

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Tennessee Gas Pipeline Company

Docket No. CP05-412-000

ORDER ISSUING CERTIFICATE

(Issued May 9, 2006)

1. On September 6, 2005, Tennessee Gas Pipeline Company (Tennessee) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate authorizing it to construct or modify compression facilities on its interstate pipeline system in Pennsylvania, New York, and Massachusetts. Tennessee proposes to install additional compression at six existing compressor stations and to construct one new compressor station. The project, known as the Northeast ConneXion Project – New England, will allow Tennessee to provide up to 110,300 Dth per day of incremental firm transportation capacity to the New England region from Gulf of Mexico supply sources.
2. As discussed below, we find that the proposed expansion is required by the public convenience and necessity, and we will issue the requested authorizations, subject to certain conditions.

Background and Proposal

3. Tennessee is a jurisdictional natural gas company engaged in the business of transporting natural gas in interstate commerce. To assess interest of potential shippers for firm transportation service from Gulf Coast supply sources to the New England area, Tennessee conducted an open season from October 15, 2004 to January 21, 2005. Following the open season, Tennessee has entered into long-term firm agreements with four shippers for 136,300 Dth per day of incremental transportation capacity into the New England region.¹

¹ The following shippers have executed binding precedent agreements: Boston Gas Company for 112,700 Dth per day, Berkshire Gas Company for 4,000 Dth per day, Connecticut Natural Gas Company for 8,000 Dth per day, and New England Gas Company for 11,600 Dth per day. This totals 136,300 Dth per day of firm incremental

(continued)

4. To provide this service, Tennessee proposes to install additional compression at four existing compressor stations in Pennsylvania and New York, install replacement compressor units with greater horsepower (hp) at two existing stations in New York and Massachusetts, and construct one new compressor station in New York. In all, Tennessee will install 55,400 hp of compression and replace 10,500 hp, for a net gain of 44,900 hp.² Specifically, Tennessee's proposed Northeast ConneXion Project – New England consists of the following:

- a. Installation of two additional 3,550 hp compressor units at each of its existing Compressor Stations 241, 245, and 249 located in Onondago, Herkimer, and Schoharie Counties, New York;
 - b. Replacement of an existing 4,500 hp compressor unit with a single 10,300 HP compressor unit at existing Compressor Station 254 in Columbia County, New York;
 - c. Replacement of three existing compressor units totaling 6,000 hp with the installation of two 6,275 (12,550 total hp) compressor units at existing Compressor Station 264 in Worcester County, Massachusetts;
 - d. Installation of one additional 3,550 hp compressor unit at existing Compressor Station 313 in Potter County, Pennsylvania; and
 - e. Construction of a new compressor station, Compressor Station 405A, with a single 7,700 hp compressor unit, on its Line 400 in Steuben County, New York.
5. Tennessee estimates that the proposed Northeast ConneXion Project – New England will cost approximately \$110.8 million.

capacity. The precedent agreements are for 20-year base terms; however, the shippers will have the option to reduce the contract quantity upon at least 18 months prior notice, at different times that begin as early as eleven years and five months following the commencement date.

² The proposed facilities create new capacity of 110,300 Dth per day. The new incremental capacity, combined with 26,000 Dth per day of reserved capacity, provide the total 136,300 Dth per day required by the shippers.

Interventions

6. Notice of Tennessee's application was published in the *Federal Register* on September 28, 2005 (70 *Fed. Reg.* 56666). Timely, unopposed motions to intervene in this proceeding were filed by the parties listed in Appendix A. These motions are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure.³

Discussion

Certificate Policy Statement

7. Because the proposed facilities will be used to transport natural gas in interstate commerce subject to the jurisdiction of the Commission, their construction and operation is subject to the requirements of section 7(c) of the NGA.

8. On September 15, 1999, the Commission issued its *Certificate Policy Statement* to provide guidance as to how we will evaluate proposals for certificating new construction.⁴ The *Certificate Policy Statement* established criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The *Certificate Policy Statement* explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. Our goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

9. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers.

³ 18 C.F.R. § 385.214 (2005).

⁴ *Certification of New Interstate Natural Gas Pipeline Facilities (Certificate Policy Statement)*, 88 FERC ¶ 61,227 (1999), *order on clarification*, 90 FERC ¶ 61,128, *order on clarification*, 92 FERC ¶ 61,094 (2000).

10. The Commission also considers potential impacts of the proposed project on other pipelines in the market and those existing pipelines' captive customers, or landowners and communities affected by the route of the new pipeline. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission then proceed to complete the environmental analysis where other interests are considered.

