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.

From my vantage point, Kinder Morgan is pretending to accurately inform the public and FERC is satisfied to let that pretense stand. There appears to be no attempt at all by FERC to monitor the (lack of) quality of the information being supplied to the public by Kinder Morgan, much less to try to control it or to remediate the damage done when the public is deliberately misled. And FERC does not seem to be prepared to react to this situation at all, even when the public does report the misdeeds and misinformation to them. Here is a question for FERC to consider: Is the public interest served by informational meetings where the public is deliberately misled by those presenting the information?

With no sanctions being applied by FERC, why would Kinder Morgan ever be expected to mend their ways? Simply stated, Kinder Morgan does not want there to be an informed public. An informed public does its homework, asks pointed questions and does not passively accept vague and inaccurate answers. It is to Kinder Morgan's advantage to release as little information as possible, to delay its release as long as possible, to keep the information as vague as possible and to simply misinform when they can. An informed public will inevitably begin to question the need for a new pipeline as they realize what the actual short term and longer term costs of this massive new fossil fuel infrastructure would be.

And I have to say that it was frankly eye-opening for me to see just how brazenly and openly Kinder Morgan carries this off. Initially I expected that FERC would be in firm control of Kinder Morgan's actions and the information that it supplied to the public. But Kinder Morgan is obviously not too concerned about FERC's reaction to any of this. For example, they felt free to ignore FERC's "strong recommendation" to reschedule public meetings. And remember that Kinder Morgan has done this "public information" dance with FERC many times before and so they have a pretty good idea of where the out-of-bounds lines are (there are <u>some</u> out-of-bounds lines out there somewhere, aren't there FERC?).

Summary

So here we are. Kinder Morgan is pretending to properly inform and notify the public of their plans in a timely manner. And FERC is pretending that the public is being properly informed and notified. Check boxes are being checked and the plans for this pipeline are moving through the system. Apparently this is all simply business as usual for FERC. But this bogus "information" is misleading the public and it causes people to underestimate the true impact of the proposed pipeline. Shame on Kinder Morgan for perpetrating this sham and shame on FERC for standing idly by as it happens.

Nick Miller Groton, MA

These earlier chapters of **Fix FERC First** are downloadable from the FERC eLibrary:

Chapter 1: An Introduction

Chapter 2: FERC's Faulty Definition Of Need