

FEDERAL ENERGY REGULATORY COMMISSION  
OFFICE OF ENERGY PROJECTS  
AND  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION

- - -

ROCKIES EXPRESS EAST PROJECT  
PUBLIC COMMENT MEETING

- - -

The above public comment meeting came on at  
the Edgwood High School High School , 5005 Oxford  
State Road, Trenton, Ohio, 45067, on January 9, 2008,  
at 6:00 p.m.

Rockies Express Pipeline Project  
January 9, 2008

1 APPEARANCES:

2

3 Douglas A. Sipe

4 Environmental Project Manager

5 Federal Energy Regulatory Commission, Ferc

6 888 First Street, N.E.

7 Washington, D.C. 20426

8

9 Gery Bauman

10 Pipeline Safety Engineer

11 United States Department of Transportation

12 Pipeline and Hazardous Materials Safety

13 Administration

14

15 Also present,

16 Thomas Cuddy

17 Jennifer Thomas - sign-in table

18 Trevor Loveday - Entrix

19 Ann Allen - Entrix

20

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1 PROCEEDINGS

2 DOUG SIPE: On behalf of the Federal  
3 Energy Regulatory Commission referred to as "Ferc," I  
4 would like to welcome all of you tonight. My name is  
5 Douglas Sipe, I'm a gas outreach manager for the  
6 Division of Gas, Engineering and Environment in the  
7 Office of Energy Projects at Ferc.

8 This is a public comment meeting on  
9 the Draft Environmental Impact Statement for the  
10 proposed Rockies Express East Pipeline Project.

11 Let the record show that the Public  
12 Meeting began at 6:18 p.m. on January 9, 2008.  
13 Tonight I am assisting the Environmental Project  
14 Manager, Laura Turner, who is in Missouri tonight for  
15 the Draft EIS Public Comment Meetings for the Rockies  
16 Express East Pipeline Project. We have three teams  
17 this week at -- holding these meetings. We had a  
18 team in Missouri and Illinois, had one team in  
19 Indiana and one team here in Ohio. Along with the  
20 Commission Staff and our Environmental Consultant ICF  
21 International and Entrix are with us, representatives  
22 from them, ICF sitting up here with me, is Tom  
23 Flemington -- Tom Cuddy. At the back at the sign-in  
24 table where you came in was Jennifer Thomas, also,  
25 with ICF, Trevor Loveday and Ann Allen are with

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1     Entrix. And it's Ann's birthday today, so we can  
2     celebrate her birthday.

3                     ICF and Entrix are the consulting  
4     firms assisting us in producing the EIS for this  
5     project. We also have Gery Bauman, our regional  
6     community assistance technical services, a CATS  
7     manager with the U.S. Department of Transportation  
8     Pipeline and Hazardous Material Safety Administration  
9     referred to as PHMSA. They just changed their name  
10    recently over the last two years. They used to be  
11    referred to as the Office of Pipeline Safety. He's  
12    here tonight if you guys have any questions.

13                    The Ferc is an independent agency that  
14    regulates the interstate transmission of electricity,  
15    natural gas, and oil. Ferc reviews proposals and  
16    authorizes construction of interstate natural gas  
17    pipelines, storage facilities, and liquified natural  
18    gas terminals, as well as the licensee and the  
19    inspection of hydroelectric projects.

20                    The purpose of the Commission is to  
21    protect the public and energy customers assuring  
22    that regulated energy companies are acting within  
23    the law.

24                    We are located in Washington, D.C.,  
25    just north of the United States capital. Ferc has up

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1 to five commissioners who are appointed by the  
2 President of the United States with the advice and  
3 consent of the Senate. Commissioners serve five-year  
4 terms and have the equal vote on regulatory matters.  
5 One member of the Commission is designated by the  
6 President to serve as the Chair and the Ferc's  
7 Administrative head. Right now our Chairman is  
8 Joseph T. Kelliher. Ferc has approximately 1200  
9 staff employees and I'm one of 'em.

10 The Ferc is the lead federal agency  
11 responsible for the National Environmental Policy Act  
12 of 1969 referred to as "NEPA" review of the Rockies  
13 Express East Pipeline Project and the lead agency for  
14 preparation of the EIS.

15 NEPA requires Ferc to analyze the  
16 environmental impacts, consider alternatives, provide  
17 appropriate mitigation measures on the proposed  
18 projects.

19 The U.S. Army Corp of Engineers, the  
20 U.S. Fish and Wildlife Service, the Illinois  
21 Department of Agriculture, and the National Resource  
22 Conservation Service are participating as cooperating  
23 agencies in the preparation of the EIS. And we thank  
24 them dearly for being cooperating agencies. We're  
25 working with many other agencies with the -- in

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1 getting this EIS out on the street, but they're the  
2 ones that are actually formally cooperating with us.

3 The Rockies Express East Pipeline  
4 Project is a joint venture among Kinder Morgan Energy  
5 Partners, Sempra Pipelines and Storage and  
6 Conoco-Phillips.

7 On April 30th, 2007, Rockies Express  
8 filed an application under Section 7 of the Natural  
9 Gas Act in Docket Number CP-07-208 to construct and  
10 operate new natural gas facilities including 640  
11 miles of 42 inch diameter pipeline, in Missouri,  
12 Illinois, Indiana and Ohio. Seven compressor  
13 stations totalling of 225,000 horsepower of  
14 compression in auxiliary areas are also proposed.

15 The project is covered in more detail  
16 in the Draft EIS. And also I point out, too, if you  
17 go to this document Number CP-07-208, there's a whole  
18 list of things that are in there. It's under our  
19 e-library system. That's how we track or projects.  
20 Anything you need to know about this project from  
21 pre-filing up to this date, all that information is  
22 in there. And you would find that [www.Ferc.gov](http://www.Ferc.gov), and  
23 then you would go into general search and put in that  
24 document number.

25 The purpose of tonight's meeting is to

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1 provide each of you with an opportunity to give us  
2 your comments on the Draft EIS and for us to answer  
3 any questions you may have regarding the Ferc process  
4 and the proposed Rockies Express East Pipeline  
5 Project.

6 Remember, I am one of 1200 employees  
7 at Ferc. I will answer any questions I can. If I  
8 can't answer the question, I'll take it back to Ferc  
9 and make sure it's answered in the final EIS. But,  
10 again, I'll answer -- I'll try to answer anything  
11 question you have about the Ferc process, and also  
12 about the project in general.

