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**PIPE LINE AWARENESS NETWORK**  
FOR THE **NORTH EAST, INC.**  
[www.plan-ne.org](http://www.plan-ne.org)

January 22, 2020

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20216

**Re: Docket No. CP19-7-000, TGP 261 Upgrade Projects (the “Projects”)  
Objection to Waiver Request**

Dear Secretary Bose:

The Pipe Line Awareness Network for the Northeast (“PLAN”) hereby objects to the waiver request (the “Waiver Request”)<sup>1</sup> filed today by Tennessee Gas Pipeline Company, LLC (“Tennessee”) in the above-referenced docket. Tennessee has requested a waiver of a central condition of the Commission’s December 19th certificate order (the “Certificate”) in this proceeding, regarding the need for the Projects. In particular, the Waiver Request, if granted, would allow for an unjustified 2.1-mile pipeline loop in Agawam (the “Looping Project”).

Tennessee explains it cannot, as required by Ordering Paragraph (C) of the Certificate, file a written statement affirming that it has executed firm contracts for the capacity levels and terms of service represented in the signed precedent agreements. Tennessee is unable to meet this condition of the Certificate because one of the Projects’ two shippers, Holyoke Gas & Electric (“HG&E”), has terminated one of the two firm transportation agreements upon which the Certificate decision was based.<sup>2</sup>

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<sup>1</sup> See email of Shannon\_Miller@kindermorgan.com, Wed, Jan 22, 2020 at 12:08 AM, entitled “eService: 261 Upgrade Projects (CP19-7-000)” *Attachment Microsoft Word - 261 Upgrade Project-Request for Partial Waiver (Jan 21).DOCX*. We note that this email asserts that the Waiver Request was filed yesterday but as of the instant filing, the Waiver Request is not available on the docket.

<sup>2</sup> See 169 FERC ¶ 61,230, para. 20:

Here, Tennessee entered into precedent agreements for approximately 63 percent of the incremental capacity to be made available by the 261 Upgrade Project. Moreover, Ordering Paragraph (C) of this order requires that Tennessee file a written statement affirming that it has executed final contracts for service at the levels provided for in its precedent agreements.

In today's Waiver Request, Tennessee claims that the cancellation of HG&E's 5,000 Dth per day contract would allow for a reduction in the length of the Looping Project (approximately 0.3 miles) but that the change would increase the environmental impacts of the project (because of where Tennessee has decided the new terminus of the loop would be). As documented throughout the record in this proceeding,<sup>3</sup> the "Alternate Backfeed" pipeline originally planned by Bay State Gas dba Columbia Gas of Massachusetts ("Columbia Gas" or "Columbia") would have had a capacity of approximately 17,000 Dth/d, only 5,000 of which was attributed to HG&E's contract. While we do not have access to the engineering analysis, logic dictates that the cancellation of this 17,000 Dth/d pipeline should allow for a reduction of the Looping Project by approximately one mile (given that .3 miles could be eliminated due to the cancellation of the 5,000 Dth/d contract).

Shortly before the Certificate was issued,<sup>4</sup> we wrote to inform the Commission that on October 30, 2019, Bay State Gas dba Columbia Gas of Massachusetts ("Columbia Gas") had filed a new long-range forecast and supply plan ("F&SP") with the Massachusetts Department of Public Utilities ("DPU"). As we predicted, Columbia is now in fact the sole shipper for these Projects. Therefore, the trajectory of the F&SP proceeding at the DPU is pivotal to the determination of need for the above-captioned Projects. Discovery in the F&SP proceeding is currently scheduled to continue until May, but it has already yielded this response from Columbia:

The cancellation of the Alternate Backfeed project will not impact the Company's GSEP [Gas System Enhancement] plans in Agawam and West Springfield. **The new point of delivery to be installed by Tennessee Gas Pipeline in the Town of Longmeadow and the associated downstream piping will become the backbone to replace the large diameter cast iron belt system in the Springfield metro area and to support the execution of the GSEP priority pipe replacement program in the City of Springfield and the adjacent communities.**<sup>5</sup>

This affirmation by Columbia further undercuts the arguments for the Looping Project: the Projects' sole shipper *intends to decrease deliveries to Agawam by 2021*,<sup>6</sup> making Longmeadow

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This is persuasive evidence of market need for the project.

<sup>3</sup> See, e.g., <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=15382740>.

<sup>4</sup> See <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=15407468>.

<sup>5</sup> Discovery response DPU-1-18 in DPU 19-135 (available at <https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/11694957>).

<sup>6</sup> See discovery response DPU-1-19(b) in DPU 19-135:

the primary point of delivery. Building out the Agawam Lateral (261B-100) with the Pipeline Loop under these circumstances would be an unjustifiable waste of ratepayer resources with unjustifiable environmental impacts.

WHEREFORE, for the foregoing reasons, PLAN respectfully requests that the Commission *deny* Tennessee's Waiver Request and withhold any further approvals pertaining to these Projects until the Commonwealth of Massachusetts has conducted its review of the updated F&SP plan put forth by the Projects' sole remaining shipper, Columbia Gas.

Respectfully submitted,



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The Longmeadow Supply Strategy project has construction requirements for both Tennessee Gas Pipeline and Columbia Gas of Massachusetts. Tennessee will construct the new point of delivery pursuant to FERC's blanket certificate regulation. Columbia anticipates developing an application for submission to the MA Energy Facilities Siting Board for approval to construct distribution facilities connecting the new Tennessee point of delivery to the Company's existing high pressure distribution system in Springfield. **Construction of the new pipeline is expected to commence in 2021.**

(Available at <https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/11694958>) (emphasis added).