

UNITED STATES OF AMERICA 105 FERC ¶ 61, 234
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

Dominion Cove Point LNG, LP

Docket No. CP03-74-000

ORDER ISSUING CERTIFICATE

(Issued November 18, 2003)

1. On March 28, 2003, Dominion Cove Point LNG, LP (Dominion Cove Point)¹ filed an application to construct two new compressor stations in Loudoun and Fairfax Counties, Virginia, referred to as the Cove Point East Project, in order to provide 445,000 Dth/d of additional firm transportation service from west to east on Dominion Cove Point's pipeline system.
2. On February 27, 2003, the Commission approved an uncontested settlement in which Dominion Cove Point agreed to file an application, on or before March 31, 2003, for certificate authorization to operate facilities necessary to create additional firm transportation capacity from west to east on Dominion Cove Point's pipeline system.²

¹ Dominion Cove Point LNG, LP is a wholly-owned partnership composed of Dominion Gas Projects Company, LLC and Dominion Cove Point LNG Company, LLC, which are wholly-owned subsidiaries of Dominion Cove Point, Inc., a wholly-owned subsidiary of Consolidated Natural Gas Company, which is wholly-owned by Dominion Resources, Inc. On September 5, 2002, Consolidated Natural Gas Company acquired Cove Point LNG Limited Partnership, owner of the LNG terminal and pipeline facilities. On December 17, 2002, Cove Point LNG Limited Partnership became Dominion Cove Point LNG, LP.

² Cove Point LNG Limited Partnership, 102 FERC ¶ 61,227 (2003). The Commission approved two uncontested settlement agreements that resolved certain remaining issues related to the reactivation of the LNG import terminal, as authorized by the Commission in: 97 FERC ¶ 61,043 (2001); Order Granting and Denying Rehearing in Part and Granting and Denying Clarification, 97 FERC ¶ 61,276 (2001); Order Denying Rehearing and Granting and Denying Clarification, 98 FERC ¶ 61,270 (2002).

This is the resulting application. As discussed below, two shippers have entered into precedent agreements at incremental rates for the entire capacity and no adverse effects have been identified. Accordingly, we find Dominion Cove Point's proposal is required by the public convenience and necessity and grant the requested authorization.

Dominion Cove Point's Proposal

3. Dominion Cove Point held open seasons for the Cove Point East Project between June 3 and June 17, 2002 and between July 15 and July 22, 2002. Dominion Cove Point subsequently executed a binding precedent agreement with Washington Gas Light Company (Washington Gas) for 350,000 Dth/d of firm transportation service for a 20-year term commencing on an anticipated date of December 15, 2003. Dominion Cove Point held a further open season between February 14 and February 21, 2003, which resulted in the execution of a binding precedent agreement with Virginia Power Service Energy Corp. Inc. (Virginia Power), for 95,000 Dth/d of firm transportation service for a 20-year term commencing on a date no earlier than June 1, 2004.

4. Pursuant to the agreements, the project shippers will receive gas volumes at existing interconnections with the systems of Dominion Transmission, Inc. (Dominion Transmission), Columbia Gas Transmission Corporation (Columbia Gas), both in Loudoun County, Virginia, and with Transcontinental Gas Pipe Line Corporation (Transco), in Fairfax County, Virginia, for transportation and delivery at existing delivery points along Dominion Cove Point's 87-mile pipeline system which extends eastward from the receipt points in Virginia to Dominion Cove Point's LNG terminal in Maryland. Washington Gas will use its subscribed capacity to serve customers on its distribution system in Virginia and Maryland, and Virginia Power will use its subscribed capacity to deliver fuel to its Possum Point power plant, via Virginia Power's existing Possum Point Lateral, near Dumfries, Virginia.

