

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

In the Matter of)
Rockies Express Pipeline, LLC)
Zone 3 East-to-West Project)

Docket No. CP14-498-000

**ALLEGHENY DEFENSE PROJECT AND FRESHWATER ACCOUNTABILITY
PROJECT MOTION TO ANSWER AND ANSWER TO ROCKIES EXPRESS PIPELINE**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.213, Allegheny Defense Project (“Allegheny”) and FreshWater Accountability Project (“FWAP”) hereby submit their motion for leave to answer and answer to Rockies Express Pipeline’s (“REX”) January 29, 2015 “Answer in Opposition to the Late Motion to Intervene of FreshWater Accountability Project and the Comments of Allegheny Defense Project and FreshWater Accountability Project.”

I. MOTION FOR LEAVE TO ANSWER

Allegheny and FWAP respectfully request leave to answer REX’s answer. While FERC generally does not permit answers to answers,¹ it will do so when it assists FERC in its decision-making process. *See, e.g., ANR Pipeline Company*, 143 FERC § 61,225, at P 12 (2013). In this case, FERC should permit this answer because FWAP demonstrated good cause for late intervention and because it will assist FERC in its decision-making process. In particular, REX’s misrepresentation of the National Environmental Policy Act’s (“NEPA”) implementing regulations demonstrates the need for Allegheny’s and FWAP’s participation in this proceeding so that FERC’s ultimate decision is based on a robust environmental analysis and consideration of the public interest. Therefore, FERC should grant this motion to answer.

II. ANSWER

A. FWAP’S Motion for Late Intervention Should Be Granted.

REX claims that FWAP’s motion for late intervention should be denied because 1) FWAP provided no justification for missing earlier comment deadlines, 2) REX has been prejudiced, 3) FWAP did not demonstrate that other parties cannot represent its interests, and 4) public policy. None of these claims hold water. Therefore, FERC should grant FWAP’s motion for late intervention.

¹ Rule 213(a)(2) provides that “[a]n answer may not be made to....and answer..., unless otherwise ordered by the decisional authority.” 18 C.F.R. § 385.213(a)(2).

In support of its contention that FWAP allegedly did not show cause for late intervention, REX cites two cases where FERC denied intervention. These cases, however, were quite different than the situation presented by FWAP's motion. For example, REX quotes *Northern Natural Gas Co.*, 127 FERC ¶ 61,038 (2009), to explain that "[a] key purpose of the intervention deadline is to determine, early on, who the interested parties are and what information and arguments they can bring to bear." Answer at 5. This quote is incomplete and taken out of context. The full quote and context is as follows:

The Commission has previously explained that "[a] key purpose of the intervention deadline is to determine, early on, who the interested parties are and what information and arguments they can bring to bear. Interested parties are not entitled to hold back awaiting the outcome of the proceeding, or to intervene when events take a turn not to their liking." Allowing late intervention *at this point in the proceeding* brings very little benefit to the proceeding and potentially would create prejudice and additional burdens on the Commission, other parties, and the applicants.

Northern Natural Gas Co., 127 FERC ¶ 61,038 at P 11 (2009) (citation omitted) (emphasis added). In *Northern Natural Gas*, FERC issued the order on October 30, 2008 while the party seeking late intervention filed its motion on January 26, 2009, nearly three months *after* the date of the order. *Id.* at PP 1 and 7. That is a very different procedural posture than here where FWAP filed its motion for late intervention *before* FERC issued an order.

The other case that REX cites, *Cal. Dep't of Water Res.*, 122 FERC ¶ 61,150 (2008), offers no assistance. In the petition for review, the Ninth Circuit Court of Appeals noted that, although the parties seeking late intervention were aware of the proceeding and had even submitted comments, the motions for late intervention were not filed until *nearly two years after* the deadline for comments. *Cal. Trout v. FERC*, 572 F.3d 1003, 1012 (9th Cir. 2009) (noting that the motions for late intervention were filed "twenty-one months after" and "twenty-three months after" the deadline for comments, respectively). Here, FWAP only recently became aware of the underlying proceeding and took immediate steps to intervene to protect its interests. While FWAP's motion was filed approximately five months after the deadline for scoping comments, that is well before the lapse of time that existed in *Cal. Dep't of Water Resources*.

REX next claims that it "has already been prejudiced given the delay and disruption with [FWAP's intervention] while it remains under the Commission's consideration and given the time and expense spent by [REX] in responding to the intervention at this late hour." Answer at 6. The first part of REX's argument is nonsensical since it implies that any motion for late intervention would delay and disrupt a proceeding where FERC is still considering the underlying application. If that were the case, then there would be no purpose at all in having a process for filing a motion for late intervention.

The second part of REX's argument is that it has been prejudiced because it drafted and filed an answer "at this late hour." First, the hour is not late since FERC has not issued an order and it has only been two months since the EA was published. Second, if an applicant could demonstrate prejudice simply by pointing out that it filed an answer, then there would hardly be a case where prejudice would not be found.

As noted in FWAP's motion, FERC has typically held that untimely intervention will not cause prejudice if the intervention is sought prior to the final decision. FWAP Motion for Late Intervention at 3 (*citing Cent. Hudson Gas & Elec. Corp.*, 41 FERC ¶ 61,313 (1987)). Moreover, FERC has previously found that the *lack of prejudice itself* demonstrated "good cause shown" without examining the reason for the delay in filing. *Id.* (*citing Superior Offshore Pipeline Co.*, 68 FERC ¶ 61,089 (1994), *E. Am. Energy Corp. et al.*, 68 FERC ¶ 61,087 (1994)).²

REX next claims that FWAP failed to demonstrate that it possesses any interest in this proceeding that cannot be represented by other parties. Answer at 6. As stated in its motion, however, FWAP works to protect "the water, reservoirs, streams, and natural water habitats, ecological systems and wetlands in Southeast Ohio" and no other party in the proceeding represents those interests. FWAP Motion for Late Intervention at 5. Knowing its argument has no merit, REX cites to the fact that FWAP signed onto comments with Allegheny as evidence of adequate representation. The fact that FWAP and Allegheny filed joint comments does not mean that each organization could represent the interests of the other. As stated in Allegheny's motion to intervene, "no parties represent environmental interests related to public lands *in Pennsylvania.*" Allegheny Motion for Late Intervention at 5 (emphasis added). The interests of FWAP and Allegheny are distinct and neither organization adequately represents the interests of the other.

Finally, REX makes a public policy argument for denying FWAP's motion. This argument, however, is built on the shaky foundation of the previous arguments. As explained above, FWAP has demonstrated good cause for intervention, particularly since FERC has not issued an order in this proceeding. No other party in this proceeding adequately represents FWAP's interests in protecting Southeast Ohio's waterways and wetlands. Finally, REX failed to show any prejudice from FWAP's motion. In other words, there is no public policy argument to be made for denying FWAP's motion. Therefore, FWAP respectfully requests that FERC grant its motion for late intervention.

B. Allegheny's and FWAP's Joint Comments Should Be Accepted and Considered

1. FERC Failed to Notify Allegheny of Filings in this Proceeding.

According to REX, FERC should dismiss the Joint Comments filed by Allegheny and FWAP as untimely and unsupported. Answer at 7. As will be explained below (and as explained in the Joint Comments), there is ample support for accepting and giving careful consideration to the comments. First, however, it is necessary to address the timeliness issue. REX claims that when FERC issued the environmental schedule on October 27, 2014, no one

² In *Superior Offshore Pipeline Co.*, FERC granted the party's motion for late intervention simultaneous to granting rehearing for further consideration. 68 FERC ¶ 61,089 (1994). In other words, the party sought intervention *after* the order had been issued and FERC granted the motion without even examining the reason for the delay. FWAP should not be held to a higher standard when an order has not even been issued.

objected to the schedule. That may be but what REX may not appreciate is the fact that not all parties are being properly notified of filings in this docket.

For example, on September 4, 2014, Allegheny filed its motion for late intervention in this proceeding.³ Accession No. 20140905-5016. No parties objected to Allegheny's motion. As a result, Allegheny should have been included on the Service List and/or Mailing List for the Project.

According to FERC, "officials and individuals who have been recognized by FERC as official parties (intervenors) to specific docket and project numbers" are included on the Service List. FERC, eService, <http://www.ferc.gov/docs-filing/eservice.asp>. (Attachment 1). The Mailing List includes "the names and mailing addresses of contacts on the Service List and contacts that have been added to the Mailing List (non-intervenors) for a specific docket or project number. *Id.* At a minimum, Allegheny should be included on the Mailing List but Allegheny is not listed on *either* the Mailing List or the Service List. *See* Attachments 2-3. Thus, Allegheny should not be faulted for allegedly "untimely" comments when FERC failed to include it on the lists that provide the means for notification of docket filings.

Allegheny even took the additional step of subscribing to docket number associated with the Project. *See* Attachment 4. According to FERC, "[w]hen you register for eSubscription and subscribe to a specific docket, you'll be notified via email about all future submittals and issuances." FERC, eSubscription, <http://www.ferc.gov/docs-filing/esubscription.asp> (Attachment 5). In other words, Allegheny has exhausted every avenue in order to receive timely notification of filings in this docket. Despite this, Allegheny did not receive notification of FERC's environmental review schedule or the publication of the EA. In fact, the last email notification that Allegheny received prior to submission of the Joint Comments was on October 10, 2014 when Clinton Fuhrer submitted comments.⁴ *See* Attachment 6.

FERC's failure to provide timely notice of filings to Allegheny in this proceeding is further supported by REX itself. For example, on January 29, 2015, REX provided a "courtesy copy" of its Answer because it "did not see [Allegheny's] name on the service list in [Docket No. CP14-498-000]." *See* Attachment 7. There would be no need for REX to provide Allegheny with a "courtesy copy" of its Answer if FERC included Allegheny on the Service List.⁵

It should also be noted that this is not the only proceeding in which FERC failed to properly notify Allegheny of important filings. For example, Allegheny intervened in Columbia Gas Transmission's East Side Expansion Project (Docket No. CP14-17, Accession No. 20131206-5198), Texas Eastern Transmission's Ohio Pipeline Energy Network Project (Docket

³ While the motion was filed on September 4, 2014, it was after FERC's business hours. Therefore, the motion was not accepted and entered into the docket until September 5, 2014.

⁴ The fact that Allegheny initially received notifications of filings and then no further notifications after October 10, 2014 indicates that Allegheny was included on the Service List and subsequently removed for some reason.

⁵ Allegheny received no such "courtesy copies" from either REX or FERC when the Schedule of Environmental Review and EA were published.

No. CP14-68, Accession No. 20140922-5128), Texas Eastern Transmission's Uniontown to Gas City Project (Docket No. CP14-104, Accession No. 20140415-5010) and Transco's Leidy Southeast Expansion Project (CP13-551, Accession No. 20140910-5004). Despite intervening and commenting in all of these proceedings, FERC failed to notify Allegheny that it issued certificate orders in all of these proceedings in December 2014. See *Texas Eastern Transmission*, 149 FERC ¶ 61,198 (Dec. 2, 2014); *Texas Eastern Transmission*, 149 FERC ¶ 61,259 (Dec. 18, 2014); *Transcontinental Gas Pipe Line Co.*, 149 FERC ¶ 61,258 (Dec. 18, 2014); and *Columbia Gas Transmission*, 149 FERC ¶ 61,255 (Dec. 18, 2014). FERC failed to notify Allegheny even though it granted Allegheny's intervention in each proceeding. See *Texas Eastern Transmission*, 149 FERC ¶ 61,198 at P 9 (2014); *Texas Eastern Transmission*, 149 FERC ¶ 61,259 at P 8 (2014); *Transcontinental Gas Pipe Line Co.*, 149 FERC ¶ 61,258 at P 8 (2014); and *Columbia Gas Transmission*, 149 FERC ¶ 61,255 at P 8 (2014). As a result of FERC's failure to notify Allegheny that it issued these certificate orders, Allegheny missed the deadlines for filing rehearing requests in three of the dockets.⁶

It should also be noted that Allegheny has contacted FERC by email and phone to determine why it is not being notified of filings in these and several other dockets. For example, on November 20, 2014, Allegheny Executive Director Ryan Talbott sent an email to FERC explaining that despite the fact that Allegheny had "subscribed to several docket proceedings," we were not "receiving notifications when documents are filed in these dockets." Attachment 8. After receiving no response, Mr. Talbott called FERC around the end of November to inquire further. The FERC representative acknowledged receipt of Mr. Talbott's email and said that a response would be forthcoming. To date, Allegheny has not received any response or explanation from FERC.

Therefore, Allegheny and FWAP respectfully request that the Joint Comments be accepted and considered by FERC. Allegheny further requests that FERC provide it with timely notification of documents filed in proceedings that it has intervened in and subscribed to.

2. The EA Did Not Appropriately Address Indirect Effects from Induced Production.

REX cites several cases to support its argument that the indirect effects of induced production are neither "causally-connected" to the Project nor "reasonably foreseeable." Answer at 8. REX further claims that the Joint Comments "fail to offer evidence that the Project would facilitate the alleged drilling or provide specificity on the impacts." *Id.* None of REX's arguments are convincing.

REX places particular emphasis on the Second Circuit's unpublished decision in *Coalition for Responsible Growth v. FERC*, 485 Fed. Appx. 472, 2012 WL 1596341 (2d Cir. 2012) to support its claim that FERC need not address the indirect impacts of gas drilling in the Marcellus and Utica shale formations. Answer at 8-11. REX's reliance on this decision, which is not binding precedent, is misplaced. As explained in the Joint Comments, the Second Circuit

⁶ Allegheny was able to file a rehearing request regarding Columbia Gas Transmission's East Side Expansion Project. Docket No. CP14-17, Accession No. 20150120-5523.

simply accepted FERC's arguments at face value and did not discuss any of the underlying case law.⁷ Joint Comments at 2. The Joint Comments proceeded to explain why FERC erred by ignoring the indirect effects of shale gas production in the EA. *Id.* at 2-8.

REX claims that the Project "is a relatively minor construction project" and that, although "the shippers who have executed precedent agreements do produce gas from the Marcellus and Utica Shales, there is no certainty that the gas they ship on Rockies Express will come from those areas." Answer at 10-11. This is simply not the case. For example, according to FERC, REX's Project is one of the largest pending projects targeting the Marcellus and Utica shales in terms of takeaway capacity. FERC, *A View From the Beltway*, p. 8 (Attachment 9). Moreover, as explained in the Joint Comments, each of four shippers is actively operating in the Marcellus and Utica shales and has disclosed the amount of mineral rights they control and estimated the number of wells they expect to drill. Joint Comments at 6-7. Thus, REX's notion that neither it nor FERC "can estimate or predict with any specificity" where the natural gas intended to flow west through REX's pipeline will come from is spurious.

REX's claim that FERC need not consider the indirect effects of shale gas production because "Congress elected to forgo regulation by the Commission of the 'production and gathering' of natural gas" is similarly unpersuasive. Although indirect effects are caused by the action, they "are later in time or farther removed in distance." 40 C.F.R. § 1508.8(b). Nothing in this regulation suggests that the effect must be under the jurisdiction of a particular agency in order to be considered by that agency. Indeed, the fact that such effects "may include growth inducing effects" including "induced changes in the pattern of land use" and "related effects on air and water and other natural systems, including ecosystems," suggests that CEQ intended action agencies to take an expansive view of indirect effects, including effects outside their jurisdiction.

Next, REX tries to distinguish the current proceeding from the Ninth Circuit's decision in *Northern Plains Resource Council v. Surface Transportation Board*, 668 F.3d 1067 (9th Cir. 2011). Answer at 11-12. REX's arguments, however, only serve to demonstrate how similar the Project is to the situation in *Northern Plains*. For example, REX notes that the railroad in *Northern Plains* "was designed to serve specific coal mines in Southeastern Montana and connect to a main line railroad." *Id.* REX then claims that its Project, on the other hand, "is not specifically *designed* to transport gas (shale or otherwise) from any particular source." *Id.* at 12 (emphasis in original). This is contradicted by REX's own filings.

For example, in its resource reports, REX claims that:

The purpose of the Project is to serve the public interest by efficiently deploying existing pipeline assets to meet the growing market need *to transport natural gas supplies out of the Appalachian production basin of Ohio, West Virginia, and Pennsylvania....* The modification of REX's Zone 3 facilities will create economic and strategic benefits for the United States' energy portfolio *by linking increased domestic natural gas supplies*

⁷ It should be noted that the issue in *Coalition for Responsible Growth* was cumulative impacts under 40 C.F.R. § 1508.7, not indirect effects under 40 C.F.R. § 1508.8(b).

produced from the Utica and Marcellus Shale regions to attractive Midwest on- and off-system markets currently served by REX.

REX, Resource Report 1 at 1-2 (emphasis added). In other words, contrary to REX's new assertion in its Answer, the Project is clearly designed to transport gas from a specific production region, just as the railroad in *Northern Plains* was designed to transport coal from a specific production region. Therefore, FERC has an obligation to consider the indirect effects of induced production that is likely to result once the 1,200,000 Dth/d of east-to-west firm transportation service comes online.

3. The EA Did Not Appropriately Address Cumulative Impacts.

According to REX, FERC properly concluded that "cumulative impacts would be minor [and] temporary." Answer at 13 (quoting EA at 32). The quoted reference, however, demonstrates FERC's fundamental misunderstanding of what is required by CEQ's regulations. Therefore, FERC did not appropriately address cumulative impacts.

CEQ states that:

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions *regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

40 C.F.R. § 1508.7 (emphasis added). It is the italicized language that seems to be lost on FERC. For example, the EA states that:

As previously concluded in this EA, impacts associated with the Project would be relatively minor, and therefore, when considered with past, present, and reasonably foreseeable projects within the potential region of influence, we conclude that cumulative impacts would be minor and temporary.

EA at 32. In other words, FERC concludes that because the Project-specific impacts "would be relatively minor," it necessarily follows that "cumulative impacts would be minor and temporary." Sometimes, however, "the total impact from a set of actions may be greater than the sum of their parts." *Klamath-Siskiyou Wildlands Center v. BLM*, 387 F.3d 989, 994 (9th Cir. 2004). It may be that REX's actions specific to reversing the flow of its pipeline may be relatively minor but the flow reversal "carrie[s] a high risk of degradation when multiplied by many projects and continued over a long time period[.]" *Kern v. BLM*, 284 F.3d 1062, 1077 (9th Cir. 2002). When an agency "disregards [the effects of individual projects] as 'localized' when they can have significant aggregate effects, it acts arbitrarily and capriciously." *Id.* That is precisely what FERC did in the EA.

For example, regarding cumulative impacts on wildlife, FERC states that other projects "would likely also affect wildlife" but "due to the limited impacts associated with the Project any

cumulative impacts on wildlife are anticipated to be minor.” EA at 31. At no point does FERC actually analyze the aggregate effects of other projects in addition to the Project’s impacts. “General statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided.” *Klamath-Siskiyou*, 387 F.3d at 994 (quoting *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998)). FERC has provided no justification regarding why more definitive information could not be provided. As explained in the Joint Comments, there are significant aggregate effects associated with the Project. For example, Allegheny and FWAP cited research discussing the impacts that shale gas drilling has on wildlife. Joint Comments at 12-14. These impacts are anything but minimal. Therefore, FERC’s three-sentence cumulative impact analysis on wildlife does not constitute a hard look. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

Finally, it is worth noting the importance of analyzing cumulative impacts in an EA as opposed to an EIS. As the Ninth Circuit has explained:

The importance of analyzing cumulative impacts in EAs is apparent when we consider the number of EAs that are prepared. [CEQ] noted in a recent report that “in a typical year, 45,000 EAs are prepared compared to 450 EISs....Given that so many more EAs are prepared than EISs, adequate consideration of cumulative effects requires that EAs address them fully.” [quoting 1997 CEQ guidance on cumulative effects].

Kern, 284 F.3d at 1076. This is particularly relevant in the context of FERC’s review of gas infrastructure projects. In fact, the D.C. Circuit Court of Appeals recently admonished FERC for its failure to take seriously its duty to consider cumulative impacts in an EA. See *Delaware Riverkeeper v. FERC*, 753 F.3d 1304, 1320 (D.C. Cir. 2014) (“It is apparent that FERC did not draft these pages with any serious consideration of the cumulative effects”). Unfortunately, it appears that FERC would rather continue forcing parties to challenge its failure to consider cumulative impacts in court than comply with its regulatory duty to consider such impacts before decisions are made.

4. The EA Did Not Appropriately Address Connected, Cumulative, and Similar Actions.

REX claims that “none of the three projects identified by ADP and FWAP are connected, cumulative, or similar actions.” Answer at 16. REX then baldly asserts that “[j]ust because the projects....are ‘near the REX pipeline’ does not mean those project must be considered in conjunction with the very limited impacts of the Project.” *Id.* This necessarily ignores, however, the fact that geographic proximity is one of the factors that indicates the need for an agency to consider “similar” actions in the same analysis. 40 C.F.R. § 1508.25(a)(3).

One of the projects that Allegheny and FWAP indicated should have been included in the EA is Columbia Gas Transmission’s proposed Leach Xpress Project. Joint Comments at 15. The Leach Xpress Project is much closer to the REX Pipeline for most of its length than Equitrans’ proposed Rover Pipeline, yet FERC included the latter in the EA but not the former. This is an arbitrary decision for which FERC provides no rationale.

Additionally, FERC should have included Natural Gas Pipeline Company's ("NGPL") proposed Chicago Market Expansion Project in the EA. According to NGPL, the Chicago Market Expansion Project is dependent upon the "NGPL/REX Moultrie interconnect...expansion in the FERC filing by [REX] in Docket No. CP14-498." NGPL, Notice of Binding Open Season, p. 1 (Attachment 10). NGPL then asserts that:

With the addition of these facilities [in the Zone 3 East-to-West Project], NGPL expects to be able to provide incremental northbound firm transportation capacity of approximately 280,000 Dth/d to 450,000 Dth/d from the REX Moultrie interconnect to markets in and near Chicago, IL in its Market Deliver Zone, that includes major LDCs (Nicor Gas, Peoples Gas Light & Coke, North Shore, Ameren, Northern Indiana Public Service Company) and interstate pipelines, direct connect power plants and industrial customers.

Id. Thus, the Chicago Market Expansion Project is clearly a connected, cumulative, and/or similar action to the Project and should have been included in the EA. Moreover, these Projects, in addition to the other mentioned projects, indicate the need for an EIS.

Finally, the Chicago Market Expansion Project underscores the importance of considering the indirect and cumulative effects of gas drilling in the Marcellus and Utica shales. For example, NGPL states that:

Increased gas production from the *Utica and Marcellus Shales*, combined with unique access to markets in Chicago, Joliet and northwest Indiana, make this Project the most affordable and economic choice to meet the needs of producers, local distribution companies, marketers and end use customers.

Id. (emphasis added). In other words, if FERC approves the Project and the Chicago Market Expansion Project, gas drilling companies operating in the Marcellus and Utica shales will have increased access for their production to the Chicago metropolitan area, the third largest city in the United States. This will undoubtedly place an even greater burden on the people, landscapes, wildlife, watersheds, and airsheds of Pennsylvania and Ohio where large portions of the Marcellus and Utica shales are located. FERC has an obligation to consider and disclose the burden that the people in Pennsylvania and Ohio are expected to shoulder as FERC and the gas industry scramble to rapidly and dramatically expand infrastructure that connects supply areas to market areas.

5. A Programmatic EIS Is Required and Necessary.

Finally, REX argues that a programmatic EIS is neither required nor necessary. Answer at 16. First, REX claims that "CEQ regulations provide that while an agency *may* provide an EIS for 'broad Federal actions such as the adoption of new agency programs or regulations,' it is not required to do so." *Id.* (citing 40 C.F.R. § 1502.4(b) (emphasis in original)). Contrary to REX's assertion, however, that regulation provides that programmatic EISs "are sometimes

required.” 40 C.F.R. § 1502.4(b). Thus, there are clearly situations in which an agency must prepare a programmatic EIS for broad Federal actions.

Second, REX cites to the Supreme Court’s decision in *Kleppe v. Sierra Club*. As REX notes, the Court declined to require the Department of Interior to prepare a programmatic EIS for coal development in the Northern Great Plains region but that was because the Court relied on the District Court’s express finding that there was no “plan or program to develop or encourage development” by the Department of Interior. As explained in the Joint Comments, FERC *is* engaged in regional development and planning with the gas industry to expand infrastructure capacity targeting the Marcellus and Utica shales. Joint Comments at 20-23.

REX next claims that is “absurd” to consider the multiple proceedings addressing natural gas-electric coordination as evidence of a long-term regional gas infrastructure planning and development program. Answer at 17-18. Rather, REX claims that these proceedings are simply “a forum to discuss existing issues of common concern regarding operations between the two industries to insure reliability of *existing* infrastructure.” *Id.* at 18 (emphasis added). This is woefully inaccurate.

For example, FERC specifically noted in Docket AD12-12, that one of the issues that “spurred significant discussion and concern” was “whether electric market incentives are adequate to ensure gas-fired generator performance or otherwise signal *the need for pipeline infrastructure to meet growing needs*.” Joint Comments at 20 (citing *Coordination Between Natural Gas and Electricity Markets*, 141 FERC § 61,125 at P 3, n. 2 (2012)). Thus, FERC and the natural gas and electric industries are not just concerned with the “reliability of existing infrastructure” but with the need for additional infrastructure “to meet growing needs.” As explained by the Natural Gas Supply Association in Docket No. RM14-2, “additional gas infrastructure must be in place to transport and store natural gas from the wellhead to the point of consumption.” Accession No. 20141128-5031.

In a recent interview, FERC Chairman Cheryl LaFleur noted that “additions to both the gas and electric infrastructure will be needed to carry out the [EPA’s Clean Power Plan (CPP)].” Charlie Passut, FERC Chairman Defends NatGas Infrastructure Expansion as a Climate Plus, Natural Gas Intelligence, Jan. 27, 2015 (Attachment 11). Chairman LaFleur further explains that utilizing more natural gas to meet the goals of the CPP “will *require the expansion and construction of gas infrastructure, both pipelines and compressor stations*, to get [the gas] where it needs to be to keep the lights on.” *Id.* (emphasis added). Finally, Chairman LaFleur flatly states that “I think that our nation is going to have to grapple with our *acceptance* of gas generation and gas pipelines” and that “permitting gas infrastructure is going to be *essential* to the successful implementation of the CPP[.]” *Id.* (emphasis added).

Therefore, as stated in the Joint Comments, it is beyond dispute that FERC is deeply engaged in regional planning and development of gas infrastructure. Importantly, FERC’s actions regarding gas-electric coordination predated the EPA’s proposed CPP but that proposed rule, should it become final, will place even greater pressure to construct new and expand existing natural gas infrastructure. Therefore, FERC must prepare a programmatic EIS on natural gas infrastructure projects that are targeting the Marcellus and Utica shales.

Indeed, as explained in the Joint Comments, this is precisely the kind of situation that CEQ states should be analyzed in a programmatic EIS. *See* Joint Comments at 16 (explaining that a programmatic EIS should be prepared when “several energy development proposals in the same region of the country [have] similar proposed methods of implementation and similar best practice and mitigation measures that can be analyzed in the same document.”). Such an EIS was prepared by multiple Federal and state agencies in for mountaintop removal coal mining in Appalachia. *See* Mountaintop Mining/Valley Fills in Appalachia Final Programmatic Environmental Impact Statement (Oct. 2005), *available at* <http://www.epa.gov/region3/mntntop/eis2005.htm>. Importantly, the agencies analyzed “the scope of remaining surface-minable coal in the study area,” which included Kentucky, West Virginia, Tennessee, and Virginia. Mountaintop Mining/Valley Fills in Appalachia Draft Programmatic Environmental Impact Statement, at III.O-1 (2003) (Attachment 12). The agencies were able to provide to the public information regarding the “demonstrated reserve base” of coal in each state and the “remaining years of production” for both underground and surface mining. *Id.* There is no reason why FERC, in cooperation with other agencies, cannot perform a similar analysis regarding gas production in the Marcellus and Utica shales.

As explained in the Joint Comments, in a 2014 report, the investment research firm Morningstar stated that there is “somewhere between 30 and 75 years of Marcellus resource potential at current production rates” and that “approximately 1,000 wells will need to be brought on line each year to hold gas production flat.” Joint Comments at 6. Additionally, Morningstar noted that several Marcellus producers have “identified between 10 and 30 years of drilling locations across the Marcellus.” *Id.* at 6. FERC’s recent presentation at the Maine Natural Gas Conference reveals numerous jurisdictional infrastructure projects targeting the Marcellus and Utica shales to connect this supply to market areas. FERC, A View From the Beltway, pp. 7-9 (Attachment 9). As explained by former Pennsylvania Governor Tom Corbett in another proceeding:

The significant increase in infrastructure development to transport natural gas to markets raises unique concerns and questions for communities who host these pipelines. I have heard from many citizens of Pennsylvania who live near or along the proposed corridor of the Atlantic Sunrise pipeline and are concerned about the potential environmental impact of this project....While your current review is focused specific to the proposed Atlantic Sunrise pipeline, I also strongly encourage FERC to seek coordination to the greatest extent possible among other proposed pipeline projects that seek to move natural gas to market. A recurring issue raised by local residents is whether we are efficiently deploying infrastructure – and the appropriate level of communication is occurring between potential project developers – in a manner that minimizes and mitigates overall disturbance on both the environment and local communities. Such coordination and efficiency has the advantage of maximizing benefit to consumers as well. Given the agency’s regulatory responsibility, and unique vantage point of being aware of other potential projects, I believe FERC is best suited to consider these factors as you continue your review of this proposed project.

Gov. Tom Corbett's comments on the Atlantic Sunrise Project, Aug. 18, 2014 (Attachment 13). Thus, it appears that the regional, programmatic planning and development of gas infrastructure is obvious to everyone but FERC and the gas industry. Contrary to REX's assertions, there is an urgent need for a programmatic EIS on natural gas infrastructure expansions that are targeting the Marcellus and Utica shale formations in order to connect gas supply to market areas.

III. CONCLUSION

For the reasons set forth above, FWAP respectfully requests that FERC grant its motion for late intervention. Allegheny and FWAP also request that FERC accept the Joint Comments on the EA and provide the relief sought in the Joint Comments. *See* pp. 23-24.

Dated: February 1, 2015

Respectfully submitted,

/s/ Ryan Talbott

Ryan Talbott
Executive Director
Allegheny Defense Project
117 West Wood Lane
Kane, PA 16735
rtalbott@alleghenydefense.org

/s/ Lea Harper

Lea Harper
Managing Director
FreshWater Accountability Project
P.O. Box 473
Grand Rapids, OH 43522
wewantcleanwater@gmail.com

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I, Ryan Talbott, hereby certify that I have this day served the foregoing document upon each person designated on this official list compiled by the Secretary in this proceeding.

Dated: February 1, 2015

Respectfully submitted,

/s/ Ryan Talbott

Ryan Talbott

Executive Director

Allegheny Defense Project

117 West Wood Lane

Kane, PA 16735

rtalbott@alleghenydefense.org



FERC
FEDERAL ENERGY REGULATORY COMMISSION

eService

Find parties associated with docketed proceedings

[Service List](#) - View and download the contact names, mailing addresses, and email addresses, where available, of officials and individuals who have been recognized by FERC as official parties (intervenor) to specific docket and project numbers.

[Mailing List/LOR](#) - View and download the names and mailing addresses of contacts on the Service List and contacts that have been added to the Mailing List (non-intervenor) for a specific docket or project number.

CONTACT

FERC Online Support

Email:

ferconlinesupport@ferc.gov

[Telephone Numbers](#)

QUICK LINKS

[eService User Guide](#) [PDF](#)

[Your Guide to Electronic Information at FERC](#) [PDF](#)

Updated: November 12, 2013



FERC Online Home

About FERC Online

Log Out

Edit Registration

Company Registration

eFiling

eSubscription

eComment

Query Mailing
List/Recipients by State

Query Service List

My Service List

eLibrary

eTariff Viewer

Help

☐ Subscribe to Press Release [Add New Subscription](#)

Current Subscriptions

Docket	Sub	Description	Applicant/Filer	Creation Date	Unsubscribe
CP14-498	ALL	ABBREVIATED APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY	Rockies Express Pipeline LLC	6/10/2014	<input type="checkbox"/>
CP14-504	ALL	Transcontinental Gas Pipe Line Company, LLC submits an application for a certificate of public convenience and necessity for its Rock Springs Expansion Project	Transcontinental Gas Pipe Line Company, LLC	6/23/2014	<input type="checkbox"/>
CP14-511	ALL	Application of Kinder Morgan Louisiana Pipeline LLC to make system modifications to create new firm transporation under a new north-to-south path for Magnolia LNG, LLC and to connect Magnolia's proposed liquefaction plant in Calcasieu Parish, Louisiana.	Kinder Morgan Louisiana Pipeline LLC	7/1/2014	<input type="checkbox"/>
PF14-16	ALL	Requests to Enter the Commission's Pre-filing Process for the Cameron Access Project	Columbia Gulf Transmission, LLC	7/2/2014	<input type="checkbox"/>
CP14-529	ALL	Abbreviated Application of Tennessee Gas Pipeline Company, L.L.C. For A Certificate of Public Convenience and Necessity To Construct, Install, Modify, Operate and Maintain Certain Pipeline and Compression Facilities--Connecticut Expansion Project.	Tennessee Gas Pipeline Company, L.L.C.	7/31/2014	<input type="checkbox"/>
CP14-549	ALL	Application for Certificate of Public Convenience and Necessity for the Harrison Storage Pool Boundary Project	Dominion Transmission, Inc.	9/8/2014	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#)

Unsubscribe

For any issues regarding FERC Online, please contact FERC Online Support or call Local: 202-502-6652 | Toll-free: 866-208-3676. Please include a current mail address, telephone number, and e-mail address.