13 We are here tonight to learn from you.  
14 It'll help us most if your comments are as specific  
15 as possible regarding the proposed project and the  
16 Draft EIS.

17 If you wish to speak tonight, please  
18 sign the speakers list at the table where you came  
19 in. If you don't wish to speak publicly tonight,  
20 there's many other ways you can do that. There's  
21 forms out there you can fill out and give to us  
22 tonight. There's ways that you can file  
23 electronically with us. There's plenty of ways that  
24 you can get your comments on the record. But I urge  
25 you guys -- If you guys are working with Rockies

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1 Express on anything with your project and we --  
2 sometimes we don't know about it. Don't expect  
3 Rockies to file all the information for you. If  
4 they're working with you on your project and you  
5 assume that they may be filing something with Ferc,  
6 don't assume that. You can ask them to do that for  
7 you, you know. They may file some information about  
8 your area with us, but if you want us to know about  
9 what's happening between you and Rockies Express, I  
10 urge you to file the comments with us. If you're  
11 having a problem with Rockies Express or anybody else  
12 concerning this project, make sure you file that  
13 information with us. We won't know if we don't have  
14 it in front of us.

15 During our review of the project we  
16 assembled information from a variety of sources,  
17 including Rockies Express, you, the public, other  
18 state, local and federal agencies, and our own  
19 independent analysis and field work. We analyzed  
20 this information and prepared a Draft EIS that was  
21 distributed to the public for comment. A notice of  
22 availability of the Draft EIS was issued for this  
23 project on November 23rd, 2007.

24 We are in the midst of a 45-day  
25 comment period on the Draft EIS. The formal comment

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1 period will end on January 14, 2008. Note that's the  
2 formal comment period. Initially we were out here  
3 during pre-filing, that was before they filed an  
4 application. We issued a notice of intent to prepare  
5 an environmental document. That was 30 day comment  
6 period on that. When we issue a draft EIS there's a  
7 45 day comment period on that. Those are formal NEPA  
8 dates for comments periods.

9           If you're going to submit something  
10 later, that's fine, we'll still take those comments,  
11 but what you do is you run the risk of submitting it  
12 too late. Like we have right now, our scheduling  
13 notice states that the final environmental document  
14 will come out on February 29th of 2008. So please  
15 get us your comments as soon as possible. But it's  
16 not like you have to make that January 14th date or  
17 we won't take 'em. But if you submit 'em too late  
18 after that you do run the risk of it not being  
19 addressed in the final. But once -- if we don't  
20 address it in the Final Environmental Impact  
21 Statement, we will address it in the Commission  
22 Order.

23           All written comments received during  
24 this time period and verbally tonight will be  
25 addressed in the final EIS.

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1                   We ask that you provide comments as  
2 soon as possible. I want to state that again. In  
3 order to give us time to analyze and research the  
4 issues and so we can provide an adequate response.

5                   I would like to add that Ferc strongly  
6 encourages electronic filing of any comments. The  
7 instructions for this can be located on our website  
8 at [www.Ferc.gov](http://www.Ferc.gov) under the e-filing link. The handout  
9 at the sign-in table will also tell you how to file  
10 the comments electronically. There's a little guide  
11 here that tells you how to do a lot of stuff  
12 electronically at Ferc.

13                   When you do file comments at Ferc we  
14 have had a lot of issues recently with e-filing, and  
15 I apologize for that. Initially when it was set up  
16 there's a little blank up on top of the page.  
17 There's a note on our web page telling you how to do  
18 this now, but there didn't use to be. There's a  
19 blank up there. Usually a company would put their  
20 information in that blank. If you're an individual  
21 and you're not a company, that's what you'd want to  
22 put in there, "individual." If you don't put  
23 anything in that blank, that's where a lot of the  
24 problems have been with e-filing with us.

25                   The e-filing thing is going to go away

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1 before long at Ferc, 'cause we're gonna develop a new  
2 way to file comments called "Quick Comment." But I  
3 suppose -- That was supposed to be rolled out this  
4 month, but I'm not sure when it's gonna happen.

5 If you received a copy of the Draft  
6 EIS, paper or CD, you will automatically receive a  
7 copy of the final EIS. If you did not get a copy of  
8 the draft and would like to get a copy of the final,  
9 please sign the attendance list at the back of the  
10 room and provide your name and address and we'll make  
11 sure you get a copy of the final EIS. If you have  
12 not received anything from us to this point, I  
13 apologize for that. I have been hearing some of  
14 those comments this week about that. The mailing  
15 list for this six hundred and sum odd mile pipeline  
16 project is ongoing and changing; day to day to day it  
17 changes. And we try to keep up with it as much as we  
18 can with the local -- state and local governments and  
19 also Rockies tries to keep up with it. But if you're  
20 not receiving anything, make sure we get your name  
21 and address at the back and you will. It's a common  
22 problem we have across the country making sure that  
23 the mailing lists are accurate.

24 The EIS is not a decision document.  
25 It is being prepared to advise the Commission and to

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1 disclose to the public the environmental impact of  
2 constructing and operating the proposed project.  
3 When it is completed, the Commission will consider  
4 the environmental information from the Draft EIS,  
5 along with the non-environmental issues, such as  
6 engineering, markets, and rates in making its  
7 decision to approve or deny a certificate, which  
8 would be Ferc's authorization for this project.

9           So basically what happens is we, the  
10 staff, the 1200 people which is staff at the  
11 commission is broken up into different sections, one  
12 has environmental, one has engineering, one has  
13 markets, the other group has rates. We all take the  
14 information that we are -- well, us and the  
15 environmental staff will our environmental impact  
16 statement with our recommendations and we'll work at  
17 all those other offices. We'll put that in a  
18 Commission Order. The Commission Order goes upstairs  
19 to the five commissions. They take it from there and  
20 then they vote on the project.

21           MS. ROWE: So five commissioners are  
22 deciding regardless of --

23           DOUGLAS SIPE: Just wait.

24           MS. ROWE: Regardless of --

25           DOUGLAS SIPE: I'll take questions

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1 after I'm done, the formal part here. If there is no  
2 review of the Ferc's decisions by the President or  
3 Congress maintaining Ferc's independence as a  
4 regulatory agency in providing for fair and unbiased  
5 decisions.

6 If the Commission votes to approve the  
7 project and a certificate of public convenience and  
8 necessity is issued, Rockies Express will be required  
9 to meet certain conditions as outlined in the  
10 certificate.