5. In order to provide the subscribed 445,000 Dth/d of firm service, Dominion Cove Point proposes to construct, operate, and maintain two new compressor stations totaling 19,340 hp of compression.³ The proposed Loudoun Station, in Loudoun County, Virginia, consists of two 4,735 hp gas-fired compressor units and one 2,370 hp gas-fired compressor unit. The proposed Pleasant Valley Station consists of one 4,750 hp electric-driven compressor unit and one 2,750 hp electric-driven compressor unit. The estimated cost of the proposed facilities is approximately \$43.5 million.

³ Dominion Cove Point will also construct certain appurtenant facilities pursuant to Section 2.55 of the Commission's regulations.

6. Dominion Cove Point proposes to charge an incremental rate, under its existing Rate Schedule FTS, that includes an electric reservation surcharge to recover the costs for electric power to drive compression at the Pleasant Valley Station. Therefore, Dominion Cove Point also proposes tariff language to establish an electric power tracker applicable to shippers on the Cove Point East Project.

7. Dominion Cove Point states that the proposal responds to market demand, and will provide greater transportation options for shippers and enhanced access to a wider variety of supplies. Dominion Cove Point also states that there will be no rate impact on existing customers or degradation of their services, no adverse effect on existing pipelines or their customers, and no or minimal adverse effects on landowners.

Notice and Interventions

8. Notice of Dominion Cove Point's proposed Cove Point East Project was published in the Federal Register on April 14, 2003.⁴ Washington Gas Light Company (Washington Gas), BP Energy Company, Shell NA LNG, Inc., Statoil North America Inc., and Public Service Company of North Carolina, Inc. filed timely motions to intervene.⁵ Columbia Gas filed a motion to intervene out-of-time. Columbia Gas, in its late motion, has demonstrated an interest in this proceeding and has shown good cause for seeking to intervene out-of-time. Further, granting the late motion will not delay, disrupt, or otherwise prejudice this proceeding. Thus, we will grant the late motion to intervene. There were no protests.

9. Washington Gas filed comments in support of the project stating that Dominion Cove Point's pipeline is located in Washington Gas' franchised service area and that delivery points along that pipeline provide the sole source of supply for Washington Gas' customers in Calvert and St. Mary's Counties, Maryland. Washington Gas states that the construction and operation of the proposed new compressor stations to create firm transportation capacity from west to east after the reactivation by Dominion Cove Point of its LNG terminal has been a critical component of Washington Gas' support for such reactivation.⁶ Further, Washington Gas states that the proposed new compression will

⁴ 68 FR 17929 (2003).

⁵ Timely unopposed motions to intervene are granted by operation of Rule 214.18 of the Commission's Rules of Practice and Procedure. 18 CFR § 385.214 (2003).

⁶ On August 18, 2003, the Director of the Commission's Office of Energy Projects authorized the commencement of commercial LNG operations.

provide project subscribers with needed system reliability and operational flexibility, and will permit Washington Gas to meet the growing firm delivery requirements of its distribution system.

Discussion

10. Dominion Cove Point's proposal to construct the Cove Point East Project facilities, to be used to transport gas in interstate commerce, is subject to the Commission's jurisdiction and the requirements of Subsections (c) and (e) of Section 7 of the NGA.

Public Convenience and Necessity

11. On September 15, 1999, the Commission issued a Policy Statement to provide guidance as to how we will evaluate proposals for certificating new construction.⁷ The Policy Statement established criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. Our goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

12. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from the existing 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.

13. The Commission also considers potential impacts of the proposed project on other pipelines in the market and those existing pipelines' 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

⁷Certification of New Interstate Natural Gas Pipeline Facilities (Policy Statement), 88 FERC ¶ 61,227 (1999); order clarifying statement of policy, 90 FERC ¶ 61,128 (2000); order further clarifying statement of policy, 92 FERC ¶ 61,094 (2000).

achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission then proceed to complete the environmental analysis where other interests are considered.

Subsidization

14. The Commission's Policy Statement directs that the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers. Dominion Cove Point proposes an incremental recourse rate for services on the proposed facilities, thus, insulating existing customers from contributing to the project's costs. Therefore, Dominion Cove Point's proposal satisfies the Policy Statement's threshold requirement.

