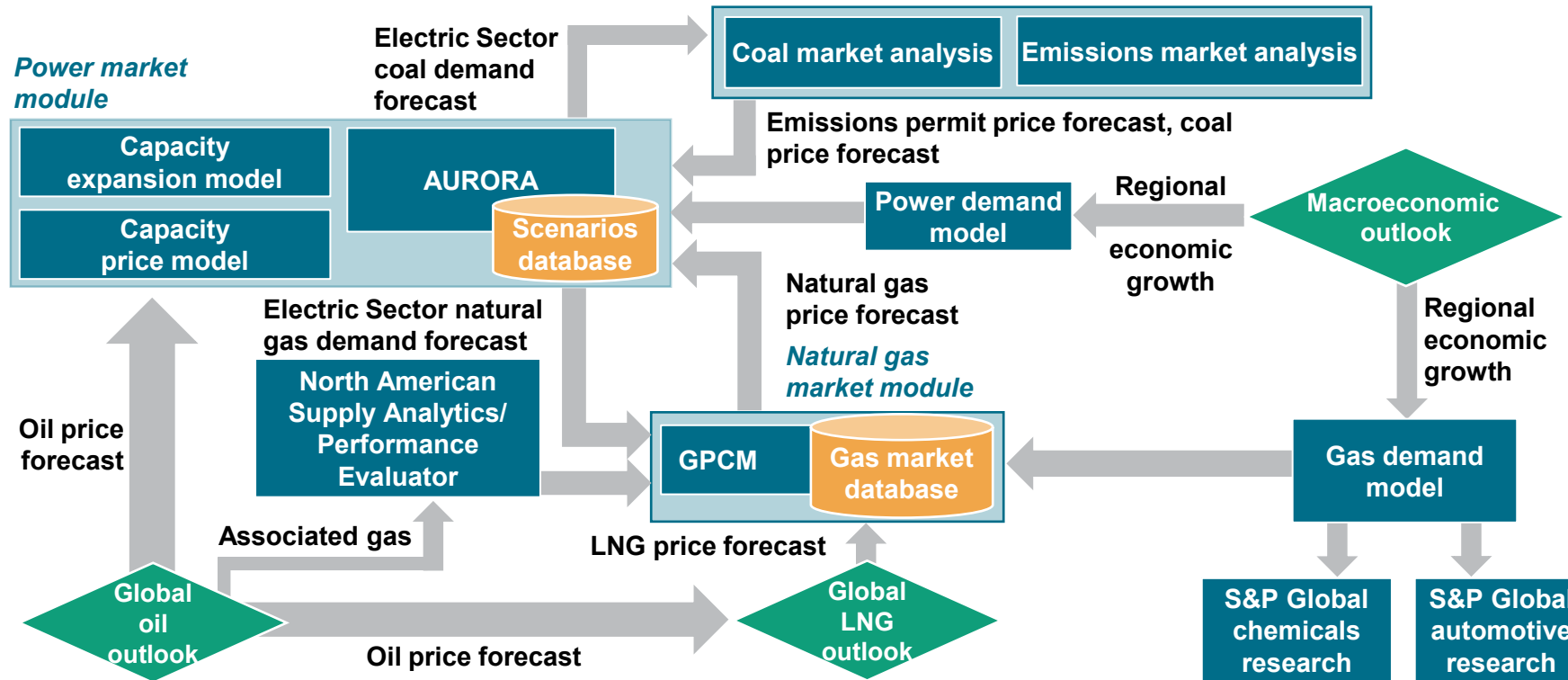
**Detailed Methodologies**

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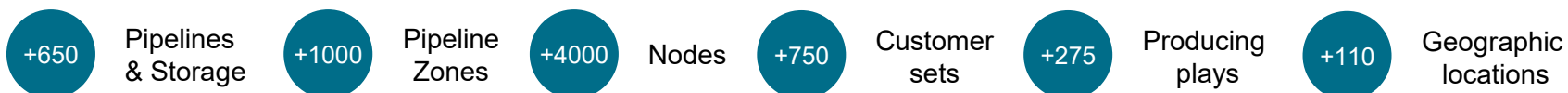
# S&P Global leverages the Gas Pipeline Competition Model (GPCM) as the main engine for its analyses of the North America gas pipeline system

