

# Congress of the United States

Washington, DC 20510

July 15, 2015

The Honorable Gregory H. Friedman  
Inspector General  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Mr. Friedman:

We write to you regarding the interstate natural gas permitting process administered by the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act of 1938 (NGA).

We appreciate FERC's important role in the development and expansion of energy infrastructure, including natural gas pipelines; however, we are particularly concerned about the complexity of the permitting process and the extent to which public comment is considered during the application review.

Pursuant to the Energy Policy Act of 2005 (EPAct 2005), FERC is designated as the lead agency to coordinate, review and process all natural gas infrastructure project applications under the National Environmental Policy Act (NEPA) and all federal authorizations. Therefore, it is essential that the Commission ensure that its permitting process allow sufficient opportunity for all stakeholders, especially private citizens affected by projects, to express their views and obtain accurate information about any infrastructure development.

The Northeast Energy Direct (NED) Project, a pending interstate natural gas infrastructure project proposed by Kinder Morgan, has brought certain issues related to the FERC permitting process to our attention. Our constituents have expressed frustration about the lack of information from FERC and the limited extent that public input is considered in the Commission's review and approval process for energy infrastructure projects. This raises significant concerns for us given that the Certificate of Public Convenience and Necessity (CPCN) issued by FERC to authorize the construction of a pipeline project allows for land to be acquired through eminent domain. Moreover, the CPCN preempts any state or local action that may conflict with federal law in relation to a given project.

It is essential that all stakeholders be afforded meaningful opportunity to participate in the FERC permitting process; therefore, we respectfully request you examine FERC's interstate natural gas permitting process and respond to the following questions:

1. What actions is FERC taking to ensure that it fully complies with its statutory mandate to ensure all interstate natural gas infrastructure projects permitted by the Commission are consistent with public interest?
2. Has FERC put in place proper tools and conducted sufficient outreach efforts to ensure that all affected stakeholders have accurate information and instruction on the ways in which they can participate in the interstate natural gas permitting process?
3. Does FERC have in place performance measures and controls to provide reasonable assurance that it fully meets its obligations under Executive Order 13604 and other applicable statutes to promote the exchange of information among stakeholders?
4. In what way does FERC ensure that the opportunities for public comment currently required in the interstate natural gas permitting process allow for all stakeholders to meaningfully express their concerns about the potential impacts (environmental and otherwise) of a proposed pipeline project?
5. In what manner are comments from state and local officials and agencies considered during the permitting process?

Thank you for your attention to our request and we look forward to your timely response.

Sincerely,



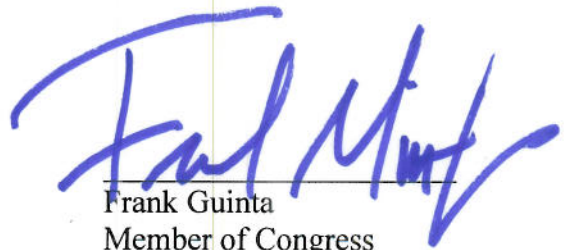
Jeanne Shaheen  
United States Senator



Ann McLane Kuster  
Member of Congress



Kelly Ayotte  
United States Senator



Frank Guinta  
Member of Congress

cc.:

Chairman Norman Bay  
Commissioner Tony Clark  
Commissioner Cheryl LaFleur  
Commissioner Phillip Moeller  
Commissioner Colette Honorable