Effect on Other Constituent Groups

15. The Commission finds that Dominion Cove Point's proposed facilities should have no adverse impact on existing pipelines or on those pipelines' captive customers. Dominion Cove Point's proposal responds to market demand for additional firm transportation capacity from west to east on the Dominion Cove Point pipeline which should not replace any existing service provided by another pipeline. Indeed, the proposal will increase transportation options available to shippers on Columbia Gas, Transco, and Dominion Transmission, because the proposal will provide incremental capacity to receive gas from those pipelines. The Commission received no adverse comments from existing pipelines.

16. Likewise there are no expected adverse economic impacts on landowners as no condemnation is anticipated. The Loudoun Station will be located on property owned by Dominion Cove Point, and the Pleasant Valley Station and access road will be located on property owned by Dominion Cove Point and on property for which Dominion Cove Point has an option to purchase. In addition, the suction and discharge pipelines connecting the Pleasant Valley Station will be constructed within the Dominion Cove Point and Virginia Power existing pipeline/electric transmission right-of-way. The Commission received no adverse comments from landowners.

Project Need and Certificate Policy Statement Conclusion

17. The Cove Point East Project application was filed as a requirement of an uncontested settlement between Dominion Cove Point and its customers. The project facilities were designed to meet the firm transmission requirements of the subscribing shippers, thus the proposed incremental capacity is fully subscribed. In addition, the

project will provide project shippers reliability and operational flexibility, and will provide increased transportation options to shippers on the three interconnecting, interstate pipelines.

18. The Commission finds that Dominion Cove Point's proposal will provide substantial benefits, can proceed without subsidies, and will not adversely affect or degrade service to Dominion Cove Point's existing shippers. We find that the benefits of the project outweigh any potential adverse impacts. Therefore, the proposal is consistent with the Policy Statement and Section 7(c) of the NGA. Accordingly, balancing the factors set forth in the Policy Statement, we conclude that Dominion Cove Point's proposed project is required by the public convenience and necessity.

Rates

Incremental Rates

19. Dominion Cove Point proposes an initial incremental reservation rate of \$1.9704 per Dth plus an electric reservation surcharge of \$0.3016 per Dth and fuel retention of 0.30%.⁸ Dominion Cove Point states that the service is priced incrementally because the rates required to recover these incremental costs exceed Dominion Cove Point's existing system rates for firm transportation under Rate Schedule FTS, and that charging rolled-in system rates would result in existing customers subsidizing the incremental transportation service.⁹

20. Dominion Cove Point states that it has based its proposed rates on an annualized cost of service of \$10,521,994. Dominion Cove Point proposes to use its current system depreciation rate of 5.0% and a pre-tax return on equity of 13.0%, with a cost of debt of 8.5%, with a capital structure of 40% debt and 60% equity.¹⁰ Dominion Cove Point also states that the rates are based on demand determinates of 445,000 Dth/day.

⁸ The electric power costs will be updated annually through a surcharge adjustment in the proposed electric power tracker. Fuel retention will be updated annually by use of Dominion Cove Point's existing Fuel tracker.

⁹ The currently effective maximum reservation rate for Rate Schedule FTS service is \$0.6759 per Dth.

¹⁰ See Response to Data Request No. 5 filed July 7, 2003.

21. All of the costs of the proposed Cove Point East Project will be recovered only from the shippers who subscribe to this incremental service. The project will not rely upon any subsidization from existing customers. Accordingly, we will approve the proposed initial incremental rates. Dominion Cove Point is directed to file compliance tariff sheets for the initial incremental rates 60 days prior to the in-service date.

Tariff Proposal

22. Dominion Cove Point proposes a new Section 27 to its General Terms and Conditions. The new tariff language establishes an electric power tracker to collect electric power costs used at the electric powered compressor station located at Pleasant Valley, Virginia.

23. In summary, Dominion Cove Point will maintain on a monthly basis, in a sub-account of Account No. 186, the difference between the actual power costs and the actual recovery of power costs. At least 30 days prior to each April 1, Dominion Cove Point will file with the Commission to reflect net changes in the electric power rates. Interest will be computed on a monthly basis on the balance of the account based on the method prescribed in Section 154.501(d)(1) of the Commission's Regulations.