## North America integrated model schematic



- S&P Global analyzes pipeline and corridor flows throughout North America using the GPCM model licensed from RBAC
- S&P Global employs the model to assess market fundamentals, flows, utilization rates, and prices.
- GPCM is a network linear programming model designed to optimize flows across complex systems, like pipeline networks.
- In addition to the S&P Global supply and demand projections, the system includes a model of the North American gas pipeline and storage grid to produce results.
- S&P Global maintains a proprietary version of supply and demand projections and a proprietary outlook for infrastructure expansions that are the product of our independent research and analysis.
- Model outputs include flows and prices for each location for each month, which S&P Global summarizes in its reports.

## S&P Global customized GPCM database includes:

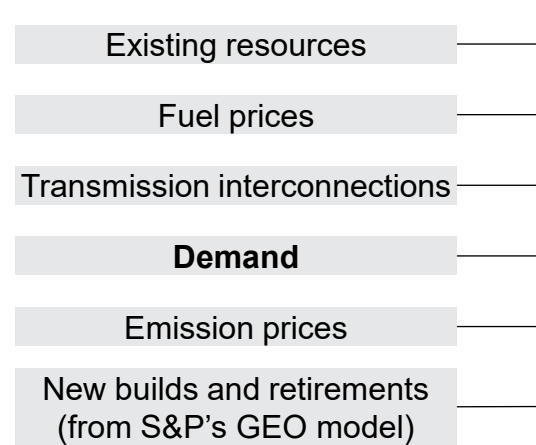


Source: S&amp;P Global Commodity Insights

# The gas model is backed up by a proprietary owner dispatch model which leverages AURORA for the forecast analysis

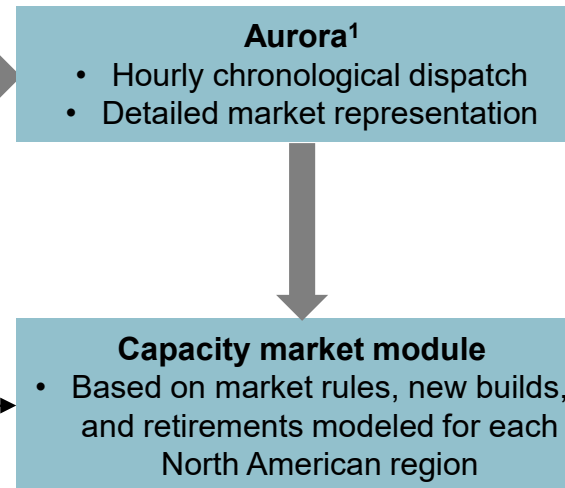
## North America Power Model Schematic

### Major Inputs

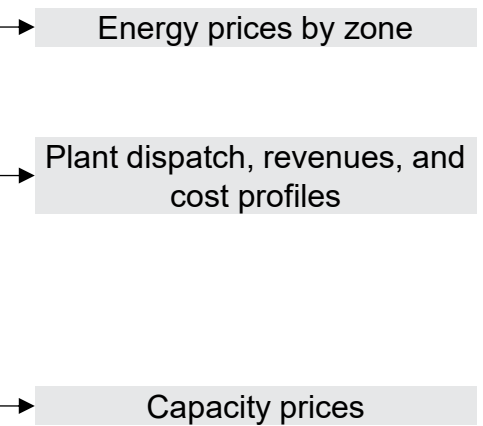


### Scenarios

### Model Engine



### Major Outputs





### The outlook for US electricity demand from the power grid is underpinned by a time series econometric forecast of electricity sales.

