

Highlights of Scoping Comments of Attorney General Healey to the Federal Energy Regulatory Commission for the Kinder Morgan / Tennessee Gas Pipeline's proposed Northeast Energy Direct Project

On October 16, 2015, the Office of the Attorney General ("AGO") filed Scoping Comments as part of the public scoping process for Federal Energy Regulatory Commission's ("FERC") environmental review of the Kinder Morgan/Tennessee Gas Pipeline's proposed Northeast Energy Direct interstate gas pipeline project (the "NED Project").

The AGO's Scoping Comments encourage FERC to enhance its review of pipeline projects given the significant number of concurrently proposed projects and public input in the case of the NED Project. The comments urge FERC to: (1) make a full evaluation of new pipeline capacity, including the AGO's forthcoming *Regional Electric Reliability Options Study*; (2) combine the environmental review process for all New England pipelines into a single process; and (3) condition approval on adherence to our state laws protecting conservation land and reducing greenhouse gas emissions.

As proposed by Tennessee Gas, the NED Project is a new 30-inch pipeline designed to deliver up to 1.3 billion cubic feet per day ("Bcf/day") of natural gas from Wright, New York, to Dracut, Massachusetts, at a total cost of at least \$3 billion. Of the NED Project's 188-mile length, 64 miles of pipeline would be located in Massachusetts. The proposed pipeline would have a significant impact on local residents and the energy future of Massachusetts, and the AGO believes that federal and state officials need more information about whether this pipeline is needed before moving forward.

Under the federal Natural Gas Act, FERC reviews proposals for interstate natural gas pipeline projects and issues certificates of public convenience and need to those projects meeting federal requirements. Under the National Environmental Policy Act ("NEPA"), FERC's process for approving a pipeline project is first subject to the requirement that FERC conduct a review of the environmental impacts and the reasonable alternatives in the context of the purpose and need for the project.

The AGO's comments urge a rigorous and comprehensive review of the NED Project. Specifically, the Scoping Comments:

- Insist that FERC undertake a full evaluation of the nature and extent of the in-region need for new pipeline capacity. In particular, the AGO urges FERC to consider the results of the AGO's *Regional Electric Reliability Options Study* prepared by The Analysis Group.
- Propose that FERC combine its NEPA reviews of several pending New England pipeline projects into a single process (a combined Environmental Impact Statement) to avoid piecemeal review, to utilize a common analysis of regional gas demand, and to compare the projects' impacts and benefits.
- Place special focus on the need for FERC to scrutinize and condition any approval on adherence to two important Massachusetts policies – the protection of conservation lands under Article 97 of the Massachusetts Constitution, and our state's Global Warming Solutions Act greenhouse gas emissions reduction targets.
- Insist on a thorough review of the many environmental and socioeconomic implications of the project (including its impacts on important ecological resources, public safety, and local communities), and all reasonable alternatives to the current proposal.