11 The conditions that you see right now  
12 in the Environmental Impact Statement, there are 149  
13 of 'em to date. That's what I'm talking about, the  
14 conditions in the Environmental Impact Statement.  
15 There's a lot of those conditions they have to meet  
16 before we issue another environmental document. Once  
17 we issue the final environmental document, there will  
18 be environmental conditions in that.

19 So the time that we send the  
20 information upstairs to go in the Commission Order,  
21 there will still be environmental conditions, I don't  
22 know how many to this date. Those are the  
23 environmental conditions that Rockies Express, if  
24 this project is approved, will have to abide by.

25 The Ferc environmental staff will

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1 monitor the project through construction and  
2 restoration performing on-site inspections to ensure  
3 environmental compliance with the conditions of the  
4 Ferc certificate.

5 I was out in the field today with a  
6 landowner and he was asking me -- he's sitting back  
7 there tonight. He was asking me, "Well, what happens  
8 after this pipeline is approved to go through, and  
9 who monitors after that?" Well, we monitor it the  
10 whole way through construction. Once the project is  
11 restored, it kind of turns over to the operation side  
12 where DOT kind of handles. If there is a problem at  
13 any stage after that, Ferc has an office enforcement  
14 hotline. You would call that hotline and your  
15 problem would be resolved. So through the life of the  
16 project, Ferc will look after all those projects  
17 throughout the nation.

18 Our cooperating agencies will use the  
19 final EIS in support of their permitting efforts,  
20 along with the other agencies that will use that  
21 environmental document. They won't use it in the  
22 sense that they cooperate, but they will use our  
23 environmental document in issuing their permits.

24 Before we get to you guys or you guys  
25 get to come up and tell me what you think of the

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1 Draft EIS and ask any questions, I promised Bob  
2 Clark, Senior District Representative for David  
3 Hobson last night that I would answer a question that  
4 I couldn't answer last night.

5           There's rumors floating around --  
6 That's all I can say that they're rumors, I heard it  
7 Monday night in Zanesville and I heard it last night  
8 that this is a -- the government is funding this  
9 project. This is a government-back loan funding this  
10 project. I couldn't answer that question, but I had  
11 Rockies Express answer this for me. The Rockies  
12 Express Pipeline Project to date has been financed  
13 with equity from its three owners based on their  
14 proportionate ownership interest and 2.6 billion in  
15 loans through their revolving credit facility, a  
16 commercial paper program and a floating rate senior  
17 notes, all guaranteed by the owners. Rockies Express  
18 has no federal loans or loan guarantees or any other  
19 financial support from the U.S. Government. Once the  
20 Rockies Express Pipeline goes into service, the  
21 owners intend to refinance a portion of the current  
22 borrowings, the long-term financing, and it is not  
23 contemplated that any financing will come for the  
24 U.S. Government. Nor is it contemplated to be  
25 guaranteed by the U.S. Government.

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1                   So I needed to read that for the  
2 record, because that's one question I couldn't answer  
3 last night, I wasn't sure.

4                   We will now begin the important part  
5 of the meeting, that's with your comments. When your  
6 name is called, please step up to the microphone and  
7 state your name for the record. Your comments will  
8 be transcribed by a court reporter to ensure that we  
9 get an accurate record of your comments.

10                  A transcript of this meeting will be  
11 placed in the public record at Ferc so that  
12 everyone has access to the information collected  
13 here tonight.

14                  I will answer any question that you  
15 have in front of me tonight that I can, but I can't  
16 having you asking it from back there. I'm gonna go  
17 through this speakers list, and after we get through  
18 the speakers list, during that I will answer  
19 questions. But if you have a question for me, we  
20 need you to come up to the microphone, state your  
21 name for the record, and then I'll answer it. If we  
22 start having a bunch of cross-talk, the court  
23 reporter here will start throwing something at me  
24 that he doesn't get on the record, so.

25                  First speaker on the list is Don

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1 Allen.

2 DON ALLEN

3 DON ALLEN: My first name is Don  
4 Allen. My first question. If -- I live in front of  
5 the pressure house on Green Tree Road where you're  
6 wanting to put it. How long will it take from start  
7 to finish that project?

8 DOUGLAS SIPE: The compressor station  
9 itself.

10 DON ALLEN: That and digging  
11 underneath the interstate, when they start on Green  
12 Tree, how long will it take to start to finish?

13 DOUGLAS SIPE: Start to finish  
14 compressor station is -- Now you're asking me that  
15 specific, that specific --

16 DON ALLEN: Yes.

17 DOUGLAS SIPE: -- compressor station?  
18 I can't answer this -- how long exactly it would take  
19 to finish that compressor station.

20 DON ALLEN: Okay. Then what will the  
21 hours be, the working hours?

22 DOUGLAS SIPE: Usually working hours,  
23 and that's a good questions. Usually working hours  
24 are 7:00 a.m. to like 6:00 p.m. at night, Monday  
25 through Saturday. There will not be Sunday.

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1 DON ALLEN: Okay. And why do they  
2 need a 100 foot road right of way, excess road right  
3 of way?

4 DOUGLAS SIPE: Why do they need a 100  
5 foot?

6 DON ALLEN: Yes.

7 DOUGLAS SIPE: As an access road?

8 DON ALLEN: Their road going back to  
9 the pressure plant. They got a 30 foot road coming  
10 out, but they want to buy a 100 foot road, road  
11 frontage.

12 DOUGLAS SIPE: Remember, when you're  
13 asking these questions, these are the things that  
14 Rockies sent to us in their application. This is  
15 what they proposed.

16 DON ALLEN: Yes.

17 DOUGLAS SIPE: Does not mean they're  
18 going to get it. So we are in the process of looking  
19 at their application, but usually -- I'm gonna give  
20 you a general answer to that. Usually if they would  
21 have bought a 100 foot section of road, I doubt that  
22 it's the whole length of the road. It may be the  
23 entrance where they're coming in with their large --  
24 Yeah, it's coming in with their larger equipment and  
25 their trucks so they can make that turn and get into

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1 that access road.

2 DON ALLEN: Down to 30 foot. Down to  
3 30 foot. They're coming out with a 100 foot.

4 DOUGLAS SIPE: Right.

5 DON ALLEN: They're going down to a 30  
6 foot road access.

7 DOUGLAS SIPE: Right, right. And that  
8 would be to come in with their larger, with the  
9 larger equipment they'll use to build the compressor  
10 station and also the pipeline.

