

**United States of America
Federal Energy Regulatory Commission**

**Before Commissioners: Norman Bay, Cheryl LaFleur,
Phillip Moeller, Tony Clark, Colette Honorable.**

in re,)
Spectra Energy, d/b/a)
Algonquin Gas Transmission, LLC)
Algonquin Incremental Markets (AIM) expansion)
project)
Docket: CP14-96

**Request for Rehearing of Commission's March 3 Order,
by William Huston. pro se**

Pursuant to Section 717r(a) of Natural Gas Act and Rule 713 of the Federal Energy Regulatory Commission (FERC or Commission) Rules of Practice and Procedure, I, William Huston, an intervenor with party status, hereby demands a rehearing on, and rescission of the Commission's March 3, 2015 order issuing a Certificate of Public Convenience and Necessity (COPCN) to Spectra Energy, d/b/a, Algonquin Gas Transmission, LLC (applicant) to construct and operate the proposed Algonquin Incremental Market Project (AIM Project).

Table of authorities

- **United States Constitution**
 - 14th Amendment: Equal Protection
- **Natural Gas Act**
 - 15 U.S.C. §§ 717 et seq.
 - (a) **Necessity of regulation in public interest**
 - Section 7(c), 15 U.S.C. § 717f
 - (c) **Certificate of public convenience and necessity**
 - § 717c-1 Prohibition on market manipulation
 - **National Environmental Policy Act**
 - 42 U.S.C. § 4321 Purpose
 - 42 U.S.C. § 4331 Findings of Congress
 - **Clean Air Act**
 - 42 U.S.C. § 7661 et seq, Title V. Air quality permits
 - **Clean Water Act**
 - 33 U.S.C. § 1341

- **US Criminal Law**
 - 15 USC § 1-2 Trusts and Monopolies
 - 15 U.S. Code § 719 (a) Regulation in the Public Interest
 - 18 USC § 201 Bribery of public officials and witnesses
 - 18 USC § 1001 - False Statements
 - 18 U.S.C. §§ 1961–1968 Racketeering, Organized Crime
- **Regulations**
 - 18 C.F.R. § 385.713 -- Rule 713 Request for Rehearing
 - 40 C.F.R. § 1502.4 -- Major Federal actions requiring the preparation of environmental impact statements
 - 49 CFR 192.8 - How are onshore gathering lines and regulated onshore gathering lines determined

I. Statement of Facts

Big picture: High Crimes

I am an intervenor in several FERC dockets including the instant one.

I am a lay person without special qualifications.

I have educated myself on the issue of pipelines, and pipeline safety, as they are responsible for grave environmental impacts to the place where I live, which affect my own life, and my friends and family.

By examining recent history, I have seen numerous violations of law committed by FERC. In a dozen dockets:

- ignoring community concerns
- A clear predisposition to favor applicants (bias and corruption)
- many violations of the Natural Gas Act (NGA)
- Defiance of the Natural Environmental Policy Act (NEPA)
- Defiance of orders of the Federal Courts

This are not trivial complaints, and are in fact, high crimes.

The FERC are clearly a rogue agency. acting under color of law, but outside your legislative powers, these actions amount to treason.

Declaration and Recognition of Industrial War against Citizens.

The FERC are subverting the sovereign authority vested in the People and our nation's laws and causing grave environmental harms in support of a dangerous, destructive, deadly, and criminal industry.

Many real people are sick and dying from emissions from FERC projects. Many people have lost their homes, had their land stolen, or defiled. Their lives disrupted, their communities industrialized.

Many people have had a trespass upon their rights and lives.

Many people are living in fear.

There would be half a million trees destroyed by one project, and half a million tons of GHG emissions.

Coercion, bribery, bullying, duress are being used to get people to sign easements. There are many actors (state and private) who are acting in concert. This is a kind of racket, it is terrorism, a kind of genocide.

FERC is enabling gas drilling and fracking. activities have caused water contamination and toxic air pollution over a very large area affecting the health, safety, and well-being of millions of people, **putting many lives in jeopardy**.

Declaration of Rightful Exercise of Home Rule and Police Powers Authority

I am therefore skeptical that an appeal to the FERC to review your own decision will bear fruit. We have seen in dozens of cases that FERC most often denies such requests.

The courts have been largely no help. They often find for industry and against communities, as with "Minisink Residents for Environmental Preservation and Safety" (*United States Court of Appeals for the D.C. Circuit, 12-1481*)

When cases are won (e.g., *DRN v. FERC, United States Court of Appeals for the D.C. Circuit, 12-1481*), the projects are built anyway, and FERC continues to defy orders of the courts.

Having all administrative means fail, leaves us but a single moral choice of action:

We the people, motivated by desire for peace, nonviolence, and sustaining life, declare our just right to use our Police Powers Authority under our individual state Constitutions, and the United States Constitution against the FERC, that is, the application of protective force necessary to stop the violence from occurring.