- An econometric forecast is developed for each of the three major customer sectors (residential, commercial and industrial) in each state.
- Macroeconomic variables driving the econometric forecast include disposable income (residential), household formation (residential), gross state product (commercial) and manufacturing value added (industrial).
- Incremental end-use energy efficiency savings, behind-the-meter solar systems, transportation electrification, hydrogen production via electrolysis, heating electrification and large load projects such as datacenters are then layered on top of the econometric forecast to capture impacts that are expected to vary significantly from historical trends

1. The Aurora model is a comprehensive energy forecasting model provided by Energy Exemplar  
Source: S&P Global Commodity Insights


# We applied an ad-hoc model to calculate extreme weather price reductions using internal tools and historical daily gas fundamentals, price and temperature analysis

## Extreme Weather Analysis Rationale and Main Results

Steps	Extreme Weather Price Event Definition	Model Tailoring	Savings Analysis
<div><b>Rationale</b></div>	<ul style="list-style-type: none"><li>▪ Consideration of <b>historical daily prices, pipeline utilizations, supply/demand/storage and temperature</b> for the past 15 years</li><li>▪ Identification of <b>23 “price events”</b> (minimal 7-day periods with prices deviating from monthly average), often <b>distributed in 3-year clusters, impacting Algonquin CG, Dawn, Iroquois Z2 and Transco Z6 NY</b>. During these clusters, there is typically one year of really bad impact (prices &gt;80 \$/MMBtu) and two adjacent years with intermediate impact – potentially driven by storage dynamics</li></ul>	<ul style="list-style-type: none"><li>▪ <b>Adjustment of monthly demand volatility and pipeline constraints</b> in our pipeline model to get price implications</li><li>▪ Creation of an <b>ad-hoc model that converts the modeled monthly raw outputs into a daily series by approximating the impacts from a given weather price event</b></li></ul>	<ul style="list-style-type: none"><li>▪ <b>Constitution can eliminate some of these extremely high peaks because we see underutilized capacity at Wright (Iroquois Gas Transmission) preceding price events</b>. Under those scenarios, a <b>10% drop in utilization at Wright results in prices above &gt;\$70 daily Iroquois Z2</b></li><li>▪ <b>Constitution will be able to eliminate some of those worst days in the month</b>, keeping them more consistent with more optimally utilized days.</li><li>▪ <b>This allowed us to calculate the anticipated impact of Constitution across multiple events, leading to average monthly savings of \$6.91</b></li></ul>
<div><b>Results</b></div>	<ul style="list-style-type: none"><li>▪ <b>We noticed price events are correlated with the “perfect storm” in fundamentals including high demand, net storage and importantly, supply availability at Wright</b></li></ul>	<ul style="list-style-type: none"><li>▪ <b>We generated peak-monthly averages of \$24</b> (with peak day around \$80), which is consistent with historical events</li></ul>	<ul style="list-style-type: none"><li>▪ While normal weather leads to savings of \$0.25/MMBtu, this model anticipates <b>savings across entire peak-months of nearly \$7/MMBtu, a 28x increase</b></li></ul>

Source: S&P Global Commodity Insights


# S&P leveraged our economic and energy modelling framework to capture the impact of the Constitution pipeline on economic indicators



### Energy Modelling Framework


Energy value chain modelling system

Assess the impact of Constitution Pipeline in regional gas and power prices in affected states for average weather and extreme weather-induced price events