FERC
FEDERAL ENERGY REGULATORY COMMISSION

eSubscription

Receive docketed correspondence, issuances and News Releases electronically



When you register for eSubscription and subscribe to a specific docket, you'll be notified via email about all future submittals and issuances. You will also be able to retrieve public documents through the links in the emails. For Privileged or CEII documents, refer to our [FOIA & CEII section](#).

(Note: You will not be emailed correspondence filed or issued prior to the date you subscribe to a particular docket).

Just follow these simple steps:

1. [Register](#) as a FERC Online User to obtain a FERC I.D. and password (you will need to do this even if you have an eFiling account). FERC Online will then send you an email confirming your registration.
2. Go to your email program's Inbox and open the message from FERC Online. Click on the link to validate your account.
3. Once you are a registered FERC Online User, log in to FERC Online by entering your registered email address/FERC I.D. and your password.
4. Select the docket numbers you want to keep track.

You'll be notified via email as correspondence comes in and out of FERC. Edit your profile and make changes to the dockets you're tracking easily and at any time.

CONTACT

FERC Online Support

Email: ferconlinesupport@ferc.gov

[Telephone Numbers](#)

QUICK LINKS

[Your Guide to Electronic Information at FERC](#)
 PDF

Updated: November 6, 2014

From: FERC eSubscription eSubscription@ferc.gov
Subject: Comment on Filing submitted in FERC CP14-498-000 by Individual No Affiliation,et al.
Date: October 10, 2014 at 8:55 AM
To:
Bcc:

On 10/10/2014, the following Filing was submitted to the Federal Energy Regulatory Commission (FERC), Washington D.C.:

Filer: Individual No Affiliation
Individual No Affiliation (as Agent)

Docket(s): CP14-498-000
Lead Applicant: Rockies Express Pipeline LLC
Filing Type: Comment on Filing
Description: Comment of Clinton Fuhrer in Docket(s)/Project(s) CP14-498-000
Submission Date: 10/10/2014

To view the document for this Filing, click here
http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20141010-5105

To modify your subscriptions, click here: <https://ferconline.ferc.gov/eSubscription.aspx>

Please do not respond to this email.
Online help is available here:
<http://www.ferc.gov/efiling-help.asp>
or for phone support, call 866-208-3676.

From: Amy W. Beizer awb@vnf.com
Subject: FW: E-Service in FERC Docket No. CP14-498-000
Date: January 29, 2015 at 3:21 PM
To: rtalbott@alleghenydefense.org

Mr. Talbot,

We did not see your name on the service list in the above-captioned docket. Accordingly, attached please find a courtesy copy of the Rockies Express Answer filed with the FERC this afternoon.

Kind regards,
Amy Beizer

Amy Beizer | Partner

**VanNess
Feldman LLP**

1050 Thomas Jefferson Street, NW
Washington, DC 20007

(202) 298-1869 | awb@vnf.com | vnf.com

This communication may contain information and/or metadata that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.

From: Marco Bracamonte
Sent: Thursday, January 29, 2015 5:17 PM
To: 'mustafa.ostrander@tallgrassenergyllp.com'; 'robert.harrington@tallgrassenergyllp.com'; 'mustafa.ostrander@tallgrassenergyllp.com'; 'robert.harrington@tallgrassenergyllp.com'; 'lisa.purdy@tallgrassenergyllp.com'; Amy W. Beizer; Michael R. Pincus; Paul Korman; 'pete.w.frost@conocophillips.com'; 'gprichman@njresources.com'; 'wscharfenberg@njresources.com'; 'dcrudd@njresources.com'; 'epeters@semprausgp.com'; 'epeters@semprausgp.com'; 'rchristian@vectren.com'; 'jstephenson@vectren.com'; 'rob.wingo@riceenergy.com'; 'barbarajost@dwt.com'; 'kdothage@ameren.com'; 'jraybuck@ameren.com'; 'rfarkosh@eca-eaec.com'; 'rrich@pierceatwood.com'; 'hughie.byers@directenergy.com'; 'tara.teeter@macquarie.com'; 'rrich@pierceatwood.com'; 'david.louw@macquarie.com'; 'jeff.jarvis@encana.com'; 'djohn@jhenergy.com'; 'ezembruski@jhenergy.com'; 'lisa.simpkins@exeloncorp.com'; 'FERCe-filings@exeloncorp.com'; 'Christopher.Young@Constellation.com'; 'david.yonce@thelacledegroup.com'; 'mdarrell@lacledegas.com'; 'chuck.cook@chevron.com'; 'jmyers@chevron.com'; 'jpf@kbelaw.com'; 'kbe@kbelaw.com'; 'elr@kbelaw.com'; 'jpf@kbelaw.com'; 'amy.gold@shell.com'; 'elr@kbelaw.com'; 'kbe@kbelaw.com'; 'rich.ficken@wpxenergy.com'; 'thomas.nouilles@wpxenergy.com'; 'jpf@kbelaw.com'; 'kbe@kbelaw.com'; 'elr@kbelaw.com'; 'kevin@pioga.org'; 'rrich@pierceatwood.com'; 'pdiehl@eqt.com'; 'jblackburn@daypitney.com'; 'jfagan@daypitney.com'; 'jblackburn@daypitney.com'; 'jfagan@daypitney.com'; 'lisa.yoho@bg-group.com'; 'wewantcleanwater@gmail.com'; Paul Korman; Michael R. Pincus; Amy W. Beizer
Subject: E-Service in FERC Docket No. CP14-498-000

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, please find Rockies Express Pipeline Answer in Opposition to the late Motion to Intervene of Freshwater Accountability Project ("FWAP") and the Comments of Allegheny Defense Project and FWAP, efiled today at the Federal Energy Regulatory Commission in Docket No. CP14-498-000. Should you have any questions, please do

not hesitate to call or email.

Regards,

-Marco

Marco Bracamonte | Paralegal

VanNess Feldman LLP

1050 Thomas Jefferson Street, NW

Washington, DC 20007

(202) 298-1924 | mab@vnf.com | vnf.com

This communication may contain information and/or metadata that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.



Please consider the environment before printing this e-mail.



From: Ryan Talbott rtalbott@alleghenydefense.org
Subject: Fwd: eSubscription
Date: February 1, 2015 at 1:35 PM
To: Ryan Talbott rtalbott@alleghenydefense.org

----- Forwarded message -----

From: Ryan Talbott <rtalbott@alleghenydefense.org>
Date: Thu, Nov 20, 2014 at 11:23 AM
Subject: eSubscription
To: ferconlinesupport@ferc.gov

I have subscribed to several docket proceedings but for some reason, I do not seem to be receiving notifications when documents are filed in these dockets. Can someone please explain why this may be?

Thank you,

Ryan

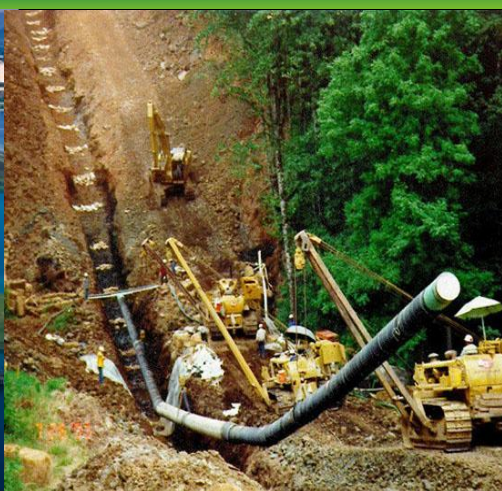
--

Ryan Talbott
Executive Director
Allegheny Defense Project
117 West Wood Lane
Kane, PA 16735
rtalbott@alleghenydefense.org

--

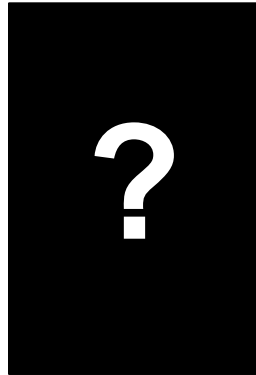
Ryan Talbott
Executive Director
Allegheny Defense Project
117 West Wood Lane
Kane, PA 16735
rtalbott@alleghenydefense.org

A View From the Beltway
Maine Natural Gas Conference
October 9, 2014
Falmouth, Maine



Jeff C. Wright, Director
OFFICE OF ENERGY PROJECTS
FEDERAL ENERGY REGULATORY COMMISSION

FERC's Organizational Structure



Clark



LaFleur



Moeller



Bay

Office of Administrative
Law Judges
and Dispute Resolution

Office of the
Executive Director

Office of
External Affairs

Office of
Administrative
Litigation

Office of the
Secretary

Office of the
General Counsel

Office of
Enforcement

Office of Energy
Market Regulation

Office of
Energy Policy and
Innovation

Office of
Energy Projects

Office of
Electric Reliability

Office of
Energy Infrastructure
Security

Natural Gas Act

⇒ Section 1

⇒ Non-jurisdictional

⇒ Section 3

⇒ Imports/Exports...Pipes and LNG

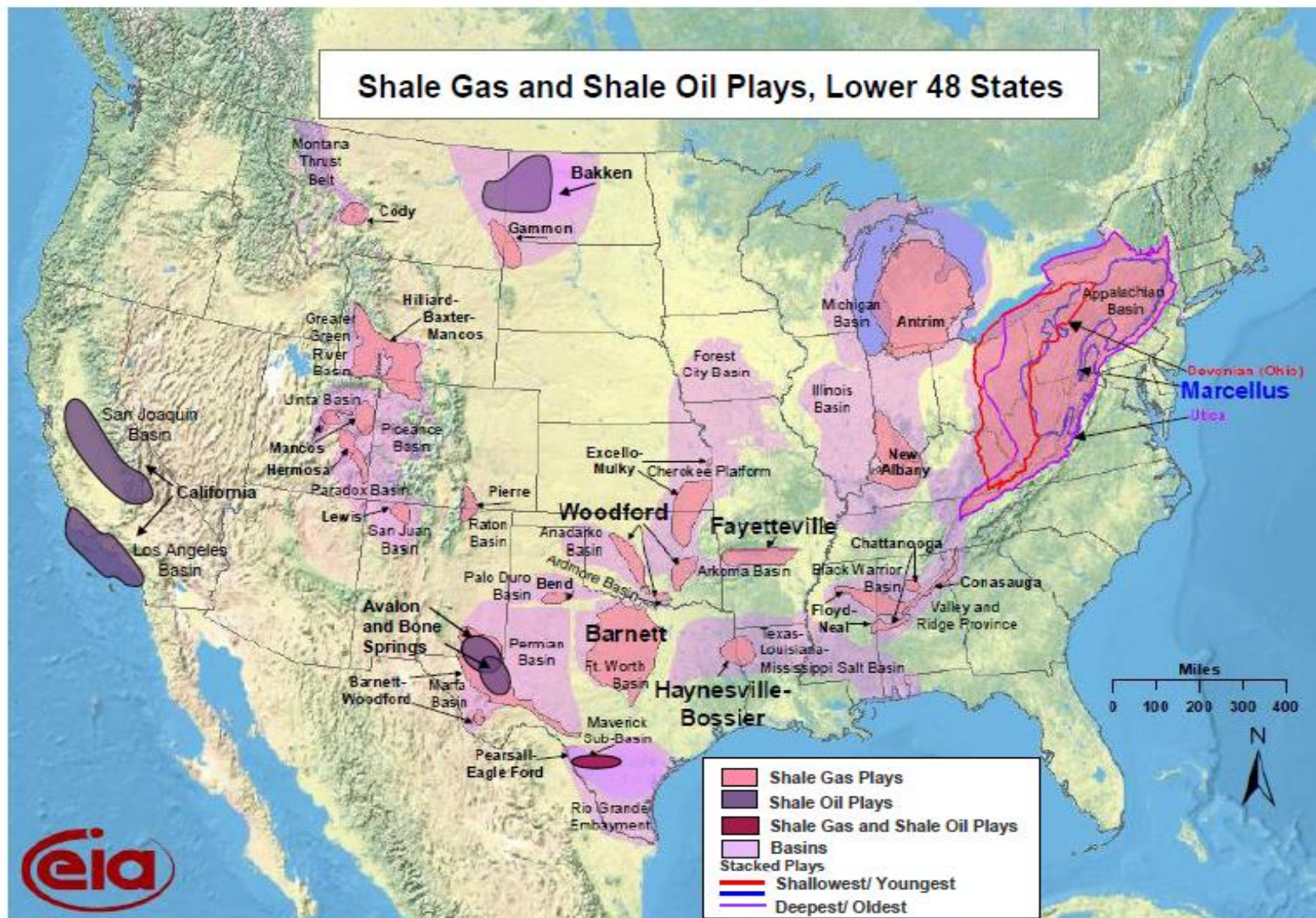
⇒ Section 7

⇒ Siting...Pipes and Storage

Project Review Process

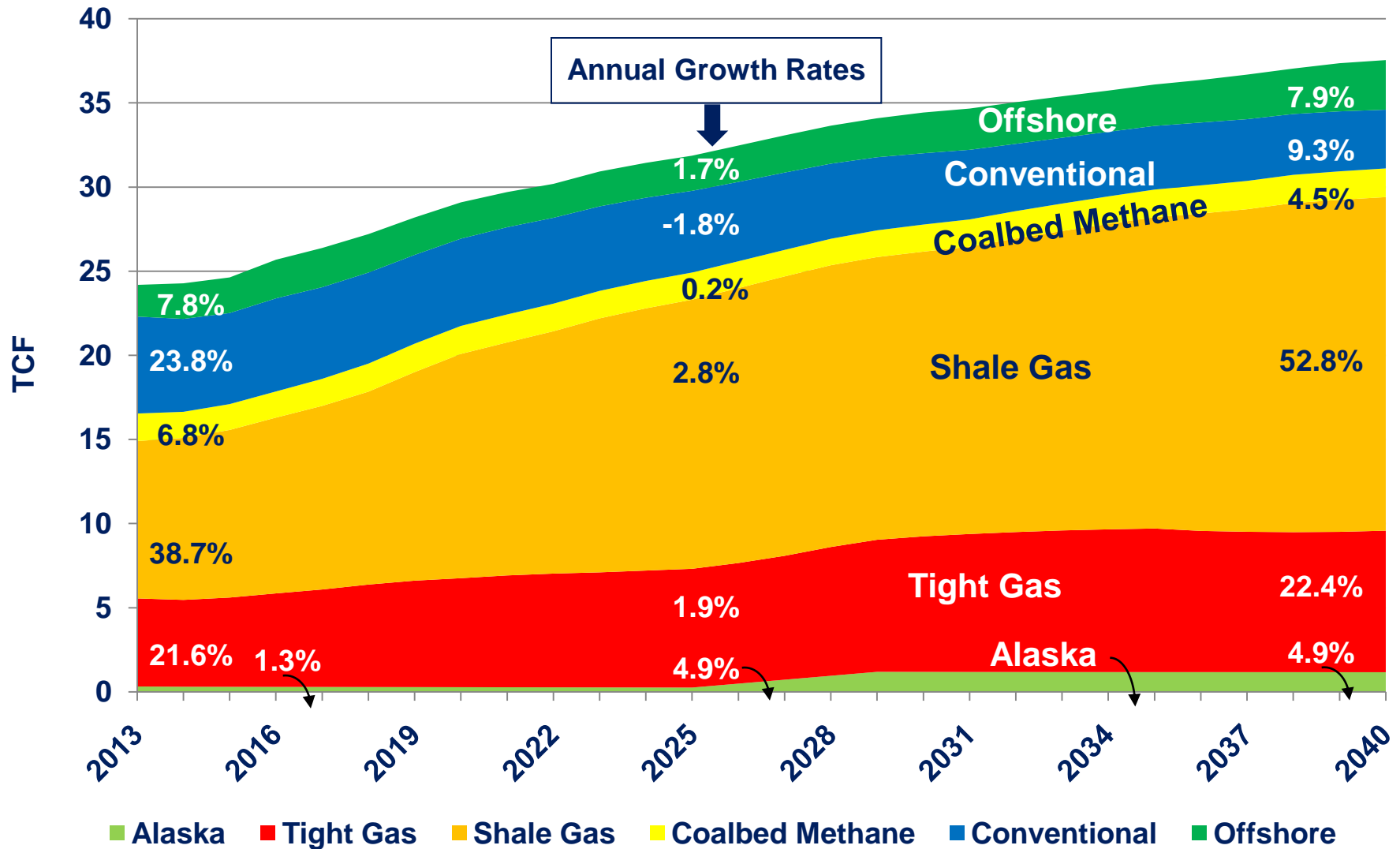
- ⇒ Project Preparation
- ⇒ Pre-filing
- ⇒ Application Review
- ⇒ Post-authorization

Shale Gas and Shale Oil Plays Lower 48 States

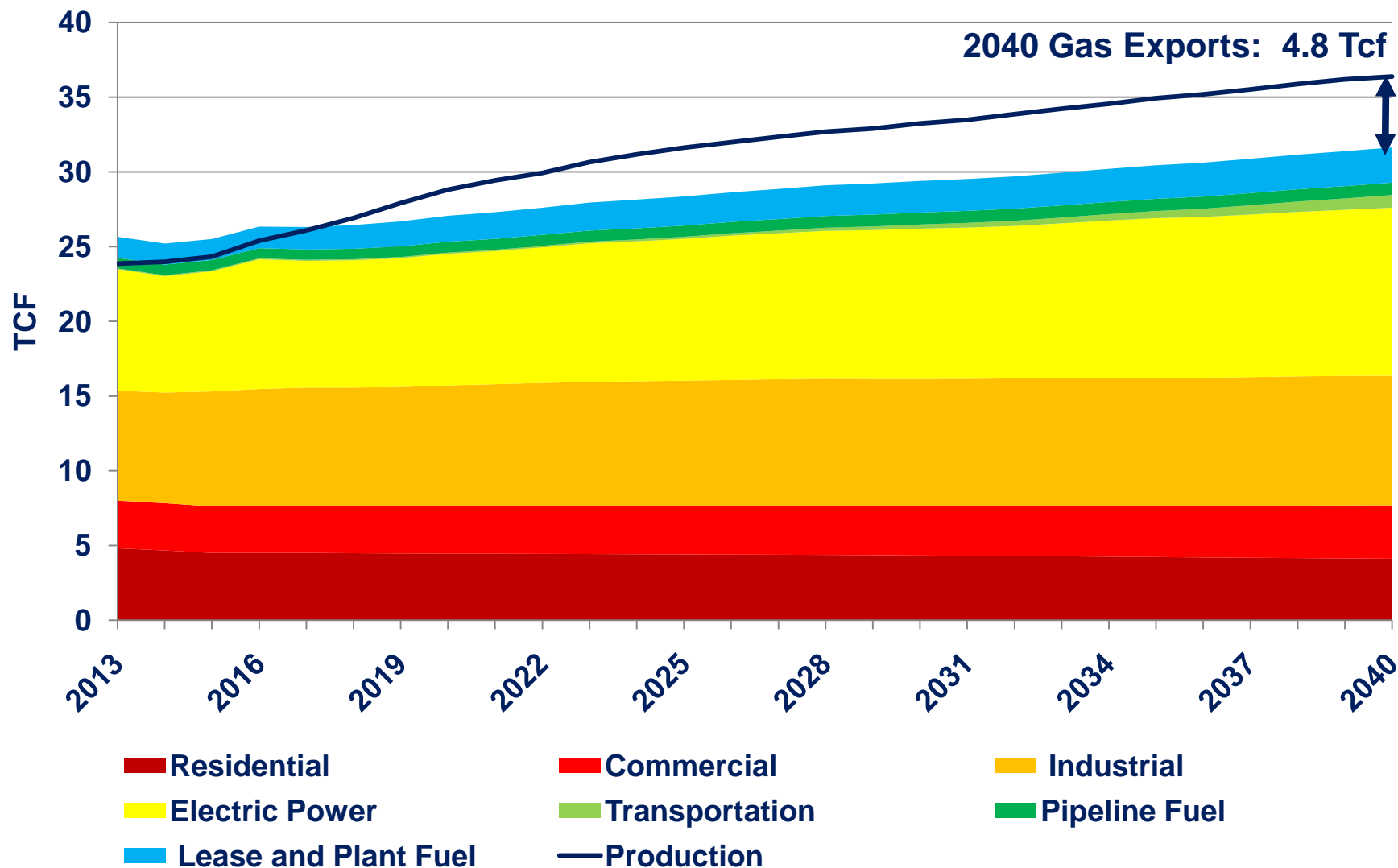


Source: EIA's Review of Emerging Resources: U.S. Shale Gas and Shale Oil Plays July 2011

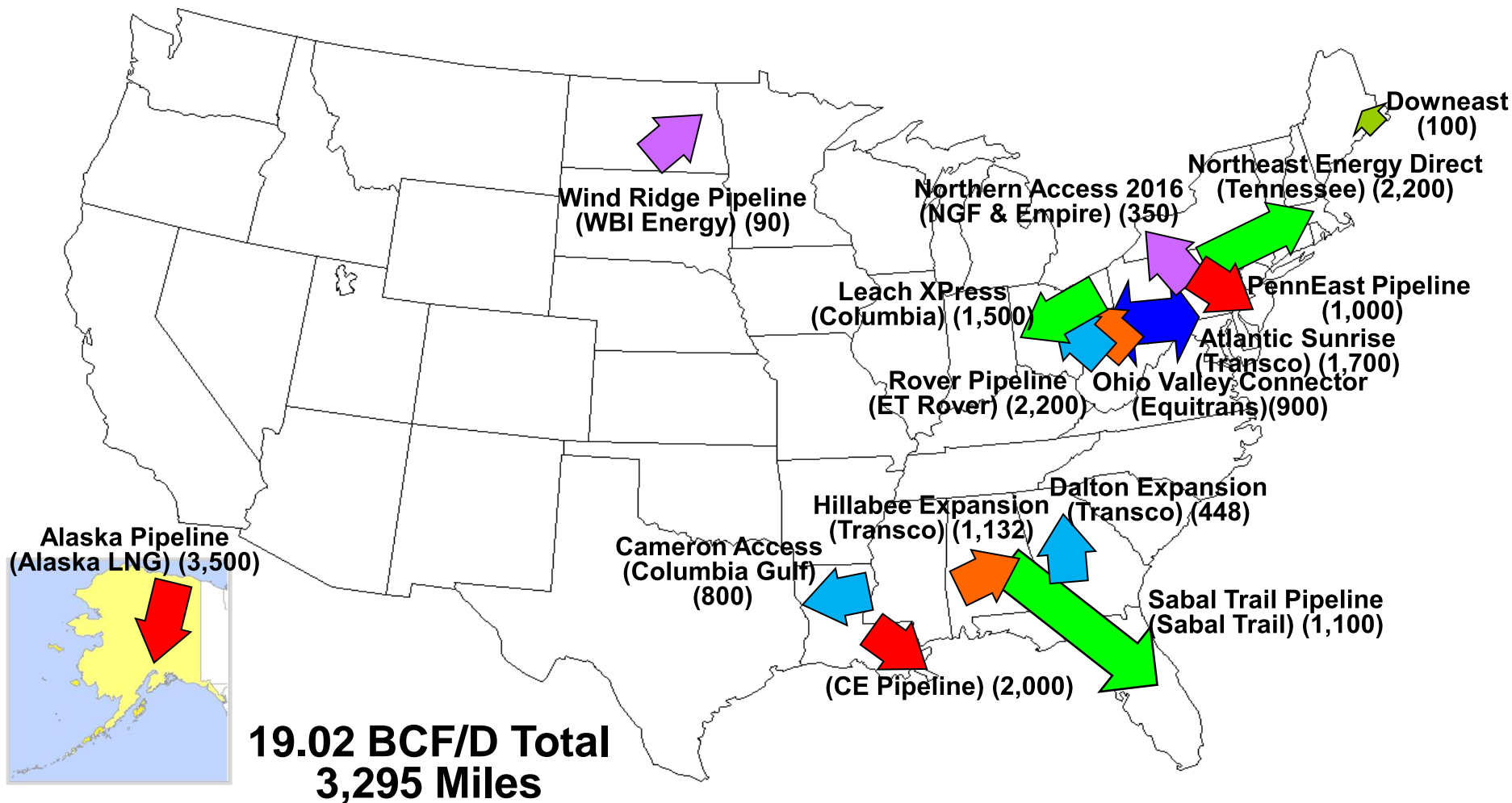
U.S. Gas Supply 2014 Outlook



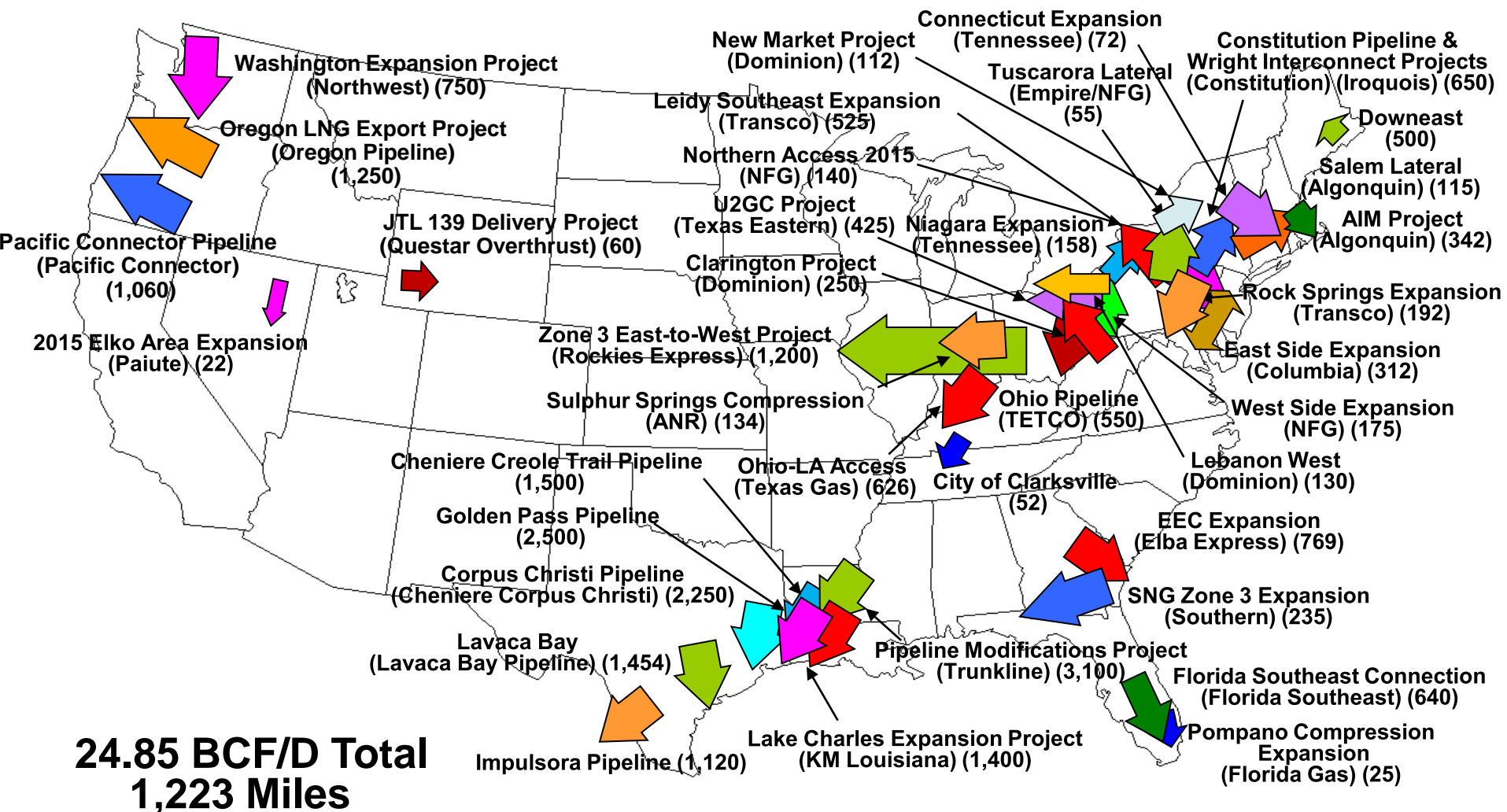
Gas Supply v. Gas Demand



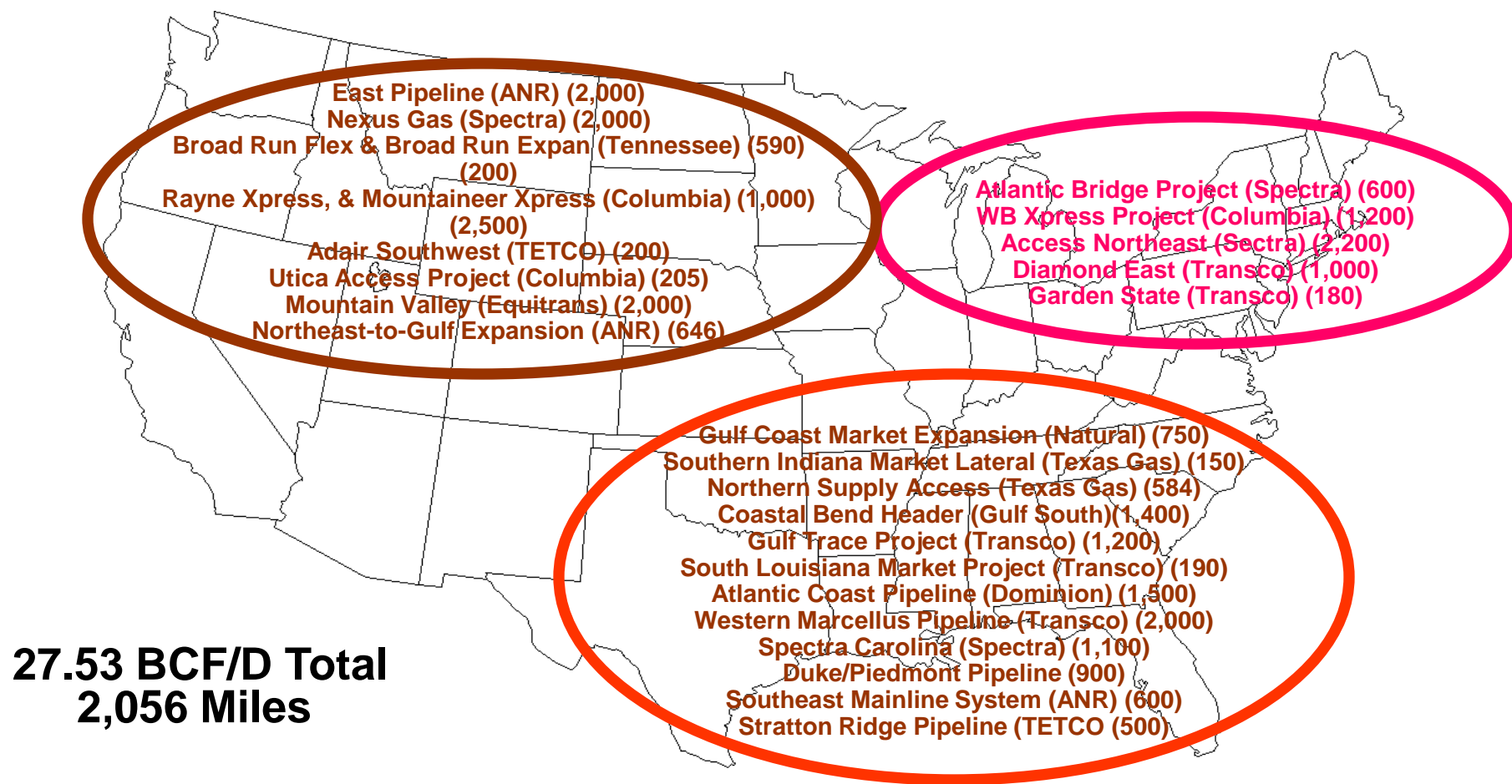
Pipeline Projects Pre-Filing (MMcf/d)



Pipeline Projects Pending (MMcf/d)

