

**BEFORE THE UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Tennessee Gas Pipeline Company, LLC)
Connecticut Expansion Project)
_____)

Docket No. CP14-529-000

**MASSACHUSETTS PIPELINE AWARENESS NETWORK'S ANSWER
IN OPPOSITION TO REQUEST FOR PERMISSION
TO PLACE CONNECTICUT EXPANSION PROJECT IN SERVICE**

The Massachusetts PipeLine Awareness Network (“MassPLAN”) is a party to this proceeding, as set forth in the Commission's March 11, 2016 Order Issuing Certificate, 154 FERC ¶ 61,191 (“Certificate Order”). Pursuant to 18 C.F.R. § 385.213(a)(3), MassPLAN hereby submits this answer in opposition to the request of Tennessee Gas Pipeline Company, L.L.C. (“TGP” or the “Company”) for permission to place the Connecticut Expansion Project (the “Project”) in service on November 1, 2017 (the “In-Service Request”).

MassPLAN's grounds for opposing the In-Service Request are as follows:

- 1) On information and belief, for several weeks TGP has been unable to proceed with releasing water from the newly installed pipe in Sandisfield, Massachusetts (the “Massachusetts Loop”) after hydrostatic testing because of difficulties in removing contaminants from the testing water. Rather than trucking out the contaminated test water for treatment and disposal, TGP has persisted in its intention to discharge the contaminated water directly onto land in Otis State Forest where it will flow down to a coldwater fishery. TGP filed a Notice of Change¹ with the United States Environmental Protection Agency with respect to the applicable NPDES permit, adding apparently previously disclosed chemicals to the list of contaminants in the test water.
- 2) TGP has failed to meet the replication and restoration requirements of the environmental permits as required by the Certificate Order. The In-Service Request reports

¹ Available at <https://www3.epa.gov/region1/npdes/remediation/noi/2017/ct-exp-proj-ma-loop-sandisfield-ma-mag910716-noc.pdf>.

restoration at 95% on the Massachusetts Loop, despite the fact that, on information and belief (including direct inspection this past week of areas where our volunteers are allowed to access the route), not a single prescribed tree or shrub has been planted along the restoration areas of the pipeline route, stream crossings or mitigation wetland replication site, and, with regard to the wetland replication site (the “Fales Site”), TGP's status reports have indicated for months only that the company “continues... to irrigate the mitigation wetland.”² TGP's own photos accompanying the In-Service Request illustrate this deficiency. TGP has not shown a good faith effort at completing any of the restoration required by the MassDEP 401 Water Quality Certificate and the Town of Sandisfield Order of Conditions. On information and belief, the Fales Site had still not been conveyed to the Commonwealth of Massachusetts and, as such, TGP has not complied with the terms of the Purchase and Sales Agreement between TGP and the Department of Conservation and Recreation of the Commonwealth of Massachusetts signed April 18, 2017 (Attachment A).

3) In addition to the inadequate status of TGP's restoration and mitigation efforts, rehearing requests relating to the underlying need for the Project remain outstanding. Important new evidence has just emerged that further undercuts TGP's claims of Project need. An academic white paper³ recently publicized indicates that the Project's shippers have been systematically withholding capacity on the Algonquin Gas Transmission System, as part of an overall market failure (or potentially improper manipulation) that has reportedly resulted in New England ratepayers being overcharged billions of dollars. A thorough investigation of the capacity scheduling practices of the Project's shippers and their affiliates should be undertaken with respect to all of the region's interstate pipeline systems, including TGP's, prior to placing

2 [□]Available at <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14709982>.

3 L. Marks, C. Mason, K. Mohlin and M. Zaragoza-Watkins, “Vertical Market Power in Interconnected Natural Gas and Electricity Markets,” *available at* <https://www.edf.org/sites/default/files/vertical-market-power.pdf>.

additional pipeline capacity in service that will ultimately be paid for by ratepayers, whether or not it is needed.

Wherefore, MassPLAN respectfully requests that TGP's In-Service Request be denied, and no subsequent in-service requests be granted unless and until (1) adequate progress is documented with respect to restoration, replication, and other mitigation of the Project's impacts and the legal conveyance of the Fales Site to the Commonwealth of Massachusetts; (2) a thorough, investigation has been conducted and satisfactorily resolved regarding the capacity scheduling practices of the Project's shippers and their affiliates; and (3) all pending rehearing requests have been resolved and Project need has been affirmed.

Respectfully submitted,



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