11. Tennessee's customers contracting for the new service have agreed to pay an incremental rate that will recover the project's costs. Thus, Tennessee will not be relying on subsidies from existing customers. Furthermore, the project will not degrade any present services to existing customers. There should likewise be no adverse effect on existing pipelines or their captive customers as the project will not replace existing customers' service on Tennessee or any existing pipeline. No existing pipelines or their customers have objected to the project. The economic impact on landowners will be limited, as most of the new compression will be installed within existing Tennessee compression station yards. The exception to this is the new compression station in Steuben County, New York; however, Tennessee states that it is seeking an option to purchase the land for that station, which would avoid the need for Tennessee to seek eminent domain.

12. The fact that the project is fully subscribed for firm, long-term incremental service demonstrates market support for the Northeast ConneXion Project – New England. The Commission finds that Tennessee's project will provide substantial benefits without any adverse impacts on shippers or other pipelines. Therefore, the proposal is consistent with the *Certificate Policy Statement* and section 7(c) of the NGA. Accordingly, balancing the factors set forth in the *Certificate Policy Statement*, we conclude that Tennessee's proposed project is required by the public convenience and necessity.

13. As is our standard practice where an applicant has relied in its application on precedent agreements to demonstrate market demand for its proposed project, we will condition our certificate authorization so that construction cannot commence until after Tennessee executes contracts that reflect the levels and terms of service represented in its precedent agreements.⁵

⁵ See, e.g., *Tennessee Gas Pipeline Company*, 101 FERC ¶ 61,360, P 21 (2002).

Rates, Tariff, and Service Agreements

14. Tennessee proposes an incremental Rate Schedule FT-A recourse rate of \$34.8361 per Dth. Other charges for this firm service would include the payment of Tennessee's maximum daily commodity rate, applicable demand and commodity surcharges, and applicable fuel and loss retention. Tennessee has also offered, and each shipper has accepted, the option of choosing a negotiated monthly reservation rate of \$22.7365 per Dth and a daily commodity rate of \$0.00 per Dth. These negotiated rates are fixed for a 20-year term and are exclusive of surcharges. In addition, the shippers will pay applicable fuel and lost and unaccounted for charges. The proposed incremental rate is based on an annual cost of service of \$56,977,846. Tennessee projects annual revenues of \$37,187,820 from the negotiated rate.

15. Tennessee states that, with the exception of the depreciation rate, it calculated the incremental cost of service using the Commission-approved cost of service factors underlying Tennessee's last rate case. Tennessee used a 5 percent depreciation rate to coincide with the 20-year service agreements. Tennessee included costs of \$2,628,730 attributable to 26,000 Dth of existing Zone 4 to Zone 6 firm capacity that was held in reserve for this project. In addition, Tennessee imputed costs of \$24,809,134 for 136,300 Dth per day for generally available capacity from the Zone 0 and Zone 1 receipt points to Zone 4. The total cost of service for the project is \$56,977,846.

16. We will approve Tennessee's proposed incremental recourse rate for the Rate Schedule FT-A firm transportation service, which consists of a monthly reservation rate of \$34.8361 per Dth, the maximum daily commodity rates, applicable demand and commodity surcharges, and applicable fuel and loss retention, as the initial incremental rate. Tennessee included in its filing a *pro forma* tariff sheet which includes this rate for the project. However, Exhibit N of Tennessee's application reflects projected revenues from the negotiated rate of only \$37,187,820. Because the annual revenues will not exceed the projected \$56,977,846 cost of service, the project does not qualify for rolled-in rate treatment, and it is appropriate that Tennessee has proposed incremental rates.

17. As noted, Tennessee's precedent agreements are with Boston Gas Company, Berkshire Gas Company, Connecticut Natural Gas Company, and New England Gas Company. The precedent agreements for the proposed transportation service differ from Tennessee's *pro forma* FT-A Transportation Agreement. Tennessee avers that these changes do not constitute significant deviations. The proposed changes are as follow:

a. The precedent agreement provides that Tennessee will make a filing with the Commission relating to the proposed project and request authorization to render firm transportation and to construct the necessary facilities to provide such service;

b. Article II of the transportation agreement provides that service will not commence until after Tennessee has received the requisite authorizations to provide such service and has constructed the project facilities;

c. Article IV provides that Tennessee will construct facilities to provide transportation services for the shipper;

d. Sections 2.1, 6.1, 9.1, 11.1, and 12.1 have been modified to reflect the commencement date and/or need for acceptable authorizations; and

e. Section 15.5 states that the service agreement supercedes and cancels the precedent agreement except as specified in the precedent agreement.