24. The electric power cost tracking mechanism will insure that the existing customers will be insulated from the electric power costs incurred in this project. Accordingly, we will pre-approve Dominion Cove Point's proposed electric cost tracker tariff provisions. Dominion Cove Point is directed to file its actual electric power cost tracker tariff sheets 60 days prior to the in-service date.

Engineering

25. Commission staff has analyzed Dominion Cove Point's flow diagrams, flow models and engineering data supplied in the instant proceeding. Based upon that analysis, we conclude that the proposed facility modifications are properly designed to accommodate an additional 445,000 Dth per day of incremental firm transportation service flowing from west to east on the Dominion Cove Point pipeline. The analysis shows that the compression facilities at both the Loudoun and Pleasant Valley facilities will enable Dominion Cove Point to meet its firm obligation even when the LTD-1 shippers' gas is flowing from the LNG facility.¹¹ This additional compression will also allow Dominion Cove Point shippers increased supply flexibility from the three

¹¹ Dominion Cove Point provides firm LNG service under its Rate Schedule LTD-1.

interconnecting interstate pipeline companies, Dominion Transmission, Columbia Gas and Transco, that would not have existed after the reactivation of the LNG terminal due to the high operating pressure.

Environmental

26. On May 21, 2003, we issued a Notice of Intent to Prepare an Environmental Assessment for the Proposed Cove Point East Project and Request for Comments on Environmental Issues (NOI). We received two responses to the NOI, from the Virginia Department of Conservation and Recreation and the Fairfax County Department of Planning and Zoning (Fairfax County).
27. Our staff prepared an environmental assessment (EA) for Dominion Cove Point's proposal. The EA addresses geology, soils, water resources and wetlands, vegetation and wildlife, endangered and threatened species, land use, cultural resources, air and noise safety, reliability and safety, and alternatives. In addition, the EA addresses all substantive comments received in response to the NOI.
28. The EA was mailed to all affected landowners, Federal, state, and local agencies. We received two comments on the EA, from Fairfax County and the Virginia Department of Environmental Quality (VDEQ).
29. In its comment letter on the EA, VDEQ requested that a copy of the cultural resources survey report, the Virginia State Historic Preservation Office's May 7, 2003 letter, and any Memorandum of Agreement (MOA) be sent to the Loudoun County Planning Department (LCPD). We have requested that Dominion Cove Point provide the report and the letter to the LCPD. An MOA has not been necessary for the project as no historic properties requiring data recovery have been identified to date. However, if as a result of completion of cultural resources survey work, historic properties are identified and require data recovery, the Commission will provide the LCPD with any MOA.
30. The VDEQ seeks assurance that Dominion Cove Point's project will be in compliance with storm water permitting requirements. In this regard, the VDEQ lists several recommendations and best-management practices it encourages the applicant to adopt to minimize impacts on wetlands and waterways. The VDEQ also advocates the implementation of pollution prevention principles, including reduction of solid wastes at the source, re-use of materials, and recycling of waste materials.
31. Fairfax County is concerned that the Pleasant Valley site is located within the Reservation Conservation District of the Occoquan Watershed, a specially-designated water source. Therefore, it recommended that construction at the Pleasant Valley site use

best management practices to meet water quality objectives. Fairfax County also recommends at least half of the project site be retained as (and/or be restored to) perpetually undisturbed open space in light of the water quality sensitivity of the area.

32. As stated in the EA, the applicant has committed to construct its project in accordance with the Commission staff's Wetland and Waterbody Construction and Mitigation Procedures (Procedures) and the Upland Erosion Control, Revegetation and Maintenance Plan (Plan). Our staff has determined that proper implementation of the Plan and Procedures would adequately minimize construction-related impacts on soil, waterbodies, and wetlands in general. The Dominion Cove Point is required to obtain a Virginia Water Protection Permit and a Virginia Pollutant Discharge Elimination System Permit for storm water activities. VDEQ may attach additional (perhaps more site specific) mitigation to these permits.