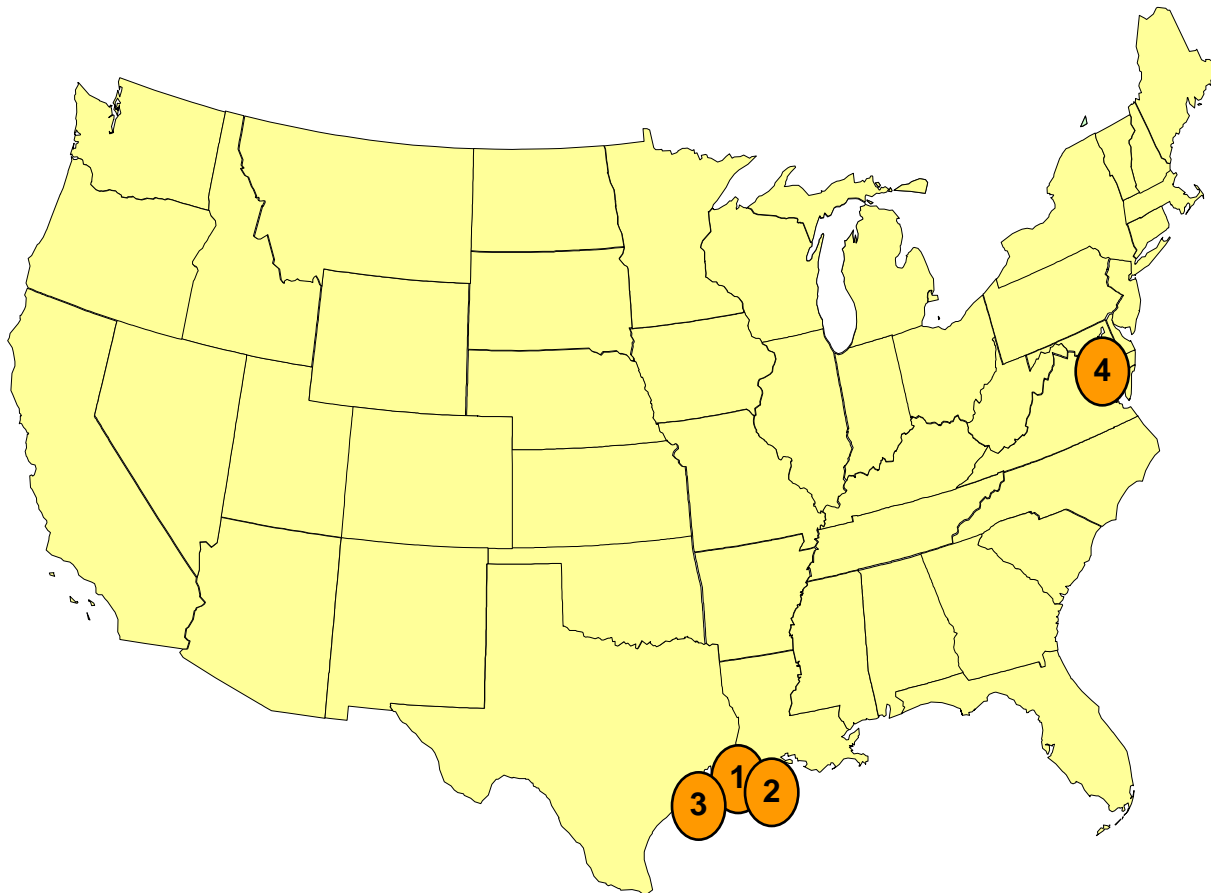


Major Pipeline Projects On The Horizon (MMcf/d)



U.S. LNG Export Terminals

Approved



APPROVED - UNDER CONSTRUCTION

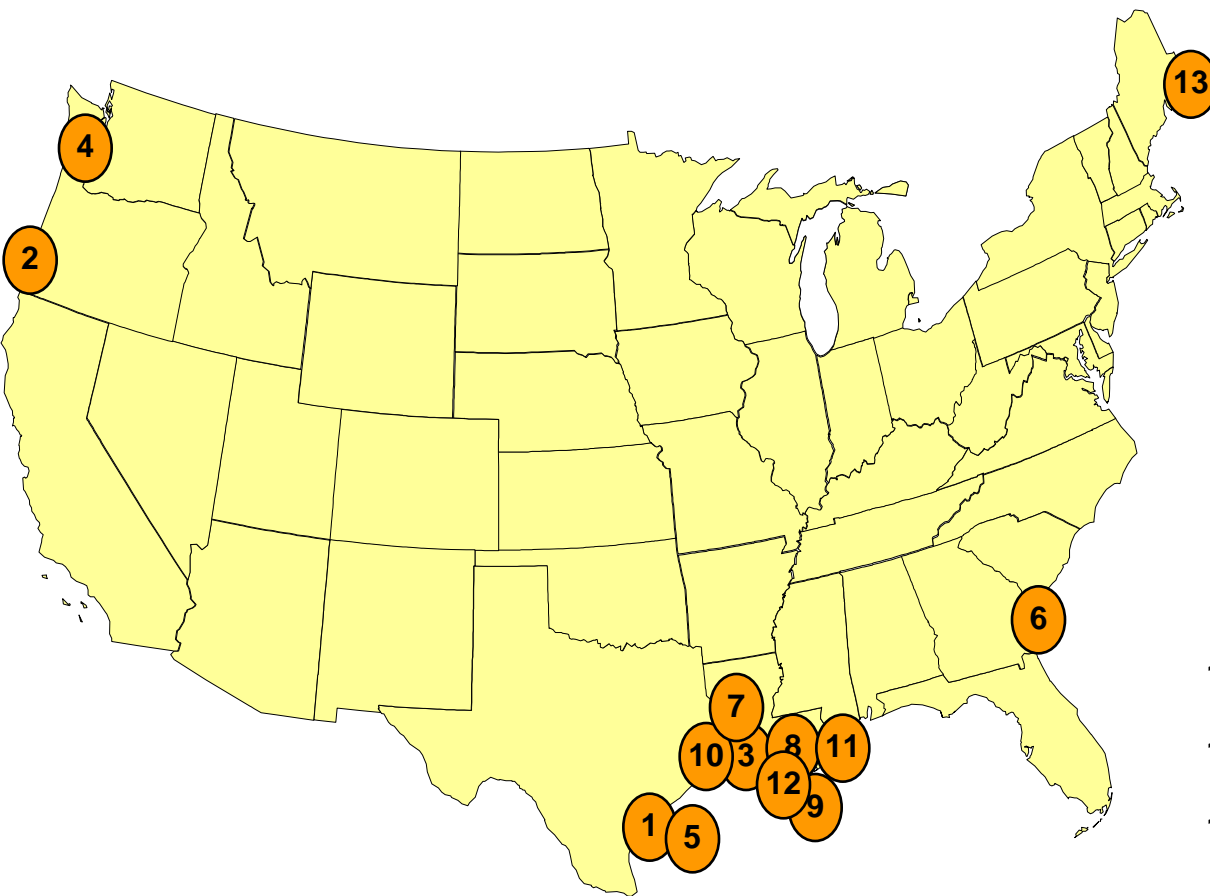
1. **Sabine, LA:** 2.76 Bcfd (Cheniere/Sabine Pass LNG)(CP11-72 & CP14-12)

APPROVED – NOT UNDER CONSTRUCTION

2. **Hackberry, LA:** 1.7 Bcfd (Sempra – Cameron LNG)(CP13-25)
3. **Freeport, TX:** 1.8 Bcfd (Freeport LNG Dev/Freeport LNG Expansion/FLNG Liquefaction)(CP12-509)
4. **Cove Point, MD:** 0.82 Bcfd (Dominion – Cove Point LNG)(CP13-113)

U.S. LNG Export Terminals

Proposed



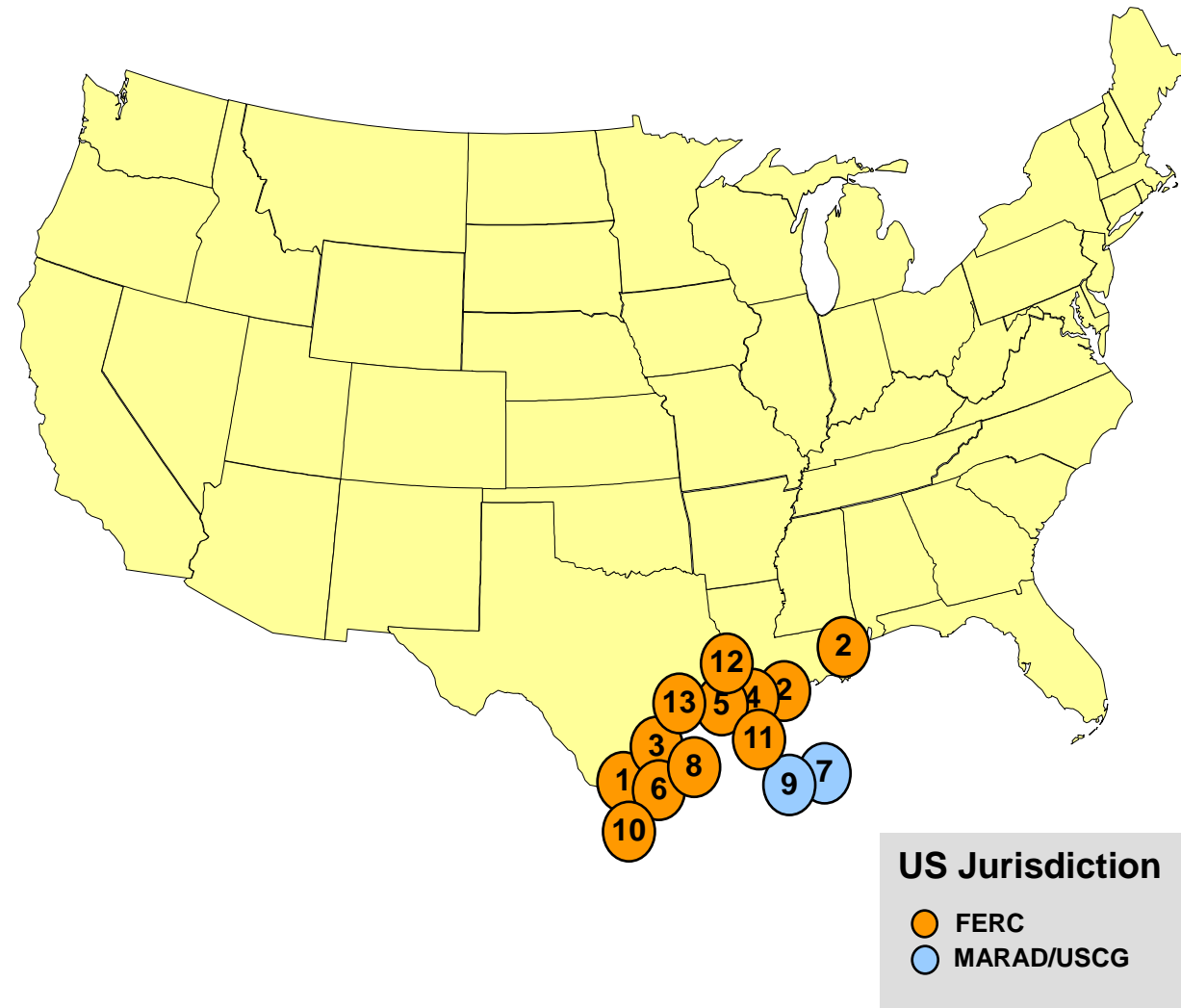
1. **Corpus Christi, TX:** 2.1 Bcfd (Cheniere – Corpus Christi LNG)(CP12-507)
2. **Coos Bay, OR:** 0.9 Bcfd (Jordan Cove Energy Project)(CP13-483)
3. **Lake Charles, LA:** 2.2 Bcfd (Southern Union - Trunkline LNG)(CP14-120)
4. **Astoria, OR:** 1.25 Bcfd (Oregon LNG) (CP09-6)
5. **Lavaca Bay, TX:** 1.38 Bcfd (Excelerate Liquefaction)(CP14-71 & 72)
6. **Elba Island, GA:** 0.35 Bcfd (Southern LNG Company)(CP14-103)
7. **Sabine Pass, LA:** 1.40 Bcfd (Sabine Pass Liquefaction)(CP13-552)
8. **Lake Charles, LA:** 1.07 Bcfd (Magnolia LNG) (CP14-347)
9. **Plaquemines Parish, LA:** 1.07 Bcfd (CE FLNG) (PF13-11)
10. **Sabine Pass, TX:** 2.1 Bcfd (ExxonMobil – Golden Pass)(CP14-517)
11. **Pascagoula, MS:** 1.5 Bcfd (Gulf LNG Liquefaction) (PF13-4)
12. **Plaquemines Parish, LA:** 0.30 Bcfd (Louisiana LNG) (PF14-17)
13. **Robbinston, ME:** 0.45 Bcfd (Kestrel Energy – Downeast LNG) (PF14-19)

U.S. LNG Export Terminals

Potential

POTENTIAL U.S. SITES IDENTIFIED BY PROJECT SPONSORS

1. **Brownsville, TX:** 2.8 Bcfd (Gulf Coast LNG Export)
2. **Cameron Parish, LA:** 0.16 Bcfd (Waller LNG Services)
3. **Ingleside, TX:** 1.09 Bcfd (Pangea LNG (North America))
4. **Cameron Parish, LA:** 0.20 Bcfd (Gasfin Development)
5. **Cameron Parish, LA:** 1.34 Bcfd (Venture Global)
6. **Brownsville, TX:** 3.2 Bcfd (Eos LNG & Barca LNG)
7. **Gulf of Mexico:** 3.22 Bcfd (Main Pass - Freeport-McMoRan)
8. **Brownsville, TX:** 0.94 Bcfd (Annova LNG)
9. **Gulf of Mexico:** 1.8 Bcfd (Delfin LNG)
10. **Brownsville, TX:** 0.27 Bcfd (Texas LNG)
11. **Cameron Parish, LA:** 1.6 Bcfd (SCT&E LNG)
12. **Port Arthur, TX:** 0.2 Bcfd (WesPac/Gulfgate Terminal)
13. **Galveston, TX:** 0.77 Bcfd (Next Decade)



Problems on the Horizon?

➡ Stakeholder Opposition to Infrastructure

- ⇒ Landowners

- ⇒ Non-governmental Organizations

➡ Politics

- ⇒ Legislation

- ⇒ Who's In Charge?

➡ Getting Infrastructure Where It's Needed

Questions?

Natural Gas Pipeline Company of America LLC

NOTICE OF BINDING OPEN SEASON CHICAGO MARKET EXPANSION PROJECT

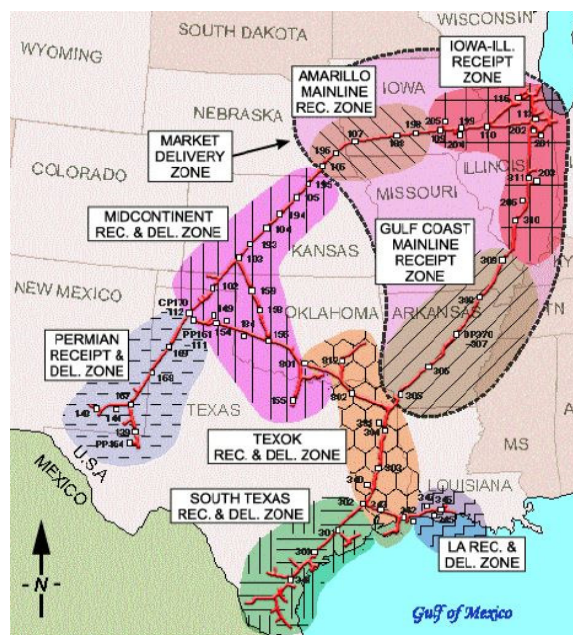
Announcement of Open Season

Natural Gas Pipeline Company of America LLC ("NGPL") is holding a Binding Open Season to solicit commitments for a northbound expansion of its Gulf Coast mainline ("Gulf Coast Line") system by constructing additional compression facilities between NGPL Station 311 and Station 113. The Chicago Market Expansion Project ("Project") will provide for incremental firm transportation service to delivery points in the Chicago area from the existing interconnect with Rockies Express Pipeline ("REX") in Moultrie County, IL.

Increased gas production from the Utica and Marcellus Shales, combined with unique access to markets in Chicago, Joliet and northwest Indiana, make this Project the most affordable and economic choice to meet the needs of producers, local distribution companies, marketers and end use customers. NGPL's system, with over 5.5 Bcf/day of pipeline and storage deliverability, can provide access to numerous market area delivery points through existing and expansion capacity.

About NGPL

NGPL is one of the largest interstate pipeline systems in the country, with approximately 9,200 miles of pipelines, more than 1 million horsepower of compression facilities and 282 Bcf of working gas storage. Shippers on the Chicago Market Expansion Project will have primary or secondary access to other Midwest markets and highly liquid pooling points for exceptional optionality. In addition, selection of the system-wide rate option enables Shippers to source gas from eight (8) different receipt zones to six (6) delivery zones throughout the NGPL system on a secondary out-of-path basis. NGPL's storage and balancing services can also increase Shipper's flexibility.



Description of the Chicago Market Expansion Project

The Project, as currently designed, is anticipated to include the installation of additional compression facilities on NGPL's Gulf Coast Line. The NGPL/REX Moultrie interconnect is slated for expansion in the FERC filing by Rockies Express Pipeline, LLC in Docket No. CP14-498 to 1,750,000 Dth/day. With the addition of these facilities, NGPL expects to be able to provide incremental northbound firm transportation capacity of approximately 280,000 Dth/d to 450,000 Dth/d from the REX Moultrie interconnect to markets in and near Chicago, IL in its Market Delivery Zone, that includes major LDCs (Nicor Gas, Peoples Gas Light & Coke, North Shore, Ameren, Northern Indiana Public Service Company) and interstate pipelines, direct connect power plants and industrial customers.

The target in-service date for the Project is November 1, 2016. The target in-service date is an estimate and may change dependent on the required facilities, regulatory approvals and completion of Project construction. NGPL reserves the right to reject bid(s) with a commencement date later than November 1, 2016.