11 DON ALLEN: Now will they concrete  
12 this or blacktop this before they start work to keep  
13 the dust down?

14 DOUGLAS SIPE: They do a lot of  
15 different things at road entrances. Sometimes they  
16 rock pad it and sometimes they would lay some asphalt  
17 down, they do multiple different things to keep that  
18 dust down, yeah. They have -- and sometimes it  
19 changes when the project start. They do it one way,  
20 if that's not working, they have to do another way to  
21 keep that --

22 DON ALLEN: And who's gonna change  
23 that after they start, if they don't --

24 DOUGLAS SIPE: Who is gonna change it?

25 DON ALLEN: Yes.

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1 DOUGLAS SIPE: We monitor that, we  
2 have, we have people out on the right of way daily to  
3 monitor the construction. We actually -- in the  
4 environmental impact statement we ask them to fund a  
5 third-party monitoring program. We have a number of  
6 inspectors on each spread, you know, every day that  
7 they're working. And our monitors, who work for  
8 Ferc, will report to us and report to us daily, back  
9 in D.C., that, you know, the issues is going on and  
10 the changes that need to be made.

11 DON ALLEN: I don't have to eat dirt  
12 and dust every night?

13 DOUGLAS SIPE: Right.

14 DON ALLEN: And where is the nearest  
15 compressor station in operation at today?

16 DOUGLAS SIPE: The nearest compressor  
17 station --

18 DON ALLEN: In operation.

19 DOUGLAS SIPE: -- for this project?

20 DON ALLEN: Yeah, the one like, the  
21 one they're putting in front of my house, where is  
22 the nearest one at in operation?

23 DOUGLAS SIPE: I can answer that for  
24 you after the meeting, I'm not sure, I don't know  
25 that, because they're building the other portion of

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1 this project right now, which would be Rockies West,  
2 that's what they have, and they may have -- Why, do  
3 you want to go see one?

4 DON ALLEN: Yes, I would.

5 DOUGLAS SIPE: You want to see a  
6 compressor station.

7 DON ALLEN: I'd like to see it, see  
8 the noise level, see how much --

9 DOUGLAS SIPE: That's good, that's a  
10 good question. There's other pipelines in the area,  
11 also. Texas Eastern has lines, and I know they have  
12 compressor stations in the area. And Rockies would  
13 have some compressor stations on their other  
14 facilities, but Rockies would be the one you'd ask  
15 for that, where it would be, and they could take you  
16 there.

17 DON ALLEN: Why do they move it from  
18 Todd Hunter Road to Green Tree Road?

19 DOUGLAS SIPE: The compressor station  
20 you're talking about has been moved four or five  
21 different times. They're trying to come up with the  
22 best location for the compressor station.

23 DON ALLEN: What, to get away from all  
24 the people?

25 DOUGLAS SIPE: They're trying to come

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1 up with the best location.

2 DON ALLEN: What's Monroe gone get out  
3 of all of this after it goes through?

4 DOUGLAS SIPE: Monroeville (sic)  
5 Monroe, what do they get out of it?

6 DON ALLEN: What will the City of  
7 Monroe get out of it?

8 DOUGLAS SIPE: Directly?

9 DON ALLEN: Yes, tax money.

10 DOUGLAS SIPE: Tax money?

11 DON ALLEN: Yes, how much.

12 DOUGLAS SIPE: Yeah, they would get  
13 tax money.

14 DON ALLEN: Each year.

15 DOUGLAS SIPE: Is there -- I mean I  
16 could ask Rockies, but there may be a feed for the  
17 city off of this main line. I don't know. You may  
18 have a local distribution company hooking to this  
19 pipeline.

20 DON ALLEN: Who do I talk to about  
21 seeing when the compressor is in operation, who would  
22 I have to see and take me out to see one?

23 DOUGLAS SIPE: Rockies and Rockies --  
24 They're gonna be out there after the meeting.

25 They're in here now, but they're gonna be out there

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1 after the meeting, and we can get -- I just don't  
2 have -- I could find one, I don't have it off the top  
3 of my head, the closest compressor station here, but  
4 I know Texas Eastern has one and I know they're  
5 building them with their other projects, so we'll get  
6 that information and get you out to one for sure.

7 DON ALLEN: Thank you.

8 DOUGLAS SIPE: Thank you. Dean  
9 Mowrey.

10 DEAN MOWREY

11 DEAN MOWREY: Thank you, sir. My name  
12 is Dean Mowrey and --

13 DOUGLAS SIPE: Could you spell your  
14 last name?

15 DEAN MOWREY: M -- you did it right.

16 DOUGLAS SIPE: Okay. Mowrey?

17 DEAN MOWREY: M-o-w-r-e-y.

18 DOUGLAS SIPE: Thank you.

19 DEAN MOWREY: That's it. I have a  
20 question -- Not me, I just wanted to explain a little  
21 bit how the Ferc -- what the Ferc's position on  
22 co-location of the Rex's pipeline along existing  
23 pipeline right of ways?

24 DOUGLAS SIPE: You want me to  
25 explain --

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1 DEAN MOWREY: Yeah, explain to me, is  
2 that important to, that they do that or you really  
3 don't care or?

4 DOUGLAS SIPE: No, it's part of the  
5 requirements when they file an application with us.  
6 It's one of our requirements that they first look for  
7 existing rights of ways for their pipeline projects,  
8 whether it be a power line, a roadway, an existing  
9 pipeline, an existing utility. We want to keep the  
10 utilities somewhat with each other, but then that  
11 also comes with a bad side. Like, I mean, I can give  
12 you an example in New Mexico. There's like 14  
13 pipelines in this one right of way. And, you know,  
14 when is enough is enough, we get that question, also.  
15 So there's somewhat of a balancing effort there.

16 DEAN MOWREY: Yeah. And in that  
17 direction I basically -- let's say that, you know,  
18 from -- really the only thing to us this land is to  
19 do propose alternative routes. Certainly Nancy and I  
20 proposed one that happens to be co-located along the  
21 Dominion pipeline, which is ignored by Rex, and I  
22 don't know any reason why or anything like that. But  
23 I will tell you that if they would use the proposed  
24 route, it would change it to be more like 96 percent  
25 co-located along the existing right of way.

