

# **Next Steps**

(This has been edited to delete strategic information.)

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# FERC's Revised Schedule

FERC will issue FEIS on 10/24/14.

Federal agencies have 90 days to authorize.  
1/22/15 deadline may not be enforced.

(PA DEP issued 401 certificate on 9/5/14.)

“If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.”

# Three Major Paths to Follow

1. FERC's Certificate
2. Federal Agency Authorization includes:  
NYSDEC's 401 Certificate  
USACE's 404 Permit  
Each one has a different schedule.
3. Eminent Domain Proceedings

# When will FERC issue certificate?

Usually 2-3 months after FEIS.

CP requested FERC certify by 11/25/14.

PELC / STP ask FERC to delay certificate:

1. Reissue a complete DEIS.

Include impacts from TGP's NED.

2. Investigate CP / Need for Project.

3. Excessive use of eminent domain is against FERC's policy.

4. First comply with all federal laws.

# NYSDEC – 401 Certificate Schedule

Application for 401 certificate and other permits still may not be not complete.

After FEIS is issued, DEC will hold hearings.

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If DEC denies the 401 certificate, pipeline project cannot proceed.

# Eminent Domain Proceedings

CP will file papers, probably in federal court, to get on land and condemn property (valuation). They will do this soon after FERC issues a certificate for public convenience and necessity.

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If CP succeeds in condemning land, landowners can file an appeal.

# **Possible** Schedule for “Constitution”

- FERC issues FEIS by 10/24/14.
- DEC holds hearings in Nov. and / or Dec.
- FERC grants a **conditional** certificate of public convenience and necessity at their December meeting (12/18/14).
- Interveners petition FERC for a rehearing within 30 days.
- CP initiates eminent domain proceedings in Dec. or January. . . .

# Petition for Rehearing

- MUST be filed within 30 days of order.
- FERC has 30 days to respond, but usually grants itself an extension.
- When FERC denies the petition for rehearing, or modifies its order, you can appeal the final order, within 60 days, to appropriate Cir. Ct. of Appeals.



# Examples of Petitions for Rehearing

Spectra.

FERC order 5/21/12

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14023688](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14023688)

Jersey City - request for rehearing - 6/20/12

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14031952](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14031952)

SC+FWW+ - request for rehearing - 6/20/12

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14032144](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14032144)

# Examples of Petitions for Rehearing

Northeast Extension.

5/29/12 – FERC order - 20120529-3049

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14025796](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14025796)

6/28/12 DRN request for rehearing – 20120628-5171

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14034819](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14034819)

7/13/12 Feighner resubmission – 20120713-5198

[http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14038423](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14038423)

# Better Schedule for “Constitution”

- FERC delays FEIS in order to integrate TGP NED project.

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*sign...*



*and they own you!*

# Northeast Energy Direct

TGP pre-filed 9/16/14.

Docket Number PF14-22.

Landowners should file their deny /  
rescind letters. eSubscribe.

We know the process: proposed dates

1. TGP's open houses: Nov – Feb, 2015
2. FERC's scoping hearings – 2Q, 2015
3. TGP files an application – Sept, 2015

**Our priority is to Stop  
the proposed  
Unconstitutional Pipeline.**

**Once there's one pipeline,  
there will be more  
and more . . . and more.**