33. Given that impacts on waterbodies or wetlands would be temporary, and no waterbodies or wetlands would be permanently altered, we do not believe the construction and operation of this project would adversely affect the Residential Conversation District of the Occoquan River Watershed.

34. VDEQ's comment letter informs us that the Pleasant Valley site is located within the designated coastal zone watershed. Therefore, Dominion Cove Point's proposed actions must be found consistent with the Virginia Coastal Resources Management Program.

35. Accordingly, we will require that Dominion Cove Point obtain and file a Coastal Zone Management Act Consistency Determination from the VDEQ before construction is authorized by the Director of the Office of Energy Projects.

36. VDEQ is concerned that the compressor station facilities may have substantial adverse visual and noise impacts on adjacent county park property, and that the project could compromise the passive recreational value of this portion of the park. VDEQ contends that the facility should be situated so it would not be visible from any area on the park property. However, Fairfax County states in its comments that the master planning process for this parkland has not been completed.

37. We acknowledge that the new compressor station would be built on about 30 acres of land adjacent to park property. However, we note that an existing access road (that leads from Pleasant Valley Road to the meter station facility), a 200-foot-wide electric transmission line and pipeline right-of-way corridor already exists at this site. All these facilities are visible from parkland property. Dominion Cove Point commits to limit the clearing of vegetation (previously disturbed woodland forest) that is necessary to

construct and operate the compressor station. Dominion Cove Point would leave a forested buffer intact around its site, which would mitigate for noise and visual impacts. We believe that locating Dominion Cove Point's facilities on land that is adjacent to existing energy facilities is appropriate.

38. VDEQ commented that the expected noise from a compressor station must not exceed the levels identified in its county noise ordinances. In the EA, our staff's analysis of Dominion Cove Point's projected noise levels indicates that the noise attributed to Dominion Cove Point's facilities would comply with both Federal regulations and county noise ordinances. However, to ensure Dominion Cove Point would meet these regulations and noise ordinances, the EA includes a condition that Dominion Cove Point file noise surveys showing they met these standards with the Secretary after placing the proposed compressor stations in service. If for some reason the operational noise levels exceed the regulations and noise ordinances, the applicant must file a report detailing what additional noise controls will be installed to meet the appropriate noise level.

39. Commenters from Fairfax County also expressed safety concerns. The U.S. Department of Transportation (DOT) is solely responsible for establishing criteria and requirements for the safety of natural gas pipeline facilities. DOT sets standards for the design, construction, inspection, and operation of natural gas pipelines in accordance with the Natural Gas Pipeline Safety Act of 1968. DOT's safety standards specify material selection and qualification, minimum design requirements, and protection from internal, external, and atmospheric corrosion. Any applicant for a certificate from the Commission is required to verify that the proposed facilities would meet DOT safety standards. As stated in the EA (page 18), Dominion Cove Point's project would be designed, constructed, operated, and maintained in accordance with the DOT Minimum Federal Safety Standards in Title 49 Code of Federal Regulations (CFR) Part 192. The regulations are intended to ensure adequate protection for the public and to prevent natural gas pipeline accidents and failures. Under Title 49 CFR 192.615, Dominion Cove Point is required to establish and maintain adequate means of communication with appropriate fire, police, and other public officials.

40. Finally, Fairfax County does not find the EA to be acceptable and recommends that no further action on the proposal be taken until the EA has been amended to adequately address issues such as noise and visual impact. In addition, Fairfax County finds that additional sites should be evaluated. In the alternative, Fairfax County asks that an Environmental Impact Statement (EIS) be prepared for this project.

41. We disagree that an EIS is necessary for this project and that further alternative site evaluations are necessary. The EA prepared for Dominion Cove Point's project complies with the National Environmental Policy Act and the Council of Environmental

Quality's regulations. Further, all the issues identified during the scoping process are addressed in the EA and this order. Therefore, the EA supports our finding that the proposed action will not significantly affect the quality of the human environment.

