

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 3: FERC Allows The Public To Be Misled

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. This document is one in a series of several chapters of the **Fix FERC First** story, with each chapter describing a specific FERC shortcoming and the harm done directly to the public and to the public interest as a result of that shortcoming. This chapter details ways in which **FERC Allows The Public To Be Misled**.

FERC has a responsibility for understanding and weighing the environmental and property impacts that are inevitable when any large, high pressure pipeline and its associated infrastructure are approved, constructed and put into operation. FERC therefore typically encourages the energy companies proposing such infrastructure to hold meetings to inform the public of their plans. The public deserves to be informed and this needs to be done in a timely manner. A properly informed citizenry can then consider the negative impacts of the proposed project upon themselves and their communities and provide timely feedback to FERC about those impacts. FERC can then balance those impacts against the public “need” for the pipeline (but see Chapter 2 of this series, **FERC’s Faulty Definition of Need**). If the project is approved, FERC will then require that the energy company remediate the worst of those impacts. This sounds plausible in theory - but note that this plan is completely dependent upon the energy company providing accurate and timely information to the public.

But what if an energy company doesn’t keep its end of the bargain? What if it delays informing the public and then supplies vague, misleading and simply false information – so that the public is robbed of some of its opportunity to provide timely feedback to FERC? Shouldn’t FERC have a hand in insuring that this doesn’t happen – and in sanctioning any energy company that does attempt to mislead and delay?

Imagine that an energy company such as Kinder Morgan did the following while “informing” the public:

- Made presentations at town meetings where it agreed to provide answers to the written questions submitted by the town selectmen – and then simply never even attempted to provide those answers, despite repeated requests for them to do so.
- Filed pipeline maps with FERC that are based on 1980s topographical maps – laughably poor maps that are missing anything built within the past 25 years; maps with less detail than what any 12-year old could access in seconds on a smartphone.
- At public meetings with hundreds of impacted residents present, showed a slide presentation that included an image of a 6,130 HP compressor station to “give an idea of what a compressor station looks like” with the proviso “but not exactly like this”. What the audience was not told was that the project includes compressor stations of up to 90,000 HP, fifteen times the capacity of the displayed image. A 90,000 HP compressor station is a very sizable, brightly lit, noisy

industrial complex comprising several large buildings - it is not the single smaller wood shingled building that Kinder Morgan displayed in an attempt to mislead the public.

- Made changes to previously published pipeline maps with absolutely no effort to notify the newly affected (or the newly unaffected) towns and residents of those changes. Those folks were left to find this out from sources other than the company proposing to disrupt their lives.
- During the snowiest New England winter weather in 81 years, FERC staff “strongly recommended” that Kinder Morgan reschedule the public Open Houses planned for a week in February in order to insure that those planning to attend the meetings were not deterred by the record amount of snow and the two significant storms predicted for the upcoming week. Kinder Morgan thought it over and simply refused FERC’s strong recommendation to reschedule.
- Told the public that the pipeline would be constructed mostly within an existing power line right-of-way (ROW) when the truth is that it will be built parallel to but almost completely outside of the existing ROW. This is a huge difference to those along the pipeline’s path.
- Kinder Morgan continues to file resource reports with FERC that fail to disclose the location of the five huge compressor stations proposed for the pipeline. The potential location of each of these stations is only indicated on their maps as being somewhere along a stripe multiple miles in length in each of five selected regions of the pipeline path. Any resident in the vicinity of a planned compressor station must be notified by the energy company, since these installations are recognized to be so intrusive. But no residents have been notified yet (will they ever be?) and the locations of the compressor stations are still apparently a Kinder Morgan secret. How can FERC pretend that proper notification is being given to abutters and others? When will Kinder Morgan notify the affected residents and how much time will they then have to react? If the locations of these installations have truly not been finalized, shouldn’t there be a moratorium on the consideration of this entire project until those locations can be publicized and the affected residents notified? If not, who will restore to the public the time that they will need to prepare and provide input to FERC regarding the impacts of the proposed stations?
- Kinder Morgan spokesman Allen Fore moderated most of the company’s informational meetings and he continually provided answers to the public that were one or more of the following:
 - **Vague** (“FERC is in charge of deciding that, we’re just making a proposal to them”)
 - **Misleading** (“There are no current plans to export any of this gas” and “Natural gas pipelines do not affect property values”)
 - **Misdirected** (Mr. Fore loves to answer a question that has not been asked rather than the one that has been. When asked about his company’s pipeline safety record, he talks about the many safety regulations that apply to pipeline companies. When asked about the environmental damage caused by pipelines, he talks about the licensing procedures.)
 - **False** (“All of it” – Mr. Fore’s answer to the question “How much of the gas put into the pipe at one end reaches the other end?”)
 - **Simply missing** (Mr. Fore’s inability to answer the question “Would you want this pipeline in your backyard?” – left unanswered, despite multiple prompts from a meeting moderator.)

For the record, I have personally witnessed all of the Kinder Morgan misstatements, misdeeds and misbehavior detailed above – and more. But I was only present at a limited number of their public meetings. I can only guess at the entirety of the misinformation they have spread during the past year.

So it seems that Kinder Morgan is at best misbehaving and at worst deliberately lying to the public about their plans through omission and commission, while ticking off the “public information” check boxes that FERC requires of them. And what is FERC’s response to the missing and blatantly false information being used by Kinder Morgan to “inform” the public? Nothing. Nada. Zilch.