### State elasticity estimations

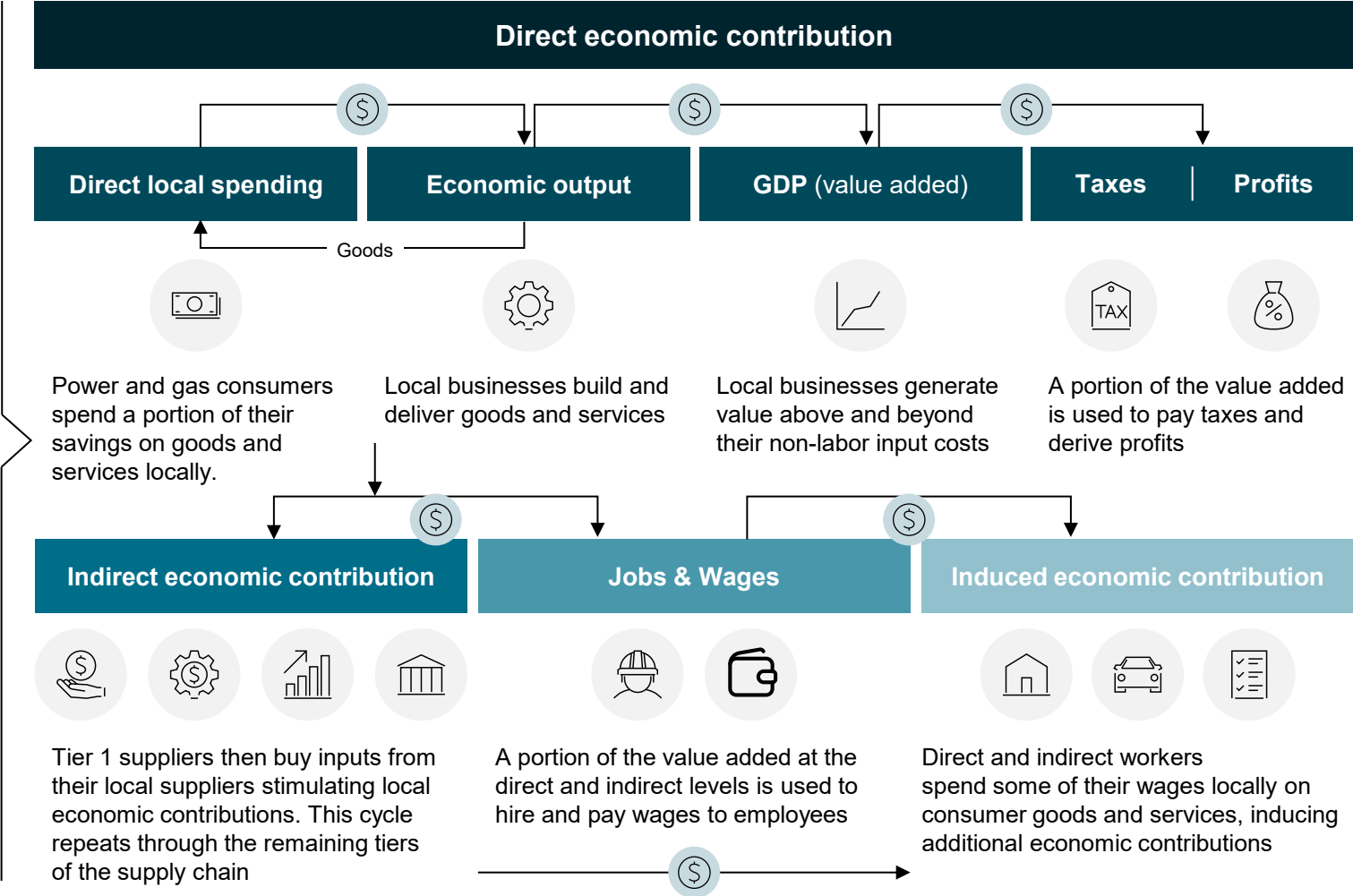
Long-run price elasticity of power and gas consumption per unit, such as households and establishments are estimated for each region (NY, MA, RI and CT)



### Social Accounting Models

Savings are estimated using state-level price forecasts and elasticities for both gas and power.

Savings on power and gas by residential and non-residential consumers are input into S&P Global Market Intelligence’s economic impact models. These models capture the indirect and induced activity resulting from consumers spending a portion of the savings in their respective states.



Source: S&P Global Market Intelligence

# Contacts

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**S&P Global**

**ATTACHMENT B**

**Constitution Pipeline Company, LLC, New York State Section 401 Water Quality  
Certification Request Cover Letter (May 30, 2025)**





Constitution Pipeline Company, LLC  
2800 Post Oak Boulevard (77056)  
P.O. Box 1396  
Houston, Texas 77251-1396  
(713) 215-2000

May 30, 2025

Karen M. Gaidasz  
New York State Department of Environmental Conservation  
Division of Environmental Permits and Pollution Prevention  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-1750

**Subject: Constitution Pipeline Company LLC**  
Albany, Broome, Chenango, Delaware, and Schoharie Counties, New York

Dear Ms. Gaidasz,

Constitution Pipeline Company, LLC (Constitution), a wholly owned indirect subsidiary of The Williams Companies, Inc. (Williams), is recommencing development of the Constitution Pipeline Project (Project). The purpose of the Project remains the same - to provide up to 650,000 dekatherms per day of clean-burning natural gas via an approximate 124-mile, 30-inch interstate natural gas pipeline project from Pennsylvania to New York. Approximately 99 miles of the Project would be located in New York State in Albany, Broome, Chenango, Delaware, and Schoharie Counties, New York. The Project is regulated by the Federal Energy Regulatory (FERC).