18. We find that the above-described deviations do not constitute a substantial risk of undue discrimination. Further, the service agreements provide for FT-A service in a manner that is consistent with the FT-A service described in Tennessee's tariff and do not create a risk of undue discrimination against other shippers. Accordingly, the deviations contained in the non-conforming service agreements are permissible.⁶ Therefore, the Commission will not require changes to these provisions in the service agreements. Tennessee, however, must make the requisite tariff filing after the service agreements are executed and prior to commencement of service.

19. Additionally, the Commission is not approving the negotiated rate here; rather, we are approving the proposed recourse rate, which is the incremental FT-A rate for the proposed service.⁷ Further, in order to comply with the *Alternative Rate Policy Statement*⁸ and the Commission's decision in *NorAm Gas Transmission Company*,⁹ we

⁶ See *Tennessee Gas Pipeline Company*, 113 FERC ¶ 61,335 (2005).

⁷ The Commission has declined to examine negotiated rates in the context of its review of the merits of a certificate application. See, *East Tennessee Natural Gas Company*, 98 FERC ¶ 61,331 (2002); *Texas Eastern Transmission Corporation*, 95 FERC ¶ 61,057, *order on reh'g*, 95 FERC ¶ 61,367 (2001); and *Independence Pipeline Company, et al.*, 91 FERC ¶ 61,102 (2000) and 92 FERC ¶ 61,022 (2000), *order on reh'g*, 92 FERC ¶ 61,367 (2001).

⁸ *Alternative to Traditional Cost-Of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines*, (Alternative Rate Policy Statement), 74 FERC ¶ 61,076 (1996), *reh'g and clarification denied*, 75 FERC ¶ 61,024 (1996), *reh'g denied*, 75 FERC ¶ 61,066 (1996); *petition for*

are directing Tennessee to file either its negotiated rate expansion contracts or numbered tariff sheets not less than 30 days and not more than 60 days, prior to the commencement of service on the expansion facilities, stating for each shipper the negotiated rate, the applicable gas volume to be transported, and an affirmation that the affected service agreements do not deviate in any material respect from the form of service agreement in Tennessee's FERC Gas Tariff. Tennessee must also disclose all consideration received that is associated with the agreement. Finally, Tennessee must also maintain separate and identifiable accounts for volumes transported, billing determinants, rate components, surcharges and revenues associated with its negotiated rates in sufficient detail so that they can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case.

Environment

20. On October 6, 2005, we issued a Notice of Intent to Prepare an Environmental Assessment for the Proposed Northeast ConneXion Project – New England and Request for Comments on Environmental Issues (NOI). We received comments on the NOI from Michael Roland; Carl and Judith Berg; William A. Lanford (Mr. Lanford); the Pennsylvania Department of Conservation & Natural Resources; the New York State Department of Agriculture & Markets; Robert G. Leary; the Riders Mills Historical Association; the Town of Chatham, NY; the New York State Office of Parks, Recreation and Historic Preservation; Scott and Donna Kondracki; Sandra Dam and Donna Kondracki; Mr. & Mrs. Richard W. Oder; and the U.S. Department of Agriculture.

21. On February 6, 2006, we issued an environmental assessment (EA) for Tennessee's proposal addressing geology, soils, land use, surface water, hydrostatic test water, groundwater resources, vegetation and wildlife, threatened and endangered species, air quality, noise, cultural resources, reliability and safety, and alternatives. The EA also addressed all substantive comments to the NOI.

22. We received two comments to the EA, one from Mr. Lanford and the other from Tennessee. Mr. Lanford's comments relate to Tennessee's proposed modification at Compressor Station 254 in Columbia County, New York. Mr. Lanford avers that the noise report prepared by Tennessee's noise consultant, HFP Acoustical Consultants Inc. (HFP), is flawed because of the method and procedure used to calculate noise levels, the

review denied, Burlington Resources Oil & Gas Co. v. FERC, Nos. 96-1160, et al., U.S. App. Lexis 20697 (D.C. Cir. July 20, 1998).

⁹ *NorAm Gas Transmission Company, 77 FERC ¶ 61,011 (1996).*

locations of noise measurements, and the data used. Mr. Lanford states that the existing and proposed noise levels are underestimated and the compressor station was not operating at full load during measurements of the existing noise levels.