42. Based on the discussion in the EA, we conclude that if constructed in accordance with Dominion Cove Point's application and supplement filed March 28, 2003, approval of this proposal would not constitute a major Federal action significantly affecting the quality of the human environment.

43. Any state or local permits issued with respect to the Cove Point East Project facilities must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.¹² Dominion Cove Point shall notify the Commission's environmental staff by telephone and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Dominion Cove Point. Dominion Cove Point shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

Conclusion

44. At a hearing held on November 13, 2003, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as amended and supplemented, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Dominion Cove Point pursuant to Section 7(c) of the NGA and Part 157 of the Commission's regulations to construct and operate facilities as described and conditioned herein, and as more fully described in the application.

¹²See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1989); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

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(B) Dominion Cove Point's proposed initial incremental rates and its proposed electric cost tracker are approved.

(C) The certificate authority in Ordering Paragraph (A) shall be conditioned on the following:

- (1) Dominion Cove Point's completion of the proposed facilities and making them available for service within one year of the issuance of this order pursuant to paragraph (b) of Section 157.20 of the Commission's regulations;
- (2) Dominion Cove Point's compliance with all applicable Commission regulations under the NGA, including paragraphs (a), (c), (e), and (f) of Section 157.20 of the Commission's regulations;
- (3) Dominion Cove Point's execution of contracts for the quantity and terms of service represented in the precedent agreements prior to commencing construction;
- (4) Dominion Cove Point's filing actual tariff sheets implementing the project's initial incremental rates and electric power cost tracker tariff provision 60 days prior to the project's in-service date; and
- (5) Dominion Cove Point's compliance with the environmental conditions listed in the appendix to this order.

(D) Dominion Cove Point shall notify the Commission's environmental staff by telephone and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Dominion Cove Point. Dominion Cove Point shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

(E) Columbia Gas' late motion to intervene is granted.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.

Appendix

Dominion Cove Point LNG, LP, Docket No. CP03-74-000 Environmental Conditions

As recommended in the EA, this authorization includes the following condition(s):

1. Dominion Cove Point shall follow the construction procedures and mitigation measures described in its application and as identified in the EA, unless modified by this Order. Dominion Cove Point must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of OEP before using that modification.
2. The Director of OEP has delegation authority to take whatever steps are necessary to insure the protection of all environmental resources during construction and operation of the project. This authority shall allow:
 - a. the modification of conditions of this Order; and
 - b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. Dominion Cove Point shall defer construction and use of facilities and staging, storage, and temporary work areas and new or to-be-improved access roads at the Pleasant Valley Station **until**:
 - a. Dominion Cove Point files with the Secretary a cultural resource report for the remaining portion of the Pleasant Valley Station site, the Virginia SHPO comments on the report, any required treatment plan, and the SHPO's comments on any treatment plan; and
 - b. the Director of OEP reviews and approves the report and any plan and notifies Dominion Cove Point in writing that it may proceed.

4. All material filed with the Commission containing **location, character, and ownership** information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CONTAINS PRIVILEGED INFORMATION--DO NOT RELEASE.**"
5. Dominion Cove Point shall make all reasonable efforts to assure its predicted noise levels from the Loudoun and Pleasant Valley Compressor Stations are not exceeded at nearby NSAs and file noise surveys showing this with the Secretary **no later than 60 days** after placing the Loudoun and Pleasant Valley Compressor Stations in service. However, if the noise attributable to the operation of the Loudoun and Pleasant Valley Compressor Stations at full load exceeds an L_{dn} of 55 dBA at any nearby NSAs, Dominion Cove Point shall file a report on what changes are needed and shall install additional noise controls to meet the level **within 1 year** of the in-service date. Dominion Cove Point shall confirm compliance with this requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.
6. Before construction, Dominion Cove Point shall file with the Secretary a copy of the Virginia Coastal Zone Management Act Consistency Determination.