By way of background, Constitution previously submitted applications to the New York State Department of Environmental Conservation (NYSDEC) for the Project on April 5, 2012, August 28, 2013, May 9, 2014, and April 27, 2015. On April 22, 2016, NYSDEC issued a letter denying Constitution's application for Water Quality Certification (Denial). Constitution's other permit applications were not subject to the decision but were later withdrawn by Constitution. Ultimately, FERC determined that the State had waived its 401 authority for the Project on August 28, 2019 (Waiver Order).

Constitution anticipates filing a Petition with FERC requesting reissuance of the certificate of public convenience and necessity (Certificate) as well as the Waiver Order. Recognizing FERC's prior waiver determination, Constitution is submitting this application to the NYSDEC for a Water Quality Certification (WQC) under Section 401 of the federal Clean Water Act in order to cooperatively work with the NYSDEC to ensure that New York's water quality standards are satisfied during construction of the Project.<sup>1</sup> Constitution is also submitting this application for

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<sup>1</sup> Constitution's submission of this application is subject to a full reservation of rights that New York has waived its Section 401 authority under the Clean Water Act. Notwithstanding, Constitution maintains that its application, which includes its application to the U.S. Army Corps of Engineers, satisfies the requirements of 40 CFR §121.5, thereby commencing the statutory clock for NYSDEC's review.

purposes of review and coordination with the NYSDEC under Article 15, Title 5 (Protection of Waters) and Article 24, Title 23 (Freshwater Wetlands) of the New York State Environmental Conservation Law.<sup>2</sup>

Constitution is committed to working closely with NYSDEC so that it can review the Project as expeditiously as possible. Fortunately, Constitution's application already reflects changes and refinements made in response to numerous agency consultations during the NYSDEC's prior review of the Project which establish the Project's ability to conform to New York water quality standards and should significantly narrow down the remaining items that Staff needs to consider.

It is Constitution's intention that the information provided, along with close coordination between Constitution and NYSDEC Staff, will allow the NYSDEC to complete its review in an expedited timeframe. Considering the urgent need for this Project and the expedited schedule, Constitution requests a meeting with NYSDEC Staff as soon as possible to discuss the Project. Constitution will contact NYSDEC without delay to schedule a meeting, which it requests NYSDEC grant promptly.

Notwithstanding the NYSDEC's prior attempt to deny Constitution's request for a 401 WQC, Constitution maintains that the Project application before NYSDEC in 2016 satisfied the substantive requirements for issuance of the 401 WQC and the other requested permits. Constitution is now resubmitting its application as it existed at the time of the Denial with substantially the same information, which was the end result of years of analysis and numerous technical meetings and calls with NYSDEC staff. Constitution asks NYSDEC to consider this information and the constructability of the Project when reviewing Constitution's application again, particularly in light of the continuous increase in energy demand across the State and New England and the lack of projects capable of fulfilling that demand.

As recently highlighted in the Northeast Power Coordinating Council's (NPCC) *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for most electric generators during a cold snap.<sup>3</sup> The same is true for extreme heat waves. The addition of new firm transportation capacity would immediately improve the resiliency and reliability of gas service to residential and commercial loads—and help to reduce gas prices, including during peak demand days.

