

PUBLIC COMMENT MEETING

On the Draft Environmental Impact Statement for  
the Proposed REX-East Project

HOSTED BY: Federal Energy Regulatory Commission,  
Lead Federal Agency

DATE: January 9, 2008

TIME: 6:00 p.m. to 8:20 p.m.

PLACE: Greenwood Community High School  
615 West Smith Valley Road  
Greenwood, Indiana

REPORTED BY: Sherri L. Segó,  
Notary Public

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1 PROCEEDINGS

2 MS. LYKENS: Welcome. My name is Alisa  
3 Lykens. I'm a branch chief in the Division of Gas  
4 Environment and Engineering in the Office of Energy  
5 Projects at the Office of the Federal Energy  
6 Regulatory Commission. The Commission office is  
7 located in Washington, DC.

8 Tonight I'm assisting the environmental  
9 project manager, Laura Turner, for the draft  
10 environmental impact statement, EIS, public comment  
11 meeting for the Rockies Express East Pipeline  
12 Project. We are holding a total of nine public  
13 meetings this week across the project area with  
14 three separate teams commissioned by commission  
15 staff and our environmental contract, ICF  
16 International and Entrix.

17 This is a public meeting to take comments on  
18 the draft EIS issued by the Commission as the lead  
19 federal agency for the project. The oral comments  
20 received tonight and any filed written comments  
21 received will be addressed in the Final  
22 Environmental Impact Statement prepared for this  
23 proposal.

24 The draft EIS was written and prepared by  
25 the FERC staff, ICF and Entrix with input from

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1 other federal agencies who were cooperating  
2 agencies in preparing the proposal -- preparing the  
3 EIS document, rather. We received over 500  
4 comments during the scoping period including  
5 written and oral comments, and we did our best to  
6 evaluate the impacts and address them in the draft  
7 EIS.

8 The principal objectives of the EIS are to  
9 identify and assess potential impacts on the  
10 natural and human environment that would result  
11 from the implementation of the proposed action;  
12 describe and evaluate reasonable alternatives to  
13 the proposed action that would avoid or minimize  
14 adverse effects on the environment; and to identify  
15 and recommend specific mitigation measures as  
16 necessary to minimize environmental impacts.

17 This meeting is intended for you to tell us  
18 what you think we got right, wrong, what we missed,  
19 or need to re-evaluate for the final EIS.

20 Representatives from ICF and Entrix are helping me  
21 tonight. Let me introduce Karen Fadely, who is  
22 sitting next to me; Chris Moelter, who is over  
23 there; Shaina Farfel and Jennifer Ward, who were at  
24 the sign-in table and greeted you when you came in  
25 this evening.

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1           We also have Harold Winnie here from the  
2 U.S. Department of Transportation, Pipeline and  
3 Hazardous Materials Safety Administration, Office  
4 of Pipeline Safety. The U.S. DOT is not an  
5 official cooperator, but DOT staff takes an active  
6 role on addressing safety during the EIS process  
7 and construction and operation of natural gas  
8 projects. Mr. Winnie will be available as well as  
9 we will after the formal proceedings to answer any  
10 individual questions you may have.

11           The Federal Energy Regulatory Commission  
12 itself is composed of up to five commissioners who  
13 are appointed by the President. Currently the  
14 Commission has five sitting commissioners with one  
15 designated chairman. Our chairman currently is  
16 Joseph Kelliher.

17           The Commission itself will decide if  
18 authorization of the Rockies Express East Pipeline  
19 Project is in the public convenience and necessity  
20 and greater public interest. As part of the  
21 decision-making process the Commission must  
22 consider the environmental impacts of the project  
23 and must comply with the National Environmental  
24 Policy Act, or NEPA. In order to comply with NEPA,  
25 we have produced a draft EIS so that the public has

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1 an opportunity to review the proposed project.

2 The Rockies Express East Pipeline Project is  
3 a joint venture among Kinder Morgan Energy  
4 Partners, Sempra Pipelines and Storage and  
5 Conoco-Phillips. On April 30th, 2007 Rockies  
6 Express filed an application under Section 7 of the  
7 Natural Gas Act in Docket No. Cp07-208 to construct  
8 and operate new natural gas facilities, including  
9 640 miles of 42-inch-diameter pipeline in Missouri,  
10 Illinois, Indiana and Ohio. Seven compressor  
11 stations, totaling 225,000 horsepower of  
12 compression and ancillary areas are also proposed.  
13 The project is covered in more detail in the draft  
14 EIS.

15 The draft EIS was issued on November 23rd,  
16 2007 with a closing date of January 14th, 2008. I  
17 do encourage you if you are not speaking tonight  
18 and would like to provide written comments, that  
19 you should send them in as soon as possible so that  
20 we receive them by the 14th. You may also file  
21 comments electronically, and those directions are  
22 located in the first few pages of the draft EIS, or  
23 we also have a brochure available at the sign-in  
24 desk entitled Your Guide to Electronic Information  
25 at FERC, which also may be useful.

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1           Because the Commission has a responsibility  
2 to treat all parties of a proceeding equally, we  
3 must make certain that our process is open and  
4 public. For this reason we at the Commission are  
5 constrained by what we know as ex parte rules.  
6 This means that there can be no off-the-record  
7 discussions or correspondences between FERC staff  
8 and interested parties regarding the merits of the  
9 case. Therefore, I encourage you to either speak  
10 tonight on the record or put your comments in  
11 writing and file them at the Commission so we may  
12 have your comments. Again, the directions to do so  
13 are in the first few pages of the draft EIS or the  
14 brochure on the table.

15           You may have noticed that we have a court  
16 reporter transcribing the meeting. This is so that  
17 we have an accurate record of tonight's comments.  
18 If you would like a copy of the transcript, you may  
19 make arrangements with the court reporter after the  
20 meeting. The transcript will eventually be made  
21 part of the public record and part of FERC's system  
22 and will be also placed in the public reference  
23 room at the Commission office.

24           Again, let me emphasize that this is a  
25 meeting. It's not a hearing on the merits of the

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1 proposal, rather it is an opportunity to comment on  
2 the draft EIS. We will address tonight's comments  
3 in the final EIS when it is ready to issue. All  
4 comments filed that are environmentally related  
5 including the project meeting will be considered by  
6 the Commission when it makes its overall decision  
7 on whether to approve or disapprove the project.

8 We will be available after the formal  
9 proceeding is concluded to answer any individual  
10 questions you may have, and I will attempt to  
11 answer any questions you raise if I feel it can be  
12 answered, particularly for you in attendance  
13 tonight. Also at the same time, I am also  
14 cognizant of the time. So if we have speakers  
15 waiting their turn to speak, I may ask you to hold  
16 your questions until the end of the proceeding.  
17 That way we can get through in a more orderly  
18 fashion.

19 I will call individuals up to speak in the  
20 order listed on the sign-up sheet. We also brought  
21 some forms if you would rather submit written  
22 comments which you can give to us this evening or  
23 you can mail to us following the directions on the  
24 sheet of paper. When you come up to speak, please  
25 spell your last name for the record, speak slowly

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1 and clearly, and identify any organization you may  
2 be representing.

3 That concludes my introduction. Our first  
4 speaker is Mr. Tom Hougham. Just come to the  
5 microphone.

6 MR. HOUGHAM: Hello, my name is Tom Hougham.  
7 That's H-O-U-G-H-A-M. I live in Trafalgar,  
8 Indiana. REX East passes within a few miles of my  
9 home. While it doesn't traverse my property, I am  
10 as well a representative for the Hoosier  
11 Environmental Council on their Regional Council No.  
12 8, which represents the Central Indiana area with  
13 over 8500 constituents in addition to additional  
14 people who will be -- along with other counties not  
15 located in the central radius of Indiana.

16 I appreciate the NEPA process and the draft  
17 Environmental Impact Statement and the effort that  
18 has gone into it. We do have some questions from  
19 the Hoosier Environmental Council, though, about  
20 recommendations for mitigation that will be  
21 involved as a result of the DEIS.

22 I understand that once certification occurs  
23 that these become requirements. But currently as  
24 recommendations, I don't feel that they come up to  
25 snuff as far as making sure that REX will be held

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1 to the fire, so to speak, and ensure that this  
2 process be done in an environmentally sensitive  
3 fashion. I have heard several stories about  
4 people's encounters with REX and this process,  
5 which would lead me to believe that REX will do  
6 what REX wants to do.

7 I'm also concerned that the DEIS was  
8 published prior to many of the consultations that  
9 are occurring with the Fish and Wildlife Service,  
10 Corps of Engineers, and other cooperating agencies.  
11 It's challenging at best to try to comment on the  
12 draft Environmental Impact Statement when the  
13 findings just aren't there what the consultations  
14 prove. I don't know what I'm commenting on.

15 I feel that especially if REX does not abide  
16 by or follow the recommendations, that additional  
17 public comment be allowed. I do not agree and HEC  
18 does not agree with the route across Indiana as it  
19 is as such. We feel that following extant  
20 pipelines would be much more beneficial to the  
21 people of Indiana. Some of the rarest resources  
22 here are good farmland and woodlands, and they're  
23 being gobbled up on a regular basis. And instead  
24 of following an area, that has those pipelines that  
25 would limit additional disturbance and new terrain

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1 comes through, especially by part of the REX  
2 process.

3 You know, the DEIS represents a single  
4 paragraph acknowledging the cumulative adverse  
5 effects would be likely. This does not meet the  
6 hard look required by the Council of Environmental  
7 Quality for all NEPA documents. I do have as well  
8 some specifics that I have gotten from the DEIS.

9 For one, I don't feel that the DEIS deals  
10 adequately with classified forests. The  
11 classification process for forests in Indiana  
12 serves the public's best long-term interest.  
13 Classification is a very important way to slow down  
14 the loss of forests that are occurring in our  
15 state. Do we even know that if some of these  
16 forests were dissected that they would lose their  
17 classification because of the limited acreage  
18 that's involved, and as well the additional taxes  
19 that would be put upon people because of their  
20 forests being taken out of the classification.

21 In addition with respect to the  
22 classification, these forests provide very  
23 important woodland and wildlife habitat. Dissecting  
24 that habitat will have a negative impact. Even in  
25 the DEIS it says fragmentation of forest habitat

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1 used for foraging and migration may contribute to  
2 population decline.

3 Just a couple of years ago I did a breeding  
4 bird survey very close to where the pipeline will  
5 follow in Johnson County and found species such as  
6 the wood thrush and the Kentucky warbler, which are  
7 listed as birds of conservation concern, and I find  
8 these on my property not far from the pipelines  
9 where all of those birds of conservation concern  
10 are located. So it would make sense that the work  
11 be elsewhere.

12 You know, the recommendations of mitigation  
13 for classified forests just don't meet the  
14 standards that I expect out of a draft  
15 Environmental Impact Statement. FERC should  
16 require REX to develop a compensatory mitigation  
17 plan for classified forests prior to the completion  
18 of the DEIS. One more thing why I can't feel that  
19 I can adequately comment because I don't know what  
20 I am commenting on.

21 The classified forests should be listed as  
22 sensitive wildlife areas in Table 4.5.4-1, as they  
23 are as important as preserves and nature areas  
24 around the state. I support the efforts to try to  
25 control exotic plants along the pipeline

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1 right-of-way. I feel that more needs to be done as  
2 far as telling me what seeds are going to be used  
3 so that I can adequately evaluate whether or not  
4 those are local and should be in a given area, and  
5 even more so follow-up references needs to be more  
6 precise. Riding along on a four-wheeler to try to  
7 find exotic plants is inadequate. In the younger  
8 stages, especially in perennial and biennial  
9 plants, the morphology is totally different and  
10 makes it very challenging at best to find unless  
11 you're on foot and literally an expert on those  
12 younger stages of exotic plants.

13 FERC's recommendations for mitigating  
14 impacts on the Indiana bat are totally inadequate.  
15 You know, we've got trees out there that -- the one  
16 site, Vermillion County, Indiana 11.0, that a third  
17 of the Indiana's bats captured were found in that  
18 site. There was a rhus tree on that one site, yet  
19 there's no effort to try to reroute the pipeline  
20 away from this important site. You know, this  
21 site, needless to say, is very important for the  
22 Indiana bat and endangered species, and I thought  
23 the Endangered Species Act was trying to help out  
24 animals like the Indiana bat.

25 As well as REX seems that it's ignored Fish

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1 and Wildlife Service's request to only cut rhus  
2 trees between October 1st and March 31st. It  
3 sounds like they're going to go in and start into  
4 work next spring. FERC should demand of REX that  
5 they do the surveys and only cut potential trees  
6 and those potential trees only when the bats are  
7 not present.

