



Algonquin Gas Transmission, LLC

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November 13, 2019

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

Re: *Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline, L.L.C.*
Docket No. CP16-9-000
Atlantic Bridge Project – Response to Opposition to Notice to Proceed

Dear Ms. Bose:

Algonquin Gas Transmission, LLC (“Algonquin”) and Maritimes & Northeast Pipeline, L.L.C. (“Maritimes,” and together with Algonquin, “Applicants”) hereby provide supplemental information to correct misstatements by the Pipe Line Awareness Network (“PLAN”) and a coalition of project opponents (“Coalition”)¹ in their recent opposition to a not-yet-filed request for a notice to proceed with construction of the Weymouth Compressor Station.² The statements in the PLAN Comment and the Coalition Letter are both time-barred requests for rehearing of the Certificate Order and collateral attacks on the finding of need in the Certificate Order.³ Moreover, even if the filings were permitted procedurally, the claims are based on significant misstatements of material fact, and the relief sought is without merit. Accordingly, the Commission should reject or ignore these filings.

Both PLAN and the Coalition misrepresent the impact of the acquisition of Project capacity by Boston Gas Company d/b/a National Grid (“National Grid”) and statements by two other project shippers on the need for the Weymouth Compressor Station. Specifically, PLAN notes that 19,000 Dth/d of capacity on Algonquin assigned to National Grid can be delivered without the Weymouth Compressor Station, which “eliminate[s] reliance upon a Weymouth compressor station.”⁴ Similarly, the Coalition refers to the filings by National Grid with the MDPU and the Commission, as well as statements by two other Project shippers, to argue that the “Weymouth, MA compressor station is not needed to fulfill customer demand.”⁵ These

¹ The Coalition includes Fore River Residents Against the Compressor Station (FRRACS), Food & Water Watch, Weymouth Councilor Rebecca Haugh, Stop The Algonquin Pipeline Expansion, Eastern Connecticut Green Action, Grassroots Environmental Education, No Fracked Gas in Mass., Berkshire Environmental Action Team, and West Roxbury Saves Energy.

² Comment of Pipe Line Awareness Network in Opposition to Anticipated Notice to Proceed filing for the Weymouth Compressor Station, Docket No. CP16-9-000 (Nov. 1, 2019) (“PLAN Comment”); Opposition Letter to any FERC Issuance of Notice to Proceed with Construction in Weymouth, Massachusetts (Nov. 8, 2019) (“Coalition Letter”).

³ *Algonquin Gas Transmission, LLC, et al.*, 158 FERC ¶ 61,061 at P 74. (2017) (“Certificate Order”) (finding “strong evidence that there is market demand for the [P]roject”).

⁴ PLAN Comments at 1-2 (citing a National Grid filing with the Massachusetts Department of Public Utilities (“MDPU”).

⁵ Coalition Letter at 1-2 (citing the PLAN Comments and articles from a Massachusetts radio station website).

contentions — that recent project developments have eliminated the need for the compressor station – are erroneous. The Applicants continue to have significant contractual commitments for transportation north of Weymouth as part of the Project. Specifically, following the assignment to National Grid and related turn back of capacity, the Weymouth Compressor Station is still necessary to satisfy contractual commitments to Project shippers to deliver 57,872 Dth/d on Algonquin and 84,726 Dth/d on Maritimes. This capacity is subscribed by, or on behalf of, four local distribution companies and one manufacturing company. Accordingly, claims that the Weymouth Compressor Station is not needed to meet customer demand are incorrect.⁶

In addition, the opposition to the issuance of a notice to proceed with the construction of the Weymouth Compressor Station is without merit. At the time the opposition was submitted, Algonquin had not yet requested authorization to commence construction at Weymouth because it had not satisfied all of the environmental conditions necessary to receive such notice to proceed. Algonquin received the coastal zone management concurrence from Massachusetts yesterday and it has now satisfied all of the environmental conditions.⁷ Contrary to the Coalition Letter, the “Release and Abatement Measure” (“RAM”) plan is not required for issuance of a notice to proceed, because it is not an authorization required under federal law.⁸ Now that it has received the remaining federal authorization, Algonquin will be submitting its request for a notice to proceed for the Weymouth Compressor station.

PLAN and the Coalition’s opposition is also without merit because a determination of need is not part of the notice to proceed. The authority delegated to the Director of the Office of Energy Projects (“Director”) to address Algonquin’s request for a notice to proceed involves a determination of whether environmental and other conditions have been satisfied.⁹ In compliance with the Certificate Order, Algonquin’s request will provide the necessary documentation for the Director to issue the notice to proceed. There is no provision for the Director to revisit the determination of need for the Weymouth Compressor Station but, even if there were, such need still exists as discussed above.¹⁰

⁶ In addition, with respect to the statements by officials of NStar Gas Company d/b/a Eversource and Norwich Public Utilities, the capacity subscribed by these Project shippers was always for delivery upstream of the proposed Weymouth Compressor Station and never depended on the construction of such compressor station.

⁷ See Certificate Order at Appendix B, Environmental Condition Nos. 9, 16 (requiring “documentation that [Algonquin] has received all applicable authorizations required under federal law,” including submission of “a copy of the Massachusetts Office of Coastal Zone Management’s determination of consistency with the Coastal Zone Management Act”).

⁸ Contrary to the Coalition Letter, approval of the RAM plan is also not required under Massachusetts law. The Massachusetts Department of Environmental Protection may provide comments on the final plan but it does not approve such plans.

⁹ Certificate Order at Ordering Paragraph (E), Appendix B, Environmental Conditions 3, 4, 5, 6, 9, 14, 15, 16, 17, 19 (describing the conditions necessary to commence construction)

¹⁰ See Certificate Order, Ordering Paragraphs and Appendix B (not conditioning commencement of construction on a further showing of need for Project facilities).

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Because the opposition to a notice to proceed is an improper attack on the Certificate Order and without merit, the Commission should ignore or reject the PLAN Comment and Coalition Letter.

Please contact the undersigned at (713) 627-5215 with any questions regarding this filing.

Respectfully submitted,

/s/ Steven E. Hellman
Steven E. Hellman
Associate General Counsel