

From: Conover, Dave
Sent: Fri, 11 Apr 2025 13:55:21 +0000
To: Rapp, Andrew; jarrod_agen@ios.doi.gov
Cc: Wolf, Bill
Subject: [EXTERNAL] RE: New issue on a project being delayed by DOJ

By way of update, after several additional meetings, DOJ is now working with us on this. No further action required.

Dave Conover

Vice President, Government Relations & Communications

(b) (6)

KINDER MORGAN

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From: Conover, Dave
Sent: Wednesday, April 9, 2025 11:46 AM
To: 'Rapp, Andrew' <andrew.rapp@hq.doe.gov>; jarrod_agen@ios.doi.gov
Cc: Wolf, Bill <Bill_Wolf@kindermorgan.com>
Subject: New issue on a project being delayed by DOJ

Hello Andrew and Jarrod: Per our initial meeting with the NEDC Co-Chairs, we would like to bring the following issue to your attention. KMI is developing a new natural gas pipeline project for TVA, who is retiring a coal plant and building a natural gas-fired power plant. ENGO's sued both the Army Corps and the state of Tennessee, seeking to invalidate our Corps permit and the state's CWA Sec. 401 certification. The Sixth Circuit stayed further development of the project pending review of the ENGO litigation. On Friday, the court dismissed all claims but technically did not lift the stay—the order did not directly address the stay although the court included the following in its Judgment which makes clear its review of the claims on which the stay was premised is complete: 'UPON FULL REVIEW of the record and the briefs and arguments of counsel, IT IS ORDERED that the petition for review is DENIED.' The FERC then authorized us to proceed pending a permit modification we need from the Corps due to the litigation delay. We reached out to the Corps, with DOJ sitting in. DOJ then advised the stay preventing us from moving forward on the project was still in place. (b) (4)

Bill and I will be discussing this during a meeting tomorrow with Will, Brian, and Peter at the NEDC, but I wanted to get it into your hands as well, given the previous conversation we had with the Co-Chairs.

Please don't hesitate to call if you have any questions.

Thank you and best wishes,

Dave Conover

Vice President, Government Relations & Communications

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