

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 31, 2019

OFFICE OF ENERGY PROJECTS

In Reply Refer To :
OEP/DPC/CB-1
National Fuel Gas Supply Corporation
And Empire Pipeline, Inc.
Docket No. CP15-115-000, *et al*
§ 375.308(w) (4)

Ms. Sarah J. Mugel
Vice President and General Counsel
National Fuel Gas Supply Corporation
6363 Main Street
Williamsville, NY 14221-5887

RE: Request for an Extension of Time

Dear Ms. Mugel:

The Commission's order of February 3, 2017 in the above-referenced proceedings issued a certificate of public convenience and necessity to National Fuel Gas Supply Corporation and Empire Pipeline, Inc. (Applicants) for their Northern Access 2016 Project (Project). That order required Applicants to complete the authorized construction of the Project facilities and make them available for service within twenty-four months from the date of the Certificate Order, i.e. , by February 3, 2019.

Applicants now request a three year extension of time, until February 3, 2022, to complete construction of the Project and begin service. Applicants state that they have made good faith efforts to obtain all applicable permits and authorizations. However the Water Quality Certification and the wetland and waterbody crossing permits issued under sections 401 and 404 of the Clean Water Act,¹ respectively, have been delayed by legal actions taken by the New York State Department of Environmental Conservation (NYSDEC).

Applicants now anticipate that they will have the federal authorizations necessary to file an initial notice to proceed in mid-2019. A three-year extension of time is necessary because Applicants do not anticipate commencement of Project construction

¹ 33 U.S.C. § 1341(a)(1).

until early 2021 due to New York's continued legal actions and to time lines required for procurement of necessary pipe and compressor facility materials.

Therefore, Applicants are hereby granted an extension of time until and including February 3, 2021 to complete the construction of the Project and make it available for service.

This action is taken pursuant to authority delegated by the Commission in 18 CFR § 375.308(w) (4).

Sincerely,

A handwritten signature in black ink that reads "Richard W. Foley". The signature is written in a cursive, flowing style.

Richard W. Foley
Chief, Branch I
Division of Pipeline Certificates
Office of Energy Projects

cc: Public File, Docket Nos. CP15-115-000, *et al*
All Parties