

# FERC under fire: Area pipeline opposition groups hammer regulatory agency



By TOM RELIHAN | Recorder Staff | Thursday, January 14, 2016

The federal agency reviewing an application for a controversial new natural gas pipeline that's planned to snake its way through Franklin County is coming under fire from a variety of opposition groups and environmental coalitions.

The first of the groups, Northeast Energy Solutions, or NEES, filed on Thursday a formal protest with the Federal Energy Regulatory Commission charging that the Tennessee Gas Pipeline Co.'s application for the proposed Northeast Energy Direct pipeline project is incomplete and riddled with inaccuracies.

FERC, which has the final word as to whether the project is built, is currently reviewing the company's proposal.

The document lists more than 50 specific problems in the application for the proposed 188-mile pipeline, according to Vincent DeVito, NEES's lawyer.

They include charges of a failure to meet the mandates of the Waters of the United States rule, to include accurate lists of the names and addresses of all affected landowners, waterbody crossings and watershed protection areas and site plans of compressor stations showing nearby noise-sensitive areas.

It also said the company failed to include information on the potential short and long-term impacts on wildlife resources and endangered species during construction and the

economic impact on the towns it would cross through — which include eight in Franklin County.

“The industry has never witnessed a proposal for an energy project seeking government approval that is as patently defective as the one submitted by Tennessee Gas Pipeline. If they filed when being so unprepared to just ameliorate their shareholders’ widely reported grumpiness, they failed on that counted, too,” DeVito said.

The document asks FERC to consider holding a hearing on TGP’s application because of the numerous issues in the application that are of “jurisdictional import” to the agency.

The second complaint is addressed to the Government Accountability Office, which investigates and audits federal agencies on behalf of Congress.

Authored by the Delaware Riverkeeper Network and signed by more than 2,000 individuals and 165 organizations, the filing was submitted with Senators Elizabeth Warren , D-Mass., and Bernie Sanders, I-Vt., and asks the GAO to investigate FERC for bias toward the natural gas industry that it regulates.

“We know first-hand that FERC is attempting to bypass our rights to judicial review and fair public participation in the decision-making process,” wrote Maya van Rossum of the Delaware Riverkeeper Network in a press release Thursday. “FERC has time and again prioritized the advancement of gas infrastructure projects over the well-being of the communities it should be protecting — misusing legal loopholes and ignoring court orders while ordinary citizens play by the rules. The GAO must take immediate action to ensure that FERC’s malfeasance does not go unchecked.”

The letter raises concerns about FERC’s reliance on industry funding to carry out its duties and its propensity to approve projects and grant eminent domain power to private companies.

If approved, the roughly \$5 billion dollar, 400-plus mile pipeline would pass through Ashfield, Conway, Shelburne, Deerfield, Montague, Erving, Northfield and Warwick on its way from Wright, N.Y. to Dracut, north of Lowell. It is expected to carry up to 1.3 billion cubic feet of natural gas per day.

The project is expected to be in service by late 2018.