8           You know, the effort is great. I support  
9 the recommended prohibition of the use of  
10 pesticides and herbicides and I support the  
11 recommendation to close -- to burning the areas  
12 where the bats occur, but these are just  
13 recommendations. I need to know what REX is going  
14 to actually do.

15           And if when the -- you know, we're just a  
16 couple of days of when the end of the comment  
17 period is, and I have no way of knowing if the  
18 consultations are complete or anything like that.  
19 And as a result, I feel that if REX does not agree  
20 with the particular mitigations and the  
21 consultations and do not follow the  
22 recommendations, that the process remain open for  
23 future comments once we know exactly what's going  
24 to happen on the ground.

25           Thanks for having the meeting tonight and I

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1 look forward in learning more about what has been  
2 learned, what has been learned, so that we can make  
3 educated comments about what will be happening.  
4 Thank you.

5 MS. LYKENS: Thank you. Mr. Gary Moody.

6 MR. MOODY: Hello. My name is Gary Moody  
7 and I live in Franklin. I founded a group called  
8 Concerned Citizens of Johnson County. And while  
9 I'm not here speaking specifically on behalf of the  
10 group, I'm sure that some of our groups -- many of  
11 our group's members share some of its concerns  
12 about the environmental impact of the pipeline.  
13 Our group did come together in opposition to  
14 Governor Daniels' toll road proposal of 2006, so  
15 this is over land use and environmental issues. So  
16 this is somewhat similar, I would think, about  
17 folks' concerns.

18 I am personally concerned about a recent --  
19 the situation in the Interior Department,  
20 specifically the Fish and Wildlife Service. As  
21 revealed in the case of Julie McDonald, the former  
22 deputy assistant secretary of Fish and Wildlife and  
23 Parks who resigned under a cadulous (phonetic)  
24 scandal. You're probably wondering how this  
25 relates to what we're talking about. I'll get to

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1 that. She was vested by the Office of the  
2 Inspector General of the Interior Department and  
3 the complaint was that McDonald had bullied,  
4 insulted and harassed the professional staff at the  
5 U.S. Fish and Wildlife Service to change documents  
6 and alter biological reporting regarding the  
7 endangered species program.

8 And according to the Center for Wildlife,  
9 this is a tip of the iceberg of this management  
10 within the Interior Department, especially the Fish  
11 and Wildlife Service regarding wildlife and other  
12 environmental issues.

13 In their document called -- their website  
14 distinction, there is a center for biologics group  
15 who says that the Bush administration implemented  
16 an agent in a manner that undermines, minimizes  
17 and eviscerates fundamental protections for the  
18 nation's most imperiled wildlife. This  
19 administration has consistently interfered in the  
20 scientific process for the express purpose of  
21 limiting the protection of the endangered species.  
22 Scientists violated the law and ignored public  
23 concern for the preservation of wildlife.

24 And while I don't come to you with any  
25 specific connections between that situation and

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1 this EIS, I am nevertheless concerned about the  
2 Fish and Wildlife Service's involvement in  
3 reorganization for species such as the preservation  
4 of the Indiana bat and some of the other endangered  
5 wildlife that would be affected along the route.

6 I would hope that it is possible in the  
7 final document that -- which I don't know how you  
8 would do it -- but it would be nice if this matter  
9 can be touched upon and clarified and we can be  
10 assured that relations between political employees  
11 in the Interior Department and the corporations  
12 involved in this project, and particularly Interior  
13 Department officials in the western regions,  
14 haven't been excused from this process. And I hope  
15 to find more information and comment further before  
16 the closing date. Thank you.

17 MS. LYKENS: Thank you. I don't have any  
18 more speakers signed up. Is there anybody that  
19 would like to come forward and speak at this time?  
20 Any more comments?

21 MR. HARDAMON: I'll speak.

22 MS. LYKENS: Feel free to come forward.  
23 Please identify yourself for the record.

24 MR. HARDAMON: My name is Michael Hardamon.  
25 I'm an affected property owner of Johnson County.

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1 Your name is?

2 MS. LYKENS: Alisa Lykens.

3 MR. HARDAMON: And you're with FERC?

4 MS. LYKENS: Yes.

5 MR. HARDAMON: How long have you been with  
6 FERC?

7 MS. LYKENS: Almost 20 years.

8 MR. HARDAMON: Twenty years?

9 MS. LYKENS: Uh-huh.

10 MR. HARDAMON: So you're one of the few that  
11 hasn't come to work for REX or somebody like that?

12 MS. LYKENS: No.

13 MR. HARDAMON: Would you have any record of  
14 the number of people that might work for REX  
15 that --

16 MS. LYKENS: Sir, I would rather not have  
17 the back and forth. So if you would just address  
18 and comment. I'll take questions afterwards.  
19 Thank you.

20 MR. HARDAMON: That's fine.

21 With regard to your impact statement, it's  
22 much in the way as I've seen everything else  
23 through you guys, you're just paying lip service to  
24 us. I would appreciate if you would cease wasting  
25 our time.

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1 UNIDENTIFIED MALE VOICE: Can you speak up?

2 We can't hear in the back.

3 MR. HARDAMON: I'm sorry, ma'am, but you've  
4 paid us nothing more than lip service in this whole  
5 process including your statement. I'll be honest  
6 with you, it's my opinion that your agency is  
7 government funded, you're overstaffed, whichever  
8 you want to look at it. As a result, you've let  
9 REX handle this entire process. I resent that  
10 fact. I resent the fact the only time I've seen  
11 you is here and maybe one time when you might have  
12 flown over my property. That's not helping me out.

13 There exists numerous easements through this  
14 state. It would seem to me that if FERC wanted to  
15 do its job instead of assisting REX, that you might  
16 be able to enforce the use of existing easements as  
17 to not affect any further property owners. I've  
18 not seen that. I don't think I will. All I ask  
19 upon you is to maybe as an armed federal government  
20 to maybe try to help the citizens.

21 It seems odd to me. I've got people from  
22 REX. I've got you. You're all paid to be here.  
23 The rest of us who are affected, we're on our own  
24 time. And I really don't think you people  
25 understand what it does to us. You look at the big

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1 picture, I'm sure. I'm sure you listen to all the  
2 REX people. It's very clear. But nobody helps the  
3 property owner. It's somebody else's duties. It's  
4 the state, it's the county, it's whoever else. You  
5 don't see how it affects people. It's a pipeline.

6 Let's be honest. Your only stamp on this  
7 whole pipeline is yes or no. Eventually everything  
8 else, your agency, is not going to put a stamp on  
9 this thing to shut it down, are they? And you  
10 don't have to answer that, do you? But let's be  
11 honest with each other. You're not going to shut  
12 this down. You're going to do whatever's  
13 politically motivated and you're going to do it the  
14 smoothest way you can. And unfortunately the  
15 people out here is the ones that pay the price.

16 So I would at least ask, you've been there  
17 20 years, you've seen a lot of stuff, probably a  
18 lot of corporate federal employees who are employed  
19 by people like REX. I understand how it works.  
20 But please consider us. And when you're looking  
21 through all these things, the bat study, the stuff  
22 that never gets done because you didn't supervise  
23 it, you didn't have the staff. You let REX do it.  
24 You take REX's word every time.

25 If one of us makes a noise, you'll go out

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1 there and put out the fire. I guarantee 10 years,  
2 20 years down the line, when I'm still living with  
3 this pipeline if it goes through, where are you  
4 going to be? You'll be long gone. It's going to  
5 be me and REX. But it's okay. So all I ask  
6 appreciatively, respectfully is consider these  
7 things. Thank you.

8 MS. LYKENS: Thank you. Sir, we didn't get  
9 your name for the court reporter.

10 MR. HARDAMON: I'll give it to her later.

11 MS. LYKENS: That's fine.

12 Would anyone else like to speak?

13 MS. TUTAS: I have questions. I have a  
14 bunch of questions, if anybody else has comments.

15 MS. LYKENS: Anyone can come forward. If  
16 you have questions, come forward. Would you like  
17 to come forward, please?

18 MR. CANARY: My name is Charles Canary,  
19 C-A-N-A-R-Y. I was asked out in the hallway if I  
20 wanted to speak and I said no, but I changed my  
21 mind since I have that opportunity.

22 I'm an elected official. Part of the reason  
23 I didn't sign up, I wanted to hear what these  
24 people had to say before I spoke, and I think  
25 that's the way it should be. I think this

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1 property -- this affects private citizens more than  
2 it does government and the like. I do have some  
3 issues on that.

4 I am a county councilman. I represent the  
5 area that this is going to cross. I'm also a  
6 farmer and it crosses two farms that I farm, so  
7 I've kind of got both ways on that. But anyway,  
8 I've voiced my concerns about the farm ground and  
9 we're dealing now at earlier times. But I have a  
10 few ideas and I have -- as far as I know, the draft  
11 EIS does not specify how this affects county roads,  
12 state roads, or anything like that. How it has to  
13 cross, what it has to do to repair. I know they  
14 talked about boring, whatever. And I don't know  
15 that it -- that it says in there how it's done. I  
16 tried to go through it. But there's, what, 855  
17 pages? It's tough.

18 MS. LYKENS: We can help you.

19 MR. CANARY: But anyway, I have submitted to  
20 the county council -- the county commissioners some  
21 things. To this day I don't even know if they've  
22 ever been contacted yet as far as that entity has  
23 been. I know the planning department, planning and  
24 zoning have been, but I don't think -- I talked to  
25 the president of the commissioners last night and

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1 he said no, that they had not even been contacted  
2 yet. I don't know. That's all I know about that.  
3 But anyway, there's about three things, three ideas  
4 that I presented to them, and I know that REX is  
5 aware of some of those, but I wanted you to be  
6 aware of what was presented.

7 One is that the roads be cut and not poured,  
8 and there's a couple of reasons for that. One  
9 reason, I'm looking at that as a landowner, however  
10 big that pit has to be, in my estimation, however  
11 big that has to be, to put this boring machine and,  
12 you know, you put everything in there, there's a  
13 lot more acreage involved doing that than if they  
14 put a straight cut.

15 The other thing is if that road is cut, then  
16 we would require them to backfill to the  
17 specifications for the roads and to do like we do  
18 when bridge properties that's been done, which  
19 requires 500 feet each direction from that cut.  
20 And there's a theory there because the road  
21 conditions in this county, and a lot of counties  
22 are the same way, we don't have enough money to pay  
23 for what we're got and some of the roads are in  
24 deplorable shape, at least the roads they're going  
25 to cross is going to get a thousand feet of new

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1 pavement on them. I think that's something that  
2 the citizens can look forward to, could look  
3 forward to.

4 The second item is the strict deterrence of  
5 the county roads weight limits. I don't find that  
6 anywhere either. I haul grain. I'm subject to  
7 them. I think they ought to be subject, too. I  
8 have no idea. And maybe it is planned and I just  
9 don't know that. I didn't find that written  
10 anywhere, and I tend to think when things aren't  
11 written they're not followed.

12 But anyway, especially then not only with  
13 hauling the material in, but every road they cross,  
14 all that heavy equipment, tractor, non-tractor, or  
15 whatever has to cross that road. So at least in  
16 that area there's going to be some damage, I would  
17 assume. I mean, there is on a normal basis. I  
18 don't think this is abnormal.

19 And also it require performance bonds to be  
20 posted on roads. We require that of every  
21 developer that goes in this county. Anybody that  
22 wants to develop, it requires performance bonds on  
23 it. This is no different than that. One reason  
24 for that is we don't -- if the county doesn't  
25 require that or it's not required, then we're

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1 giving preferential treatment and that's not right.

2 Those are the three things. Like I said, to  
3 my knowledge, you know, the commissioners haven't  
4 been contacted yet regarding these. And my point  
5 in this is this is not to be punitive. This is not  
6 to be a penalty for doing that. But that gives  
7 this county and the other counties involved too  
8 some assurance that they're going to be taken care  
9 of.

10 This pipeline goes through all these  
11 counties. It goes through Johnson County from one  
12 side to the other. The county citizens have  
13 absolutely no benefit in this gas that's going  
14 through there. I've read in the newspaper people  
15 saying we don't care about it as long as our gas  
16 prices are going to go down. I don't think they've  
17 read the whole thing. From whatever I've read,  
18 there's not going to be any gas that's going to be  
19 dumped off here anywhere to make our prices any  
20 lower.

21 But I just feel this gives the citizens some  
22 relief about this project because it really doesn't  
23 benefit this county in the future. Thank you and  
24 thank you for having this opportunity for us to  
25 speak.