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1                   To my misfortune on that, I also own  
2 land on that right of way that already has a pipeline  
3 on it, but that's fine with me, it already has a  
4 pipeline on it. Instead they've taken a new route  
5 north of the lake and now it's going across yet  
6 another piece of property that I own. And this is  
7 really to me, it -- if you go with that, I think it's  
8 like 27 percent co-located along with this new  
9 pipeline. So to me it brings hollow when you did not  
10 recommend my alternative route. That rings hollow  
11 that you do really desire them to be located along  
12 eminent domain.

13                   The domain line basically is a --  
14 wants to be a customer of their gas line. I'm sure  
15 they can work some kind of agreement out, because  
16 they like to buy their gas, 'cause they're a  
17 distribution more or less, distribution pipeline, so.

18                   DOUGLAS SIPE: Do we have -- Do we  
19 have your information?

20                   DEAN MOWREY: Numerous filings we've  
21 put with your file letters, yes, you have that, but  
22 I'd be glad to give you -- Yeah, here's a copy of the  
23 last one we sent in. And I really think that needs  
24 to be looked at.

25                   I think that the land in that southern

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1 area, still in Warren County, fastest growing county  
2 in Ohio, but still in that southern area. It does  
3 not have well -- When you drill you don't get water,  
4 so there isn't -- The land doesn't have the value it  
5 does in the northern area for development. And I  
6 think it just makes good sense to use that kind of  
7 thing. And I'm sure that somebody had to go through  
8 with dominion and convince somebody that that a great  
9 place to put a pipeline. Why can't that be good  
10 enough now. So it avoids crossing Caesars Creek  
11 because that line is south of where the Caesars Creek  
12 goes into the Little Miami.

13 Obviously, you know, when you bore  
14 under the Little Miami, you're putting at risk the --  
15 for Waynesville as well as anybody else north,  
16 because the water underneath there goes from south to  
17 north, even though the river is going the other way.  
18 So there is some danger there, too. Obviously  
19 they'll probably horizontal drill that, as well, so  
20 it's the same danger, but does move further south.  
21 Anyway, there's already pipeline there.

22 So that's my comment.

23 DOUGLAS SIPE: It's a good comment.

24 DEAN MOWREY: And thank you so much  
25 for your consideration and time.

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1 DOUGLAS SIPE: If you can do me a  
2 favor, I don't know if you're gonna stay, but one of  
3 my consultant can give out the maps right now and  
4 look with you if you want to show 'em that  
5 alternative, too.

6 DEAN MOWREY: Yeah, there's also a map  
7 in the Draft EIS.

8 DOUGLAS SIPE: Okay. Good.

9 DEAN MOWREY: From earlier filings  
10 we've done.

11 DOUGLAS SIPE: The guys doing  
12 alternatives sits right next to my office, so I'll  
13 talk to him about that, and we have to because you  
14 just gave us the comment.

15 DEAN MOWREY: Thank you, sir.

16 DOUGLAS SIPE: Thank you. Next  
17 speaker Shelley Waites.

18 SHELLEY WAITES

19 SHELLEY WAITES: Hi.

20 DOUGLAS SIPE: Hi. Well my concern is  
21 I have a -- My concern is I have a pond on the back  
22 of my lot. The pipeline is coming right on the  
23 property line of the piece of property next door to  
24 me. It's on their property, but it's on the property  
25 line.

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1 I have an overflow that's right at the  
2 bottom of the dame, and it's a natural water way that  
3 goes over through the next lot, all the way to the  
4 front of the lot, and it goes out into the ditch  
5 line. 'Course over the summer we had no water, but  
6 you can go by there right now -- I'm on Gephart Road,  
7 and it get's flooded in that corner. And that's not  
8 my emergency overflow, and we get a lot of water.  
9 Comes up out of the bank, goes down and goes over.  
10 I have a walk-out basement. If that waterway isn't  
11 put back in correctly, my base is gonna flood.

12 And the pipeline has -- they've been  
13 very nice. Everyone of 'em that we had to deal with.  
14 Doesn't mean I like 'em.

15 DOUGLAS SIPE: You don't have to.

16 SHELLEY WAITES: But they say that  
17 they'll pay for any damages, and that's fine, but I  
18 don't want any damages, I don't want to go through  
19 that. I just want to make sure that that waterway is  
20 put back correctly.

21 I had my surveyor come out Monday, and  
22 we're paying for that out of pocket. I want to make  
23 sure -- just because they say they will put it back  
24 doesn't mean it's gonna be corrected. So I don't  
25 want any water backup.

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1                   Now when they come through, depending  
2                   on the time of the year, if it's dry or wet, I just  
3                   want to make sure that they don't dame anything up  
4                   right there; that that water won't flow. And they've  
5                   assured me that they will take care of that. But I  
6                   just want that on the record in case I have to come  
7                   back on that.

8                   DOUGLAS SIPE: Okay.

9                   SHELLEY WAITES: Now I'm concerned a  
10                  little bit about the vibration. They're probably 80  
11                  to 90 foot from my house, where the property line is.  
12                  It's a two year old house, and they say the vibration  
13                  should affect my house, but then I'm hoping it won't,  
14                  but it is massive machinery, and I'm kind of  
15                  concerned that about that, too. I'm sure any damages  
16                  will be -- but they don't -- I haven't -- I don't  
17                  know any time line on that either if there are  
18                  damages. How long do we have to claim, you know, to  
19                  file any kind of claim. So I'd like to have all of  
20                  that and know all of that before they say, well, you  
21                  didn't do it in a timely manner.

22                  And is there any noise from the  
23                  pipeline, will there be any noise at all that we will  
24                  hear?

25                  DOUGLAS SIPE: Sometimes -- I mean, I

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1 can tell you a story when I was on a pipeline right  
2 away as a kid, I didn't even know there was a  
3 pipeline underneath me, and I heard this thing coming  
4 through the line. Well I heard this thing underneath  
5 my feet and it sounded like a race car going by and  
6 here what it was it was a pig that they used to clean  
7 the lines and inspect the lines, it was going  
8 underneath my feet. I said, "what was that."  
9

10 But to answer question, sometimes you  
11 can hear a pipeline, depending on different  
12 situations, like if it's -- For example, if it would  
13 be really, really close to a compressor station,  
14 they're loading up the pipeline that day or if  
15 they're cleaning the line or if -- Normal operation  
16 of the pipeline usually you may not hear it.

