

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 26-1437

Caption [use short title]

Motion for: Leave to intervene

Stop the Pipeline v. Federal Energy  
Regulatory Commission

Set forth below precise, complete statement of relief sought:

Constitution Pipeline Company, LLC moves for leave  
to intervene in support of Respondent, Federal Energy  
Regulatory Commission

MOVING PARTY: Constitution Pipeline Company, LLC OPPOSING PARTY: Stop the Pipeline

☐ Plaintiff☐ Defendant☐ Appellant/Petitioner☒ Appellee/Respondent

MOVING ATTORNEY: Michael Pincus

OPPOSING ATTORNEY: Todd D. Ommen

[name of attorney, with firm, address, phone number and e-mail]

Van Ness Feldman, LLP

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Court- Judge/ Agency appealed from: Federal Energy Regulatory Commission

## Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☐ No☒ Don't Know

Is the oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?

☐ Yes☒ No If yes, enter date:

## Signature of Moving Attorney:

Michael R. Pincus

Digitally signed by Michael R. Pincus  
Date: 2026.06.12 15:25:44 -04'00'

Date: 6/12/2026

Service : ☒ Electronic ☐ Other [Attach proof of service]

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**CATSKILL MOUNTAINKEEPER,  
INC., *et al.***

*Petitioners,*

**V.**

**FEDERAL ENERGY REGULATORY  
COMMISSION,**

*Respondent.*

**Case No. 26-1387**

**FERC Docket Nos.**

CP13-499, *et al.*,

**CP13-502, *et al.***

CP18-5, *et al.*

**NEW YORK STATE DEPARTMENT  
OF ENVIRONMENTAL  
CONSERVATION**

*Petitioner,*

**V.**

**FEDERAL ENERGY REGULATORY  
COMMISSION,**

*Respondent.*

**Case No. 26-1422**

**FERC Docket Nos.**

CP13-499, *et al.*,CP13-502, *et al.*CP18-5, *et al.*

# STOP THE PIPELINE

*Petitioner,*

**V.**

**FEDERAL ENERGY REGULATORY  
COMMISSION,**

*Respondent.*

**Case No. 26-1437**

**FERC Docket Nos.**

CP13-499, *et al.*,CP13-502, *et al.*CP18-5, *et al.*

**(NOT CONSOLIDATED)**

**MOTION OF CONSTITUTION PIPELINE COMPANY, LLC  
TO INTERVENE IN SUPPORT OF RESPONDENT**

Pursuant to Federal Rules of Appellate Procedure 15(d), Constitution Pipeline Company, LLC (“Constitution”) hereby moves for leave to intervene in support of the Respondent, the Federal Energy Regulatory Commission (“FERC” or “Commission”) in the above-captioned proceedings and any case with which these cases may be consolidated.

Counsel for Constitution contacted counsel for Petitioners Catskill Mountainkeeper, *et al.*, (“Catskill Mountainkeeper”),<sup>1</sup> counsel for New York State Department of Environmental Conservation (“New York State DEC”), counsel for Stop the Pipeline (collectively, “Petitioners”), and counsel for the Commission regarding their clients’ positions on this motion. Petitioners take no position with respect to Constitution’s intervention; the Commission consents to Constitution’s intervention.

In support of this motion, Constitution respectfully states as follows:

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<sup>1</sup> Catskill Mountainkeeper, Clean Air Council, Delaware-Otsego Audubon Society, Delaware Riverkeeper Network and Maya K. van Rossum, The Delaware Riverkeeper, Riverkeeper, Sierra Club, and Waterkeeper Alliance.

## **I. IDENTITY OF INTERVENOR AND PROJECT**

### **A. Identity of Constitution**

Constitution is a limited liability gas pipeline company organized and existing under the laws of the State of Delaware. 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.

Upon approval of the Constitution Pipeline Project, Constitution will be a "natural gas company" as defined by Section 2(6) of the Natural Gas Act ("NGA")<sup>2</sup> and primarily engaged in the business of providing natural gas transportation service in interstate commerce under authorizations sought from and subject to the jurisdiction of the Commission.