Natural Gas Pipeline Company of America LLC

NOTICE OF BINDING OPEN SEASON CHICAGO MARKET EXPANSION PROJECT

Open Season Procedures

Any party wishing to submit a binding bid in this Open Season must submit the attached Exhibit A (Open Season Bid Form) whose terms shall be incorporated into the definitive Precedent Agreement. NGPL reserves the right to reject and remove from consideration, non-conforming bids, bids that have a delayed in-service requirement, or bids with other contingencies. If the non-conforming provisions of the bid are otherwise acceptable to NGPL, NGPL may, in its sole discretion, deem a non-conforming bid as "acceptable" and include the bid as part of the firm capacity allocation process. NGPL will exercise its discretion in this regard in a not unduly discriminatory manner.

After the close of this Open Season, NGPL, at its sole discretion, shall determine whether to proceed with the Project and, if so, in what manner. NGPL has no obligation to negotiate with or enter into any transaction with any party that submits a bid to NGPL. NGPL may, in its sole discretion, extend the duration of the Open Season at any time during the Open Season. In addition, and upon five (5) business days' notice given by means of an informational posting to NGPL's website, NGPL may modify the terms of the Open Season. Further discussions will occur with those parties submitting bids that best satisfy the criteria for the capital expenditures associated with the Project. Negotiations with those parties are expected to proceed for approximately two weeks after the close of the Open Season to execute a mutually acceptable Precedent Agreement. NGPL reserves the right, to be exercised on a not unduly discriminatory basis, to continue to market the project after the close of the Open Season.

Bid Options

Conforming Bids: Parties will have the ability to submit either a Negotiated Rate bid or a maximum Recourse Rate bid, as provided below. The Recourse Rate is subject to change during the term of the agreement. In order for a bid to be considered a conforming bid, the contract term must be at least 10 years, but not greater than 25 years. A Negotiated Reservation Rate bid must be at least \$4.8667 per Dth per Month (\$0.16 per Dth per day). Negotiated Rates at less than this minimum rate and discounted rates for recourse rate bids shall be deemed non-conforming.

Negotiated Rates: For rate certainty throughout the term of the agreement, parties are encouraged to bid Negotiated Rates for service on the Project, with the system-wide rights option (FTS-SW). System wide rights will enable the Shipper to also source and deliver gas throughout NGPL's system on a secondary out-of-path basis given point and segment capacity availability. Capacity awarded under a Negotiated Rate structure shall be at the fixed rate for the term of the Agreement.

Recourse Rates: Interested parties may also bid Recourse Rates. The rate applicable to any capacity awarded under the Recourse Rate structure is subject to change during the term of the agreement if there is a change to NGPL's tariff rates for such service. The current maximum tariff Reservation Peak and Off-Peak rates with and without system-wide rights are as follows:

Currently Effective Max. Peak and Off-Peak Recourse Rates (FTS)			
<u>Receipt Zone</u>	<u>Market Delivery Zone</u>		
	<u>FTS Peak</u>	<u>FTS Off-Peak</u>	<u>Annualized</u>
Iowa-Illinois			
Reservation	\$3.9500	\$3.7000	\$3.8042
per Unit	\$0.1308	\$0.1210	\$0.1251
inclusive of system-wide rights option (FTS-SW)			
Reservation	\$8.4450	\$7.3400	\$7.8004
per Unit	\$0.2796	\$0.2401	\$0.2565

Economic Value: NGPL will consider the combination of all binding bids received during the Open Season that represent the highest economic value for the Project.

Additional Charges: In addition to the Reservation charge (\$ per Dth per month), Shippers shall also be charged a commodity rate based on usage, Annual Charge Adjustment (ACA), fuel and gas lost and unaccounted for charge and any additional surcharges that are in effect pursuant to its NGPL's FERC Gas Tariff, as may be revised from time to time.

Natural Gas Pipeline Company of America LLC

NOTICE OF BINDING OPEN SEASON CHICAGO MARKET EXPANSION PROJECT

Receipt and Delivery Points: As currently contemplated, the Project provides for primary receipts at the REX Moultrie receipt point (NGPL Pin # 44413) with firm gas transportation north to selected delivery points on the NGPL system in Segment 28 and 36 of its Market Delivery Zone and Segments 30, 31, 32, 33 and 34 if unsubscribed capacity is available at time of Precedent Agreement execution. NGPL intends to reserve capacity on certain downstream laterals in the Chicago Market Area to support this Project, in accordance with GT&C Section 5.1(c)(11), pursuant to the Capacity Reservation Posting contemporaneously posted on its website under Non-Critical Notices. Physical delivery points with indicative unsubscribed capacity can be found on NGPL's website for the referenced segments (e.g. Nicor Pontiac Pin #900140 and Nicor Mazon Pin #900137 located in Segment 28). Alternatively, parties are welcome to submit bids at primary delivery points that are included in select Central Delivery Points (CDP's), in accordance with NGPL's FERC Gas Tariff. NGPL will work with parties to identify mutually agreeable physical points of delivery which will be required for every primary path transportation contract.

Central Delivery Points			
LDC City-gates	Pin #	LDC City-gates	Pin #
Nicor	9258	PGLC	909285
NIPSCO	909260	North Shore	9254
Ameren GC	46595		

The actual sizing and location of facilities will depend on, among other things, the level of contractual subscriptions entered into as a result of this Open Season. Parties may request new delivery points by providing specific (i.e., latitude and longitude) or general location descriptions in their bids submitted in response to this Open Season, in the area designated for such information. Such additional facilities will not be included in the Project's costs or rates. The costs for additional facilities would be reimbursed 100% by the party in advance of construction. Any other mutually agreeable points may be considered in the sole discretion of NGPL.

Credit Requirements: Prior to NGPL's execution of the Precedent Agreements, Shippers will be required to demonstrate creditworthiness or provide a credit security with 12 months of reservation charges or as otherwise acceptable to NGPL and pursuant to the Project terms and conditions of the Shipper's Precedent Agreement. A credit application is attached to this Open Season and should be submitted along with binding bids during this Open Season.

Awarding of Capacity

NGPL will evaluate all valid submissions and make a determination with respect to the final sizing of the Project. NGPL will award firm capacity based on the highest net present value (NPV) of the stream of revenue produced by an acceptable bid, or combination of acceptable bids, received in this Binding Open Season, up to the total available capacity that results from the facilities that NGPL determines, in its sole discretion, to construct. Awards of capacity will be final and will be binding, subject to the conditions of the Precedent Agreement.

In evaluating competing bids, NGPL shall consider the revenue stream from the reservation charges associated with the bid. Revenue associated with the system-wide option (SW) will be used in the bid evaluation process up to the FTS-SW recourse rate. If a party elects to bid a Negotiated Rate, for purposes of comparing Negotiated Rate Bids and Recourse Rate bids, any revenue in excess of that generated by a Recourse Rate bid for the applicable service bid (FTS or FTS-SW), shall not be considered in NGPL's bid evaluation process.

NGPL will award capacity to the party or parties whose bid produces the highest NPV or to the parties whose combined bids produce the highest NPV, utilizing an 8% discount rate. If multiple bids produce the highest NPV and there is not adequate Project capacity to award all of the capacity associated with these bids, then capacity shall be allocated among the parties whose bids produced the highest NPV. If after allocation, one or more of the parties' allocated MDQ falls below that party's minimum acceptable MDQ and absent NGPL and party mutually agreeing to adjust said minimum MDQ, then that party's bid shall be discarded and the Project capacity shall be awarded to the remaining parties that made up the highest NPV initially.

NGPL shall have no obligation to consider non-conforming bids in the allocation of capacity in the Open Season. If NGPL determines that it will consider non-conforming bids, it will do so in a not unduly discriminatory manner.

**Natural Gas Pipeline Company
of America LLC**

**NOTICE OF BINDING OPEN SEASON
CHICAGO MARKET EXPANSION PROJECT**

Capacity Turnback

In addition to soliciting bids for the Project, NGPL is accepting requests for permanent turnback of capacity with a primary receipt point at the NGPL/Rex Moultrie interconnect and a primary delivery point in the Chicago Market Area that will be beneficial to the design of the Project and will result in an economic gain to NGPL based on a comparison of the savings associated with Project facilities that are no longer required and the lost revenue associated with the turnback. The effective date of the turnback must correspond with the in-service date of the Project. Any turnback capacity that is proposed to be effective later than the proposed in-service date of the Project will not be considered. NGPL may aggregate requests for turnback and accept such requests in the manner which provides the most economic benefit to NGPL by comparing the revenue lost with the savings associated with the turnback. NGPL will consider any requests for turnback on a nondiscriminatory basis. Shippers interested in capacity turnback should submit a request by the end of the Open Season, as specified above. Requests should include the proposed effective date of the turnback, the proposed capacity to be turned back, and the applicable receipt and delivery points that Shipper is proposing to turn back.

Limitations

NGPL reserves the right to define and maintain the economic viability of the Project at all times in its sole discretion. NGPL's decision to proceed with the Project is at its sole discretion and is subject to receiving a sufficient level of capacity subscriptions, obtaining the necessary governmental authorizations to construct and operate the Project and other conditions as set forth in this Open Season and form of Precedent Agreement.

Natural Gas Pipeline Company of America LLC

NOTICE OF BINDING OPEN SEASON CHICAGO MARKET EXPANSION PROJECT

EXHIBIT A (Continued) CREDIT APPLICATION FOR NATURAL GAS PIPELINE COMPANY OF AMERICA LLC

Section 1 --General Information

Shipper Name: _____
 Shipper Address: _____
 (Include City, State, Zip)
 DUNS# _____ - _____ FEIN _____ - _____
 Contact Person _____ Telephone No. (____) _____
 Business Entity: ___ "S" Corporation ___ "C" Corporation ___ Partnership ___ Other FAX No. (____) _____
 Type of Business _____ Number of years in business _____
 List parent corporation of Shipper/Operator (if Shipper/Operator is a subsidiary company) or general partners (if Shipper/Operator is a partnership) _____
 Please identify (specify / circle owners) whether you are owned by any of the following entities: Brookfield Infrastructure Partners, PGGM Investments, PSP Investments, Steel River Infrastructure Partners or Myria Acquisition Inc.

Section 2 -- Standardized Credit Information

Please provide Shipper's long-term unsecured debt credit ratings (including Outlook) current as of the date of this Credit Application:

Standard & Poor's _____ Moody's _____
 Is Shipper: - Operating under federal bankruptcy laws? _____ Yes _____ No
 - Subject to liquidation or debt reduction procedures under state laws? _____ Yes _____ No
 - Subject to pending liquidation or regulatory proceedings in state or federal courts which could cause a substantial deterioration of Shipper's financial condition? _____ Yes _____ No
 - Subject to any collection lawsuits or outstanding judgments which would affect Shipper's ability to remain solvent? _____ Yes _____ No
 - Are there any overdue amounts owed Natural Gas Pipeline Company? _____ Yes _____ No

Section 3 -- Additional Financial Information and Documentation

Please provide Shipper's estimated activity under all requested services:

Estimated Monthly Volume for all Services: _____ (Dth)
 Estimated Monthly Transportation/Storage Charges for all services \$ _____
 Estimated Term (in months) of Capacity Release Request _____
 Expected Commencement Date for requested service: _____

If Shipper's audited financial information is not publicly available, please enclose current financial statements, annual reports, 10-K or other reports to regulatory agencies, or any reports from credit reporting agencies which are available.
 Natural Gas Pipeline Company may request additional credit information and documentation in order to perform a credit evaluation of Shipper, in accordance with the provisions of its FERC Gas Tariff. Incomplete applications will be declined.

Shipper's Signature _____ Title _____ Date _____

Return this Credit Application and Supporting Financial Information to:

Natural Gas Pipeline Company of America
 Attention: Ralph Lohr
 3250 Lacey Road, Suite 700
 Downers Grove, IL 60515
 Telephone: 630/725-3213
 Facsimile: 630/725-3107
 Ralph_Lohr@kindermorgan.com



[Home](#) » FERC Chairman Defends NatGas Infrastructure Expansion as a Climate Plus

FERC Chairman Defends NatGas Infrastructure Expansion as a Climate Plus

[Charlie Passut](#)

January 27, 2015

If the Obama administration's plan to reduce carbon pollution is to be successful, it will need to rely on natural gas and existing and substantially expanded delivery infrastructure, FERC Chairman Cheryl LaFleur told a National Press Club audience in Washington Tuesday.

LaFleur struck back at environmental opposition, which has recently included sit-ins during Federal Energy Regulatory Commission meetings. She warned that the expansion and construction of natural gas pipelines -- while an integral part for helping the U.S. Environmental Protection Agency (EPA) meet the goals laid out in its Clean Power Plan (CPP) -- faces "unprecedented opposition" from environmental groups. She said that makes transparency at FERC essential.

"I think additions to both the gas and electric infrastructure will be needed to carry out the CPP. In the case of gas pipelines and gas compressor stations, FERC is the one who does the environmental review, permits them and decides the rates."

According to LaFleur, [Building Block 2](#) of the CPP -- which calls for increased use of power sources that emit lower amounts of carbon pollution, such as natural gas combined cycle units -- will likely account for the largest amount of carbon reduction.

"[It] calls for substantially increasing the utilization of the natural gas plants that exist all around the country," LaFleur said. "Based on everyone that I've talked to, meeting the goals of the CPP will also lead to the construction of a lot of new gas generation because...that can be the most cost-effective way to meet some of the goals, and EPA had given people the flexibility to meet each state goal in the most cost-effective way."

"We are very fortunate to have abundant and relatively affordable domestic natural gas...But utilizing that gas to meet climate goals will require the expansion and construction of gas infrastructure, both pipelines and compressor stations, to get it where it needs to be to keep the lights on."

But gas pipelines are facing unprecedented opposition from local and national groups, including environmental activists. "These groups are active in every FERC docket, as they should be, as well as in my email inbox seven days a week, in my Twitter feed, at our open meetings demanding to be heard, and literally at our door closing down First Street so FERC won't be able to work [see [Daily GPI](#), [Jan. 22](#); [Nov. 7, 2014](#)]. We have a situation here."

LaFleur said FERC takes the views of all stakeholders seriously, and was trying hard to consider all of the issues relevant to any pipeline's construction.

"I think that our nation is going to have to grapple with our acceptance of gas generation and gas pipelines if we expect to achieve our climate and environmental goals," LaFleur said. "I think our work on permitting gas infrastructure is going to be essential to the successful implementation of the CPP, and I'm dedicated to ensuring that the process is fair, clear, timely and transparent."

"I'm honored to lead an agency that's bipartisan and independent by design, and that's built up credibility due to all of the people that came before us. Because of that independence and credibility, people both for and against the CPP are looking to us to publicly validate their views. I've taken a pretty firm line that I don't think that's FERC's role.

"FERC is not an environmental regulator. Blessedly, we are not tasked with writing the final rule this summer -- EPA is reviewing their millions of comments, and they will put out the final rule. But make no mistake, I think FERC will have an essential role to play as the CPP and our response to climate is implemented."

In 2013, President Obama directed EPA to work closely with states, industry and other stakeholders to establish carbon pollution standards for both new and existing power plants (see *Daily GPI*, [June 26, 2013](#)). A presidential memorandum called for EPA to finalize the proposed CPP by June 1.

LaFleur said she thinks the United States can achieve progress on environmental issues, including climate change, "but only if we are willing to build the infrastructure and the energy markets to make that possible."

III. Affected Environment and Consequences of MTM/VF

O. THE SCOPE OF REMAINING SURFACE-MINABLE COAL IN THE STUDY AREA

1. Demonstrated Coal Reserves

The Energy Information Administration provides an estimate of the demonstrated reserve base of coal in each state, by most likely type of mining method. This EIS deals only with the Appalachian region and bituminous coal seams, where the “demonstrated reserve base” consists of the portion of coal seams that are at least 28 inches thick and no greater than 1,000 feet deep. The demonstrated coal reserve information, as of 1996, is displayed in Table III.O-1. The data in this table includes demonstrated reserves outside of the EIS study area in portions of northern West Virginia and western Kentucky.

Table III.O-1
Coal Reserves and Remaining Production Life

Region	Demonstrated Reserve Base (million short tons)			Remaining Years of Production	
	Underground	Surface	Total	Underground	Surface
Kentucky	1,400	5,600	7,000	19	108
West Virginia	16,800	2,800	19,600	144	49
Tennessee	300	200	500	215	105
Virginia	900	500	1,400	33	49
Four-state Total	19,400	9,100	28,500	na	na
U.S. Total	122,900	151,900	273,900	na	na

Source: U.S. Dept. of Energy, Energy Information Administration, 1998. Coal Industry Annual, 1997.

2. Remaining Extent of Major Surface Movable Coal Seams

a. Introduction

The EIS Steering Committee commissioned several studies to determine the extent of remaining surface mineable coal seams. The seams analyzed account for the majority of current surface mining production as well as the potential future production in eastern Kentucky, central/southern West Virginia, and southwestern Virginia. Defining the location of these seams allows a spatial representation where likely future surface coal mining will result in the types of aquatic, community and terrestrial impacts described and analyzed in other sections of this EIS. One of the principle impacts evaluated by this EIS is excess spoil disposal in valley fills. Portraying the location of remaining surface mineable coal also generally identifies the potential areas where valley fills could occur.

