

October 1, 2014

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 Request to Use Pre-filing Procedures for Proposed Northeast Energy Direct Project

Dear Secretary Bose:

I write to you in reference to Tennessee Gas Pipeline's September 25th letter regarding the company's route maps and their alleged compliance with the requirements of your Commission's regulation 18 C.F.R. § 157.21(d), which requires applicants to provide:

"A detailed description of the project, including location maps and plot plans to scale showing all major plant components, that will serve as the initial discussion point for stakeholder review"

The clear policy intent of this regulation is to provide sufficient information to the public. These maps are not meant for the Company's planning purposes or for the Commission's deliberations; they are intended for the general public.

When the general public expresses overwhelming disapproval with the utility of such a map set, it would seem especially important to listen, comprehend, and appropriately address those concerns.

Tennessee's letter misrepresents the nature of multiple complaints as being merely about the level of detail provided. Rather, the complaints center on the Company's choice of a historical map base that erases thirty years of development from the pipeline route. That includes homes, businesses, houses of worship, schools, and recreational facilities that should otherwise appear at the level of detail used in the maps. The result is an understated impact, an undermined public discussion, and a level of outrage that should not be ignored.

Unfortunately, Tennessee's casual dismissal of these concerns is just the latest instance in a troubling pattern of behavior by Tennessee and its Parent Company, Kinder Morgan. Time and again in its interactions with the public, the Company has given the impression that it just doesn't care.

Kinder Morgan/Tennessee doesn't care about making a good first impression with the public or with maintaining good community relations.

Tennessee's Public Participation Plan, found under Appendix F of its filing, provides for correspondence and briefings for local officials, and courtesy training for survey crews. That looks great on paper, but only works in practice when those elements happen in the proper sequence.

In our town, the public's first notice of the Northeast Energy Direct proposal came in January, in the form of Kinder Morgan/Tennessee agents going door-to-door to request survey permissions from homeowners. Calls to Town Hall were referred to the local police, because Town government had not

yet been informed of the Company's plans, and because the surveyors' canvassing activities were almost universally perceived as harassment.

This botched implementation of its own Public Participation Plan was our first impression of Kinder Morgan/Tennessee. By putting its worst foot forward on day one, the Company inspired an opposition movement of offended and disgruntled residents from the start. As a result, "Stop the Pipeline" signs soon proliferated on lawns all across town.

The Company's subsequent actions did nothing to address our mistrust or to repair the damaged relationship between our community and the Company.

Kinder Morgan/Tennessee doesn't care about having a well-informed public.

In June, Kinder Morgan/Tennessee sent representatives to our town for an information session on their proposed pipeline. These representatives seemed oblivious to the idea that information, unlike a natural gas pipeline, is meant to flow in both directions at once. Citizen concerns about the pipeline route were dismissed because the route was prospective and could change—but only at the company's discretion, in a process taking place behind closed doors. Citizen concerns about the need for the project were dismissed because the entire project might never advance to the pre-filing stage—but again, that decision would be at the company's discretion, based on their private negotiations with undisclosed potential purchasers of pipeline capacity.

To date, Kinder Morgan/Tennessee has shown no sign that any public concerns have been considered, or have had any impact on the Company's ongoing route and project planning. Partially because of the Company's perceived lack of empathy, a Special Town Meeting adopted a non-binding referendum opposing the project. Partially because of the Company's withholding of important information, our town's Board of Selectmen unanimously voted on a resolution to oppose the project.

Tennessee's pre-filing boasts of answering over 1,100 questions from the public. What they don't say is how many of those answers were a "we'll get back to you on that," followed by months of silence. Their planning process, routing criteria, potential customers, safety record, export plans, among other topics have been withheld from inquiring members of the public as well as from our elected officials.

In our town, individual residents and our Board of Selectmen are still waiting on promised answers to questions addressed to Kinder Morgan representative Allen Fore during our meeting back in June.

These broken promises and unanswered questions have led many residents and landowners to rescind survey permission that had previously been granted to Tennessee.

Kinder Morgan/Tennessee doesn't care about public safety.

Kinder Morgan/Tennessee cites its safety record, but has made no data available to the public despite repeated requests. However, it is clear that the Company does none of the things that safety-focused companies are known to do; they don't innovate new safety measures; they don't advocate for stronger safety regulations applicable to their industry; and they can't cite a single safety feature they regularly use that goes above and beyond what they are required to provide under the law.

When Kinder Morgan/Tennessee representatives use the word “safety,” we assume that what they really mean is “compliance with safety regulations.” This is not necessarily a bad thing, assuming that adequate safety regulations exist, but it is certainly no substitute for actually caring about safety.

No matter how robust the Company’s compliance program may be, or how rigorously it is followed, compliance efforts alone will always fall short of public expectations. When we ask Kinder Morgan/Tennessee representatives about safety, it frightens us to receive an answer that boils down to, “We try not to break any laws.”

In the absence of any effort above the absolute minimum, many of us will never be satisfied about the safety of this project’s installation and ongoing maintenance.

Kinder Morgan/Tennessee does not care about New England’s energy needs.

On the topic of energy needs, Tennessee’s application cites a number of studies that are biased, outdated, and incomplete in ways that I am not qualified to enumerate. On this basis, they conclude that their own long-term, year-round infrastructure proposal is the best solution to New England’s medium-term, winter-only natural gas bottlenecks.