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1 MS. LYKENS: Thank you. I appreciate that.

2 Anybody else like to come and comment,  
3 please?

4 MR. RUST: I do want to comment.

5 MS. LYKENS: Okay, Mr. Rust.

6 MR. RUST: My name is Joe Rust. I'm from  
7 Decatur County, so I'm out of my element. But I  
8 wanted to follow up on a comment of the  
9 presentation, but first of all I would like to  
10 comment on the previous gentleman's statement,  
11 since he was in the county -- I believe county  
12 government, I believe in Johnson County.

13 As I think you all are aware, there was a  
14 newspaper article in the Greensburg Daily News this  
15 week relative to road damage that's already  
16 occurring from REX pipe that is actually being  
17 delivered and stored in Decatur County. I would  
18 ask of the commission, is that proper procedure at  
19 this point in the project for REX to be storing  
20 pipeline on a project that hasn't even been  
21 approved by the federal government?

22 Again, I'm getting my facts out of the  
23 Greensburg Daily News and I'm presuming that the  
24 road commissioner in Decatur County who is  
25 complaining about the fact that the roads are

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1 already being damaged is public knowledge. And I  
2 believe FERC should be on record stating is this  
3 proper procedure and what is to be the proper  
4 compensation for that kind of damage not only  
5 before the project is approved but how it's going  
6 to be handled down the road, literally speaking.

7 My second comment has to do with the  
8 presentation that was made last night at the  
9 Decatur County meeting in Greensburg by the Hoosier  
10 Hills Water Company. Water district  
11 representatives that were there, which they had a  
12 hydrologist, I believe, who was a professor at the  
13 Indiana University that specialized in hydrology  
14 and then they also had a scientist who also gave  
15 testimony or information last night regarding the  
16 aquifer in Southeastern Indiana in Ripley County,  
17 Dearborn County and Franklin County, and the  
18 pipeline should not under any circumstances be  
19 allowed to be drilled in the horizontal drilling  
20 method under the White Water River, and I think  
21 they were pretty clear about that.

22 One of the issues that they -- and I won't  
23 rehash that because I'm sure that will end up in  
24 the public record. However, one of the things that  
25 they brought up and has consistently been brought

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1 up by the people of Franklin County is the soil  
2 erosion that takes place in that county because of  
3 the type of soil. It's a more sandy type of soil  
4 than we see here in the agricultural areas north of  
5 the Franklin County area. And, as you know, last  
6 night we had quite a bit of a rainstorm actually  
7 prior to, during and after the meeting that we had  
8 in Greensburg.

9 And so since I live out in the county and  
10 just about a half a mile west of the Franklin  
11 County line, I drove down the road this afternoon  
12 just to see what happened during that storm last  
13 night. And so I would just like to enter into the  
14 docket, I'm going to give you these pictures, four  
15 pictures that I took myself today of a road that  
16 was paved approximately one year ago. And as of  
17 the day before yesterday there was no road damage  
18 there and now after the rain we had, which was not  
19 a terrible rain, it was a fairly decent rain, we've  
20 lived through worse, the flooding that occurred and  
21 the erosion and damaged that occurred in one rain.

22 So I would like to present that to you.  
23 This took place between mile post 377 and 378 near  
24 what's called the Listerman (phonetic) property and  
25 just on the other side of what is a creek that

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1 borders Pat Hudnal's (phonetic) property. This  
2 happens to be, like I said, about half a mile from  
3 my property in Decatur County. So if I can give  
4 you this and you can take a look at it. If you  
5 have any questions about what you're looking at,  
6 just let me know.

7 The final comment that I would like to make  
8 has to do with a posting on the FERC docket that  
9 occurred last week. And it's a letter from Rockies  
10 Express to the Commission and it deals with the  
11 Hamilton Ohio Compressor Station, which I think by  
12 any stretch of the imagination is basically a  
13 disaster in the making.

14 So what has happened, just to bring  
15 everybody up-to-date a little bit on it, the  
16 Hamilton Compressor Station was scheduled to be  
17 near Hamilton, Ohio, but for various reasons it  
18 can't be constructed there. REX actually purchased  
19 land for a compressor station because they take up  
20 so much acreage to build. So they have now  
21 requested to move the proposed site for the  
22 compressor station to what they now call the  
23 Burnside property.

24 Now, if there's anybody who's under the  
25 illusion that this pipeline has any great detail

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1 prior to -- during their proposing it back in June  
2 of 2006, I'd like to read this statement because  
3 had they done their homework and where the pipeline  
4 is going and how it should be situated, they  
5 wouldn't have come up with this particular  
6 statement.

7           On I guess it's page 4 of the letter  
8 underneath a box that's labeled Rockies Express  
9 Pipeline East Project they state, quote, Rockies  
10 Express has determined that on the January 2008  
11 reroute -- which is what we're talking about with  
12 the Burn reroute -- is shorter, reduces  
13 construction and operation land use disturbance,  
14 and crosses fewer feet of wetlands. Rockies  
15 Express, therefore, believes the January 2008  
16 reroute is preferable to the April 2007 route.  
17 Accordingly, Rockies Express proposed a January  
18 2008 reroute into this proposed pipeline route.

19           Now, for god's sake, if there was a route  
20 that's shorter, that it reduced construction in  
21 operational land use disturbances and crossed fewer  
22 feet of wetlands, why in the world would they not  
23 have known about this when they made the original  
24 proposal? That indicates to me that the line and  
25 the proposed path of the pipeline was not well

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1 studied and now what we're trying to do is fit  
2 round pegs into square holes to make this whole  
3 project come about and look like the pipeline is  
4 now fashionably acceptable.

5 I cannot in my wildest imagination  
6 understand why a company the size of Rockies  
7 Express and all the experience they supposedly have  
8 locating pipelines and building pipelines would not  
9 have seen this cheaper, better route in the very  
10 beginning. So that would be my question, why  
11 should we assume that Rockies Express has this  
12 expertise when obviously they don't? That's my  
13 comments for this evening. Thank you.

14 MS. LYKENS: Thank you. Before I call you  
15 up for questions, I just want to address the  
16 gentleman's question earlier about the  
17 recommendations in the document.

18 These recommendations are -- well, let me  
19 back up. We are the Commission staff. The  
20 Commission, like I said earlier, is made up of five  
21 individuals. The rest of us are about 1800 of  
22 staff at the Commission in Washington, DC. My  
23 division alone, we have about 60 people in our  
24 division, and we use contractors to help us to  
25 increase our staff load.

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1           As FERC staff, we work for the Commission  
2 and it's our job is doing NEPA work is to prepare  
3 the document and the Chapter 5, all those  
4 recommendations, were prepared by the staff, our  
5 recommendations to the Commission. So when the  
6 Commission goes to make a decision on the project  
7 to whether approve or disapprove the project, each  
8 of the commissioners have several assistants that  
9 read these documents back and forth and they  
10 request as to why certain conditions are being met  
11 or being made and for the most part usually adopt  
12 all the recommendations and make them conditions to  
13 the certificate.

14           If the Commission authorizes this project  
15 and gives them a certificate -- right now we have  
16 about 148 recommendations in here -- they probably  
17 will change just based on any upgrades of any more  
18 information that's filed with REX, based on more  
19 comments that you give us, based on other agency  
20 input, a lot of the recommendations will change and  
21 they will become finalized.

22           We will address all of your concerns and  
23 comments tonight in the final EIS. In addition we  
24 will update the recommendations, make them final  
25 conditions, make the recommendations, give the

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1 total package to our commissioners for their  
2 consideration, and usually -- in most usual cases  
3 they adopt all the conditions as to be conditions  
4 in the certificate. Then once they make a  
5 decision, if they approve the project, REX -- the  
6 pipeline company will have the opportunity to  
7 either accept the certificate with all those  
8 conditions attached or reject it. Those are their  
9 two options.

10 The other option is they could come in and  
11 rehear the recommendations and the conditions and  
12 then we go back and forth on the record and you'll  
13 have another opportunity at that point to make more  
14 comments known on those recommendations or  
15 conditions.

16 So I just wanted to explain a little more  
17 about the process of where these recommendations  
18 are and do they become conditions to a certificate.  
19 And they are under the contract, when they go to  
20 construct, if we get that far, we will ensure that  
21 -- the same team at the Commission will be assigned  
22 the compliance. And we will proceed with  
23 construction and restoration and ensure that all  
24 these conditions are met. So I hope that addresses  
25 your question there a little bit more.

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1           Would you like to come up and ask your  
2 questions, unless there is anyone else who would  
3 like to make a comment? I think you've raised your  
4 hand first.

5           MS. TUTAS: These are things I didn't quite  
6 understand. Do I need to give my name?

7           MS. LYKENS: Yes.

8           MS. TUTAS: Diane Tutas, T-U-T-A-S, and I  
9 live in Hendricks County. The best I can tell I  
10 live close to 302.5. I'm not a property owner and  
11 this is one of the questions I have, because when I  
12 read through the book it addresses property owners  
13 a lot. And I know they had some meetings in  
14 October, which I know they are posted in the  
15 newspaper, but if you don't really look for those  
16 notices, sometimes they're hard to find. I don't  
17 always catch all the information I should.

18           But the best I can tell, I'm like about 300  
19 foot away from the pipe, where it's going to be.  
20 It's marked it comes across in front of me in two  
21 spots. One is marked across the road. And then I  
22 know it continues, but I don't know exactly where  
23 it's at, so I'm not exactly sure how many feet.  
24 But as best I can tell, it's 300 foot to my bedroom  
25 window, and that's as the road goes. So it could

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1 be a little less or more.

2 I guess I'm wondering how do I get  
3 notification on everything that come about other  
4 than the website like meetings?

5 MS. LYKENS: Did you receive any mailings at  
6 all from the Commission?

7 MS. TUTAS: I got the white book.

8 MS. LYKENS: You did get the book?

9 MS. TUTAS: I got the book, but by that time  
10 I didn't get anything.

11 MS. LYKENS: You didn't receive anything?

12 MS. TUTAS: And that kind of concerned me  
13 because I feel like I'm pretty close to it. Am I  
14 going to get that same thing if they build the  
15 pipeline and there's a problem, will anybody think  
16 about me then if there's a safety issue, you know?

17 MS. LYKENS: I don't know why the white book  
18 document was the first time you received something  
19 from us. And normally, if you were added on the  
20 mailing list late, you might have received the  
21 document. But usually we give you an opportunity  
22 to be taken off the list. So if you didn't receive  
23 that, it's kind of unusual that you did get the  
24 document.

25 MS. TUTAS: I signed up like in 2006, I

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1 think one of the first meetings they had in  
2 Plainfield. It was like an open house. I got  
3 that, I think a certified letter then, and then I  
4 got the book and that was it. That kind of  
5 concerned me.

6 MS. LYKENS: And you did receive any  
7 mailings from REX because you're not a property  
8 owner?

9 MS. TUTAS: No.

10 MS. LYKENS: So you're not a property owner?

11 MS. TUTAS: No.

12 MS. LYKENS: So that's why you were not on  
13 the mailing list.

14 MS. TUTAS: And I'm just worried. Why am I  
15 -- I'm not a property owner. The property owner  
16 doesn't live right there because he owns more  
17 property. I'm the one that's on top of it and  
18 looking at it and it's going to --

19 MS. LYKENS: Right. And that's why you  
20 --

21 MS. TUTAS: It goes down my road, you know.  
22 It's going to affect two roads, and they're two  
23 small county roads. So it's going to affect two of  
24 the accesses of my house to go to work. And I feel  
25 out of the loop on it. And that worries me

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1 because, like I said -- and that's like a safety  
2 concern too, is if this comes about, if there's an  
3 issue, because I'm not a landowner and I left out of  
4 the loop, because I'm right there, you know, on top  
5 of it basically?

6 And my other concern with that is I don't  
7 know how they do that, if they ever do have to have  
8 an evacuation, and this is kind of looking ahead,  
9 but how they do notify. I've got a person that  
10 lives in my house. I take care of my elderly  
11 mother. She couldn't evacuate if she needed to. I  
12 don't know what the procedures are on safety with  
13 things like that, or if it should be an issue.

14 MS. LYKENS: Well the company will be --

15 MS. TUTAS: Is that a company issue?

16 MS. LYKENS: Yes. The company works with  
17 the local officials, the notification. I don't  
18 know if I can get some help on responding to this.  
19 But it's --

20 MS. WEEKLY: I can help you. My name is  
21 Alice Weekly. Basically once the pipeline -- prior  
22 to the pipeline being in service, the people that  
23 will be operating the pipeline will go around to  
24 the various local emergency centers, fire stations  
25 and things like that, and they develop some sort of

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1 cooperation/coordination efforts with the various  
2 fire departments, police departments, so that there  
3 is a working relationship with them. And all of  
4 that is done prior to the pipeline being in  
5 service.