This fact is reinforced by the President's Executive Order, *Unleashing Energy* and *Declaring a National Energy Emergency*, issued on January 20, 2025. The urgent need for energy transportation infrastructure must be met, as detailed in the Executive Order, with actions to facilitate and support

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<sup>2</sup> Transco is submitting this Joint Application for a Water Quality Certification under Section 401 of the federal Clean Water Act. Transco is also submitting this application as a supplement to its pending application for purposes of review and coordination with the NYSDEC under Article 15, Title 5 and Article 24, Title 23 of the New York State Environmental Conservation Law (NYECL). Transco's filing of this Joint Application is undertaken with the understanding that (i) Transco does not waive any of its federal rights; (ii) any state approvals are to be consistent with FERC's review and approval of the proposed Project; and (iii) any state approvals may not prohibit or unreasonably delay the construction and operation of the facilities once approved by FERC. It is also being done subject to an express reservation of rights that the federal Natural Gas Act preempts New York permitting and procedural requirements under the NYECL and/or its implementing regulations at Title 6 of the New York Codes, Rules and Regulations.

<sup>3</sup> Northeast Power Coordinating Council, *Northeast Gas/Electric System Study*, at 5 (Jan. 21, 2025).

infrastructure development, including the permitting and construction of interstate pipelines—particularly in regions lacking such development in recent years—i.e., the northeastern United States. This is why the Administration is looking to New York, as well as Pennsylvania, to permit the Project without delay.

The Project will be able to deliver NextGen Gas from the Marcellus basin to markets in the Northeast United States. NextGen Gas is tracked from the wellhead to the delivery point and this pathway is among the lowest carbon intensive natural gas found anywhere in the world. Williams follows a strict certification process for these natural gas deliveries through implementation of its NextGen Gas program. Williams' NextGen Gas program is an industry leading measurement-based quantification, monitoring, reporting, and verification ("QMRV") program that certifies greenhouse emissions associated with the transportation and delivery of natural gas across Williams' assets. Through partnership with a climate tech company called Context Labs, Williams collects and correlates data from multiple disparate sources, including satellites, planes, real-time ground-based monitoring devices, direct source-level measurement, and live operational data to provide the most reliable and comprehensive quantification of its natural gas supply chain emissions. Williams' NextGen Gas program offers real-time tracking of greenhouse gas emissions intensity (on both methane and carbon intensity basis) with the low emissions attributes of transported and delivered natural gas represented by a verified certificate, with independent attestation by KPMG. Williams' NextGen Gas program was designed to improve trust and transparency in emissions detection, quantification, and reporting and to further enhance operational excellence by helping identify opportunities for Williams to continue to reduce emissions. Williams is currently the only U.S. midstream company to have joined the internationally recognized Oil & Gas Methane Partnership (OGMP) 2.0 and its NextGen Gas program has been recognized as a Gold Standard compliant pathway to achieving the Level 5 reporting standard, the highest standard of reporting under the OGMP 2.0 framework.

The Project would address the need for reliability, flexibility, and efficiency on a critical part of Transco's system and provide access to crucial supplies of natural gas, but time is of the essence. As such, in addition to this application before the NYSDEC, Constitution has restarted dialogues with the U.S. Army Corps of Engineers and Pennsylvania. Constitution makes the same request of the NYSDEC that it has made to other agencies—***that the NYSDEC conduct an expedited review within the legal timeframes provided in the agency's regulations to issue its permits and approvals as expeditiously as possible, so that construction can start.***

We look forward to working with you on this Project. You may contact me at 832-814-9047 or via email at [lynda.schubring@williams.com](mailto:lynda.schubring@williams.com). Alternatively, you can contact Greg Hufnagel, Project Manager at AECOM at 610-234-0449 or via email at [Gregory.Hufnagel@aecom.com](mailto:Gregory.Hufnagel@aecom.com) should you have any questions.

Sincerely,

**Constitution Pipeline Company, LLC**



Lynda Schubring, PMP  
Manager Permitting

Cc (via email):

Sita Crounse, Esq., NYSDEC

Tim Powell, Williams

Himanshu Patel, Williams

Daniel Merz, Esq., Williams

Greg Hufnagel, AECOM

**ATTACHMENT C**

**Form of Notice**

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of	)	Docket Nos. CP13-499-___
	)	
Constitution Pipeline Company, LLC	)	CP18-5-___
	)	

NOTICE OF PETITION

(December 19, 2025)

