

Administrator Monroe:

Following up on the Rule submission by the Town of Fitzwilliam:

I note that Tennessee Gas Pipeline Company, LLC, (TGP) has submitted comments arguing that FERC generally preempts state regulation of pipeline siting and safety matters.

On behalf of my client, I object to this sweeping and incorrect preemption assertion. See “...(t)he Natural Gas Act “was drawn with meticulous regard for the continuous exercise of state power, not to handicap or dilute it in any way” Panhandle Eastern Pipe Line Co. v. Public Service Commission of Indiana, 332 US 507, 517-518 (1947)...” The Panhandle Eastern doctrine was recently affirmed in Oneok, Inc. v. Learjet, Inc. 575 US , 1591 L. Ed. 2d 511 (2015).

As evidenced by the Fitzwilliam Rules proposal, and others, the Town has discrete concerns about environmental and safety issues that can only be addressed by careful state and local review.

The TGP preemption claims must be rejected in the RSA 162-H: 10-b Rulemaking process.

I urge that there be public hearings and a briefing schedule as the Rules are addressed by the SEC.

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