6 So there's training on both sides of who the  
7 people are, who they need to coordinate with on the  
8 local level. So all that's done prior to the  
9 pipeline being in service. And once it's in  
10 service, they maintain those contacts.

11 MS. TUTAS: So are they going to notify  
12 everybody on that? Am I going to know about that?

13 MS. WEEKLY: Well, I'll take your name and  
14 number and we can make sure that you would be on  
15 the contact list.

16 MS. TUTAS: I just have concerns about that.

17 I also have another question. I don't know  
18 whether that would be -- are you with the pipeline?

19 MS. WEEKLY: Yes, I'm with Rockies Express.

20 MS. TUTAS: There's a power line right there  
21 and it comes across. Is there anything in the book  
22 that addresses the safety of that with how the  
23 pipeline crosses?

24 MS. WEEKLY: What we do is we do studies  
25 specifically whenever we cross under or parallel to

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1 an existing electric power line to make sure that  
2 we have the proper mitigation and proper  
3 concession. So that's a special engineered study  
4 that we do prior to the pipeline going into  
5 service.

6 MS. TUTAS: When is that decided? It's like  
7 I couldn't find that mentioned. And I know there's  
8 a lot of free property, but it seems like it comes  
9 across at an angle right there and I'm sitting  
10 there with a pipeline and power line. And I don't  
11 have control because I don't own the land. It just  
12 worries me. It's a pretty good-sized power line.

13 MS. WEEKLY: And that is not unusual that we  
14 route either parallel or cross underneath power  
15 lines. So that is what would be typical  
16 construction for us.

17 MS. TUTAS: And I know it's cheaper to go at  
18 angles, you know, rather than go through. It seems  
19 like, from what I'm looking at, and I know from my  
20 neighbors, it seems like it's across when it could  
21 go in a nice line. But then instead of, you know,  
22 it's chopped up a good chunk of the land across. I  
23 know I wouldn't like that if I was a property  
24 owner. So you're saying there's going to be a  
25 50-foot easement, but the property is sliced in

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1       hal f.

2               I have another thing that is kind of a  
3       safety issue, too. I was reading and I think it  
4       was on like page 203 and it was talking about the  
5       impact. I'm not exactly -- I don't have a  
6       calculation that you can figure. What is exactly  
7       the impact?

8               MS. LYKENS: Is Howard going to take it?  
9       This is Mr. Harold Winnie with the Office of  
10       Pipeline Safety.

11              MS. TUTAS: I have a lot of safety questions  
12       since I'm right there.

13              MS. LYKENS: Harold, would you like my mic?

14              MR. WINNIE: The impact is a calculation, a  
15       severity calculation, that was developed to assist  
16       the operators when they look at integrity  
17       management and how if there was an incident on the  
18       pipeline, what is the radius that you need to be  
19       concerned with and then that impact radius is  
20       calculated as to what you need to do when you're in  
21       a high concentration area or if you're at an impact  
22       that you should be concerned about. There's  
23       integrity management that we have for natural gas  
24       transmission pipelines that has requirements for  
25       high concentrated areas, areas of population, areas

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1 of -- meeting areas or other identified sites that  
2 could be infected.

3 With the REX pipeline there are some  
4 additional safety considerations that were imposed  
5 upon the pipeline. There was some special permit  
6 that was requested, and in that special permit we  
7 required the Pipeline and Hazardous Material Safety  
8 Administration follow by -- the safety requires  
9 additional more stringent operations of the  
10 pipeline in the Class I locations requiring them to  
11 do more -- in the series of items, and I think  
12 there's like 46 conditions that were imposed,  
13 additional conditions to ensure that the pipeline  
14 is safe as it would have been without the special  
15 permit they requested, which included some ILLI  
16 inspections, it included calculations and  
17 evaluation of the pipeline anomalies, it included  
18 the initial construction of the development of the  
19 plate steel to make the pipeline.

20 So it starts at the beginning, looks at the  
21 construction process, looks at the life of the  
22 whole pipeline, what happens during the life of  
23 that pipeline, and has conditions for corrosion and  
24 prevention and other things that are more stringent  
25 than the federal code would be, than the existing

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1 federal code would be.

2 MS. TUTAS: Why is that then? Because I  
3 read through here and I know it's got like four  
4 classes. There's Class I and Class IV and I know  
5 the Class I is the least thing. And I read it and  
6 it says if there's 20 people or less, you know, in  
7 the area, so if you're talking about high impact  
8 neighborhoods, you're going to put the pipe deeper  
9 and put a higher class which I assume is thicker.

10 Why is that? I know that it's cheaper. I  
11 know that's part of why it's done. But why is my  
12 life less valuable because there's only six of us  
13 on this corner? I mean, I'm just concerned. And  
14 if I look at the book, it looks like everything is  
15 Class, what is it, 89 percent of it is Class I.  
16 You know, I'm just asking.

17 I'm under a power line and I'm right across  
18 from it and it's like, okay, but there's only six  
19 of us out here. And I know it says they try to run  
20 it through the agriculture and forested areas, and  
21 I'm sure that's so it cuts down cost so you don't  
22 have to put in higher ratings and things. But that  
23 doesn't help me, you know. I'm just curious. And  
24 I'm still not clear of that impact zone.

25 I read things on accidents and I know that

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1 they say they're rare. But it only takes one, you  
2 know. I'm just curious.

3 MR. WINNIE: You're right.

4 MS. TUTAS: And if I'm the one, I'm not real  
5 happy about it.

6 MR. WINNIE: The potential impact radius is  
7 a calculation. And without sitting down and  
8 looking at it -- I don't know how far you are from  
9 the pipeline. You said about 300 feet?

10 MS. TUTAS: About that, yes, to the property  
11 line, you know.

12 MR. WINNIE: Right. But are you in the  
13 impact radius? I would have to refer that to REX  
14 to determine whether you are or not. I don't know  
15 what the calculation is. I would say you probably  
16 are.

17 But to answer your question, no, one life is  
18 not any less important than several lives. That's  
19 why we have an Office of Pipeline Safety and that's  
20 why we are -- did take the extra steps to require  
21 additional measures to be done on the pipeline and  
22 conditions that allowed the special permit, allow  
23 them to go to 80 percent of smise (phonetic) -- 72  
24 percent smise, which allowed them a slightly  
25 thinner wall in the rural class locations. But we

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1 had additional considerations and requirements that  
2 were imposed to ensure that we did maintain the  
3 safety of the pipeline and to the public.

4 MS. TUTAS: I guess I don't understand.  
5 Just because there's more people then, if it's safe  
6 why is it just not always put in at a deeper depth?  
7 And I live across a field that's probably going to  
8 end up being subdivisions, and I thought I read,  
9 but I'm not going to swear to that, it's hard to  
10 read through that book, but I thought I read that  
11 if they do come in and put -- if the area changes  
12 where it would turn into say where there would be a  
13 lot more population, that they would have to change  
14 the piping? Is that correct or incorrect?

15 MR. WINNIE: That's correct. And all  
16 pipelines have that obligation. If they were put  
17 in a Class I location and it changes because of the  
18 population density increased to a Class II or Class  
19 III, then they have to operate -- they either have  
20 to lower the pressure to operate to a different  
21 percent of smise or they have to come in and put in  
22 more pipe or a stronger material to do that.

23 MS. TUTAS: And I guess that's my concern.  
24 There's probably a real good chance of that  
25 happening because it's developing like crazy. You

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1 know, I know it's cheaper and I know maybe it  
2 should be as good. But, you know, it seemed like  
3 why wouldn't it be heavier in the first place, you  
4 know? Why would you just not avoid that? It might  
5 be a lot cheaper to go with a little heavier than  
6 to come back and dig it up. And then you're  
7 inconveniencing the people again, you know, of  
8 digging it back up. It's just a thought on that.

9 MR. WINNIE: Well, that's a consideration.  
10 We have federal guidelines, Part 49CFR.492  
11 specifying the requirements of how the operator has  
12 to operate the pipeline and how they have to  
13 construct it and then we have these additional  
14 requirements that we have to impose. And they make  
15 that decision as to how they want to build the  
16 pipeline as long as they're within the federal  
17 code. And that's a decision they get to make.

18 MS. TUTAS: Now, if you're a property owner,  
19 do you have any rights with that or is that  
20 strictly by code? I guess I'm asking, you know, if  
21 like that's coming across your property and you're  
22 a farmer, and I'm just curious about this, and you  
23 don't feel comfortable with that, then can you ask  
24 that it be deeper? Do you not have any rights on  
25 that fact? I know it's way out there, but I'm

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1 asking.

2 MR. WINNIE: You can ask. You can ask, but  
3 without some technical justification for a reason  
4 to say here's why it should be in a certain manner,  
5 you're probably not going to be effective in  
6 getting some kind of change with federal code.  
7 There would be definitely some technical reason.

8 MS. TUTAS: So it's just strictly by the  
9 code then? That's what I guess I'm asking.

10 MR. WINNIE: Yes.

11 MS. TUTAS: Like I said, I feel like 300  
12 foot is awful close with a high voltage line. I'm  
13 just asking.

14 MR. WINNIE: I understand your concern.  
15 But, yes, it's according to the federal code and  
16 that's how it's billed.

17 MS. TUTAS: And then I have some other  
18 questions, too.

19 MS. LYKENS: Okay.

20 MS. TUTAS: The guy before, I guess was it  
21 Johnson County was asking that too, and I had kind  
22 of concerns about the roads too and I didn't really  
23 notice that discussed as much, you know, I guess  
24 access.

25 I know I've talked to them a couple of times

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1 at the county courthouse where I live and asked  
2 them a few questions, and they don't seem to know a  
3 lot of the points, you know, which kind of  
4 concerned me. And I guess that's just kind of a  
5 comment. I was kind of worried because I know it's  
6 going to go across the farm road, it's going to go  
7 across the county road in front of my house, and I  
8 know they're doing a large -- they're supposed to  
9 do some major construction on 39. It's in the  
10 works. It's not been approved either.

11 I'm just wondering how that all comes about.  
12 If that all comes about, am I going to be blocked?  
13 I mean, who really thinks that through? Is that  
14 something that you approve or is that something  
15 that the county does on that level?

16 MS. LYKENS: That's part of the proposed  
17 project. The roads will be set up. First of all,  
18 REX will have the county coordinates for the roads,  
19 across the roads, and any permits at the county  
20 level for the roads. If they're damaging the  
21 roads, they're responsible for repairing them.  
22 They will have flagmen out there to help traffic to  
23 come back and forth if equipment is crossing the  
24 road. Then they will have a separate flagman out  
25 to make ensure public safety is in place.

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1           Usually if there is construction around the  
2 road, at the roadside, can sometimes cause a lot of  
3 activity. So there's usually extra measures on the  
4 roadways to ensure the public safety is not --  
5 extra signs, you know, warnings and construction  
6 signs, that kind of thing. So typical of any other  
7 kind of construction where they're totally  
8 dissecting roads or using roads.

9           MS. TUTAS: Which sometimes they do block  
10 you in two or three directions.

11          MS. LYKENS: I don't think they do that.  
12 They are required to maintain the road and the  
13 traffic as much as the extent is possible. But I  
14 don't think that's approved in any kind of  
15 construction.

16          MS. TUTAS: And I did read notes on that. I  
17 guess, do they do burning? Is that a common thing  
18 when you do construction for cleanup? How does  
19 that work?

20          MS. WEEKLY: Yeah. During the clearing and  
21 the grading, that might be an alternative for us is  
22 to burn the debris. But if local permits are  
23 required for that, we are required to get local  
24 permits for the burning if that's required.

25          MS. TUTAS: I guess with that, I have

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1 personal issues because my mother has lung cancer.  
2 I'm real concerned about that burning. It's an  
3 individual thing, but I don't know if that's  
4 something that can be taken into consideration.  
5 That was one thing that worries me on a personal  
6 note, especially that close. I don't know if  
7 that's something that can be noted or asked about,  
8 you know, if that should come about.

9 I had another question, too. When they're  
10 doing the digging and they're laying the pipe, and  
11 I'm just not real good about all that so I don't  
12 know, can that damage like the septic or damage  
13 things around? How does that work? There have  
14 been a lot of families that are...

