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PIPE LINE AWARENESS NETWORK
FOR THE **NORTH EAST, INC.**
www.plan-ne.org

February 27, 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”)
Opposition to NTP Request; Notice of Proposed Sale of Sole Project Shipper**

Dear Secretary Bose:

The Pipe Line Awareness Network for the Northeast (“PLAN”) hereby submits its Opposition to the request for a Notice to Proceed with construction (the “NTP Request”) filed by Tennessee Gas Pipeline Company, LLC (“Tennessee”) in the above-referenced docket on February 21, 2020. PLAN’s predictions in this docket have once again been borne out. Columbia Gas of Massachusetts (“CMA” or “Columbia Gas”), the sole remaining shipper of the Projects, is slated to be sold by its parent, NiSource, in the wake of a guilty plea to the Department of Justice in the ongoing fallout from the Columbia Gas system disaster in Merrimack Valley in 2018.¹

Eversource Energy is proposing to purchase CMA, and expects to close the deal by the end of the third quarter of 2020.² In addition to paying a criminal fine of \$53,030,116, CMA’s operations will be subject to monitoring during a three year period of probation to ensure CMA’s compliance with federal and state safety regulations.³

¹ See “Columbia Gas Agrees to Plead Guilty in Connection with September 2018 Gas Explosions in Merrimack Valley: Company agrees to sell its business in Massachusetts and pay a \$53 million fine, the largest criminal fine ever imposed under the Pipeline Safety Act,” *DOJ Press Release*, Feb. 26, 2020 (available at <https://www.justice.gov/usao-ma/pr/columbia-gas-agrees-plead-guilty-connection-september-2018-gas-explosions-merrimack>).

² See “Eversource Energy To Purchase Massachusetts Natural-Gas Assets Of Columbia Gas,” Feb. 27, 2020 available at (<https://businesswest.com/blog/eversource-energy-to-purchase-massachusetts-natural-gas-assets-of-columbia-gas>).

³ See *DOJ Press Release*, *supra* fn 1.

In its partial waiver order issued last week, the Commission stated, “[W]e will still require Tennessee to file a written statement affirming that it has executed a firm contract for the capacity level and terms of service represented in the signed precedent agreement with CMA, prior to commencing Construction.⁴” While Tennessee has affirmed the execution of such a contract, the pending sale of CMA—and whatever conditions may be imposed by the DOJ and the Massachusetts Department of Public Utilities on the proposed acquisition by Eversource—throw the CMA expansion plans and underlying gas capacity contract into more flux. Eversource, for its part, is currently proposing to initiate clean energy geothermal district heating and demand response projects as a substitute for natural gas distribution in an effort to assist in the achievement of Massachusetts’ climate policy goals.⁵

With ownership of these Projects’ sole shipper likely to shift to a company that proposes to shift away from reliance upon gas towards more sustainable energy solutions, the expansion of pipeline capacity embodied in these Projects continues to become less tenable.

WHEREFORE, for the foregoing reasons, PLAN respectfully requests that the Commission *deny* Tennessee’s NTP Request and withhold any further decisions pertaining to these Projects until the pending sale of Columbia Gas has received all required state and federal approvals.

Respectfully submitted,



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⁴ See *Order Granting Partial Waiver of Condition*, 170 FERC ¶ 61,141 Feb. 21, 2020 (available at <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=15467908>).

⁵ See NSTAR Gas Company d/b/a Eversource Energy, D.P.U. 19-120, Nov. 8, 2019, *Direct Testimony of William J. Akley and Douglas P. Horton* at 79