



VIA ELECTRONIC FILING

April 5, 2021

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline,
LLC, Docket No. CP16-9-012**

Dear Ms. Bose:

On February 18, 2021, the Federal Energy Regulatory Commission (FERC) issued an Order Establishing Briefing (Order) in the above-captioned proceeding. In the Order, FERC asked interested parties to submit initial briefs on certain questions relating to facilities placed into service as part of the Atlantic Bridge Project, including a natural gas compressor station in Weymouth, Massachusetts. FERC previously authorized the construction and operation of these facilities in a January 25, 2017 order granting a certificate of public convenience and necessity (Certificate) to Algonquin Gas Transmission, LLC (Algonquin) under Section 7(c) of the Natural Gas Act and 18 C.F.R. Part 157. GPA Midstream Association¹ (GPA Midstream) is submitting the following brief comments in response to the Order.

Pipelines are a critical part of our nation's energy infrastructure. Pipelines transport nearly all of the natural gas that American consumers use each day; they also transport most, but not all, of the nation's crude oil and petroleum products. Whether carrying gas to a power plant, small business, or residential customer, transporting fuel to a terminal, or delivering feedstock to a petrochemical facility, pipelines have a significant impact on the lives of everyday, hardworking Americans. Pipelines are also the safest and most effective means of transporting energy products. According to the U.S. Department of Transportation's Bureau of Transportation Statistics (BTS),

¹ GPA Midstream has served the U.S. energy industry since 1921. GPA Midstream is composed of nearly 100 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as "midstream activities." Such processing includes the removal of impurities from the raw gas stream produced at the wellhead as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline or in the manufacture, transportation, or further processing of liquid products from natural gas. GPA Midstream membership accounts for more than 90% of the NGLs produced in the United States from natural gas processing.

approximately 2.757 million people in the United States suffered a transportation-related injury in 2019, but only 36 of those people suffered a pipeline-related injury.² In other words, pipelines accounted for approximately 0.0013% of the transportation-related injuries in 2019; the nation's highways, by comparison, accounted for approximately 99% of those injuries.

GPA Midstream is a strong proponent of natural gas pipelines, which are one of the most important links in our energy transportation network. The BTS reports that gas pipelines serve approximately 62 million households and 5 million commercial and industrial users in the United States.³ As already noted, pipelines also transport nearly all of the natural gas that, according to the U.S. Energy Information Administration, currently generates approximately 40% of the nation's electricity.⁴ Simply put, the country's energy transportation network cannot operate without pipelines, and the American economy cannot function without natural gas.

GPA Midstream supports robust oversight of the natural gas pipeline industry, so long as that oversight is exercised with a reasonable degree of certainty and discretion. Various federal, state, and local authorities make decisions on a daily basis that can have a profound impact on pipeline operators, including GPA Midstream's member companies. An agency can promulgate a regulation that changes the environmental, health, or safety practices for the entire industry, or issue a permit to a particular company that is necessary to proceed with a particular project. The midstream industry cannot function efficiently if these governmental decisions are subject to ad hoc reconsideration. Predictability, certainty, and finality are the hallmarks of any effective regulatory program.

FERC seeks input as to whether the Weymouth Compressor Station should be allowed to remain in service in light of alleged safety concerns. The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is responsible for administering the nation's gas pipeline safety laws and regulations.⁵ FERC should generally defer to PHMSA's expertise in pipeline safety matters and not engage in unilateral consideration of a particular gas pipeline facility's potential impact on public safety. The terms of the January 15, 1993 Memorandum of Understanding Between the Department of Transportation and the Federal Energy Regulatory Commission Regarding Natural Gas Transportation Facilities make clear that FERC's obligation is to alert, notify, or refer public safety matters affecting natural gas transportation facilities to PHMSA for its consideration.⁶

GPA Midstream believes that staying or reversing the authorization granted to Algonquin would have significant detrimental consequences. FERC issued that authorization more than four years ago, and Algonquin has already invested significant time and resources in completing the Atlantic Bridge Project. A decision by FERC to stay or reverse an authorization granted so long ago would inject tremendous uncertainty throughout the natural gas industry, particularly given the circumstances presented in this case. There is no indication in the Order that Algonquin failed

² <https://www.bts.gov/content/injured-persons-transportation-mode>

³ <https://rosap.ntl.bts.gov/view/dot/53936>

⁴ <https://www.eia.gov/energyexplained/electricity/electricity-in-the-us.php#:~:text=Natural%20gas%20was%20the%20largest,in%202020%E2%80%94about%2019%25>.

⁵ 49 U.S.C. § 60101et seq., 49 C.F.R. Parts 190 to 199.

⁶ https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/1993_DOT_FERC.pdf

to comply with any of the terms or conditions in the Certificate, or that Algonquin violated any provisions in FERC's regulations or the Natural Gas Act. Any previously authorized gas transmission facility could face a similar fate if FERC acts to stay or revoke the authorization granted to Algonquin for the Atlantic Bridge Project.

Conclusion

GPA Midstream appreciates the opportunity to submit these comments in response to the Order. If you have any questions, please feel free to contact me at 202-279-1664 or mhite@gpamidstream.org.

Sincerely,

A handwritten signature in black ink that reads "Matthew Hite". The signature is written in a cursive style with a large, stylized "M" and "H".

Matthew Hite
Vice President of Government Affairs
GPA Midstream Association
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