17 SHELLEY WAITES: Okay. Because it's  
18 right -- all the bedrooms are on that side of the  
19 house?

20 DOUGLAS SIPE: Right. No, I mean,  
21 normally, no, you would not hear the pipeline.

22 SHELLEY WAITES: Along with my aerobic  
23 system. So I mean I just don't want anything damaged.

24 DOUGLAS SIPE: To protect yourself  
25 everyone should -- Now what companies I worked with

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1 in the past, and, again, I'm gonna ask Rockies if  
2 they're going to do this, they'll film the entire  
3 right of way before they do any construction to  
4 protect themselves, also, because always after a  
5 pipeline would go through an area there are disputes  
6 between the landowner and the pipeline on how you put  
7 back my property. So I would just -- I ask every  
8 landowner here, take pictures, film your property, do  
9 whatever you can to protect yourself. If, you know,  
10 if this project gets approved and they go forward,  
11 then you'll have that information right there beside  
12 you. You know, okay, this is what it used to look  
13 like before you guys came through, this is what it  
14 looks like now.

15 Not only that, you're protecting  
16 yourself, but you're also helping Ferc out along with  
17 that, because then Ferc -- we'll have the pictures,  
18 too, before construction goes through, but we want to  
19 see what you have. So if you would have a problem  
20 down the line and Office Enforcement would have to  
21 handle that, sometimes in recent -- you know, on  
22 projects when I first started 10 years ago there  
23 wasn't that documentation of what it used to look  
24 like. So then you have to start battle between the  
25 pipeline company and the landowner, who do you

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1 believe, but if you have the documentation in front  
2 of you, it's pretty black and white.

3 SHELLEY WAITES: Well I'm one of the  
4 fortunate ones, but it's not on my property.

5 DOUGLAS SIPE: Okay.

6 SHELLEY WAITES: There's no temporary  
7 easement, it was to begin with, but it was a process  
8 to get them off of there, but they are and I'm happy.  
9 I just want to make sure -- I'm just worried about my  
10 -- the water right of way.

11 DOUGLAS SIPE: You should.

12 SHELLEY WAITES: And what -- And then  
13 I am kind of concerned about the safety of it. We  
14 have power easements, the power line easements. Have  
15 'em at the side of my house. We've got 5 acres and  
16 it goes across the back of our property, and we knew  
17 that when we bought it, and we put the pond in back  
18 there and it's -- We don't -- It doesn't affect  
19 anything that we're doing right now. Now I have the  
20 gas line on this side. So now the only thing -- if  
21 they take the road out. I mean that's the only thing  
22 I have is the front of the house that doesn't have an  
23 easement on it. And, well, like I said, the easement  
24 is not on mine, but it's right there. That's really  
25 close to my house. So, I mean -- So if it blows up

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1 none of us will know it, right, I mean. How safe is  
2 it?

3 DOUGLAS SIPE: When something like  
4 that happens, how do you know, it may not affect you  
5 and it may, so. I mean it's like anything, if an  
6 accident happens, you just don't know -- what it could  
7 do.

8 SHELLEY WAITES: What's the percentage  
9 of accidents?

10 DOUGLAS SIPE: Very low, very, very  
11 low. That's in our document, in our document in the  
12 safety section on pipeline safety, especially with  
13 the interstate natural gas pipelines.

14 On the issues you have with pipelines  
15 in general where most the accidents come and Gery  
16 knows this, too, but it's with the low distribution  
17 companies, the smaller lines and such that run all  
18 over the, all over the county, per se, and the third  
19 party dig-ins and such that people don't know they're  
20 there and they dig in.

21 SHELLEY WAITES: Okay. Thank you.

22 DOUGLAS SIPE: Thank you. Can't  
23 stress that enough, guys. Make sure you take photo  
24 documentation and any documentation you have of your  
25 property before a pipeline project would come through

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1       there.

2                       The one thing I didn't answer with  
3       you, and that's something you want to negotiate with,  
4       when there -- well, I guess it's not on your  
5       property, so it's kind of hard to negotiate that, but  
6       if it would be on your property that would be  
7       something you'd would want to negotiate for damages  
8       further, how, like the vibrations, you know, around  
9       the structure. When you negotiate your easement,  
10      how, how much time do you have after the pipeline  
11      goes through to something would happen, you know, you  
12      could possibly say the pipeline caused this. So  
13      that's stuff you can negotiate with the easement --  
14      with the right-of-way agents when they come through.

15                     Becky Chase.

16                     BECKY CHASE

17                     BECKY CHASE: My name is Becky Chase  
18      and I own the property next door to Shelley Waites.  
19      So I'm the one who would have got to negotiate with  
20      them, except that prior to us being able to finalize  
21      buying our property, the road agents went to the  
22      original owner and finalized with him. It made it a  
23      little easier on them, because they had other  
24      properties of his they were dealing with, as well.  
25      So I won't get that negotiation with them.

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1                   But my question to you is: When I was  
2 reading a lot of information on your website, it said  
3 that the easement and the right of way will be  
4 restored to the pre-construction contours and the  
5 natural drainage patterns. And it also said that  
6 they would implement the NCRS and state agency's  
7 recommendation and standard for re-vegetation and  
8 monitor for two growing seasons.

9                   I contacted Terry Cosby, our state  
10 conservationist, and he passed it onto somebody else,  
11 and the phone calls I started receiving at work even,  
12 nobody knew anything about it. How is it that  
13 they're supposed to monitor this and know what's  
14 going on when they don't know anything.

15                   DOUGLAS SIPE: Who doesn't know  
16 anything?

17                   BECKY CHASE: Well I sent it to Terry  
18 Cosby, Terry Cosby passed it over to Kirk Hines.  
19 There was a few of our --

20                   DOUGLAS SIPE: Sorry, where do they  
21 work? NRCS, okay.

22                   BECKY CHASE: With the NRCS.

23                   DOUGLAS SIPE: Okay.

24                   BECKY CHASE: Our local guys in Butler  
25 County called me at work. They are the ones locally

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1 who should be involved in this and they knew nothing.  
2 Now how it can be restored with their recommendations  
3 and them not knowing anything is kind of beyond me.

4 And I have a couple of other questions  
5 for you, I have a copy of a letter here from the ODNR  
6 that went to Ferc, and this is dated December 10th.  
7 And on here there is a couple of things that was  
8 really of a concern to the State of Ohio. One of 'em  
9 would be pipeline debt. All of Rockie's eight-road  
10 agents, and I spoke to several of them, have told me  
11 we're gonna get 3 foot of cover over this pipeline.  
12 State of Ohio prefers 7 feet, but says a minimum of 5  
13 foot from the top of the pipe to the top of the soil  
14 is recommended. Is there any changes gonna be to  
15 this or is it gonna remain at 3 foot?