### **B. Constitution Pipeline Project**

Constitution filed an application for a certificate of public convenience and necessity with the Commission in FERC Docket No. CP13-499 requesting authorization to construct, own, and operate a new approximately 124-mile interstate transmission pipeline. The Project is

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<sup>2</sup> 15 U.S.C. § 717a(6).

designed to provide 650,000 dekatherms per day (“Dth/d”) of firm natural gas transportation capacity from two receipt points in Susquehanna County, Pennsylvania, to a proposed interconnection with Iroquois Gas Transmission System, L.P. (“Iroquois”) at a new transfer compressor station to be located in Wright, New York, and through a capacity lease on Iroquois to delivery points on the existing Iroquois and Tennessee Gas Pipeline Company, L.L.C. (“Tennessee”) systems. The proposed interconnection with Iroquois and the delivery points into Iroquois and Tennessee will all be located within Iroquois’ existing Wright Compressor Station property in Schoharie County, New York.

The Commission previously authorized Constitution, in 2014, to construct and operate the Constitution Pipeline Project in its Order Issuing Certificate. *Constitution Pipeline Co.*, 149 FERC ¶ 61,199 (2014) (the “Certificate Order”), *reh’g denied*, 154 FERC ¶ 61,046 (2016). Petitioners filed petitions for review of those orders in this Court. *See Catskill Mountainkeeper, Inc., et al. v. FERC*, No. 16-345 (2d Cir. May 19, 2026); *N.Y. State Dep’t of Env’t Conservation, et al. v. FERC*, No. 20-cv-158 (2d. Cir. May 21, 2026); *Stop the Pipeline v. FERC*, 16-cv-361 (2d. Cir. May 22, 2026). However, due to protracted litigation over the Project,

almost six years later, Constitution halted pursuit of the Project. Constitution Pipeline Co., Project Status Update and Final Monitoring Report at 1, Docket Nos. CP13-499-000, *et seq.* (Nov. 24, 2020). As a result, this Court issued orders procedurally vacating the Certificate Order. *See* Order at 2, *Catskill Mountainkeeper, Inc., et al. v. FERC*, No. 16-345 (2d Cir. Nov. 18, 2021), Doc. No. 479; Order at 2, *N.Y. State Dep't of Env't Conservation, et al. v. FERC*, No. 20-cv-158 (2d. Cir. Nov. 18, 2021), Doc. No. 161, Order, *Stop the Pipeline v. FERC*, 16-cv-361 (2d. Cir. Nov. 18, 2021), ECF No. 411.

On December 19, 2025, Constitution filed a Petition for Reissuance with the Commission requesting the Commission issue a new certificate of public convenience and necessity for the Project. *See* Petition for Reissuance of Certificate and Reaffirmance of Waiver Determination, Docket Nos. CP13-499, CP18-5, *et al.* (Dec. 19, 2025). Shortly after, Petitioners filed letters with the Commission requesting the Commission comply with the Second Circuit mandates and enter an Order on Remand dismissing the agency proceedings.<sup>3</sup> In response, on January 23, 2026,

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<sup>3</sup> Letter from Moneen Nasmith, Earthjustice, to Robert H. Solomon, FERC Solicitor, Docket Nos. CP13-499, *et al.* (Jan. 16, 2026); Letter from Todd D. Ommen, Pace Environmental Litigation Clinic, to Robert H.

the Commission issued an order documenting its dismissal of the agency proceedings that were the subject of this Court's November 18, 2021 orders. Order on Remand, *Constitution Pipeline Co.*, 194 FERC ¶ 61,064, at P 1 ("Remand Order"), *notice of denial of rehearing by operation of law*, 194 FERC ¶ 62,146 (2026). Petitioners sought rehearing of the Remand Order. *Constitution Pipeline Co.*, 195 FERC ¶ 61,116, at PP 1, 14 (2026) ("Order Dismissing Rehearing Requests"). The Order Dismissing Rehearing Requests affirmed that the "Remand Order does not rely on the vacated orders as precedent, nor does it anywhere suggest that the vacated orders somehow continue to have legal effect." *Id.* at P 19. Petitioners subsequently filed the instant Petitions for Review of the Commission's orders.