15 MS. WEEKLY: Well, we try to avoid the  
16 septic tanks. There are some times when we would  
17 be crossing underneath existing utilities and  
18 existing pipelines. So we try to anticipate those  
19 and work around that and repair wherever we leave.  
20 Once construction is complete, we will restore the  
21 right-of-way to the greatest extent. If you would  
22 go out and look at the front of the auditorium  
23 here, we've got some photographs that were taken  
24 from REX West that we've just completed that shows  
25 what the typical right-of-way would be restored to

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1 after construction is completed.

2 MS. TUTAS: Well, I guess there's my concern  
3 again. I'm not in a right-of-way and I'm not a  
4 property owner. I'm across the street. If that's  
5 something that's needing, do I have any say in  
6 that?

7 MS. WEEKLY: Sure. If something happens,  
8 just be sure and contact us. We have a website.  
9 We've got a toll free number. So if you've got any  
10 concerns, we would be happy to --

11 MS. LYKENS: I would like to point out the  
12 septic, we address the septic and wells in the EIS  
13 under the water section.

14 MS. TUTAS: Yeah, I did read that. But like  
15 I said, sometimes when I read that I feel like it's  
16 addressing landowners only and that's why...

17 MS. LYKENS: Well, we identify wells and  
18 septic systems within 150 feet of the construction  
19 right-of-way. So it should come up in any kind of  
20 a search even if you're not an affected property  
21 owner.

22 MS. TUTAS: So you're saying then over 150  
23 it shouldn't affect you?

24 MS. LYKENS: Well, we have to make sure  
25 that, you know, if they have to be avoided they can

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1 kind of zigzag the pipeline to avoid the --

2 MS. TUTAS: I know you have it in that book  
3 and that it addresses people for so many feet from  
4 it, and it went farther than 50 and I wasn't in  
5 that list so that's why I'm asking. So I'm like,  
6 you know, I wasn't in there as far as being close.

7 MS. LYKENS: It's just a zig and zag if they  
8 have to avoid.

9 MS. TUTAS: And another question I have is,  
10 because I was concerned with that with the  
11 environment, the hydrostatic testing, do they do  
12 that -- is that all done off site or is that done  
13 on site also?

14 MS. LYKENS: It's done on site.

15 MS. TUTAS: So where do they get the water  
16 for that?

17 MS. LYKENS: They look at different sources.  
18 Some will be nearby water bodies approved by the  
19 State. We won't allow them to withdraw water from  
20 any special fisheries, the State requires that, or  
21 any public admissible water supply to get the body.

22 MS. TUTAS: Because what's out there is  
23 mostly wells. And, you know, we had a pretty good  
24 little drought this summer. Every pond around  
25 there is dried up or --

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1 MS. LYKENS: Well, we've seen companies  
2 truck in water, too.

3 MS. TUTAS: So I was curious about that.  
4 And then when that's released, is there anything  
5 harmful in that?

6 MS. LYKENS: I don't believe there's any  
7 chemicals added to the water itself. It is  
8 discharged either back into the water body or in a  
9 well-vacated area to dissipate over the vegetation.

10 MS. TUTAS: And is there any testing done on  
11 that after? How do they decide it's okay to dump  
12 that? I'm assuming that's quite a bit of water.

13 MS. LYKENS: It is quite a bit of water.  
14 Testing the water that comes back out of the pipe?  
15 Is that what you mean?

16 MS. TUTAS: Yes. After they fill it and  
17 they've dumped it back out, yeah.

18 MS. LYKENS: Well, we typically don't have  
19 that tested, although -- do you want to address  
20 that -- they can test. Certain streams they might  
21 need to test.

22 MS. WEEKLY: Everybody needs to  
23 understand --

24 UNIDENTIFIED MALE VOICE: Can you use the  
25 microphone? We can't hear back here.

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1 MS. WEEKLY: Everybody needs to understand  
2 that not only are we applying for the FERC  
3 certificate, but there are literally hundreds of  
4 other state and local permits that we are required  
5 to get as well, the roads cost permit, the heavy  
6 equipment permits. And when we get our water, we  
7 have to have an uptake permit -- we have to have a  
8 permit in order to take the water from the existing  
9 water source. We also have to have a discharge  
10 permit.

11 And typically one of the requirements for  
12 the discharge permit will be testing the water as  
13 we're discharging it back into the water basin. So  
14 all of that is very tightly controlled and  
15 regulated as well through the state and local  
16 permits.

17 MS. TUTAS: And they take into consideration  
18 the streams and they take into consideration like  
19 the households and wells around it? Do they take  
20 things also like that into consideration? I'm  
21 trying to get educated. I'm sorry. Hopefully I'm  
22 not boring anybody to death.

23 MS. DOLEZAL: I'm Elizabeth Dolezal,  
24 D-O-L-E-Z-A-L, and I'm with Rockies Express.

25 We'll be working with the State and we

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1 identify each water body we'll be pulling the water  
2 from. The State looks at the amount, what month  
3 we'll be withdrawing water from it, and then  
4 there's a process that you do for the whole  
5 permitting.

6 MS. TUTAS: I guess so in that process they  
7 consider more than just the stream code?

8 MS. DOLEZAL: Oh, yes, definitely. They  
9 look at the stream and they check flow.

10 MS. TUTAS: That was a concern. And then I  
11 guess lastly I just have a couple of comments on  
12 that. Sorry.

13 I'm reading through there and I do have some  
14 deep concerns on that, because I read through and  
15 you're talking about the endangered species. And I  
16 guess like the first gentleman spoke, I was kind of  
17 concerned about that because it's like what good is  
18 the Endangered Species Act if we don't really go  
19 out of our way to go around things and avoid them  
20 at all costs. And I don't feel -- I don't get a  
21 good feeling with that. And I guess that's my own  
22 opinion as well with what I'm reading and  
23 understanding about that.

24 I have great concerns because it just seems  
25 like it's less and less -- it seems like it's not

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1 enough concern at any time that we do projects.  
2 It's more -- and this is opinion -- it's more the  
3 money and, you know, the pipeline and getting the  
4 gas to people, you know, and the environment seems  
5 to always get left behind. And I know there's  
6 safeguards in place, but I don't always get the  
7 feeling that they're as good as they should be with  
8 that, you know. Otherwise, we probably wouldn't  
9 have endangered species. So I do have great  
10 concerns about that also.

11 And I think that's all my comments that I  
12 can think of at the moment.

13 MS. LYKENS: Thank you very much.

14 MR. FISHER: My name is Mark Fisher. Our  
15 family owns land in Shelby County.

16 As we begin or continue to deal with our  
17 right-of-way agents, as different things come up  
18 that they -- I'm hoping that we'll agree to -- if  
19 that information is put in writing then at that  
20 time, do I need to be concerned at all that in the  
21 future I'll have a problem getting what was agreed  
22 to done?

23 And then that goes to the point, I'm not  
24 sure if I understand this whole process real well,  
25 but I'm thinking FERC is writing, I'm going to call

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1 it a rule book for them to follow? Fair enough?

2 MS. LYKENS: Yes.

3 MR. FISHER: Is that true?

4 MS. LYKENS: Construction.

5 MR. FISHER: But where I get confused is we  
6 can't see the rule book until we're supposed to be  
7 settled for the right-of-way. Because a lot of my  
8 neighbors have already agreed and there's a certain  
9 effort in the area to try to get these right-of-way  
10 deals completed, and yet we cannot see what the  
11 rule book's going to be. And I'm confused about  
12 that. I don't know if I'm thinking wrong or right.  
13 Can you shed some light on my...

14 MS. LYKENS: Sure. Well, the question I  
15 think pretty much you're asking is why is REX going  
16 out trying to purchase property easements when  
17 there's been no final decision on the pipeline  
18 route yet. That's basically what you're asking,  
19 isn't it?

20 MR. FISHER: That's part of it.

21 MS. LYKENS: Okay. Well, when a project is  
22 proposed to the Commission, and this project did go  
23 through a prefilling process, and we started back a  
24 couple of years ago on this project and started  
25 scoping, and at that time I think Rockies had just

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1 a fine line on a map going from one direction to  
2 the border of pretty much Ohio and West Virginia.  
3 And over time, you know, they tried to get together  
4 to try to formulate that type of route that's still  
5 ongoing now. With the issuance of the draft EIS I  
6 think we made over 30 -- how many variations did we  
7 have -- twenty-some variations that's still  
8 fine-tuning the final alignment.

9 Now, REX, on the other hand, is out there  
10 trying to purchase easements. They're pretty  
11 confident in their route now. That's a business  
12 decision on their part. If FERC decides that we  
13 think that that route might be through your  
14 property or somebody else's property might not be  
15 the best viable route or we express concerns of  
16 variations that need looked at, we have the final  
17 say, we'll talk to REX about their constructibility  
18 issues with the route variations.

19 But ultimately FERC will make that decision  
20 so the route when it's approved will be the route  
21 stated on the final EIS based on whatever route  
22 variations that FERC recommends incorporated with  
23 what REX has already in their proposed route has  
24 proven acceptable by FERC staff. So it's a  
25 continuation of the proposed routes being finalized

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1 as we speak.

2 So that's the best way to address that. And  
3 it is a business decision. It's a risk. If we  
4 decide to recommend a different variation, then  
5 they're going to have to go out and purchase that  
6 right-of-way.

7 MR. FISHER: Well, to that point then, in  
8 our area there's been different depths of cover.  
9 In other words, how deep is this pipe really going  
10 to be in the ground? And Rockies has done one  
11 thing really well, as our right-of-way agents,  
12 they're likeable guys. It would be easier if they  
13 weren't, but they are likeable people, and that's a  
14 smart thing on Rockies' part. But my problem is  
15 I've been told it will be a certain depth and my  
16 neighbors have been told it will be another depth,  
17 which happens to be shallower. What is so  
18 unfortunate, and I think you spoke to it very well  
19 -- can I make a comment?

20 MS. LYKENS: Sure.

21 MR. FISHER: I've never seen any project in  
22 our country, being Shelbyville, Indiana, that the  
23 person that wants to build the pipeline decides  
24 where they want it and they have no motivation to  
25 try to be the least disruptive only to a point.

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1 And the reason I say that, after the pipeline was  
2 moved over, I think, in the Whiteland area and it  
3 went three, four, five miles farther south, I  
4 wasn't aware of it earlier but I became aware of  
5 it, they moved it quite a bit south and then they  
6 swung real hard back to the north to intersect  
7 where it's going to cross our properties when I  
8 think logically anybody else, if they was really  
9 trying to not impact more people, once it swung  
10 south it should have stayed south. It should have  
11 stayed in areas that have less housing.

12 And in our county I can pick a route through  
13 there that has less housing, less people. And then  
14 when you listen that the fact that that lady's one  
15 life, he says it's important, but the reality of it  
16 is it's not as important if it was more. That  
17 gentleman really wouldn't say that. If they're  
18 using lighter-gauged pipes, when it's only six,  
19 what if that's your whole family? What if that's  
20 your daughter?

21 So I think there's a lack of consideration  
22 because it's such a big thing and there's so much  
23 money, and that's what gets people really fired up.  
24 There again, when it swung south, REX had no reason  
25 to consider where it's the least disruptive and

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1 where there's less housing. And I was amazed that  
2 in our little part of the world they're going to go  
3 as close to houses as they are, and then they have  
4 the gall to put a thinner pipe in.

5 In my world of owning a home and business,  
6 every little mistake you make we get penalized for.  
7 We all pay insurance. We all have all those risks,  
8 and yet the fact they won't put a thicker pipe. So  
9 I'm going to have to slow down and I'm probably  
10 getting on my soapbox, but I wish FERC, if they  
11 wanted to do the people right, they would study  
12 where the line ought to be first. And then if that  
13 made sense environmentally and for all those  
14 people, then they'd say to Rockies, yeah, you guys  
15 can build a pipeline, but this is the rules and  
16 this is where you're going to have to go. I would  
17 love to be able to build a pipeline and, oh, by the  
18 way, I get to pick where it goes.

19 So that's my comment. I hope I didn't go too  
20 long. I'm still back to where how big is this pipe  
21 going to be and are we going to know before you  
22 issue your final whatever you call it?

23 MS. LYKENS: The EIS?

24 MR. FISHER: Yeah, EIS. Are we going to  
25 know before then? Or is it good enough that if

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1 they write it in our contract this is how deep it  
2 is, can you guarantee me that it will be that way  
3 if the final environmental comes back and you say,  
4 you know, four foot and I say five, then are they  
5 going to put it five or are they going to put it  
6 four?

7 MS. LYKENS: We got this question last  
8 night, too. And FERC staff and I think a lot of  
9 people have been reading the agriculture mitigation  
10 agreements from the different states and have been  
11 comparing them. So this issue has come up. And  
12 FERC staff realizes that and we put it in the draft  
13 EIS a condition in where it pretty much says that  
14 in agricultural areas, in prime farmland -- farm  
15 soils, that we recommend five feet in consultation  
16 with the landowner.