23. HFP's noise analysis estimated the day-night sound levels (L_{dn}) at the noise-sensitive areas (NSAs) in the vicinity of the compressor station and, as explained in the EA, HFP's noise analysis for Compressor Station 254 was adjusted to reflect full load operation to project the noise levels at these NSAs. While Mr. Lanford's post construction noise projections differ slightly from HFP's, we are conditioning our approval of modifications at Compressor Station 254 on Tennessee's conducting a post-construction survey of actual full load noise levels at NSAs to ensure that the L_{dn} noise levels do not exceed 55 dBA at those locations.¹⁰ If those noise levels exceed 55 dBA, Condition 4¹¹ further requires Tennessee to report to the Commission the changes that are necessary to meet the 55 dBA level and to install additional noise controls to meet that standard.

24. On March 7, 2006, Tennessee filed several comments relating to several areas in the EA. Tennessee suggested several changes to the EA with which we agree. Accordingly, we find that the EA should be modified to reflect that: (1) the proposed facilities may or may not include a standby electric generator; (2) Compressor Stations 254 and 264 are existing, not new, compressor stations; (3) no forest would be disturbed at Compressor Station 313; (4) the last column in Table 1 regarding vegetation cover types should be titled "New Operation" instead of "Operation"; and (5) the existing installation at Compressor Station 245 consists of seven compressors totaling 13,629 hp (not 14,445 hp) and two auxiliary generators totaling 816 hp (not 6,629 hp).

25. We disagree, however, with one other matter raised by Tennessee. In 2001, Tennessee purchased the Weston Rider House and Barn as part of a noise buffer area around Compressor Station 254. The Weston Rider House property is located adjacent to the compressor station, and is part of the Riders Mills Historic District. The EA recommends that construction approval be conditioned on Tennessee's developing a plan for maintenance of the structures in consultation with the Historic District. In its filing of March 7, 2006, Tennessee states that it has initiated discussions with the Riders Mills

¹⁰ As noted in the EA, the U.S. Environmental Protection Agency has determined that an L_{dn} of 55 dBA protects the public from indoor and outdoor activity interference, and the Commission has adopted this as its standard for evaluating potential noise impact from operation of compressor facilities.

¹¹ See Appendix B, Environmental Condition 4.

Historical Association regarding future status of the property in question, but argues that, contrary to the recommendation in the EA, future maintenance and handling of the house and barn is unrelated to the project and should not be incorporated as a condition in the Commission's order. Tennessee notes that it has received clearance under section 106 of the National Historic Preservation Act from the New York State Historic Preservation Officer (SHPO). Notwithstanding, we will adopt the condition recommended in the EA as part of our authorization of modifications to Compressor Station 254. While Tennessee purchased the structures prior to filing this application, it did so because of the relationship between the structures and the noise levels associated with continued operation of the compressor station. Were Tennessee to make no provision for the maintenance of these structures, the structures would deteriorate over time to the detriment of the Historic District.¹² Accordingly, Tennessee shall consult with the Riders Mills Historical Association and the New York SHPO to identify options for the Weston Rider House and Barn, as set forth in Environmental Condition 5. The information provided by Tennessee as a result of this consultation will allow the Commission to determine if an adverse effect would occur and seek the comments of the Advisory Council on Historic Preservation.

26. The SHPO asked that additional subsurface archaeological testing be done at Compressor Stations 245 and 254. On February 8, 2006, Tennessee filed copies of additional information it had submitted to the SHPO to support Tennessee's proposal that more testing at Compressor Stations 245 and 254 is not needed, and on April 18, 2006, Tennessee filed the SHPO's response. The SHPO agrees with Tennessee that additional archaeological testing is not necessary at Compressor Station 254. The SHPO, however, is not satisfied that its concerns regarding Compressor Station 245 have been answered and continues to request additional information regarding that location. Accordingly, the Commission's staff will not, as set forth in Environmental Condition 5, clear the commencement of construction at Compressor Stations 245 until such consultation is complete.

27. Based on the EA and the above discussion, we conclude that if constructed or operated in accordance with Tennessee's application and supplements, approval of the

¹² Under regulations of the Advisory Council on Historic Preservation, neglect of a historic property which causes its deterioration is an example of an adverse effect that requires consultation to develop and evaluate alternatives or modifications to a proposal that could avoid, minimize, or mitigate adverse effects on historic properties. *See* 36 C.F.R. §§ 800.(a)(2)(vi) and 800.6 (2004).

proposal, as conditioned herein, would not constitute a major Federal action significantly affecting the quality of the human environment.

28. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.¹³ Tennessee shall notify the Commission's environmental staff by telephone or facsimile of any environmental noncompliance identified by other Federal, state, or local agencies on the same day that such agency notifies Tennessee. Tennessee shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

29. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as supplemented, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Tennessee pursuant to section 7(c) of the NGA and Part 157 of the Commission's regulations to construct, install, and operate natural gas facilities as described and conditioned herein, and as more fully described in the application.

(B) The certificate authority in Ordering paragraph (A) shall be conditioned on the following:

- (1) Tennessee's completing the authorized construction of the proposed facilities and making them available for service within one year of the issuance of this order pursuant to paragraph (b) of section 157.20 of the Commission's regulations;

¹³ See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

- (2) Tennessee's compliance with all applicable Commission regulations, including paragraphs (a), (c), (e), and (f) of section 157.20;
- (3) Tennessee's compliance with the environmental conditions listed in the appendix to this order; and
- (4) Tennessee's executing firm service agreements equal to the level of service represented in its precedent agreements with its customers for service prior to construction.

(C) Tennessee shall notify the Commission's environmental staff by telephone and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Tennessee. Tennessee shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

(D) Tennessee's incremental recourse rates are approved as initial section 7 rates as discussed in the body of this order.

(E) Tennessee must file, not less than 30 days and not more than 60 days prior to commencing service, either its negotiated rate contracts or tariff sheets reflecting the essential elements of its negotiated rate agreements, as discussed in the body of this order.

(F) Tennessee shall maintain separate books, accounts, and records for transportation provided under negotiated rates and for transportation provided under recourse rates.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

APPENDIX A – INTERVENORS

Atmos Energy Corporation

Berkshire Gas Company and Connecticut Natural Gas Corporation

Central Hudson Gas & Electric Corporation

Chevron U.S.A. Inc.

ConocoPhillips Company

Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities

The East Ohio Gas Company d/b/a Dominion East Ohio

The KeySpan Delivery Companies¹⁴

Louisville Gas and Electric Company

New England Local Distribution Companies¹⁵

New Jersey Natural Gas Company

NJR Energy Services Company

PSEG Energy Resources & Trade LLC

USGen New England, Inc.

¹⁴ The KeySpan Delivery Companies include Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island, and Boston Gas Company, Colonial Gas Company, EnergyNorth Natural Gas, Inc., and Essex Gas Company.

¹⁵ Bay State Gas Company, The Berkshire Gas Company, Connecticut Natural Gas Corporation, Fitchburg Gas and Electric Light Company, City of Holyoke, Massachusetts Gas and Electric Department, New England Gas Company, Northern Utilities, Inc., NStar Gas Company, The Southern Connecticut Gas Company, and Yankee Gas Services Company.

APPENDIX B – ENVIRONMENTAL CONDITIONS

As recommended in the EA, this authorization includes the following conditions:

1. Tennessee shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the environmental assessment (EA), unless modified by this Order. Tennessee must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
 - b. justify each modification relative to sit-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original source;
 - d. receive approval in writing from the Director of the Office of Energy Projects (OEP) **before using that modification.**
2. The Director of OEP has delegated authority to take all steps necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall include:
 - a. stop-work authority and authority to cease operation; and
 - b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. **Prior to any construction**, Tennessee shall file an affirmative statement with the Secretary, certified by senior company officials, that all company personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.
4. Tennessee shall make all reasonable efforts to ensure its predicted noise levels from the modified Compressor Stations 254 and 264 at full load are not exceeded at nearby NSAs, and file a noise survey with the Secretary **no later than 60 days** after placing the modified compressor station in service. If the noise attributable to the operation of the modified compressor station at full load exceeds an L_{dn} of

55 dBA at any nearby NSAs, Tennessee shall file a report on what changes are needed and install additional noise controls to meet that level **within 1 year** of the in-service date. Tennessee shall confirm compliance with the L_{dn} of 55 dBA requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.

5. Tennessee shall defer construction at the Compressor Station 245 and 254 sites until it files with the Secretary cultural resource reports on supplemental investigations, as appropriate, the SHPO's comments, and a summary of maintenance options for the Weston Rider House and Barn developed in consultation with the Riders Mills Historical Association and SHPO; and the Director of OEP reviews and approves all reports and notifies Tennessee in writing that it may proceed.

Note: For additional information see OEP's *Guidelines for Reporting on Cultural Resource Investigations* (December, 2002).

All material filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: CONTAINS PRIVILEGED INFORMATION--DO NOT RELEASE.