

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

re: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000

Dear Secretary Bose:

Fix FERC First Chapter 1: An Introduction

It has become increasingly obvious to many observers that the Federal Energy Regulatory Commission (FERC) is badly broken and desperately in need of repair or reformulation. FERC is the Federal agency that oversees the approval of interstate oil and natural gas pipelines and other energy infrastructure proposed by private energy companies. FERC is, as its current chairman Cheryl LaFleur tells us, a “creature of Congress” – created by Congress to administer the pipeline approval process.

There are numerous grave problems with FERC that need to be addressed. This document (Chapter 1 of what is planned as a series of comments on the problems with FERC) will serve as a brief introduction to the **Fix FERC First** theme and will lay the groundwork for future chapters covering these problems in greater detail.

The **Fix FERC First** title was chosen for a reason - because it is impossible to expect that FERC will be able to provide a rational, considered deliberation of the multiple natural gas pipelines proposed for New England (and in many other parts of the country) while the rules and procedures that govern its deliberations remain as fundamentally flawed as they are at this time. An overview of these problems with FERC is provided in the next few paragraphs.

FERC considers pipeline proposals in isolation from each other, despite the fact that multiple simultaneous pipeline proposals from different companies should logically be considered and judged from an aggregated, regional perspective. FERC’s approach to determining the “need” for a particular pipeline appears to be “Approve them all and let the market sort them out”. We, the public, are then saddled with new fossil fuel infrastructure that will endure for decades – impeding the advancement of renewable energy and hindering our ability to meet goals for lowering greenhouse gas emissions.

Because of this faulty, market-driven definition of “need”, the “need” of the energy companies to export natural gas is considered by FERC to be every bit as genuine as the actual need of American citizens for a reliable energy supply – how can this be considered rational? The protected lands and the property rights of American citizens are then trampled on in order to advance a private energy company’s plans to develop an export market for its product. Just whose greater good is being served by this?

FERC asserts that it is interested in hearing from members of the public who feel they will be impacted by the approval of proposed energy infrastructure projects. FERC administers “scoping” meetings to allow public comment before they issue licenses. They require those proposing a project to prepare

reports on the environmental impacts and they solicit public input to this process. But a closer look discloses that FERC is mostly interested in public comments about specific environmental or siting problems that might be caused by a project – and they then set about to have the energy company mitigate what FERC considers to be the worst of these. This is all well and good, but where is the ability of an individual or a town or even an entire state or region to question the actual need for a project? How can the public get any assurance that the damage that will inevitably accompany such a project is in fact to be balanced by a greater public good? It cannot.

As a direct result of the skewed metrics summarized above, FERC doesn't seem to ever have come across a pipeline proposal that it didn't like. This agency is staffed by commissioners following guidelines that lean very heavily in favor of approving all of the energy company proposals for large scale fossil fuel infrastructure projects that they are charged with considering. If some oil or natural gas is good, then it appears that FERC considers that more must certainly be better – societal, environmental and climate costs be damned. In short, FERC has become a rubber stamp machine for the energy industry's current pipeline craze.

The companies proposing infrastructure projects are charged by FERC with some responsibility for informing the public of their proposals so that those impacted by these proposals will have a chance to learn about the project and provide feedback. Over the past year it has become painfully obvious to observers of Kinder Morgan's public presentations on the Northeast Energy Direct (NED) project that FERC maintains minimal monitoring, much less any actual control, over the quality of the information being supplied to the public. Kinder Morgan has a virtually unblemished record of providing vague answers, releasing ridiculously out-of-date pipeline maps (hello 1980s) and deliberately displaying photos of under-sized facilities (e.g. projecting a picture of a 6,130 HP compressor station to "give an idea" of what a 90,000 HP compressor station might look like) while "informing" the public of their NED plans. FERC is either completely unwilling and/or unable to intervene in this orgy of misinformation and there is apparently no risk to Kinder Morgan of FERC imposing any sanctions on it as the pipeline company continues to actively mislead the public and keep them in the dark for as long as possible. Is it in the public interest to hold meetings where the public is deliberately and actively misled?

If FERC is allowed to continue to wield the enormous power of the Federal government while applying its current set of skewed priorities and metrics, then we can expect it to continue to blindly approve massive new energy infrastructure projects that will marry us to a very long term fossil fuel future – one reached with scant consideration given to the possibilities for conservation and renewable energy, and one reached with disregard for individual property rights, local governance and even state laws.

Quite frankly, the problems with FERC are so numerous and so serious that a single document detailing them all would be quite long and dense - and it would require a very dedicated reader to get through it all. So there will be an ongoing series of comments on these very serious problems with FERC. Future chapters of the **Fix FERC First** story will each focus on a particular problem with the Federal Energy Regulatory Commission and the repercussions of that problem to the public.

The next document in this series will be **Fix FERC First – Chapter 2: FERC's Faulty Definition of Need.**

Nick Miller Groton, MA