

From: Diane Varney [<mailto:parkervarney@yahoo.com>]

Sent: Wednesday, March 02, 2016 1:27 AM

To: Senator Kelly Ayotte; Maggie Hassan Info; Ann McLane Kuster; Colin Van Ostern; Monroe, Pamela

Subject: NH has the power to stand up for our state and its citizens

Hello,

I am writing to you in regards to the NED pipeline and the power that NH does have in protecting our state from Kinder Morgan and its affiliates. I appreciate all the efforts that you have done so far in defending NH in regards to the NED, yet it is important that we all continue to stand up for what is best for NH. While it is true that the NED project can get the backing of FERC, our state does still have the power to make and even uphold our own rules, especially within the SEC and DOT, etc. These rules are necessary to ensure that the parties proposing the project are held accountable following what is best for NH. It would not be okay for this project to occur if it is against the will of our state for a myriad of reasons ranging from incomplete information, unproven need or benefit, as well as potential safety and health issues, etc. Yet KM and its affiliates continue to sway the truth and even bully the citizens of our state.

Most recently Nixon Peabody, representing Tennessee Gas Pipeline Company, L.L.C. ("TGP"), submitted the following comments to the New Hampshire Site Evaluation Committee stating, *"In the event that any state or municipal law or ordinance conflicts with a FERC requirement, **FERC's requirement will prevail**. For this reason, TGP respectfully suggests that for the preservation of scarce state resources, any new or amended rules need to incorporate the overarching concept of FERC preemption over SEC and state agency requirements."*

full comments can be seen here:

http://www.nhsec.nh.gov/projects/2016-01_rulemaking/public_comments/2016-01_2016-02-29_tennessee_gas_pipeline.pdf

As a NH citizen I find this quite brash and even offensive. This is our state and we know what is best. We do not have to lay down and let this company take advantage of us, plus while these statements are certainly their view, that does not make them the truth. A great example of KM wrongly believing that they can bully states and do as they please without any push back was reported in an article I read today. It explained that several months ago the Georgia Department of Transportation Commissioner Russell McMurry denied KM, the right to use eminent domain for their pipeline. He stood up for the property owners against KM's "bullying" further stating that Kinder Morgan had not met the standards to warrant it being able to condemn land in Georgia. KM later appealed this decision in a Fulton county court saying that McMurry and the Georgia Department of Transportation had not followed the law, but the judge denied the appeal backing the State DOT, not Kinder Morgan.

KM in response stated, *"While we are disappointed with the Court's decision, we realized this outcome was a possibility given deference which the Court was required to give to the decision of the Georgia DOT, and we are currently reviewing the decision, its ramifications and our options."*

full article can be seen here: <http://wsav.com/2016/03/01/judge-says-no-to-kinder-morgan-appeal-on-palmetto-pipeline/>

NH is a smart, strong state. Like Georgia we can stand for what is best for us over a company that is more concerned about their privileges than NH citizens.

Thank you for your hard work and persistence in standing up for the people of NH.

Diane Varney-Parker
1241 Brookline Rd.
Mason, NH