Take notice that on December 19, 2025, Constitution Pipeline Company, LLC (Constitution), PO Box 1396, Houston, Texas 77251, filed in the above referenced docket a Petition pursuant to section 7(c) of the Natural Gas Act (NGA) for reissuance of its certificate for its proposed Constitution Pipeline Project. Specifically, Constitution requests reissuance of certificate authority to construct approximately 125 miles of 30-inch pipeline extending from Susquehanna County, Pennsylvania, through Broome, Chenango, Delaware, and Schoharie Counties, New York, along with other appurtenant facilities. Constitution states that the Constitution Pipeline Project will provide 650,000 dekatherms per day of firm transportation service.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

Any questions concerning this application may be directed to Constitution Pipeline Company, LLC, PO Box 1396, Houston, Texas 77251, by telephone at (888) 275-9084, or by email at [outreach@williams.com](mailto:outreach@williams.com).

On April 6, 2012, Commission staff granted Constitution's request to utilize the Pre-Filing Process and assigned Docket No. PF12-9-000 to staff activities involved in the Constitution Pipeline Project. The Commission previously conducted its proceeding in Docket Nos. CP13-499-000 and CP18-5-000, as noted in the caption of the Notice. On December 2, 2014, the Commission issued an Order Issuing Certificates and Approving Abandonment for the Project in Docket No. CP13-499-000 and, on August 28, 2019, issued an Order on Voluntary Remand in Docket No. CP18-5-000.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### **PUBLIC PARTICIPATION**

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 pm Eastern Time on [DATE]. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

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<sup>1</sup> 18 C.F.R. § 157.9.

### **Comments**

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

### **Protests**

Pursuant to sections 157.10(a)(4)<sup>2</sup> and 385.211<sup>3</sup> of the Commission's regulations under the NGA, any person<sup>4</sup> may file a protest to the application. Protests must comply with the requirements specified in section 385.2001<sup>5</sup> of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before **[DATE]**.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number **[docket no.]** in your submission.

- (1) You may file your comments electronically by using the [eComment](#) feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to [Documents and Filings](#). Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;
- (2) You may file your comments or protests electronically by using the [eFiling](#) feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on

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<sup>2</sup> 18 C.F.R. § 157.10(a)(4).

<sup>3</sup> 18 C.F.R. § 385.211.

<sup>4</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 C.F.R. § 385.102(d).

<sup>5</sup> 18 C.F.R. § 385.2001.



“[eRegister](#).” You will be asked to select the type of filing you are making; first select “General” and then select “Comment on a Filing”; or

- (3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (**docket no.**).

To file via USPS:

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

To file via any other courier:

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
12225 Wilkins Avenue  
Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Persons who comment on the environmental review of this project will be placed on the Commission’s environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission’s environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. **However, the filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

### **Interventions**

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>6</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission’s orders in the U.S. Circuit Courts of Appeal.

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<sup>6</sup> 18 C.F.R. § 385.102(d).

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>7</sup> and the regulations under the NGA<sup>8</sup> by the intervention deadline for the project, which is [DATE]. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number [docket no.] in your submission.

- (1) You may file your motion to intervene by using the Commission's [eFiling](#) feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). New eFiling users must first create an account by clicking on "[eRegister](#)." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or
- (2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number [docket no.].

To file via USPS:

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

To file via any other courier:

Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
12225 Wilkins Avenue  
Rockville, Maryland 20852

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<sup>7</sup> 18 C.F.R. § 385.214.

<sup>8</sup> 18 C.F.R. § 157.10.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Constitution Pipeline Company, LLC, PO Box 1396, Houston, Texas 77251, by telephone at (888) 275-9084, or by email at [outreach@williams.com](mailto:outreach@williams.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed<sup>9</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>10</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>11</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### **TRACKING THE PROCEEDING**

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

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<sup>9</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>10</sup> 18 C.F.R. § 385.214(c)(1).

<sup>11</sup> 18 C.F.R. § 385.214(b)(3) and (d).

Docket No(s).

- 7 -

**Intervention Deadline: 5:00 pm Eastern Time on [DATE].**

Debbie-Anne A. Reese,  
Secretary.