Consequently, Constitution has the required standing to become an intervenor and party in this proceeding. Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Constitution has attached its Corporate Disclosure Statement to this Motion for Leave to Intervene as Attachment A.

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Solomon, FERC Solicitor, Docket Nos. CP13-499, *et al.* (Jan. 14, 2026); Letter from Letitia James, Attorney General of New York, to Robert H. Solomon, FERC Solicitor, Docket Nos. CP13-499, *et al.* (Jan. 13, 2026).

## II. MOTION TO INTERVENE

Constitution, as the applicant for and recipient of the original Certificate Order, which was vacated procedurally by the Remand Order, will be directly affected by the outcome of this matter and seeks to intervene to protect its vital interests in the Project. Pursuant to Section 19(b) of the Natural Gas Act (“NGA”), 15 U.S.C. § 717r(b), Petitioners filed petitions seeking review by this Court<sup>4</sup> of the following orders issued by the Commission:

1. Order on Remand, *Constitution Pipeline Co., LLC*, 194 FERC ¶ 61,064 (Jan. 23, 2026) (“Remand Order”);
2. Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, *Constitution Pipeline Co., LLC*, 194 FERC ¶ 62,146 (Mar. 26, 2026) (“Denial by Operation of Law”);
3. Order Dismissing Rehearing Requests, *Constitution Pipeline Co., LLC*, 195 FERC ¶ 61,116 (May 19, 2026).<sup>5</sup>

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<sup>4</sup> Catskill Mountainkeeper, No. 26-1387 (May 19, 2026); New York State DEC, No. 26-1422 (May 21, 2026); and Stop the Pipeline, No. 26-1437 (May 22, 2026) (not consolidated).

<sup>5</sup> Catskill Mountainkeeper’s petition did not include the Order Dismissing Rehearing Requests.

The Certificate Order granted Constitution a certificate of public convenience and necessity under Section 7 of the NGA<sup>6</sup> authorizing the Constitution Project.

Constitution was the applicant seeking approval from the Commission for the Project and participated in all phases of the proceeding below. Consequently, Constitution has a direct and substantial interest in this case, and its interests may be directly affected by the decisions of this Court. For these reasons, Constitution has the required standing to be a party to this proceeding and thus respectfully requests that the Court grant it leave to intervene. Without limiting the position it may advance, Constitution advises the Court that it intends to support Respondent.

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<sup>6</sup> 15 U.S.C. § 717f.

### III. CONCLUSION

WHEREFORE, Constitution respectfully moves the Court (a) for leave to intervene in the above-captioned proceedings, and (b) to be granted all rights as parties thereto so that Constitution may defend its significant interests in FERC's orders and the Project.

Respectfully submitted,

/s/ Michael R. Pincus

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*Attorney for Intervenor Constitution Pipeline Company, LLC*

Dated: June 12, 2026

**ATTACHMENT A**

**UNITED STATES COURT OF APPEALS  
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# STOP THE PIPELINE

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**(NOT CONSOLIDATED)**

**RULE 26.1 CORPORATE DISCLOSURE STATEMENT OF  
CONSTITUTION PIPELINE COMPANY, LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Constitution Pipeline Company, LLC (“Constitution”) makes the following disclosure: Constitution is a limited liability natural gas pipeline company organized and existing under the laws of the State of Delaware. Constitution is a wholly owned, indirect subsidiary of The Williams Companies, Inc (“Williams”).

Its parent company is Williams Partners Operating LLC. The Williams Companies, Inc., owns 100% of the limited liability company interest of Williams Partners Operating LLC.

Respectfully submitted,

/s/ Michael R. Pincus

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*Attorney for Constitution Pipeline  
Company, LLC*

Dated: June 12, 2026

## **CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT**

1. This document complies with the type-volume limits of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 1250 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman.

Respectfully submitted,

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Dated: June 12, 2026

## CERTIFICATE OF SERVICE

Pursuant to Rule 25(d) of the Federal Rules of Appellate Procedure, I hereby certify that I have on this 12th day of June 2026, served the foregoing documents upon parties in this case via email through the Court's ACMS system.

Respectfully submitted,

/s/ Michael R. Pincus

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Dated: June 12, 2026