III. Affected Environment and Consequences of MTM/VF

b. Methodology

Information on surface mineable coal zones in Kentucky was provided to OSM under contract with Dr. Jerry Weissenfluh of the Kentucky Geologic Survey (KGS). Nick Fedorko of the West Virginia Geologic and Economic Survey (WVGES) prepared the data for West Virginia coal seams at the direction of the West Virginia Legislature. Dr. Eric C. Westman, Department of Mining and Mineral Engineering, Virginia Polytechnic Institute and State University (VPI), prepared the information for Virginia under contract to OSM. The following reports were provided to OSM, and, as described below, used to prepare the map in this section. The individual reports and GIS coverages are available from OSM or the authors.

b.1. West Virginia

WVGES prepared “Projecting Future Coal Mining in Steep Terrain of Appalachia,” May 2000. The report identifies three surface mineable coal zones in central/southern West Virginia. The coal zones selected by WVGES were based on a review of past and current mining trends, coupled with the general knowledge of the remaining extent of surface mineable seams. WVGES concluded that future surface mining activity will involve the Coalburg coal zone (Coalburg, Stockton and associated riders) and/or the overlying 5 Block coal zone (includes 5 Block, 6 Block and 7 Block). Using standard geologic techniques and a geographic information system (GIS), the contour or outcrop of the Coalburg and 5-Block coals were mapped as a GIS layer for each of the USGS topographic quadrangles in the West Virginia portion of the EIS study area.

Information on areas of existing permitted surface or underground mines and previously mined out areas for each of the coal zones were obtained by WVGES from the West Virginia Division of Environmental Protection and the mining industry. The past and current mining extent was also stored as a GIS cover. OSM developed the areas of remaining coal, using the GIS, by subtracting the mined out and permitted areas from the coal zone extent GIS coverage [see Figure III.O-1].

b.2. Kentucky

KGS submitted “Estimation of Future Mountain-Top Removal Areas in the eastern Kentucky,” July 2000. The report covers three surface mineable coal zones in Eastern Kentucky. The outcrop of the Richardson, Broas, and Peach Orchard coal seams were mapped in a GIS coverage. KGS selected this interval because of the historical importance and likely remaining extent of these coals.

Information on areas of existing permitted surface or underground mines and previously mined out areas for each of the coal zones were obtained by KGS from the Kentucky Department of Mines, Department for Surface Mining Reclamation and Enforcement, and the mining industry. The past and current mining extent was also stored as a GIS cover. OSM developed the areas of remaining coal, using the GIS, by subtracting the mined out and permitted areas from the coal zone extent GIS coverage [see Figure III.O-1].

III. Affected Environment and Consequences of MTM/VF

b.3. Virginia

VPI provided the report, “Estimation of South Western Virginia Reserve Base of Surface Mineable Coal,” July, 2000. Five coal seams with potential for surface mining were identified based on information obtained from the mining industry and the Virginia Department of Mines, Minerals, and Energy and its Division of Mined Land Reclamation (VADMLR). The seams assessed were the Blair, Dorchester, Norton, Upper Banner, and Lower Banner. The outcrop and extent of these seams were mapped in a GIS coverage.

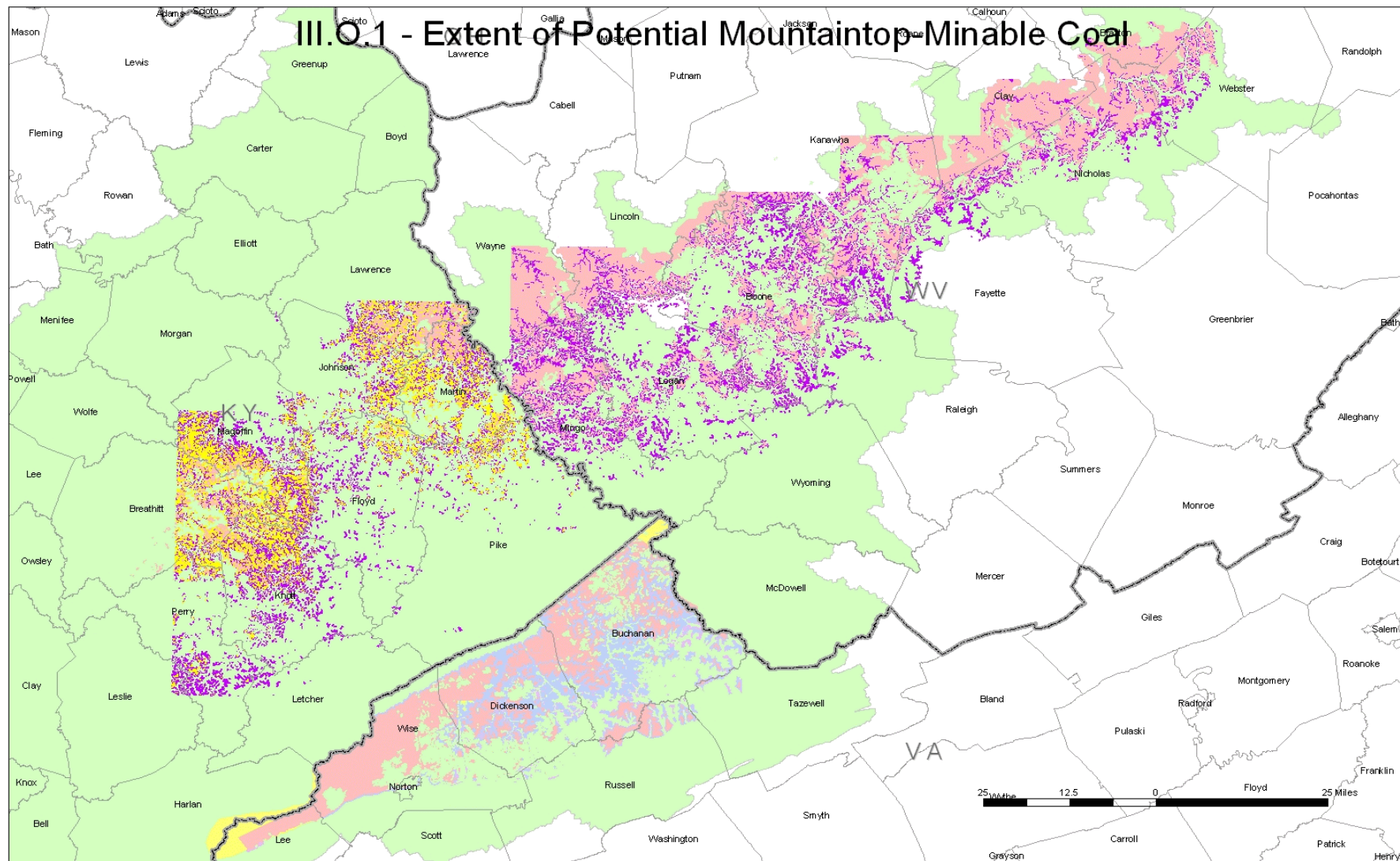
Information on areas of existing permitted surface or underground mines and previously mined out areas for each of the coal seams were obtained by VPI from the VADMLR and the mining industry. The past and current mining extent was also stored as a GIS cover. OSM developed the areas of remaining coal, using the GIS, by subtracting the mined out and permitted areas from the coal seam extent GIS coverage [see Figure III.O-1].

3. Geologic Extent of Remaining Mountaintop-Minable Coal in the EIS Study Area

It is very important to note that the extent of coal shown on map III.O-1 is not necessarily the extent of future surface mining [see Figure III.O-1]. The maps merely show the extent of coal seams that could be surface mined. The actual mining areas are dependent on the consistency of the coal bed, thickness, stripping ratio, coal quality, size of coal reserve block, and other factors used in site specific mining feasibility analysis. Thus, the areas that will actually be mined will likely be much smaller than the extent of the seam shown.

III. Affected Environment and Consequences of MTM/VF

III.O.1 - Extent of Potential Mountaintop-Minable Coal



ORIGINAL



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

FILED
SECRETARY OF THE

2014 AUG 25 A 9 16

FEDERAL ENERGY REGULATORY COMMISSION

THE GOVERNOR

August 18, 2014

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Re: Project Docket # PF 14-8-000
Transcontinental Gas Pipeline Company, LLC
Atlantic Sunrise Expansion Project

Dear Ms. Bose:

I am writing to share with you my comments regarding the above-referenced project currently under review by the Federal Energy Regulatory Commission (FERC).

Under my Administration, and in cooperation with the General Assembly, Pennsylvania has done a great deal to ensure that natural gas is produced safely and responsibly in the Commonwealth. We have empowered the Pennsylvania Public Utility Commission to inspect and apply federal pipeline safety standards for pipelines that transmit gas within the Commonwealth. We have significantly increased the number of inspectors and funding for state oversight of natural gas development to protect our air, land and water resources. In addition, new emergency response plans and GPS addressing to assist our first responders is now mandatory at all unconventional oil and gas well sites. And most significantly, in 2012 I signed Act 13 which implemented new and significant enhancements to our environmental protection standards for oil and gas development, representing the first comprehensive update to the Pennsylvania Oil and Gas Act in nearly thirty years.

Pennsylvania is also seeing significant benefits from increased domestic natural gas production, including the creation and strengthening of tens of thousands of new jobs, significant progress toward national energy independence and security, and lower energy costs for our citizens – by up to 40% since 2008 – that is saving thousands of dollars a year for customers and elevating our competitiveness as a state.

However, at the same time as this development occurs, we must be very mindful of and sensitive to the issues of local communities affected by this development. The significant increase in infrastructure development to transport natural gas to markets raises unique concerns and questions for communities who host these pipelines. I have heard from many citizens of Pennsylvania who live near or along the proposed corridor of the Atlantic Sunrise pipeline and

Kimberly D. Bose

August 18, 2014

Page Two

are concerned about the potential environmental impact of this project, in addition to raising questions regarding public safety and affects on property value. A portion of this project is proposed through areas of preserved farmland in the Commonwealth, where the state has worked in partnership with local elected officials and farmers to permanently protect land for agricultural use.

Many residents have also expressed questions about what local benefit will be realized from this project. These are reasonable and practical questions, and while residents understand the general need to develop infrastructure to move energy resources to market, they have important questions regarding exactly where that infrastructure is located and what steps are being taken or considered to provide opportunities for tangible and direct local benefit from any project. Engagement with local elected officials and residents is crucial to identifying and outlining these direct local benefits.

While your current review is focused specific to the proposed Atlantic Sunrise pipeline, I also strongly urge FERC to seek coordination to the greatest extent possible among other proposed pipeline projects that seek to move natural gas to market. A recurring issue raised by local residents is whether we are efficiently deploying infrastructure – and the appropriate level of communication is occurring between potential project developers – in a manner that minimizes and mitigates overall disturbance on both the environment and local communities. Such coordination and efficiency has the advantage of maximizing benefit to consumers as well. Given the agency's regulatory responsibility, and unique vantage point of being aware of other potential projects, I believe FERC is best situated to consider these factors as you continue your review of this proposed project.

On behalf of the citizens of Pennsylvania, I appreciate your careful consideration of my comments in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Corbett", with a stylized, flowing script.

TOM CORBETT

Governor

Document Content(s)

13621261.tif.....1-2

ServiceList_CP14_498

prnorgname	prntitle	prnname
Rockies Express Pipeline LLC	Assistant General Counsel	Mustafa Ostrander
Rockies Express Pipeline LLC	Assistant General Counsel	Mustafa Ostrander
Rockies Express Pipeline LLC	Tallgrass Energy Partners	Lisa M. Purdy
Van Ness Feldman, LLP		Michael Pincus
 NJR ENERGY SERVICES COMPANY	Director	Ginger Richman
New Jersey Natural Gas Company	Gas Analyst	Doug Rudd
Sempra US Gas & Power	Regulatory & Compliance Manager	Elizabeth A Peters
		Ronald E Christian
		Rob Wingo
INDIVIDUAL	Manager, Gas Supply Division	Kenneth C Dothage
	Vice President, Marketing	Randall C Farkosh
Direct Energy Business Marketing, LLC	Regional Manager, Origination	Hughie B Byers
Macquarie Energy LLC	Senior Counsel, Fixed Income,	Tara Teeter
Macquarie Energy LLC	Head of Compliance	David Louw
Encana Energy Marketing (USA) Inc.	Senior Counsel	Jeff Jarvis
John & Hengerer		Elizabeth Zembruski, ESQ
Exelon Corporation	Environmental and Fuels Policy	Lisa Michelle Simpkins
Constellation Energy Commodities Group, Inc.	Senior Counsel	Christopher D. Young
LACLEDE GAS COMPANY	Strategic Planning Analyst III	David A Yonce
Chevron USA Inc.		Charles R. Cook
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
INDIVIDUAL	Manager, Regulatory and Contract	Richard N Ficken
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
		Kevin J. Moody
 Day Pitney LLP		James B Blackburn, IV
Day Pitney LLP		James B Blackburn, IV

ServiceList_CP14_498

prnaddress1	prnaddress2	prnmailsto	prncity	prnstate
Tallgrass Energy Partners, LP	370 Van Gordon Stree		Lakewood	COLORADO
Tallgrass Energy Partners, LP	370 Van Gordon Stree		Lakewood	COLORADO
370 Van Gordon St	3rd Floor		Denver	COLORADO
1050 Thomas Jefferson Street			Washington	DISTRICT OF COLUM
1415 Wyckoff Road			Wall	NEW JERSEY
1415 Wyckoff Road			Wall	NEW JERSEY
101 Ash Street	HQ 15		San Diego	CALIFORNIA
One Vectren Square			Evansville	INDIANA
1901 Chouteau Avenue		MC-611	St. Louis	MISSOURI
501 56th Street SE			Charleston	WEST VIRGINIA
79 Fisher Lane, Suite 102			Parkersburg	WEST VIRGINIA
Macquarie Energy LLC	500 Dallas, Suite 3100		Houston	TEXAS
500 Dallas St			Houston	TEXAS
370 17th Street, Suite 1700			Denver	COLORADO
1730 Rhode Island Ave., NW	Suite 600		Washington	DISTRICT OF COLUM
100 Constellation Way	Suite 600C		Baltimore	MARYLAND
111 Market Street,	Suite 500		Baltimore	MARYLAND
720 Olive St.			Saint Louis	MISSOURI
1500 Louisiana Street	3rd Floor		Houston	TEXAS
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
3500 One Williams Center, 720 LVL			Tulsa	OKLAHOMA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1100 New York Ave NW	Suite 300 E		Washington	DISTRICT OF COLUM
1100 New York Ave NW	Suite 300 E		Washington	DISTRICT OF COLUM

ServiceList_CP14_498

prnzipcode	prncountry	reporgname	reptitle
80228		Tallgrass Energy Partners	VP, Regulatory Affairs
80228		Tallgrass Energy Partners	VP, Regulatory Affairs
80228		Van Ness Feldman, LLP	
20007		Van Ness Feldman, LLP	
		ConocoPhillips Company	Director - Regulatory Affairs
07719		NJR Service Corporation	Attorney
07719			
92101		Sempra US Gas & Power	Regulatory & Compliance Manag
47708	UNITED STATES	Vectren Corporation	Vice President, General Counse
		Davis Wright Tremaine LLP	Partner
63166		Ameren Services Company	Managing Assoc General Couns
25304		Pierce Atwood LLP	Partner
26104			
77002		Pierce Atwood LLP	Partner
77007			
80202		John & Hengerer	
20036-3116			
21202		Exelon Corporation	Director, Federal Regulatory A
21202			
63101		LACLEDE GROUP	General Counsel
77002		Chevron USA Inc.	Senior Counsel
22314		Edwards & Floom, LLP	
22314			
22314		Shell Energy North America (US),	General Manager
22314		Edwards & Floom, LLP	
74172		WPX Energy Marketing, LLC	Senior Counsel
22314		Edwards & Floom, LLP	
22314			
		Pierce Atwood LLP	Partner
		EQT Corporation	Senior Attorney - Midstream
20005		Day Pitney LLP	Partner
20005		Day Pitney LLP	Partner
		BG Energy Merchants, LLC	