**ATTACHMENT D**

**Flow Diagram Showing Design Conditions**

**(updated Exhibit G and Exhibit G-II)**

Information submitted separately as Privileged

**ATTACHMENT E**  
**Updated Landowner List**

Information submitted separately as Privileged

## **ATTACHMENT F**

### **Alignment Sheets**

Submitted separately due to the large file size.

## **ATTACHMENT G**

### **Split Aerial Alignment Comparison**

Submitted separately due to the large file size.



## **ATTACHMENT H**

### **Permits and Authorizations**

### Status of Permits and Approvals for the Constitution Pipeline

Agency	Permit/Approval	Status
<b>FEDERAL</b>		
Federal Energy Regulatory Commission (FERC)	Certificate of Public Convenience and Necessity	December 2025 – This filing, Constitution petitions for reissuance of Certificate
U.S. Army Corps of Engineers (USACE)	Clean Water Act Section 404 Permit / Rivers and Harbors Act Section 10 Permit	May 30, 2025 – Constitution re-filed 404 applications
U.S. Fish & Wildlife Service (USFWS)	Threatened and Endangered Species; Migratory Bird Treaty Act; and Bald and Golden Eagle Protection Act Consultations	July 22, 2025 – Constitution re-initiated consultation with USFWS
<b>Interstate Commission</b>		
Susquehanna River Basin Commission (SRBC)	Surface Water Withdrawal	3 <sup>rd</sup> Quarter 2026 – Resubmit applications
<b>Pennsylvania</b>		
Pennsylvania Department of Environmental Protection (PADEP)	Clean Water Act Section 401 Water Quality Certificate	September 5, 2014 – 401 Water Quality Certification received
	PA Code Chapter 105 Water Obstruction and Encroachment Permit	3 <sup>rd</sup> Quarter 2026 – resubmit applications in 3Q 2026, following verification surveys.
	PA Code Chapter 102 Erosion & Sediment Control Permit	3 <sup>rd</sup> Quarter 2026 – resubmit applications in 3Q 2026, following verification surveys.
	CWA Section 402 NPDES – Hydrostatic Test Water Discharge General Permit 10	3 <sup>rd</sup> Quarter 2026 – resubmit applications in 3Q 2026, following verification surveys.
PA Fish and Boat (PAFBC)	Permit for Use of Explosives	3 <sup>rd</sup> Quarter 2026 – resubmit applications

Agency	Permit/Approval	Status
PA Historic and Museum Commission (PHMC)	Section 106	<p>July 29, 2025 - Constitution re-engages PHMC</p> <p>August 27, 2025 - PHMC agrees to extension of PA and continued coordination with cooperating parties and evaluation of James Newton Farm.</p> <p>Constitution to coordinate with FERC and SHPOs to reinstate or update the Programmatic Agreement.</p>
PA Game Commission (PAGC), PA Department of Conservation and Natural Resources (PADCNR)	State Threatened and Endangered Species	<p>June 27, 2025 - Constitution re-initiates consultation with PADCNR and PAGC</p> <p>July 1, 2025 - PADCNR confirmed no changes</p> <p>Constitution will continue coordination</p>
<b>NEW YORK</b>		
NY State Department of Environmental Conservation (NYSDEC)	401 WQC	Waived
NYSDEC	Article 15 and Article 24	Withdrawn
NYSDEC	Title 33, Water Withdrawal	Withdrawn
NYSDEC	SPDES General Permit	Exempt under CWA 402(1)(2)
Office of Parks and Recreation Historic Preservation (OPRHP)	Section 106	<p>July 29, 2025 - Constitution re-engages OPRHP</p> <p>August 15, 2025 – OPRHP confirms no change in resource status since coordination ceased under the Programmatic Agreement. A new Programmatic agreement will need to be executed to continue coordination.</p> <p>Constitution to coordinate with FERC and SHPOs in 2026 to reinstate or update the Programmatic Agreement.</p>
State Forest Properties (Melondy Hill and Clapper Hollow)	Easements	Constitution will evaluate status of easements and obtain as applicable.

## **ATTACHMENT I**

### **Environmental Consistency Summary**

Submitted separately due to the large file size.