16 DOUGLAS SIPE: We have a condition in  
17 our environmental document right now that it goes  
18 through agricultural areas, agricultural lands and  
19 crops, anything that would be, you know, used for a  
20 crop feed. It has to have 5 foot of cover, that's  
21 minimum.

22 BECKY CHASE: Has to have 5 foot of  
23 cover.

24 DOUGLAS SIPE: Yeah. And a lot of  
25 those areas, to be honest with you, when, you know,

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1 when you start talking about drainage towels of that  
2 such in those fields, a lot of times it was gonna  
3 have to be a good bit deeper than that. So it all  
4 depends on -- there's a lot, but the minimum cover  
5 would be 5 feet in Ag-lands.

6 BECKY CHASE: Okay. There was another  
7 thing. It says the inspectors, there's gonna be one  
8 inspector per installation spread.

9 DOUGLAS SIPE: Um-hum.

10 BECKY CHASE: And the State of Ohio  
11 was a little concerned with the number of inspectors.  
12 Are we still gonna remain at one?

13 DOUGLAS SIPE: They'll be -- What type  
14 of inspector are you?

15 BECKY CHASE: The AIMA Enforcement  
16 requires one agricultural inspector per installation  
17 spread.

18 DOUGLAS SIPE: That -- You know you  
19 may be talking about a state inspector or a county  
20 inspector.

21 BECKY CHASE: You know, I don't know.

22 DOUGLAS SIPE: Ferc will have -- Ferc  
23 will have inspectors out on the spread at all times.  
24 We will have, we will have enough --

25 BECKY CHASE: There will be enough

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1 inspectors.

2 DOUGLAS SIPE: Yeah, we'll have -- We  
3 have -- What we do -- Third part of mind program, we  
4 have a group of environmental inspectors throughout  
5 the country, that's all they do, is they go from  
6 pipeline project to pipeline project. We will have  
7 our own. They will work with all the agencies. All  
8 the agencies, when it comes time for them to issue  
9 their permits, whether it be county permit, a state  
10 permit, whatever permit it may be, our monitors will  
11 know what those requirements are, and they will make  
12 sure -- Once daily reports that we get from our  
13 environmental inspectors, everybody gets those  
14 inspectors. It's not, you know, those reports, not  
15 just Ferc, the states, local county agencies, anybody  
16 who wants those can get those, you know, get those  
17 reports.

18 BECKY CHASE: Okay. One other thing  
19 is that, you keep talking about they follow the  
20 utility lines where it is possible for them to do  
21 this?

22 DOUGLAS SIPE: Right.

23 BECKY CHASE: When they are following  
24 these existing easements that are already out there,  
25 are they supposed to stay within those easements if

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1 it's possible?

2 DOUGLAS SIPE: Any utility will  
3 protect their easement, whether it be a power line  
4 utility, another pipeline utility, wherever that  
5 utility may be they want to protect their easement.  
6 The reason they want to do that is because if they  
7 have to go back in and work that -- sorry, I wasn't  
8 speaking into the mic. If they want to go back in  
9 and do any further work to that utility, they have  
10 ample space to do that.

11 Usually with other utilities we ask if  
12 it's a pipeline, if it's a foreign pipeline to  
13 another pipeline that's being proposed, we ask them  
14 it be a minimum of 50 feet between the foreign  
15 pipeline and the new pipeline. If it's their own  
16 pipeline, which Rockies doesn't have their own here,  
17 we ask for it to be 25 percent. If you're lubing  
18 your system, your own system, adding additional line  
19 to your system.

20 When it comes to co-locating with  
21 other utilities, a lot of times what they'll do is  
22 they'll -- if you have a right of way of, for  
23 example, a 100 feet, Rockies -- And this is an  
24 example, since this is the project, they would want  
25 50 feet permanent easement for their pipeline

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1 project. That 50 foot permanent easement would abut  
2 the other easement, where it may be.

3 During construction though the  
4 easement -- you know, a lot of people get confused on  
5 that. You have a 50 foot permanent easement  
6 permanent, during construction you may have 125 feet.  
7 When you are working along on another existing  
8 utility, if it's a power line or if it's a pipeline,  
9 a lot of times we'll ask them to use a lot of that  
10 temporary work space in that easement, you know, on  
11 that person's property, if they can.

12 Now depending on, you know, they use  
13 big equipment to put these pipelines in, and if it's  
14 a low power line or a if it's a high power line  
15 depends on whether you can get in there and use your  
16 equipment underneath those power lines. But if it's  
17 another pipeline project, then that comes to the  
18 fact, okay, we can use so much work space in that  
19 easement. You can't heavy equipment running over top  
20 that other pipeline, per se. So it's hard to  
21 understand and it's tough for us to monitor. We get  
22 all these alignment sheets, and when it comes down to  
23 it -- We have alignment sheets in front of us right  
24 now that we did the environmental impact statement  
25 on.

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1 BECKY CHASE: Well this is an  
2 electrical line and it's going through the back of  
3 the property right now.

4 DOUGLAS SIPE: Right, um-hum.

5 BECKY CHASE: And I was just wondering  
6 whether they -- You kind of answered my question on  
7 that one. They'll just make my easement a whole lot  
8 wider back there and make more of the property where  
9 we can't use it as we see fit.

10 But now onto something else. On their  
11 restoration practices. When they go in and they take  
12 out, oh, I don't know, about a 140 foot or more of  
13 woods, from front to back of my property that they're  
14 fixing to take out, and they go into restore that.  
15 We were told they would plant grass. They're not  
16 taking out grass, they're taking out trees. I would  
17 like trees put back in and not pencil-size trees.

18 DOUGLAS SIPE: That's part of your  
19 negotiation with?

20 BECKY CHASE: No, I didn't get to  
21 negotiate. See, you've got to remember that. They  
22 knew this was coming, and they went ahead and they  
23 dealt with someone else so they didn't have to deal  
24 with me, and now I'm losing all these trees, and  
25 that's fine, because I didn't have to close on this

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1 property, and I chose to do that. But if you're  
2 telling 'em they're gonna restore it, are they gonna  
3 restore it with grass or are they gonna put trees in.