ServiceList_CP14_498

repname	repaddress1	repaddress2	repmailsto repcity
Robert Harrington	370 Van Gordon St		Lakewood
Robert Harrington	370 Van Gordon St		Lakewood
Amy Beizer	1050 Thomas Jefferson, NW	Suite 700	Washington
Paul Korman	Suite 700	1050 Thomas Jefferson Street	washington
Pete Frost	1776 Eye St. NW		Washington
William Scharfenberg	1415 Wyckoff Road		Wall
Elizabeth Peters	101 Ash Street	HQ 15	San Diego
Phillip Stephenson	One Vectren Square	211 N.W. Riverside Drive	Evansville
Barbara Jost	1919 Pennsylvania Avenue, N	Suite 800	Washington
Joseph Raybuck	1901 Chouteau Avenue		St. Louis
Randall Rich	900 17th Street, NW, Suite 350		Washington
Randall Rich	900 17th Street, NW, Suite 350		Washington
Douglas John	1730 Rhode Island Avenue, N	Suite 600	Washington
Christopher Wilson	101 Constitution Ave, NW	Suite 400E	Washington
Mark Darrell	720 Olive Street	Suite 1504	Saint Louis
J. Myers	1600 Smith Street, 27070B		Houston
Katherine Edwards	1517 King Street		Alexandria
Amy Gold	909 Fannin	Plaza Level 1	Houston
Katherine Edwards	1517 King Street		Alexandria
Thomas Noulles	1 One Williams Ctr Ste 3800		Tulsa
Katherine Edwards	1517 King Street		Alexandria
Randall Rich	900 17th Street, NW, Suite 350		Washington
Paul Diehl	EQT Corporation	625 Liberty Avenue, Suite 1700	Pittsburgh
Joseph Fagan	1100 New York Avenue, NW		Washington
Joseph Fagan	1100 New York Avenue, NW		Washington
Lisa Yoho	5444 Westheimer; Suite 1200		Houston

ServiceList_CP14_498

repstate	repzipcode	repcountry	Party
COLORADO	80228	UNITED STATES	Rockies Express Pipeline LLC
COLORADO	80228	UNITED STATES	Rockies Express Pipeline LLC
DISTRICT OF COLUM	20007	UNITED STATES	Rockies Express Pipeline LLC
DISTRICT OF COLUM	20007	UNITED STATES	Rockies Express Pipeline LLC
DISTRICT OF COLUM	20006	UNITED STATES	ConocoPhillips Company
NEW JERSEY	07719	UNITED STATES	NJR Energy Services Company
			NJR Energy Services Company
CALIFORNIA	92101	UNITED STATES	Sempra Rockies Marketing, LLC
INDIANA	47708	UNITED STATES	Indiana Gas Company, Inc.
DISTRICT OF COLUM	20006-3401	UNITED STATES	Rice Drilling B LLC
MISSOURI	63166-6149	UNITED STATES	Ameren Illinois Company
DISTRICT OF COLUM	20006	UNITED STATES	IOGA of West Virginia
			IOGA of West Virginia
DISTRICT OF COLUM	20006	UNITED STATES	Macquarie Energy LLC
			Macquarie Energy LLC
DISTRICT OF COLUM	20036-3116	UNITED STATES	Encana Marketing (USA) Inc.
			Encana Marketing (USA) Inc.
DISTRICT OF COLUM	20001	UNITED STATES	Exelon Corporation
			Exelon Corporation
MISSOURI	63101	UNITED STATES	LACLEDE GAS COMPANY
TEXAS	77002	UNITED STATES	Chevron U.S.A. Inc.
VIRGINIA	22314	UNITED STATES	Chevron U.S.A. Inc.
			Chevron U.S.A. Inc.
TEXAS	77010	UNITED STATES	Shell Energy North America (US), L.P.
VIRGINIA	22314	UNITED STATES	Shell Energy North America (US), L.P.
OKLAHOMA	74172-0140	UNITED STATES	WPX Energy Marketing, LLC
VIRGINIA	22314	UNITED STATES	WPX Energy Marketing, LLC
			WPX Energy Marketing, LLC
DISTRICT OF COLUM	20006	UNITED STATES	Pennsylvania Independent Oil & Gas Associ
PENNSYLVANIA	15222	UNITED STATES	EQT Energy, LLC
DISTRICT OF COLUM	20005	UNITED STATES	Ultra Resources, Inc.
DISTRICT OF COLUM	20005	UNITED STATES	Day Pitney LLP
TEXAS	77056	UNITED STATES	BG Energy Merchants, LLC

ServiceList_CP14_498

prnemail	repemail
mustafa.ostrander@tallgrassenergyllp	robert.harrington@tallgrassenergyllp.com
mustafa.ostrander@tallgrassenergyllp	robert.harrington@tallgrassenergyllp.com
lisa.purdy@tallgrassenergyllp.com	awb@vnf.com
mrp@vnf.com	pik@vnf.com
	pete.w.frost@conocophillips.com
gprichman@njresources.com	wscharfenberg@njresources.com
dcrudd@njresources.com	
epeters@semprausgp.com	epeters@semprausgp.com
rchristian@vectren.com	jstephenson@vectren.com
rob.wingo@riceenergy.com	barbarajost@dwt.com
kdothage@ameren.com	jraybuck@ameren.com
rfarkosh@eca-eaec.com	rrich@pierceatwood.com
hughie.byers@directenergy.com	
tara.teeter@macquarie.com	rrich@pierceatwood.com
david.louw@macquarie.com	
jeff.jarvis@encana.com	djohn@jhenergy.com
ezembruski@jhenergy.com	
lisa.simpkins@exeloncorp.com	FERCe-filings@exeloncorp.com
Christopher.Young@Constellation.com	
david.yonce@thelacledegroup.com	mdarrell@lacledegas.com
chuck.cook@chevron.com	jmyers@chevron.com
jpf@kbelaw.com	kbe@kbelaw.com
elr@kbelaw.com	
jpf@kbelaw.com	amy.gold@shell.com
elr@kbelaw.com	kbe@kbelaw.com
rich.ficken@wpenergy.com	thomas.noules@wpenergy.com
jpf@kbelaw.com	kbe@kbelaw.com
elr@kbelaw.com	
kevin@pioga.org	rrich@pierceatwood.com
	pdiehl@eqt.com
jblackburn@daypitney.com	jfagan@daypitney.com
jblackburn@daypitney.com	jfagan@daypitney.com
	lisa.yoho@bg-group.com

Mail_List_For_CP14_498

prn_orname	prn_Title	prn_Name
Rockies Express Pipeline LLC	Assistant General Counsel	Mustafa Ostrander
Rockies Express Pipeline LLC	Tallgrass Energy Partners	Lisa M. Purdy
Van Ness Feldman, LLP		Michael Pincus
NJR ENERGY SERVICES COMPANY	Director	Ginger Richman
New Jersey Natural Gas Company	Gas Analyst	Doug Rudd
Sempra US Gas & Power	Regulatory & Compliance Manager	Elizabeth A Peters
U.S. Senate	Senator	Michael F Bennett
U.S. Senate	Senator	Mark Udall
Colorado Office of the Governor	RE: FERC Projects	Governor of Colorado
Colorado Public Utilities Commission	Secretary	Colorado Public Utilities Comm
		Ronald E Christian
		Rob Wingo
INDIVIDUAL	Manager, Gas Supply Division	Kenneth C Dothage
	Vice President, Marketing	Randall C Farkosh
Direct Energy Business Marketing, LLC	Regional Manager, Origination	Hughie B Byers
Macquarie Energy LLC	Senior Counsel, Fixed Income,	Tara Teeter
Macquarie Energy LLC	Head of Compliance	David Louw
Encana Energy Marketing (USA) Inc.	Senior Counsel	Jeff Jarvis
John & Hengerer		Elizabeth Zembruski, ESQ
Exelon Corporation	Environmental and Fuels Policy	Lisa Michelle Simpkins
Constellation Energy Commodities Group	Senior Counsel	Christopher D. Young
LACLEDE GAS COMPANY	Strategic Planning Analyst III	David A Yonce
Chevron USA Inc.		Charles R. Cook
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
INDIVIDUAL	Manager, Regulatory and Contr	Richard N Ficken
Edwards & Floom, LLP		John P Floom
Edwards & Floom, LLP		Erica Rancilio
		Kevin J. Moody
Day Pitney LLP		James B Blackburn, IV
Day Pitney LLP		James B Blackburn, IV

Mail_List_For_CP14_498

prn_Address1	prn_Address2	prn_MailStop	prn_City	prn_State
Tallgrass Energy Partners, LP	370 Van Gordon Stree		Lakewood	COLORADO
370 Van Gordon St	3rd Floor		Denver	COLORADO
1050 Thomas Jefferson Street			Washington	DISTRICT OF COLUMBIA
1415 Wyckoff Road			Wall	NEW JERSEY
1415 Wyckoff Road			Wall	NEW JERSEY
101 Ash Street	HQ 15		San Diego	CALIFORNIA
458 Russell Senate Office Bldg			Washington	DISTRICT OF COLUMBIA
730 Hart Senate Office Bldg			Washington	DISTRICT OF COLUMBIA
136 State Capitol			Denver	COLORADO
1560 Broadway, Suite 250			Denver	COLORADO
One Vectren Square			Evansville	INDIANA
1901 Chouteau Avenue		MC-611	St. Louis	MISSOURI
501 56th Street SE			Charleston	WEST VIRGINIA
79 Fisher Lane, Suite 102			Parkersburg	WEST VIRGINIA
Macquarie Energy LLC	500 Dallas, Suite 3100		Houston	TEXAS
500 Dallas St			Houston	TEXAS
370 17th Street, Suite 1700			Denver	COLORADO
1730 Rhode Island Ave., NW	Suite 600		Washington	DISTRICT OF COLUMBIA
100 Constellation Way	Suite 600C		Baltimore	MARYLAND
111 Market Street,	Suite 500		Baltimore	MARYLAND
720 Olive St.			Saint Louis	MISSOURI
1500 Louisiana Street	3rd Floor		Houston	TEXAS
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
3500 One Williams Center, 720 LVL			Tulsa	OKLAHOMA
1517 King Street			Alexandria	VIRGINIA
1517 King Street			Alexandria	VIRGINIA
1100 New York Ave NW	Suite 300 E		Washington	DISTRICT OF COLUMBIA
1100 New York Ave NW	Suite 300 E		Washington	DISTRICT OF COLUMBIA

Mail_List_For_CP14_498

prn_ZipCode	prn_Country	rep_Title	rep_Name	rep_Address1
80228		VP, Regulatory Affairs	Robert Harrington	370 Van Gordon St
80228			Amy Beizer	1050 Thomas Jefferson, NW
20007			Paul Korman	Suite 700
		Director - Regulatory Affairs	Pete Frost	1776 Eye St. NW
07719		Attorney	William Scharfenberg	1415 Wyckoff Road
07719				
92101		Regulatory & Compliance Mana	Elizabeth Peters	101 Ash Street
20510				
20510				
80203-1792				
80202				
47708	UNITED STATES	Vice President, General Counsel	Phillip Stephenson	One Vectren Square
		Partner	Barbara Jost	1919 Pennsylvania Avenue, N
63166		Managing Assoc General Couns	Joseph Raybuck	1901 Chouteau Avenue
25304		Partner	Randall Rich	900 17th Street, NW, Suite 35
26104				
77002		Partner	Randall Rich	900 17th Street, NW, Suite 35
77007				
80202			Douglas John	1730 Rhode Island Avenue, N
20036-3116				
21202		Director, Federal Regulatory A	Christopher Wilson	101 Constitution Ave, NW
21202				
63101		General Counsel	Mark Darrell	720 Olive Street
77002		Senior Counsel	J. Myers	1600 Smith Street, 27070B
22314			Katherine Edwards	1517 King Street
22314				
22314		General Manager	Amy Gold	909 Fannin
22314			Katherine Edwards	1517 King Street
74172		Senior Counsel	Thomas Noulles	1 One Williams Ctr Ste 3800
22314			Katherine Edwards	1517 King Street
22314				
		Partner	Randall Rich	900 17th Street, NW, Suite 35
		Senior Attorney - Midstream	Paul Diehl	EQT Corporation
20005		Partner	Joseph Fagan	1100 New York Avenue, NW
20005		Partner	Joseph Fagan	1100 New York Avenue, NW
			Lisa Yoho	5444 Westheimer; Suite 1200
			Leatra Harper	23767 W. SR 65

Mail_List_For_CP14_498

rep_Address2	rep_MailStop	rep_City	rep_State	rep_ZipCode	rep_Country
		Lakewood	COLORADO	80228	UNITED STATES
Suite 700		Washington	DISTRICT OF COLUMBIA	20007	UNITED STATES
1050 Thomas Jefferson Street		washington	DISTRICT OF COLUMBIA	20007	UNITED STATES
		Washington	DISTRICT OF COLUMBIA	20006	UNITED STATES
		Wall	NEW JERSEY	07719	UNITED STATES
HQ 15		San Diego	CALIFORNIA	92101	UNITED STATES
211 N.W. Riverside Drive		Evansville	INDIANA	47708	UNITED STATES
Suite 800		Washington	DISTRICT OF COLUMBIA	20006-3401	UNITED STATES
		St. Louis	MISSOURI	63166-6149	UNITED STATES
50		Washington	DISTRICT OF COLUMBIA	20006	UNITED STATES
50		Washington	DISTRICT OF COLUMBIA	20006	UNITED STATES
Suite 600		Washington	DISTRICT OF COLUMBIA	20036-3116	UNITED STATES
Suite 400E		Washington	DISTRICT OF COLUMBIA	20001	UNITED STATES
Suite 1504		Saint Louis	MISSOURI	63101	UNITED STATES
		Houston	TEXAS	77002	UNITED STATES
		Alexandria	VIRGINIA	22314	UNITED STATES
Plaza Level 1		Houston	TEXAS	77010	UNITED STATES
		Alexandria	VIRGINIA	22314	UNITED STATES
		Tulsa	OKLAHOMA	74172-0140	UNITED STATES
		Alexandria	VIRGINIA	22314	UNITED STATES
50		Washington	DISTRICT OF COLUMBIA	20006	UNITED STATES
625 Liberty Avenue, Suite 1700		Pittsburgh	PENNSYLVANIA	15222	UNITED STATES
		Washington	DISTRICT OF COLUMBIA	20005	UNITED STATES
		Washington	DISTRICT OF COLUMBIA	20005	UNITED STATES
)		Houston	TEXAS	77056	UNITED STATES
		Grand Rapids	OHIO	43522	UNITED STATES

Mail_List_For_CP14_498

reporname	party
Tallgrass Energy Partners	Rockies Express Pipeline LLC
Van Ness Feldman, LLP	Rockies Express Pipeline LLC
Van Ness Feldman, LLP	Rockies Express Pipeline LLC
ConocoPhillips Company	ConocoPhillips Company
NJR Service Corporation	NJR Energy Services Company
	NJR Energy Services Company
Sempra US Gas & Power	Sempra Rockies Marketing, LLC
	U.S. Senate
	U.S. Senate
	Colorado Office of the Governor
	Colorado Public Utilities Commission
Vectren Corporation	Indiana Gas Company, Inc.
Davis Wright Tremaine LLP	Rice Drilling B LLC
Ameren Services Company	Ameren Illinois Company
Pierce Atwood LLP	IOGA of West Virginia
	IOGA of West Virginia
Pierce Atwood LLP	Macquarie Energy LLC
	Macquarie Energy LLC
John & Hengerer	Encana Marketing (USA) Inc.
	Encana Marketing (USA) Inc.
Exelon Corporation	Exelon Corporation
	Exelon Corporation
LACLEDE GROUP	LACLEDE GAS COMPANY
Chevron USA Inc.	Chevron U.S.A. Inc.
Edwards & Floom, LLP	Chevron U.S.A. Inc.
	Chevron U.S.A. Inc.
Shell Energy North America (US),	Shell Energy North America (US), L.P.
Edwards & Floom, LLP	Shell Energy North America (US), L.P.
WPX Energy Marketing, LLC	WPX Energy Marketing, LLC
Edwards & Floom, LLP	WPX Energy Marketing, LLC
	WPX Energy Marketing, LLC
Pierce Atwood LLP	Pennsylvania Independent Oil & Gas Association
EQT Corporation	EQT Energy, LLC
Day Pitney LLP	Ultra Resources, Inc.
Day Pitney LLP	Day Pitney LLP
BG Energy Merchants, LLC	BG Energy Merchants, LLC
	FreshWater Accountability Project et al.

Document Content(s)

Response to Rockies Express.PDF.....	1-13
Attachment 1_FERC Service List.PDF.....	14-14
Attachment 4_Allegheny eSubscription.PDF.....	15-15
Attachment 5_eSubscription.PDF.....	16-16
Attachment 6_Comment on CP14498000.PDF.....	17-17
Attachment 7_REX email to Allegheny.PDF.....	18-19
Attachment 8_Allegheny email to FERC re subscriptions.PDF.....	20-20
Attachment 9_FERC View from the Beltway.PDF.....	21-35
Attachment 10_NGPL Chicago Market Expansion.PDF.....	36-42
Attachment 11_FERC defends infrastructure.PDF.....	43-44
Attachment 12_Mountaintop Removal Programmatic EIS.PDF.....	45-48
Attachment 13_Governor Corbett's comments.PDF.....	49-51
Attachment 2_ServiceList_CP14-498.XLS.....	52-57
Attachment 3_Mail_List_For_CP14-498.XLS.....	58-62