This includes disruption of project construction, and blockades.

I do file this timely request for rehearing with the hopes that by some miracle the FERC start obeying the laws of this land and protecting human health and well being of the citizens of this land.

II. Issues Presented

Issue 1: Has FERC committed errors of law and fact by issuing this Certification of Public Convenience and Necessity, and overstepped your legislative authority?

Conclusion: Yes, FERC has as is detailed below.

III. Argument

1. FERC has failed to justify project need, in violation of the Natural Gas Act.

- FERC relies upon simply a market-based indicator (contracts between producers and shippers) as the sole justification of need, rather than a larger public policy discourse weighing all possible costs and benefits.

2. FERC has failed to examine the safety, compliance, and character of the applicant, in violation of the Natural Gas Act

- As documented by SpectraBusters and Spectra Energy Watch, the parent company of Algonquin Pipeline, LLC is guilty of massive environmental contamination, and safety and compliance violations, including
- PA DEP's issuance of two notices of "Unlawful Conduct" at Steckman Ridge facility, which resulted in violations of air quality and stream regulations of the PA Code.
- EPA's highest fine ever: \$15 million penalty for discharge of toxic PCBs at 89 sites along it's **Texas Eastern Pipeline**.
- **The Natural Gas Act demands that if it is found that** "the applicant is [not] able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, sale, operation, construction, extension, or acquisition, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.... such application shall be denied. 15 USC § 717f(e)

3. FERC has delegated important permitting authority to the American Petroleum Institute, without authorization from Congress.

- To wit, the determination of a jurisdictional transmission line, vs. a non-jurisdictional "gathering line". 49 CFR § 192.8, through inclusion by reference of API-RP80. This means that facilities, which are connected to interstate transmission lines, and thus clearly designed for interstate commerce, such as compressor stations in nearby production areas in Pennsylvania (e.g., (like Williams Central Station, in Susquehanna County PA, Williams Dunbar Compressor, in Windsor NY, and many others), are constructed without NEPA environmental impacts analysis. There are dozens of connected projects in the full build-out of new natural gas infrastructure in the Northeast US, and FERC is failing to do cumulative impacts analysis of any of these. This violates both NEPA and the Natural Gas Act, which requires a COPCN for such facilities.

4. FERC allows, without penalty, jurisdictional facilities to be constructed without a Certificate, in violation of the Natural Gas Act

5. FERC makes urgent safety decisions based on obsolete models (such as "High Consequence Areas" and "Potential Impact Radius") which places many lives at risk.

6. With the concept of "Class", FERC allows people in rural areas to be exposed to exceptional and unacceptable risks for the benefit of corporate profits, in violation of the Equal Protection Clause of the US Constitution.

7. The FEIS only examines the impacts of the pipeline itself, in violation of the National Environmental Policy Act (NEPA)

8. FERC has failed to consider upstream impacts (in production areas) in violation of the NEPA.

9. FERC has failed to consider downstream impacts (in consumer's homes) in violation of the NEPA.

10. FERC has failed to consider cumulative impacts analysis of the full pipeline build-out in the Northeast, in violation of NEPA

- 11.FERC has failed to consider **reasonably foreseeable impacts of this project**, such those from additional compressors, in violation of NEPA.
- 12.FERC has failed to consider any **health impacts analysis** of pipelines or compressor stations, in violation of NEPA
- 13.FERC has issued their COPCN **prior to all other permits being obtained**, in violation of NEPA, sections 401 and 404 of the CWA, and Title-V of the Clean Air Act.
- 14.FERC policy requires that applicants size a project correctly and not over-build.
 - According to the FEIS, the stated capacity of the AIM project is 342,000 Dth/d., with a 42"D pipe at 850psig.
 - By contrast, the Constitution Pipeline is 30"D at 1440 psig, with a stated design capacity of 850,000 dth/d.
 - Constitution is 1.7x the pressure of AIM, and AIM is 1.97x the area.
 - If we use the metric Area X Pressure as a rough indication of capacity, we find that they are comparable, with AIM being ~15.7% larger in capacity.
 - We should expect the design capacity of AIM to be $1.157 \times 850,000 \text{ dth/d} = \sim 980k \text{ dth/d}$, but in fact it is only stated to be 342k dth/d.
 - Thus, **the expected design capacity of AIM is approximately 2.9x what it is stated to be**. Clearly this pipeline is being grossly overbuilt, in violation of FERC's policy.
- 15.FERC has violated NEPA by allowing Spectra/Algonquin to **illegally segment** three projects, the AIM, the Atlantic Bridge, and Access Northeast. This is functionally identical to the TGP cases, which the DC Circuit Court remanded back to the commission for violations of NEPA. (DRN v. FERC, No. 13-1015, United States Court of Appeals for the DC Circuit, 2014)
- 16.FERC has violated NEPA in the conclusion that AIM would provide no increased risk to Indian Point nuclear power facility, by failing to consider expert testimony as required by CEQ