

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

AES/SPARROWS POINT LNG  
MID-ATLANTIC EXPRESS

: Docket Nos. CP 07-62-000, CP 07-63-000,  
CP 07-64-000 & CP 07-65-000

**MOTION TO INTERVENE OF THE COUNTY OF CHESTER**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure(18 C.F.R. Sections 385.212/385.214), the County of Chester, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania (the "County") files this Motion to Intervene in the above-captioned proceedings.<sup>1</sup> The County seeks to intervene because it owns property that will be crossed and impacted by the pipeline, construction vehicles and staging areas. Certain County residents will be likewise substantially affected by any construction and operation of the pipeline within the boundaries of the County. Further, there are County natural resources that will be impacted including prime agricultural lands and lands of significant natural, scenic and conservation value. The County has a legal duty to protect the assets and resources of the County which are held in public trust. The County has concerns about the potential damage the pipeline and its construction will cause to these properties, as well as loss of wildlife habitat and the potential damage to water resources and ecosystems so as to invalidate its enjoyment by County residents.

**I. Contact Information**

The undersigned request its Solicitor to be included on the service list for this proceeding. Documents and filings should be sent to: Thomas L. Whiteman, Esquire, Solicitor for the County of Chester, Pennsylvania, 2 North High Street, Suite 150, West Chester, Pennsylvania 19380, tel: (610)344-6195/fax: (610)344-5471 or by email to: [TWhiteman@chesco.org](mailto:TWhiteman@chesco.org).

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<sup>1</sup> Chester County believes it is already a Party to this action as it relates to the County owned parcels (40-01-0002E & 41-03-0008.030 )which are already subject to an existing pipeline which traverses certain County Park lands. The County additionally files this Motion to Intervene, in general, as a municipal entity and in furtherance of and support for its planning, natural resource and environmentally based Landscapes and Watersheds programs/policies as well as showing support for those County residents whose properties will be substantially affected by the pipeline project. Chester County believes this Motion is timely. However, if it is deemed by the Commission to be a late filing or out of time, it is submitted the intervention as requested nonetheless should be granted because: (1) No disruption of the proceeding will result from permitting the intervention; (ii) Chester County's interest is not adequately represented by other parties in the proceeding; (iii) No prejudice or additional burden on existing parties will result from permitting the intervention, and (iv) the Motion otherwise conforms to Rules 212 and 214.

## **II. Basis for Intervening**

The County of Chester, as a Third Class County and as a political subdivision of the Commonwealth of Pennsylvania, has a legal duty to secure the health, safety and welfare of the residents of the County. To that end, the County has purchased outright, funded and otherwise preserved various parcels of land within Chester County to protect wildlife habitat, to protect water resources and ecosystems and constructed public parks and/or facilities to promote the health and welfare of its residents. The County also has miles of trails proximate to the area of proposed pipeline construction.

While the Commission has approved the pipeline project with 169 mitigation conditions on January 15, 2009, the County nonetheless believes that it has not been given sufficient information that would afford it an adequate opportunity to determine with any degree of reliability what use will be made of various County properties and facilities that may be affected by the construction, enlargement and operation of the pipeline. Likewise, aside from the County owned parcels at issue, it is believed that there will be a deleterious effect to the properties and facilities so as to deny or abrogate the rights and privileges of the residents of the County. Wildlife habitat will be destroyed, water resources will be compromised and ecosystems will be damaged. The Chester County Planning Commission as well as the Chester County Water Resources Authority have memorialized these concerns with great specificity in comments provided to the Commission and docketed of record by date of June 16, 2008. The County wishes to adopt, incorporate by reference and reaffirm those comments in their entirety in further support of this Motion. Finally, it is believed and averred that even in view of the conditioned approval with the recommended mitigating measures that same are not being adhered to which was reflected in public comment set forth before the Chester County Commissioners in a public meeting conducted on January 29, 2009 attended by various residents directly affected by the pipeline project. As a result of that meeting and the comments expressed therein, the Commissioners are left to question whether all issues relevant to the public interest are being addressed as required by the Commission and the law.

The County is entitled to intervene because its interests are directly affected by the proposed project. In addition, our intervention is necessary because no other interveners represent an interest identical to ours in protecting the property and facilities held in public trust. Finally, granting our intervention serves a public interest by furthering the public benefit our property and facilities were designed to promote, to be wholly represented in this process and to ensure that the safety and well-being of the community and the surrounding environment are considered in this process.

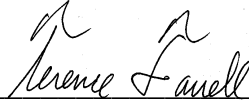
### III. Relief Requested

In addition to the request of the Chester County Commissioners to be granted Intervenor status relative to the overall interests of Chester County residents as specifically set forth herein, the County alternatively and additionally endorses and requests that the Commission:

1. Take action to **STAY** this proceeding and any condemnation proceedings;
2. Grant any pending request for **REHEARING** on this matter in the public interest;
3. Provide any other relief that the Commission deems appropriate to fully permit the County and all affected landowners and County residents to have a full, complete and meaningful voice in a matter of substantial public interest.

Respectfully submitted this 10<sup>th</sup> day of February, 2009.

Chester County Commissioners

By:   
Terence Farrell, Chairman Commissioner

  
Carol Aichele, Commissioner

  
Kathi Cozzone, Commissioner

Attest:

Chief Clerk: 

Certificate of Service: This Motion will be filed in the above-listed dockets by e-filing.