

ATLANTIC COAST PIPELINE

Memorandum of Understanding

How did we get here?

- ACP MOU for “unavoidable impacts”
- Jan 25, 2018 – \$57.8M fund established
- Jan 26, 2018 – ACP permit issued
- Perceptions of “pay to play”
- Feb 8, 2018 – Mr. Lilley appears before the Joint Appropriations Committee

How did we get here?

- **Feb 12, 2018** – General Assembly sends letter to Governor's Office
- **Feb 15, 2018** – Nonresponsive reply received back
- **Feb 16, 2018** – General Assembly sends second letter
- **Feb 19, 2018** – Governor's office dismisses as “partisan charade”

How did we get here?

- The Governor has refused to provide or explain:
 - Drafts of the MOU
 - Information regarding negotiations
 - Unconstitutional nature
 - “Voluntary contribution”
 - Ethical implications

How did we get here?

- S.L. 2018-2 – \$57.8M to NC public schools
 - Local educators supported
- Governor objected and stated \$57.8M would be “imperiled”
- ACP has no concerns about funding schools
- Governor wants \$57.8M in fund

What have we since learned?

- Copies of draft MOUs revealed:
 - ACP proposed funds go to the State of N.C.
 - Four drafts of the MOU written (Dec. 13, 2017—Jan. 19, 2018)
 - Final MOU directed \$57.8M be under Governor Cooper's control
 - Compare to VA MOU

What have we since learned?

- The official permit file revealed:
 - Permit delayed by sending “additional information” letters
 - DEQ sent four different letters from September 2017 – December 2017
 - New DEQ Request before ACP response
 - Inconsistencies and omissions

Recommendation to Gov Ops

- For at least 7 reasons Gov Ops should establish a subcommittee to investigate all aspects of the Memorandum of Understanding that was signed on January 25, 2018.
 - Timing of Permit & MOU
 - Lack of transparency
 - Confusion over conflicting bases for payment
 - Governor's degree of discretion over fund
 - Frequency & merit of DEQ info requests
 - Anomalies in permit file
 - Protection of NC business climate