

United States Senate

WASHINGTON, DC 20510

April 18, 2017

The Honorable Cheryl LaFleur
Acting Chairman
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Dear Acting Chairman LaFleur:

We are writing to urge you to revoke the April 12, 2017 *Notice to Proceed with Tree Clearing and Construction* granted to Tennessee Gas Pipeline Company, L.L.C. (Tennessee Gas) until such time as the Federal Energy Regulatory Commission (FERC) has a reconstituted quorum and can act on pending requests for rehearing regarding this pipeline.

As you are aware, Tennessee Gas, a subsidiary of Kinder Morgan, is planning to immediately begin construction of its Connecticut Expansion Project in Western Massachusetts. This project is proceeding under the Commission's *Order Issuing Certificate* (Certificate Order) of March 11, 2016,¹ which is still subject to an unresolved rehearing request.

In a timely manner, citizens of Sandisfield, Massachusetts requested a rehearing concerning the Certificate Order. The request challenged the Commission's findings on multiple grounds, including the project's subsidization by ratepayers, irreparable harm to the environment, and the lack of necessity of the project to meet regional energy needs. While the Commission had the opportunity to outright deny the request for rehearing, it found substantial merit to grant the rehearing request.

Nearly a year has lapsed since FERC granted the rehearing request, and no action has been taken to hear the concerns of the citizens of Sandisfield, effectively silencing them before the Commission and before the Courts. For FERC to allow last week's issuance of a notice to proceed with construction when it lacks a quorum and, therefore, cannot act on the rehearing request, is profoundly troubling. If Tennessee Gas is allowed to proceed with tree clearing and construction there will be irreparable harm done to Otis State Forest, a natural treasure of Massachusetts.

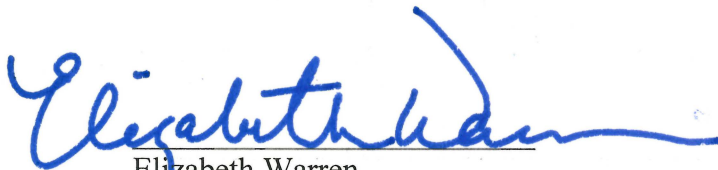
FERC's action last week is even more troubling in light of your response to us on a separate pipeline project, in which you addressed how FERC would handle pending projects, given the agency's lack of a quorum. You wrote on March 20, 2017, "with the departure of former Chairman Norman Bay, the Commission was left without a quorum, and is thus unable to act on

¹ Federal Energy Regulatory Commission, Order Issuing Certificate, Docket No. CP14-529-000 (March 11, 2016) <https://www.ferc.gov/CalendarFiles/20160311153905-CP14-529-000.pdf>

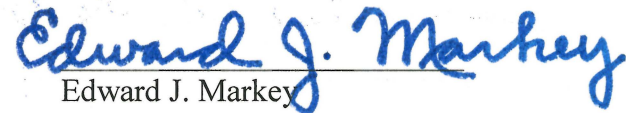
requests for rehearing. The Commission will carefully consider the arguments made by the parties in their rehearing requests. Once the Commission has a quorum, the Commission will act on the rehearing requests as soon as possible.” If FERC cannot act on requests for rehearing because it is without a quorum, it should not allow FERC staff to authorize projects that are the subject of rehearing requests to go forward. Nowhere in your March 20, 2017 response did you indicate that FERC staff would allow projects to proceed before a quorum could be reconstituted and pending requests for rehearing could be considered.

We urge you to direct FERC staff to revoke the *Notice to Proceed with Tree Clearing and Construction* issued to Tennessee Gas. A rehearing should be heard, thereby granting a conclusion to the regulatory process, before any irreversible action, including tree clearing in Otis State Forest, is taken by Tennessee Gas. The people of Western Massachusetts deserve nothing less.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator