

EXHIBIT 1

DECLARATION OF MEGAN C. GIBSON

I, Megan C. Gibson, state and affirm as follows:

1. I, Megan C. Gibson, Staff Attorney of the Niskanen Center (“Niskanen”), am competent to give this declaration, declare that the following statements are true and correct to the best of my knowledge and belief, and that all information herein is based on my own personal knowledge, unless otherwise indicated.

2. By letter dated October 29, 2018, the Niskanen Center submitted a Freedom of Information ACT (“FOIA”) request to the Federal Energy Regulatory Commission (“FERC”), seeking “any and all records and information in FERC’s possession or control in relation to private landowners identified by the Atlantic Coast Pipeline (“ACP”) in Docket No. CP15-554, specifically the following landowner lists:

- Landowner List Information of Atlantic Coast Pipeline, LLC, et al., under CP15-554, et al., Submittal 20160629 5197 on June 29, 2016;
- Landowner List Information of Atlantic Coast Pipeline, LLC, et al., under CP15-554, et al., Submittal 20160412 5248 on April 12, 2016.
- Landowner List Information of Atlantic Coast Pipeline, LLC, et al., under CP15-554, et al., Submittal 20151112 5341 on November 12, 2015
- Landowner List Information of Atlantic Coast Pipeline, LLC, et al., under CP15-554, et al., Submittal 20151016 5227 on October 16, 2015.”

3. On November 14, 2018, Niskanen received a response to the request via 2 e-mails from FERC’s FOIA Public Liaison, Toyia Johnson. No number was assigned to the Niskanen Center’s FOIA request. In FERC’s response, Ms. Johnson noted that the landowner lists had been previously requested and released, but that all

of the requested [private] landowner information was redacted “pursuant to FOIA Exemption 6.”

4. On December 18, 2018, Niskanen appealed FERC’s denial of Niskanen’s October 29, 2018 FOIA request. In its appeal, Niskanen noted that FERC and ACP failed to send out the required notice to all of the affected landowners. Niskanen gave the example of at least 13 landowners identified in FERC’s Final EIS who neither FERC nor ACP sent notice to. Niskanen further noted that all of the 13 landowners would have the ACP’s right-of-way within 50 feet of their home. Niskanen noted in part its reason for the request, though it is not required to do so. The reason being that the disclosure of the mailing lists would shed light on FERC’s performance of its duty to send every affected landowner adequate notice.

5. In a phone conversation on January 9, 2019, FERC attorney Michael Watson stated to me that FERC’s position is that FERC considers the November 14, 2018 Response a non-response, as it did not go through the correct bureaucratic channels within the agency.

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746).

Executed on July 19, 2019.
(Date)

/s/ Megan C. Gibson
MEGAN C. GIBSON