



Franklin Regional Council of Governments

June 14, 2018

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

Re: Federal Energy Regulatory Commission (FERC) Regulatory Process for Gas Pipelines – Docket No. PL18-1-000

Dear Secretary Bose:

The Franklin Regional Council of Governments (FRCOG), the regional planning agency for 26 communities in Franklin County, MA offers the following suggestions to improve the FERC process for permitting gas pipelines. Our recommendations are based on our recent experience with the now withdrawn KM-TGP NED gas pipeline project that was proposed to be located in eight communities in our region. The FRCOG participated in all public input opportunities related to the FERC permitting process including attending the Open Houses, preparing comments for the Scoping Sessions for the Environmental Impact Statement, and requesting Intervenor Status. We reviewed and commented on the Resource Reports prepared by the Applicant, provided technical assistance to our towns on the FERC process, and conducted GIS mapping and analysis of potential impacts to natural and historic resources as well as public health and safety posed by the proposed gas pipeline.

The Commission has asked for feedback in three areas: (1) methodology for determining if there is a need for the project, including FERC's consideration of precedent agreements and contracts; (2) FERC's consideration of the potential exercise of eminent domain and landowners interests; and (3) FERC's consideration of environmental impacts.

Determination of Need for a Pipeline

1. When assessing “public need” for a new pipeline, consider the capacity of all existing and/or proposed competing gas pipelines that will serve the same or overlapping markets, and prioritize pre-existing gas pipeline routes when considering alternatives.
2. Consider all relevant factors when determining “public need,” not just precedent agreements, including: (i) alternative cleaner sources of energy; (ii) utilization of existing pipelines not at full capacity; (iii) seasonal storage options to augment natural gas supplies during winter months or other peak demand periods; (iv) decreasing leaks and removing bottlenecks from

existing transmission and distribution systems before approving new pipeline infrastructure; and (v) evaluating the adequacy of investments by local distribution companies to meet demand, particularly during peak usage periods.

3. Require that the demand “demonstrated” by precedent agreements, typically used to determine need, be based on “arm’s length” contracts¹ with entities that have no financial interest in the proposed pipeline.

Utilization of Eminent Domain and Consideration of Landowners Interests

1. Do not provide eminent domain authority to Applicants for gas pipelines that will export gas to foreign countries - pipeline capacity should be fully committed for domestic purposes under “arm’s length” contracts.
2. Require that all Federal & State permits are approved for a project before granting the Certificate of Public Convenience & Necessity and eminent domain authority.
3. Overhaul the FERC public participation process to require that: (i) Applicants promptly notify municipalities and landowners about the proposed pipeline and subsequent route changes; (ii) Applicants provide clear, factual, detailed and timely information on the proposed pipeline route and associated impacts; (iii) Applicants provide clear and accurate mapping of the proposed pipeline route at an appropriate scale² for each community; (iv) adequate timelines are established for public comment (at least 45 days or more) after submission of accurate and complete information by the Applicant; and (v) negative impacts to private property values caused by the construction and operation of a pipeline are truly considered.
4. Create and provide funding for an “Office of Public Participation and Consumer Advocacy” to support public participation and transparency in the siting and permitting of natural gas storage systems and infrastructure.

Consideration of Environmental Impacts

1. Change the FERC process to take into account State Energy & Climate Change Action Plans as well as U.S. Energy & Climate Change Policies when considering whether to approve infrastructure that will increase fossil fuel use, such as natural gas, and which contribute to GHG emissions and climate change.
2. Change the FERC process to require that Applicants and FERC conduct more rigorous climate change and “alternative analyses” to building pipeline infrastructure that includes energy efficiency and renewable energy sources, including solar and wind.

¹ Entities contracting with Applicant should be independent and not have any financial interest in the proposed pipeline.

² Maps of proposed pipeline routes should at a minimum show streets (with names), political boundaries, and critical natural resources (e.g. wetlands, drinking water supplies, critical habitat areas, prime farmland, etc.) areas in relation to the pipeline R.O.W.

3. Change the FERC process to consider climate change impacts caused by GHG emissions from downstream (drilling and production wells) and upstream (burning of gas for energy production) activities associated with the pipeline infrastructure.
4. Prohibit the granting of eminent domain authority to take permanently protected open space, particularly open space protected with Federal or State funding provided by taxpayers.
5. Require that a public Health Impact Assessment be conducted for gas pipelines and associated facilities (e.g. compressor stations, metering & venting stations) as part of the FERC Application process for approving a gas pipeline.
6. Require that the Environmental Impact Statement needed for the proposed pipeline be prepared by an independent agency such as the U.S. Environmental Protection Agency.
7. Provide Technical Assistance Grants (TAG) grants, perhaps funded through an impact fee paid by the Applicant, to towns, cities and regional planning agencies for staffing and consultants that can conduct a peer review of the information provided by the Applicant, comparable to the Brownfield TAG grants offered by the EPA.
8. Require the same pipeline safety standards (e.g. pipe thickness) for rural and urban areas.
9. Require the Applicant to provide complete and factual "Resource Reports" and to track any changes to subsequent or updated versions of the Resource Reports. Provide adequate time for public review and comment (at least 45 days or more).

We are appreciative of the fact that the Federal Energy Regulatory Commission would like to improve its process which in our experience was unresponsive to community and regional concerns, particularly related to environmental impacts and public health and safety. In addition, the public participation process was hindered by incomplete studies and project changes that were not adequately documented by the Applicant. Please contact Linda Dunlavy (lindad@frcog.org), Executive Director or Peggy Sloan (psloan@frcog.org), Director of Planning & Development if you have any questions or would like to further discuss our suggestions to improve the FERC process.

Sincerely,



Bill Perlman, Chair – FRCOG Executive Committee



Jerry Lund, Chair – Franklin Regional Planning Board Executive Committee