17 So the landowners, if they ask for five  
18 feet, we expect that REX would negotiate and, you  
19 know, agree to the five feet in good faith.

20 MR. FISHER: Can I make a comment?

21 MS. LYKENS: Can I read the condition? Let  
22 me read it. Rockies Express set their pipeline at  
23 a minimum depth of five feet where the pipeline  
24 would cross agricultural fields with prime soils  
25 unless otherwise negotiated with landowners.

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1           So maybe I had that a little wrong, but that  
2 does say five feet -- minimum depth of five feet  
3 where the pipeline would cross agricultural fields  
4 and top soils.

5           MR. FISHER: The reason it's such a big  
6 concern is that a lot of people that own the land  
7 are older people and they may not know that, and  
8 that's where I think FERC ought to be really  
9 adamant about those things because the public is at  
10 a disadvantage.

11           They hire these real good-talking guys, and  
12 I'll guarantee you that once you've bought your way  
13 across the United States you know a lot more about  
14 it. And I don't mean they're bad people. But  
15 people that never have to deal with such  
16 pressure-packed items, if it's not in your writing  
17 of your guidelines, there's going to be some people  
18 probably short-changed. Maybe Rockies is a  
19 fantastic group and maybe they'll do everything  
20 they should. My concern has been all along I won't  
21 know that until they're gone.

22           So that's where FERC needs to write the rule  
23 book really well and not listen so much to Rockies  
24 but listen to us because it's our lives. Is that  
25 bigger pipe going to benefit us? I'm not mad that

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1 Rockies wants to sell gas. I'm mad because they  
2 take us for granted. Not Rockies exactly. I blame  
3 FERC. If the federal government is supposed to be  
4 watching out for us, they never should have let  
5 them start buying and saying the word go.

6 And I know it's probably too late for that,  
7 and I'm not probably old enough to sell you, but I  
8 think that's where FERC really does us a  
9 disservice. So it is going to be five foot deep?

10 MS. LYKENS: We will try to clarify that in  
11 the final EIS and be a little more specific.

12 MR. FISHER: As long as it's -- there's a  
13 lot of things that I don't like about the pipeline.  
14 But the very best thing I can think of is the  
15 deeper the better because it's never going to get  
16 deeper. As the ages go forward and water moves  
17 ground and things get moved around, it will only  
18 get shallower. So if anything, it should be  
19 deeper.

20 Granted, you've got to dig a deeper --  
21 somebody told me the other day, well, they couldn't  
22 put it five foot deep because it would cost more  
23 than four. Now, can you imagine? How much would  
24 it cost to dig another foot of dirt?

25 I'm going to clarify this again. In our

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1 right-of-way agents, if whatever they put in  
2 writing and your environmental impact or this does  
3 not say the same thing, will I have a problem  
4 getting them to do what we have agreed to do? In  
5 other words, the right-of-way agents and I, we get  
6 an agreement, this is the deal, and then here you  
7 go, the construction people come through and then  
8 we have the possibility for crop damages. And some  
9 of our land is really flat.

10 And if they pump the water table down in the  
11 summer and we have about a thousand acres in this  
12 valley that's really going to be impacted, am I  
13 going to have a problem saying what you've done  
14 here has hurt us in this valley? Are you going to  
15 make up the difference? I know the right-of-way  
16 agents say it'll be fine. But am I going to have a  
17 problem getting my just due?

18 MS. LYKENS: Let me answer that a couple of  
19 different ways. Our regulations and our compliance  
20 oversight can address exactly that issue that  
21 you're raising, what happens if. You know, we  
22 agreed this is the easement and they come construct  
23 through and instead of avoiding my septic system,  
24 for example, they go right through it, you know,  
25 who do I turn to and who's responsible.

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1 Well, in a case like that, if the company,  
2 you know, didn't avoid the septic system and they  
3 went through it and destroyed it, then they would  
4 be responsible for replacing it, giving you  
5 appropriate water supply, et cetera, et cetera.  
6 And then also they would be in noncompliance with  
7 our agency and we might issue them a letter and  
8 give them warnings.

9 Over a course of time if we do see patterns,  
10 we do have -- the Energy Policy Act of 2005 did  
11 give the Commission penalty authority for  
12 compliance measures. So we've not used it yet, but  
13 certainly it is something that could be used. The  
14 other avenue that we have is the Commission  
15 hotline, which is a condition -- it's described  
16 also in the EIS.

17 Rockies Express is required to set up a  
18 landowner hotline. And if you don't get your  
19 questions resolved, you go to the next level, and  
20 it puts you to someone in the company. And if you  
21 don't get your question or your problem resolved at  
22 that level, then you can call the FERC hotline at  
23 any time and you'll speak to one of our attorneys  
24 who will then get in touch with the project manager  
25 and will help assess what's going on out there. So

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1 there's different avenues for you during  
2 construction when we're out there.

3 Now, to address your concern about what my  
4 easement says and what FERC might recommend is if  
5 you already have an easement requirement and they  
6 say they're going to go four feet deep and FERC  
7 comes out and says REX, we want you to put this  
8 five feet, then this would override your easement,  
9 they would have to go five feet.

10 MR. FISHER: Well, I'm going to be quiet.  
11 If it's not five foot, I'm going to be disappointed  
12 in you. Thank you very much.

13 MS. LYKENS: Thank you for your comments.  
14 Anybody else?

15 MR. ROBERTSON: My name is Don Robertson and  
16 I own property at milestone about 308.

17 Last night we had a very comprehensive  
18 presentation by Dr. Noel Crofey (phonetic) and  
19 Daniel Cutshaw (phonetic) and Peter King about  
20 water wells, public water wells, which are going to  
21 be perhaps affected. I can't address that other  
22 than to say that whatever they said about their  
23 water or well is probably true about mine.

24 So I offer this information just to give you  
25 a chance to have a second data point because

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1 there's a water well within probably 300 feet of  
2 the proposed gas line which is used for the  
3 Mooresville, Indiana public water system.

4 MS. LYKENS: Thank you. Anybody have any  
5 other questions or comments, please come forward.

6 MR. PARKER: Yes, my name is Dan Parker.  
7 Let me give you a little update on the comments of  
8 this gentleman that's talking about depths. Just  
9 this past week I spoke with a representative of REX  
10 pipeline and my concern is depth as well.

11 He was aware of my involvement with two  
12 other folks that have been sitting out here tonight  
13 and getting our legislative body on board to write  
14 laws to protect us once this thing gets installed.  
15 So when I'm sitting there asking Mr. Gardner about  
16 the Indiana Regulatory Commission and the  
17 guidelines they have developed, he handed me a  
18 17-page Rockies Express guideline book or pamphlet.

19 So we had a conversation and he went on his  
20 way and then later today I was able to go through  
21 and start looking at this pamphlet. In this  
22 pamphlet it says that they will bury pipe four feet  
23 deep on agricultural, three foot deep on pasture.  
24 And if they hit rock bottom, like a rock bottom on  
25 a creek bottom, they could go as shallow as two.

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1 So here we're being told five foot, but I've got a  
2 proposal that has been given to me contradicting  
3 everything that you're saying. So once again, I'm  
4 a concerned citizen that gets mixed information.

5 And I guess my question to you is: When you  
6 say five foot and it's in that document, then  
7 that's what they're going to agree to?

8 MS. LYKENS: If they adopt the certificate  
9 in full, if the condition stays, yes. Now, they  
10 could ask for a rehearing and come back and ask to  
11 be, you know, relieved or a modified condition or  
12 what have you. But usually any conditions that are  
13 in the certificate --

14 MR. PARKER: About we're getting so close to  
15 this permitting process and, you know, it's hard to  
16 keep up with the changes that are being made after  
17 the fact. And so here we have a state of confusion  
18 going on. Why can't we just say enough is enough,  
19 this is the way it's going to be put in and we'll  
20 all live with it?

21 MS. LYKENS: I hope that by the time we get  
22 the final -- this is just a draft and this is why  
23 we're here tonight, to get your comments on what  
24 you've said. And what I'm hearing from you is you  
25 want a five-foot blanket in the state of Indiana.

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1 So I'll take that comment back and we're going to  
2 consider that.

3 MR. PARKER: In this reference Indiana and  
4 Ohio is a good illustration in this pamphlet or  
5 brochure. So that is a concern now that he has  
6 brought that to the forefront.

7 Can I ask another question?

8 MS. LYKENS: Sure.

9 MR. PARKER: At this point in time how many  
10 routes are they going to consider?

11 MS. LYKENS: Can you clarify that?

12 MR. PARKER: Well, in your documents, I've  
13 looked at your documents, there was an original  
14 route and then we were blessed to become the  
15 alternate route. And then if you look in the  
16 documents, there's two northern routes. So are all  
17 of those still being looked at?

18 MS. LYKENS: Well, last night we heard a few  
19 folks ask for us to reconsider the northern route  
20 in Indiana. So we're going to go back and consider  
21 it, any of the alternatives, if you don't agree  
22 with them or if you support them, and that's what  
23 this process is for. You let us know which ones  
24 you're going to agree with and disagree with and  
25 we're going to consider them.

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1           So right now what's in the draft EIS is  
2 Rockies' proposed route with the FERC staff  
3 variations that we've evaluated, and some we  
4 recommended and some we did not. So right now as  
5 the route stands, that's what's being looked at as  
6 the proposal to be constructed.

7           MR. PARKER: The alternate route?

8           MS. LYKENS: All of them. They're all still  
9 out for consideration.

10          MR. PARKER: But with that, are you  
11 concentrating on those areas in having these kind  
12 of meetings with these folks and are they out there  
13 doing surveys and looking about purchasing?

14          MS. LYKENS: Not in as much detail as the  
15 preferred route. Now, if additional information  
16 comes up and we feel that you have additional  
17 information and we need to scope one of those  
18 alternatives, we need to consider that.

19          MR. PARKER: And that's going to slow the  
20 process up if that comes up because of the  
21 permitting factor?

22          MS. LYKENS: Right. But we've done an  
23 original scoping and the northern route was the  
24 proposed route. So those folks are still on the  
25 mailing list and still receiving the documents and

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1 they're still being scoped at this time right now.

2 MR. PARKER: And speaking of the two, are  
3 you still speaking of the original route as opposed  
4 to the alternate route? Because I'm part of the  
5 alternate route.

6 MS. LYKENS: Right now the draft EIS, the  
7 proposed route as Rockies' filed it back in April  
8 in addition to the FERC staff variations that we  
9 recommend, that is the route under consideration at  
10 this point. All alternatives are still open  
11 pending your public comment for reconsideration.

12 MR. PARKER: So with my requests of this  
13 evening, that is going to be looked at once again?

14 MS. LYKENS: Yes.

15 MR. PARKER: And I guess from that then you  
16 will explain whether it will or won't and the  
17 reason for it?

18 MS. LYKENS: Yes, yes. We will -- in the  
19 final EIS we'll have discussion on the alternative  
20 and we'll come back in and we'll say will  
21 individuals identify, you know, support for the  
22 individual reconsideration for a certain  
23 alternative. We'll do a little bit more research  
24 and background and look into it a little deeper and  
25 take a harder look and we'll either support the

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1 alternative or we will recommend another  
2 alternative or a proposed route.

3 MR. PARKER: One last question. The  
4 thickness of the pipe itself, the wall thickness.  
5 You're talking about different areas of population.  
6 Who makes that decision of the wall thickness and  
7 how do we even know what's going to be put on our  
8 property?

9 MS. LYKENS: Well, the DOT has got the class  
10 standards. But I believe the pipeline company does  
11 the initial research to figure what the pipe  
12 density is going to be required. But the DOT is  
13 going to follow up.

14 MS. WEEKLY: Rockies Express is required to  
15 design, build and construct and operate the  
16 pipeline in accordance to the 192. As part of the  
17 192 it specifies the calculations will determine  
18 the wall thickness of the pipe.

19 MR. PARKER: Okay. But you're not answering  
20 my question. I'm asking who made that  
21 determination of the wall thickness in my area and  
22 what will it be? And how do I know what's going  
23 in?

24 MR. WINNIE: Rockies Express is required to  
25 survey the area and look. Basically the class

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1 locations is defined as a rolling mile 220 yards of  
2 either side of the pipeline, and a certain  
3 population within that area is what triggers the  
4 class location. Now, are you in a Class I or a  
5 Class II or a Class III location? Without going  
6 out and looking where you're at, I don't know if  
7 these people can tell you without having some  
8 aerial photos or something to look at.

9 MR. PARKER: But I would like to know that  
10 information. I would like to know as much about  
11 the pipeline that's going to be placed on my  
12 property as possible. So I want to know the  
13 thickness of that pipe as well as the  
14 classification. Because at some point in time that  
15 classification is going to change, and we have to  
16 deal with that at that time.

17 MR. WINNIE: Yes. As the classification  
18 changes, the operator is responsible to do annual  
19 surveys of the pipeline and evaluations of the  
20 pipeline. And if they find the classification has  
21 changed, then they have to change how they operate  
22 the pipeline. They have requirements that they  
23 have to make changes according to the federal code.

24 MR. PARKER: So you're telling me --

25 MR. WINNIE: If you want to know the wall

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1 thickness, exactly where you're at and what class  
2 you're in, I suggest you meet with Rockies  
3 afterwards and have discussions and look at the  
4 aerial photos or something.

5 MR. PARKER: And then they'll determine  
6 that?

7 MR. WINNIE: If they can't, I'll help you.

8 MR. PARKER: Okay. Thanks.

9 MS. WAYMIRE: Becky Waymire.

10 MS. LYKENS: We can't hear you, please.

11 Speak into the mic.

12 MS. WAYMIRE: Can you hear me now?

13 MS. LYKENS: Yes.

14 MS. WAYMIRE: Okay. I'm glad you said that  
15 because I have a gripe. I've gone to a lot of  
16 meetings and this is one hearing problem: You go  
17 to the meetings here and you can't hear anyone  
18 around you, you can't hear the questions and you  
19 can't hear the answers. And I don't think I've  
20 heard 50 percent of this tonight. So thank you for  
21 telling me that you can't hear me so I can hold  
22 this up, because I didn't realize that.

23 I'm Becky Waymire, Morgan County, and I have  
24 two questions. The man, Harold, I didn't get your  
25 last name, the safety director.

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1 MR. WINNIE: Winnie.

2 MS. WAYMIRE: Pardon?

3 MR. WINNIE: Winnie, W-I-N-N-I-E.

4 MS. WAYMIRE: Okay. Where do we find the 46  
5 initial requirements, safety requirements, that you  
6 talked about?

7 MR. WINNIE: They're located in the waiver  
8 or the special permit that was granted to Rockies  
9 Express. So there's -- I've got a copy of it with  
10 me if you want to look at it.

11 MS. WAYMIRE: I would. Thank you. It's not  
12 in the white book, is it?

13 MS. LYKENS: No, it's not.

14 MS. WAYMIRE: Okay. And then I will check  
15 with you after the meeting.

16 And the other question I have about the  
17 January '08 reroute, where would I find that at?

18 MS. LYKENS: January '08 reroute? Are you  
19 talking about the filing -- the Hamilton Compressor  
20 Station relocation filing?

21 MS. WAYMIRE: I don't know. I made a note  
22 of it. I just heard the January '08 reroute. I  
23 don't know where that is or where to find it.

24 MS. LYKENS: That is the Hamilton Compressor  
25 Station. Rockies Express filed a revision to a new

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1 site for Hamilton Compressor Station in Ohio, which  
2 would alter the route.

3 MS. WAYMIRE: It doesn't have to do with  
4 Indiana then?

5 MS. LYKENS: Yes. It's in Ohio, and they're  
6 discussing that in Ohio tonight. We have another  
7 meeting in Ohio and one other in Illinois tonight.

8 MS. WAYMIRE: Okay. Thank you.

9 MR. WADE: Hello. My name is Brian Wade.

10 MS. LYKENS: Could you spell your name,  
11 please.

12 MR. WADE: Wade, W-A-D-E. The temporary  
13 permit easements that they're currently signing,  
14 will they be taken into consideration for a final  
15 permit, the numbers? I mean, say there's 15,000  
16 easements signed, will the Commission take that  
17 into consideration when making their final  
18 decision?

19 MS. LYKENS: So your question is if all the  
20 easements are not signed by the time they make the  
21 final decision?

22 MR. WADE: Well, my question is if they're  
23 temporary permits and if they're currently coming  
24 door-to-door and offering to write a check, the  
25 number of those that are accepted before the final

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1 decision, does that have any bearing on the final  
2 decision?

3 MS. LYKENS: No. The percentage of  
4 acquisitions of right-of-way?

5 MR. WADE: Correct.

6 MS. LYKENS: Usually it doesn't.

7 MR. WADE: Usually?

8 MS. LYKENS: Usually it doesn't. I say that  
9 because there are many pipeline projects that come  
10 to FERC and a hundred percent of the right-of-way  
11 is purchased. And we have meetings like this and  
12 we don't have as many concerns as we do here in  
13 this part of the country. And those incoming  
14 companies are successful probably 50 percent of the  
15 time in getting a hundred percent easements through  
16 the process.

17 In this case we know there's been delays  
18 with people that are adamant about stay off our  
19 properties and not allowed surveys. However, the  
20 intention of all the surveys and having access to  
21 your properties so we can get the classifications  
22 for the surveys so we can have our complete  
23 analysis of the book for protected species and  
24 cultural resources, and those directly come from  
25 our regulations.

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1           So companies try to acquire property or go  
2 as far as property survey and sometimes in the  
3 process they'll start negotiating easements both  
4 permanent and temporary. And it happens  
5 simultaneously at the same time as they make an  
6 application with FERC while we're doing the process  
7 of the EIS.

8           However, by the time a certificate's issued,  
9 and that's why the company's actively trying to  
10 negotiate at this point, if a certificate is  
11 issued, then at some point eminent domain will  
12 become a factor. So they are working against the  
13 clock trying to locate all the affected property  
14 owners trying to make reasonable deals to get on  
15 the property. But eminent domain will kick in upon  
16 issuance of the certificates.

17           MR. WADE: That's pretty interesting and  
18 it's a lot of information. It sounds to me like  
19 it's a project of opposition, that it could play a  
20 factor. The amount of the people who have already  
21 signed temporary work easements and permanent  
22 easements are on the property. Correct?

23           MS. LYKENS: Well, it certainly delays  
24 construction. Because if the company says a 60  
25 percent success rate for easements and they have

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1 still 40 percent and they receive a certificate,  
2 then they have a lot of time in the courts trying  
3 to gain access to the property.

4 Once they get a certificate, if they get the  
5 certificate, they have the right to eminent domain  
6 and that's to get on your property and do the  
7 surveys that they tried to do before to get us the  
8 information so we can complete our analysis for  
9 protected species and cultural resources and comply  
10 with the National Historic Preservation Act and the  
11 Endangered Species Act.

12 MR. WADE: Really my question is the  
13 temporary work easement and the permanent easements  
14 for the pipeline, not surveys or --

15 MS. LYKENS: Well, it's all -- from our  
16 perspective the surveys and then easements,  
17 they're --

18 MR. WADE: Putting the cart before the  
19 horse?

20 MS. LYKENS: I'm sorry?

21 MR. WADE: They're putting the cart before  
22 the horse. I mean, they've already been told they  
23 can put the pipeline in. That's why they're buying  
24 the property. Correct?

25 MS. LYKENS: No, they've not been told they

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1 could put the pipeline in.

2 MR. WADE: That's pretty interesting you say  
3 that because right-of-way surveyors are telling  
4 people that they already have the information, I  
5 mean it's coming. Are you familiar with that?

6 MS. LYKENS: Well, they can be pretty  
7 determined and feel confident about it, but the  
8 process isn't finished.

9 MR. WADE: So when I asked the question do  
10 you have an approval for the pipeline, the  
11 right-of-way agent says --

12 MS. LYKENS: Do you have what?

13 MR. WADE: Did you have permission for the  
14 pipeline?

15 MS. LYKENS: Then they should say no.

16 MR. WADE: And if they don't, if they say  
17 yes?

18 MS. LYKENS: If they say yes, then they're  
19 obviously not telling you the truth.

20 MR. WADE: Thank you.

21 MS. RUST: I'm Susan Rust and I'm also from  
22 Decatur County and want to have my say also  
23 tonight. There have been some things that came up  
24 tonight and my friend Mr. Winnie tells us always  
25 about how the pipeline does do studies, the

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1 pipeline company has to do this, the pipeline  
2 company has to do that. But what does DOT do? If  
3 the pipeline company does all this work, do you  
4 reprimand them or fine them or write them a letter?

5 Or as in the case of the waivers that this  
6 company was granted because they've had such a poor  
7 safety record, what part of the department was not  
8 fining them, but actually I guess did fine them in,  
9 what do you call it, call them down for their poor  
10 safety record. And then on the other hand, the  
11 same agency is giving them waivers that affects the  
12 safety of this pipeline. Can you explain that?

13 MR. WINNIE: The off-site pipeline safety  
14 does have the authority to -- I'm trying to get out  
15 of the way of the speaker. Again, we're  
16 responsible for regulating, inspecting and  
17 enforcing the federal code on pipeline safety.  
18 That mandate has to do with the integrity of the  
19 pipeline and the operation of the pipeline and make  
20 sure the product stays in the pipeline as best we  
21 can.

22 There have been federal guidelines that have  
23 been established and set for a number of years that  
24 began with the Natural Gas Policy Act of 1969 or  
25 '70 and has evolved over the years and was expanded

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1 and expanded the Pipeline Safety Act to include  
2 liquid pipelines and expansions and changes in  
3 those codes over the years. We've recently added  
4 integrity management programs both for hazardous  
5 liquids and for natural gas transmission and we've  
6 added -- we are in the process and in the notice of  
7 the rule process of managing distribution and  
8 management to the pipeline regulations.

9 Now, as far as if during construction,  
10 during Rockies' building of the pipeline, Rockies  
11 will have inspectors that they've hired as a third  
12 party to inspect the contractors doing the work to  
13 ensure that it's being put in properly. At the  
14 same time we will have periodic inspections of the  
15 pipeline by our inspectors or subcontractors that  
16 we use, qualified inspectors, to come out and be  
17 involved with overseeing those inspectors, looking  
18 at what they're doing, looking at what issues  
19 they're finding, what issues we're finding.

20 And if we find issues or concerns, then we  
21 bring those to our lead inspector back to Rockies  
22 to address and resolve the issue. If they do a  
23 class study and the class study is inappropriate,  
24 then there would be some type of corrective action  
25 that would be taken. So if there's some process

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1 that isn't appropriate or if we find that there's a  
2 class study that was done during construction, we  
3 might require changes before we allowed them to go  
4 to the 80 percent. We might limit them to the 72  
5 percent until the issues are resolved. So those  
6 are some of the things that we can do.

7 As far as incidents and accidents, each  
8 incident or accident that occurs across the company  
9 is investigated by the Office of Pipeline Safety  
10 inspectors and looked at and some type of -- with  
11 the inspection and with that investigation after  
12 it's completed, then the determination is made  
13 whether there's some justification for some type of  
14 corrective action or some kind of notice of  
15 amendment to their operating procedures or what  
16 step in the regulatory process needs to be taken to  
17 ensure that that problem is corrected for that  
18 pipeline and for the other pipeline system.

19 In some cases we actually send out a  
20 bulletin notifying the entire pipeline industry of  
21 certain instances and certain situations that need  
22 to be addressed to make everybody aware of it  
23 rather than just limiting it to the individual  
24 company that had the incident or accident.

25 MS. LYKENS: Are there any other comments,

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1 questions?

2 MR. ABNEY: My name is Doug Abney. I am not  
3 an affected landowner as far as FERC or REX is  
4 concerned, but this project definitely affects my  
5 family. The biggest complaint that I've had about  
6 this whole process, even though it's a public  
7 process, I've never once got one notification from  
8 REX. I've got one document from FERC because I  
9 sent multiple letters in stating my point of view.

10 As you mentioned earlier, if you decided you  
11 wanted to make a zig and a zag, this pipeline would  
12 go through my property as well. I've been paying  
13 attention to everything that I can read on this  
14 process because I'm afraid of a zig and a zag and  
15 I'm not going to know about it. I don't get to  
16 negotiate anything as an adjoining property owner  
17 within a hundred yards of my property is where the  
18 proposed pipeline is going to go.

19 What kind of process is there set up for  
20 people like me in the way you talked earlier that  
21 own property within 300 feet of the line? My  
22 family is going to cross this line multiple times  
23 every day. We could be one of those unfortunate  
24 accidents that blows up. I don't get any  
25 compensation at all. I don't get to negotiate the

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1 depth. I don't get to do anything.

2 I've sent multiple letters to FERC and I  
3 never get a response either.

4 MS. LYKENS: We're having microphone issues.  
5 We can either bring the microphone back to me while  
6 we get this set up.

7 Any minor realignment that might occur after  
8 a certificate is issued, if it affects new  
9 landowners -- first of all, let me go back to say  
10 you've obviously received some kind of notification  
11 because you did write letters and we are concerned.  
12 But you are right, you're not --

13 MR. ABNEY: Can I address that please?

14 MS. LYKENS: Yes.

15 MR. ABNEY: I was complaining that I  
16 couldn't hear. So if anybody can't hear me, please  
17 speak up.

18 I haven't been to all the meetings because I  
19 couldn't be there and I've got neighbors that are  
20 affected landowners that have kept me informed.  
21 Not because REX or not because FERC has kept me  
22 informed, but because we as a community has kept  
23 ourselves informed. I don't get to negotiate  
24 anything. I have the opportunity to lose property  
25 value. I have the opportunity to lose safety

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1 because I live in a low populated area, but I could  
2 be the unfortunate family that drives over it and  
3 blows up.

4 I don't see how this works for the benefit  
5 of the citizens that -- you talked about affected,  
6 but there's nothing for anybody that's on the  
7 fringes.

8 MS. LYKENS: Well, our notification process  
9 notified adjacent landowners.

10 MR. ABNEY: That doesn't work.

11 MS. LYKENS: Well, it brings you into the  
12 process. It brings you into the process and  
13 that's --

14 MR. ABNEY: Can I ask the question of how  
15 far do you have to be from the pipeline to be  
16 considered affected?

17 MS. LYKENS: We send notification to the  
18 affected --

19 MR. ABNEY: I'm asking feet or miles.

20 MS. LYKENS: It's not designated by feet or  
21 miles.

22 MR. ABNEY: I think in the document that  
23 came out from REX originally said within a half  
24 mile of the centerline of that pipe.

25 MS. LYKENS: I believe it's a half mile of

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1 the center of a compressor station.

2 MR. ABNEY: Okay. I may be wrong.

3 MS. LYKENS: As to the pipeline, it's in our  
4 regulations. That's FERC's code for regulations  
5 that notification is given to affected landowners,  
6 adjacent landowners, and then it goes to all the  
7 rest of the community in the forms of the local  
8 governments, the state, county government. So all  
9 the councilmen, all the community is aware that  
10 this project is coming through.

11 MR. ABNEY: I can say I'm an affected  
12 landowner and I have not been contacted from Day  
13 One from REX or from FERC on this process. In the  
14 last month or so I got the packet with the CD, but  
15 that was about a year and a half into this.

16 MS. LYKENS: So you got a realignment on  
17 your property?

18 MR. ABNEY: No, I have not. It's still  
19 within a hundred yards of my property, but I still  
20 have not got -- you know, I'm an adjoining  
21 landowner of two properties where this is crossing  
22 and I have not got one notification.

23 I've even had REX surveyors sitting on my  
24 property because it's a high point surveying across  
25 the field that they didn't have access to get into,

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1 and I've got that from eyewitnesses through the  
2 community who said that saw them out there. And  
3 when I was addressed that in a public meeting I was  
4 told I was a liar.

5 MS. LYKENS: Well, I can't speak to that.  
6 That might have happened, but the --

7 MR. ABNEY: How does that make people like  
8 me --

9 MS. LYKENS: I understand.

10 MR. ABNEY: -- feel safe that we're going to  
11 take our families across this every day, multiple  
12 times a day, and then you read in the paper where  
13 pipelines blow up occasionally and it burns 200  
14 acres? You know, I live within 200 acres of where  
15 this is crossing through my community.

16 MS. LYKENS: I understand, sir.

17 MR. ABNEY: My other question is: Is this  
18 not the largest pipeline every built across the  
19 United States?

20 MS. LYKENS: The REX pipeline, the Rockies  
21 Express West and the East --

22 MR. ABNEY: Diameter is?

23 MS. LYKENS: Forty-two inches standard is  
24 usually the industry's largest diameter. There  
25 occasionally is a 50-inch, I believe, occasionally

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1 a larger --

2 MR. ABNEY: You know, if this is the largest  
3 diameter pipe that's going across, why are we  
4 negotiating over three or five feet? Why don't we  
5 just say put it five or six feet and make sure it's  
6 safe. Build it as thick as possible. Spend a  
7 little bit of extra money and just make it right.  
8 I understand it's money. I understand that's the  
9 issue. But if this is the largest pipeline put  
10 across the United States, why are we trying to cut  
11 corners?

12 (Audience applause.)

13 MR. ABNEY: I don't even get to negotiate  
14 with you guys saying you need to pay me a little  
15 bit more money, but it affects my property value  
16 and it affects my family, and that makes me mad.  
17 You know, if I get to negotiate it and say I, you  
18 know, I want an extra thousand dollars for this,  
19 that's okay, but I don't even get that right.

20 I'm kind of expecting a question from this  
21 part of the audience.

22 How do you answer that? You know, maybe I  
23 get to look at the Indiana bats and take my kids up  
24 to the woods. If you wipe out the colony that's in  
25 my neighborhood, I don't get the opportunity to do

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1 that anymore. And I'm on an alternate route. This  
2 wasn't the original route that was going through my  
3 county. I guess I'm --

4 MS. LYKENS: You're frustrated.

5 MR. HARDAMON: I'm a non-affected landowner,  
6 but I'm as affected as anybody in the county on  
7 this because if they tear up the roads, my taxes  
8 are going to increase. I'm going to get flat tires  
9 when I run through potholes. I don't think REX is  
10 going to be there to come fix this. They haven't  
11 demonstrated that in our community so far.

12 MS. LYKENS: Thank you. Thank you.

13 MR. CANARY: I want to back up a little bit  
14 and go back to what Dan had talked about on this  
15 north, the two routes in the north.

16 MS. LYKENS: It was a route alteration  
17 considered early in the process. It was an  
18 evaluation done by REX.

19 MR. CANARY: But I did read early in  
20 December, I think it was in December, in The  
21 Indianapolis Star, I do read, that the northern  
22 properties, the northern route, whatever, by FERC  
23 was looked at and was deemed that it was not --  
24 that no change in what's proposed now, the southern  
25 route now, that no change would be either any

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1 benefit, there would be no benefit to any of them  
2 to make a change. Is that right?

3 MS. LYKENS: What document?

4 MR. CANARY: I don't know. It was an  
5 article in The Indianapolis Star that said that --  
6 and I'm sure it said FERC had re-evaluated or  
7 looked it the whatever, but there was no benefit to  
8 making a change in it. And then I hear that those  
9 are still options. So I don't know where we're at  
10 if those are still options. Maybe they are  
11 options, but, you know, I don't know. I'm going to  
12 have to go back and try and find it.

13 MS. LYKENS: Mr. Rust, we can't hear you.

14 MR. CANARY: He thought it was taken out of  
15 the draft section of the --

16 MR. RUST: He was quoting The Indianapolis  
17 Star -- The Indianapolis Star was quoting from the  
18 draft EIS alternative route recommendations where  
19 FERC said they evaluated both north Indiana routes,  
20 two north Indiana routes, I think they call them A1  
21 and A2, and in the draft EIS, as a result of that  
22 evaluation, FERC stated that neither one of those  
23 routes was offering any advantage either  
24 environmentally or whatever criteria you use. I  
25 think that's what he's referring to.

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1 MS. LYKENS: Okay.

2 MR. CANARY: And that may be. That's what I  
3 read, there was no benefit one way or another. But  
4 if there's no benefit one way or the another, why  
5 are they still on the table?

6 MS. LYKENS: It's just to give you a history  
7 of where the line has moved.

8 MR. CANARY: Yeah. But what your answer to  
9 Dan a while ago, those are still being --

10 MS. LYKENS: That's right. I want you to  
11 know those are still being looked at.

12 MR. CANARY: Well, you can do that if you  
13 want. But I've been in government long enough to  
14 know that when these companies come in or  
15 departments come in and they say what do you mean  
16 we might not be able to do that, we've got 80  
17 percent already done? I know what happens. We all  
18 know what happens. It's as good as done. There  
19 may be a shift here or there, but that's the  
20 premise of it. I think that's why the push is all  
21 done, to get everything done ahead of time.

22 Then my other question is: These changes  
23 that we're hearing about, the waivers and all that,  
24 why is that not made public, all those changes and  
25 everything? I mean, you've got a report out. But

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1 if there's changes made in the meantime, why do we  
2 not hear about it until it's all done? You know,  
3 all those waivers and everything ought to be part  
4 of that EIS.

5 MS. LYKENS: At the time the document was  
6 produced -- Harold, when was that waiver  
7 authorized?

8 MR. CANARY: Well, it doesn't make any  
9 difference to me. The point of it is, like these  
10 gentlemen were saying a while ago, they're going  
11 out and doing all these easements and everything  
12 and then we don't know what's been done behind the  
13 scenes. There could be some changes made that we  
14 don't know about. Do you see where I'm coming  
15 from? That's my only comment.

16 MS. LYKENS: When the report is final of any  
17 updated changes, it's based on the comments and  
18 based on what other updates are in response to our  
19 recommendation draft EIS.

20 Any other questions? Thank you for coming  
21 out tonight. We'll be available to talk to  
22 individually. Thank you.

23 Sir?

24 MR. GRAVENS: Can I ask a question?

25 MS. LYKENS: Sure.

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1 MR. GRAVENS: What is this benefiting?

2 MS. LYKENS: Sir, we need your name first  
3 for the record.

4 MR. GRAVENS: James E. Gravens,  
5 G-R-A-V-E-N-S.

6 MS. LYKENS: Thank you. What is this  
7 benefiting?

8 MR. GRAVENS: Your item?

9 MS. LYKENS: An item?

10 MR. GRAVENS: An item. Is this  
11 environmental?

12 MS. LYKENS: Yes.

13 MR. GRAVENS: That's what I thought. What  
14 is this benefiting?

15 UNIDENTIFIED MALE VOICE: Use the  
16 microphone, please.

17 MR. GRAVENS: Are they going to get the  
18 power from this, the gas from this?

19 MS. LYKENS: What is my role?

20 MR. GRAVENS: Not your role. Their role. I  
21 am their voice.

22 MS. LYKENS: The landowners, the interested  
23 parties.

24 MR. GRAVENS: What is it benefiting them to  
25 come do this?

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1 MS. LYKENS: How is the gas benefiting them?

2 MR. GRAVENS: How is it benefiting anybody  
3 in Indiana coming and doing this, or is it? Is it  
4 going to lower our prices on what comes through  
5 there? It's going to drop their property prices  
6 because nobody's going to want to build next to a  
7 gas line.

8 MS. LYKENS: Well, I understand your  
9 comment, but --

10 MR. GRAVENS: I think it's a good answer.

11 MS. LYKENS: And it's going to be on the  
12 record for the Commission to decide. My expertise  
13 is not environmental issues.

14 MR. GRAVENS: Well, if the commissioner is  
15 going to see it, he's not going to want to see my  
16 name because I've got good reason to ask for these  
17 people. I already know what they'll do, so that's  
18 why I'm asking you. That's what you're here for,  
19 isn't it, for them asking questions. Or someone  
20 like me. I've got property down in Brown County.  
21 I've got to cross that line to get Brown County,  
22 don't I?

23 MS. LYKENS: Yes, sir.

24 MR. GRAVENS: That's what I thought. What  
25 if it blows up on me? How many checkpoints are

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1 they putting in this line? How many expansion  
2 joints and where are they going to be?

3 MS. LYKENS: There will be shut-off valves  
4 placed every 20 miles.

5 MR. GRAVENS: A checkpoint every 20 miles?

6 MS. LYKENS: A checkpoint every 20 miles.

7 MR. GRAVENS: How big is this pipeline?

8 MS. LYKENS: Forty-two inch.

9 MR. GRAVENS: Forty-two inch and every 20  
10 miles? That probably would take out about a mile  
11 if they didn't catch that. That would probably  
12 take out a mile of property.

13 MS. LYKENS: Respectfully.

14 MR. GRAVENS: Just asking, because I'm  
15 already in this predicament with them.

16 MS. LYKENS: Thank you.

17 MR. GRAVENS: Good luck to you all.

18

19 (The meeting was adjourned at 8:20 p.m.)

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## CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the FEDERAL ENERGY REGULATORY COMMISSION in the matter of REX East Pipeline Project were held as herein appears, and that this is the original transcript thereof for the file of the Federal Energy Regulatory Commission, and is a full correct transcription of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 16th day of January, 2008.

Sherri L. Segó,  
Notary Public  
Residing in Johnson County

My Commission Expires:

June 1, 2008