



# Franklin Regional Council of Governments

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

May 11, 2016

Kinder Morgan (KM) has announced the suspension of the NED pipeline project (CP16-21-000). The Franklin Regional Council of Governments is requesting that FERC immediately deny or dismiss with prejudice the Application of the KM-TGP for the NED pipeline project for the following reasons:

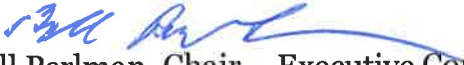
- 1) There is no lawful provision for KM-TGP to request a "suspension of an Application." FERC's regulations do not permit a "suspension" but only provide for requests to amend or withdraw an Application. It is our understanding that the rationale for this is because it is inappropriate to allow "site-banking" that would allow an applicant to preserve rights for the future. Accordingly, FERC may not allow a suspension of an Application.
- 2) KM-TGP has had more than adequate time to find subscribers for its project during the pre-filing process. Based on the data from pre-filing, KM-TGP should never have filed the NED Pipeline Application to begin with. By doing so it has wasted enormous amounts of the public's time and resources including federal taxpayers' dollars. KM-TGP does not deserve any more time to amend or withdraw their application.
- 3) Allowing the pipeline to remain in abeyance will create a cloud over landowners, who will have great difficulty selling their property so long as the pipeline threat remains.
- 4) Without adequate need, FERC cannot grant the Certificate of Public Convenience and Necessity. KM-TGP has publicly stated that it does not have enough customers for the NED pipeline and therefore there is no public need. The Natural Gas Act requires a showing of public need and the willingness of the applicant to move forward with the project which is clearly not the case here.

For these reasons the Franklin Regional Council of Governments respectfully reiterates its request for the FERC to immediately deny or dismiss with prejudice the Application (CP16-21-000) of the KM-TGP for the NED pipeline project. We would greatly appreciate a written response from FERC to our request.

Sincerely,



Linda Dunlavy, Executive Director  
Franklin Regional Council of Governments



Bill Perlman, Chair – Executive Committee  
Franklin Regional Council of Governments