Because our state’s energy needs are so important, and the potential solutions so costly and long-lived, Massachusetts has undertaken a new study that promises to be unbiased, up-to-date, complete, and compiled through a transparent process with significant public input.

There is no way of knowing whether the forthcoming study will support or undermine the Company’s pipeline proposal, but it’s disturbing that Kinder Morgan/Tennessee has chosen not to participate. In her comment letter to the Commission, Maeve Vallely Bartlett of the Commonwealth’s Executive Office of Energy and Environmental Affairs called the Company out for withholding information that could make the study even more complete and useful.

Kinder Morgan/Tennessee has also chosen not to wait for the results of the new study. By pushing its application forward without the best possible information about this project’s necessity, Kinder Morgan/Tennessee has put its own needs and interests above the needs and interests of the public.

Among the potential customers Tennessee cites in its cover letter are LNG export terminals in the Maritime Provinces. That should serve as a red flag for anyone considering the necessity of this project. If the Northeast Energy Direct project truly exists to provide New England with a necessary amount of natural gas, there would be little to no excess passing onward into Canada, beyond the jurisdiction of US-based energy regulations.

If this project does enable Tennessee to expose New England’s natural gas supply to price competition from international markets, it has the potential to cause energy shortages, higher prices, a drag on our economy, a less competitive business environment, and fewer jobs—the exact opposite of what we’re being promised by the Company.

Kinder Morgan/Tennessee doesn't care about local businesses.

Among the non-government organizations identified by Tennessee as stakeholders in its pre-filing are a number of Chambers of Commerce including one that covers our region. Kinder Morgan/Tennessee hasn't just addressed or interacted with the Chamber, they have joined it at the highest sponsorship level. In doing so, they instantly became the Chamber's largest and most powerful member despite not having an office, employees, or customers in the Chamber's area of service.

Since that time, a Chamber that once existed to champion locally-owned businesses has instead held pro-pipeline events for Kinder Morgan/Tennessee, distributed the Company's electronic newsletter to its own mailing list, and otherwise served as the Company's own private propaganda machine.

In response to having their voices suppressed by an out-of-state entity, over a hundred local businesses signed onto a petition to the state legislature objecting to the Company's actions and opposing the pipeline.

Kinder Morgan/Tennessee doesn't care about the environment.

In addition to their other failings, the maps provided by the Company also fail to properly show environmental resources that would be disrupted by the proposed pipeline. From the western Massachusetts border to the terminal in Dracut, Kinder Morgan/Tennessee could hardly have chosen a more damaging path through a larger number of critical habitats if they had tried. The Company also seems to have maximized disruption to a number of conservation lands specifically protected by Article 97 of the Massachusetts Constitution.

Although the Company has been secretive about what criteria went into picking its new "greenfields" route over other potential routes, or over an expansion of its existing rights-of-way, the selected path demonstrates that Kinder Morgan/Tennessee does not care about the environment, the conservation investments that have been made in these lands, or the protections provided by our highest state laws.

As a result, many residents feel that this proposal puts their very way of life under siege.

Kinder Morgan/Tennessee doesn't care about not caring.

The experiences of our town are not unique, and are the reason why around three dozen municipalities in Massachusetts and New Hampshire have passed non-binding resolutions opposing the Northeast Energy Direct project, as currently proposed. It did not have to be this way, but the Company's actions and attitudes have created and fostered a level of opposition above and beyond any that would otherwise exist.

The project and its route are also opposed by a coalition of state legislators, the Governor's office, both of our state's U.S. Senators, and a number of our U.S. Representatives. And yet, a project so clearly in need of serious reassessment is still being rushed forward, and the Company's disdain and disrespect for the public has only grown.

In its letter, Tennessee seems to be saying that it has, or is in the process of compiling, a more accurate and up-to-date set of maps, but that those maps are being deliberately withheld until a later stage in the pre-filing process. Tennessee believes that the public doesn't need maps that depict the project's impact on any structures built since the 1980s. And despite a chorus of stakeholders who have filed comments stating otherwise, Tennessee believes that it is in the best position to know what information those stakeholders need at this time.

When neither the business interests of the Company nor the basic human compassion of its officers and agents have created a caring environment at Kinder Morgan/Tennessee, I have no illusions that your Commission can compel the Company to show genuine concern for public necessity, public safety, public health, or other public concerns.

However, your Commission does have a public mandate, and its regulations are based on public interests. Your Commission has the power to interpret regulation 18 C.F.R. § 157.21(d) in a manner consistent with its intent by compelling the Company to release more reliable and up-to-date maps, and to follow up with other information necessary for the public to fully participate in a well-informed discussion.

As you consider Tennessee's request to use the pre-filing process, please take into account how the deficiencies in the Company's map set are symptomatic of an ongoing pattern that includes withholding information from the public, ignoring legitimate public concerns, and caring for nothing but the lowest possible level of compliance.

All citizens in the towns affected by this proposal are depending on your Commission to force this project into the light.

Sincerely yours,

Greg R. Fishbone, Groton MA

cc: Governor Deval Patrick
US Senator Elizabeth Warren
US Senator Edward J. Markey
State Senator Eileen Donahue
State Representative Sheila Harrington
Maeve Vallely Bartlett, Secretary of Energy and Environmental Affairs