

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 5: The “R” Is For Regulatory Not Rubberstamp

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 is a reminder to FERC that **The “R” Is For Regulatory Not Rubberstamp**.

Thus far in this series, these major problems with FERC have been detailed:

- FERC’s faulty definition of need
- FERC’s failure to recognize and sanction energy companies’ deceit of the public
- FERC’s insistence on considering multiple pipeline proposals in isolation from each other
- FERC’s willful myopia regarding a pipeline’s total negative long term upstream and downstream environmental impacts

As a result of these critical faults, FERC ends up doing exactly what the energy companies want. This is because the FERC shortcomings listed above all help to facilitate one common result: pipelines are not fully vetted by FERC and thus FERC licenses virtually every pipeline that it passes judgment on. As has often been noted: FERC has rarely, if ever, seen a pipeline proposal that it didn’t like.

When reviewing these proposals, FERC may require that the energy company submitting the proposal make a minor route change here or use a special remediation technique there – but doesn’t it seem likely that Congress had more in mind for FERC than simply regulating the remediation of localized damage caused by pipeline construction? They are, after all the Federal Energy Regulatory Commission.

During the past year, I have witnessed firsthand the deception and the misdirection that Kinder Morgan uses in parceling out information to the towns and individuals impacted by their proposed pipeline. But as the FERC pre-filing process progressed, I also came to see that Kinder Morgan was in effect being given cover by FERC. Kinder Morgan would tell the public that FERC was in charge of the process but in the meantime FERC would simply be looking the other way. As the months went by, FERC seemed to be acting more as a silent partner to Kinder Morgan than as the watchdog agency that I had (naively) assumed it to be. FERC exerted little or no control over the orgy of misinformation that Kinder Morgan provided to the public about their pipeline plans. For its part, Kinder Morgan seemed to just be ticking off checkboxes for FERC rather than making an honest attempt to educate the public.

And this behavior by FERC is especially troubling since FERC is the agency endowed with the authority to grant federal eminent domain rights to the private, for-profit energy companies. If granted to Kinder Morgan, these rights can be used to threaten and ultimately take land from the hundreds of landowners

[Chapter 2: FERC's Faulty Definition Of Need](#)

[Chapter 3: FERC Allows The Public To Be Misled](#)

[Chapter 4: FERC Is Short-Sighted](#)