4 I have a lot of water on this  
5 property. There's natural springs and field behind  
6 us, there's the overflow from Shelley's dam, and  
7 these trees are very important for maintaining  
8 control of that water going through there. It'll  
9 take 30 plus years to get to anywhere close to what  
10 they are now. In the meantime I'm building a new  
11 home, I don't want it flooded either. So I think  
12 someone really needs to look at their restoration  
13 practices.

14 They also said that on a wood lot they  
15 don't think about topsoil. Topsoil is still there  
16 whether it be a wood lot or a grassy field. And I  
17 still think you need the separation of the subsoils  
18 from your topsoils, and it needs to be maintained and  
19 put back like they found it. And that's pretty much  
20 all I have to say.

21 DOUGLAS SIPE: Thank you.

22 BECKY CHASE: You have a nice evening.

23 Gerald Burton.

24 GERALD BURTON

25 KIM BECKMAN: My name is Gerald

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1 Burton, G-e-r-a-l-d B-u-r-t-o-n. My concern is I've  
2 reviewed your draft concurrence with the existing  
3 proposed route. I'm concerned about, one, how much  
4 study was done on Rockie's data. What I'm referring  
5 to now is specifically the deviations and the  
6 existing right of way that occurs along the majority  
7 of this route.

8 As the Number 2 speaker spoke earlier,  
9 he indicated that on his property an alternate route  
10 of 27 percent along the existing right of way,  
11 whereas if it would stay with the right of way it  
12 would have been following 96 percent. My property is  
13 involved in a deviation that you've already concurred  
14 with. And my concern is: What kind of study went  
15 into that data?

16 Specifically, I tried to get onto your  
17 internet per your directions of your draft last  
18 Saturday. I got registered, but I could not submit  
19 my comment.

20 DOUGLAS SIPE: It's probably because  
21 of that block on top.

22 KIM BECKMAN: I really don't know the  
23 reason. I went ahead and mailed it. I was concerned  
24 about the fact that possibly my comment might not be  
25 entered into your review. And with your permission

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1 and the patients of the audience here or fellow  
2 complainants, I would say, I'd like to read the  
3 letter that I made to you. Reading off the  
4 salutation is the top and everything.

5 "Strongly object to your decision as  
6 detailed in paragraph 3.4.5, starting on pages 3213,  
7 22 and 323, including figures 3, 4, 5, -1, and Table  
8 3, 4, 5 -1 of your Draft Environmental Impact  
9 Statement for reference docket number CP-07-208-000  
10 in which you agree with Rockies Express Pipeline's  
11 LLC proposed project route.

12 Specifically, the information as  
13 provided by Rockies Express Pipeline LLC, as  
14 contained in Table 3.4.5, -1 is erroneous. They note  
15 that no residential land cross as "0.0." That's  
16 quotations. Their proposed route would trespass our  
17 property for a distance in length of approximately  
18 1000 feet. Residential real estate property taxes  
19 have been paid by us for the last 17 years.

20 Additionally as noted in MP-450, mile  
21 post 450, the proposed route has deviated from an  
22 existing right of way across our property and thus  
23 create additional length to the project. Why? The  
24 proposed route also does not following a sitting  
25 along our property boundary. Reference (paragraph

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1 4.8.4.)"

2 I'm concerned what kind of study went  
3 into this to where you approved, in essence because  
4 it is a draft, the alternate route that the Rockies  
5 data indicates.

6 I'm also concerned the fact that the  
7 only information I had of this taking place occurred  
8 when one of the Rockies people said, "I would like to  
9 make a survey of your property." I checked with the  
10 county, they did not have any information at that  
11 time. That was last fall. Later on then the  
12 information started flowing.

13 I would know myself personally who  
14 locally did they discuss with to make the  
15 determination to do this little (dogging) away from  
16 the existing right of way. The terminology used  
17 really there is the Mowrey alternate proposal.

18 In the case going back to Speaker  
19 Number 2, the project indicates that there will be  
20 20.2 miles of which 27.7 percent is along the  
21 existing right of way. The Mowrey alternate -- And  
22 again this is an environmental statement, indicates  
23 that their alternate would be 19.6 miles with 98.4  
24 percent following the existing right of way.

25 Amazing the environmental impact

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1 statement which is probably previously accomplished  
2 when the original pipeline went through, the  
3 easements that's over there, why go through all this  
4 extra problem when you can avoid this kind of  
5 conflict.

6 I just want to know justifications for  
7 these deviations. And that's -- that's about all I  
8 have to say, except, I feel like a friend of mine  
9 that I knew was a fisherman and he made this  
10 expression every time he got into a tight situation.  
11 He said, "Well, it's like I think when I catch a  
12 fish, be still little cat fish, all I want to do is  
13 skin you and get you." Thank you for your time.

14 DOUGLAS SIPE: Thank you, sir.  
15 Without getting specifically into your deviation, I  
16 don't know what's in there right now, without, you  
17 know, I can't remember in my head what's in there  
18 right now, but we will reconsider your -- the  
19 deviation we made, look into that further and move on  
20 from there.

21 KIM BECKMAN: I spoke to one of the --  
22 Pardon me. I spoke to one of the Rockie people, I  
23 assume that's who it was, and I said, "How is this  
24 route laid out, by aerial photography or what?" And  
25 he said, well, he didn't know that there was a

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1 separate engineering company that done that. But  
2 looking at the drawings out there it's obvious that  
3 they did aerial photography and laid it out  
4 accordingly. And I pointed out where my property  
5 was. And I said, "Why are you deviating from the  
6 existing right of way?" Because it's really closer  
7 to them to follow the right of way. It's a straight  
8 line across through there. And he said, "Well,  
9 that's an airport there and they're talking about  
10 putting another runway in. No way in hell can they  
11 put a runway where they've got buildings on one side  
12 of the existing right of way and buildings on the  
13 other side.

14 DOUGLAS SIPE: Okay.

15 KIM BECKMAN: That's why I would like  
16 to find out, who did they contact locally to make  
17 this -- I think it's 19. -- no, it's at 22 point  
18 project deviation by other, you know, other people  
19 that are involved, not myself. Somewhere in your  
20 literature they indicated that they were only going  
21 to trespass against something like 1.3 miles of  
22 residential property on the entire land. My 1000  
23 feet is contributing not quite 2 percent of that.

24 DOUGLAS SIPE: Thank you, sir. We'll  
25 look further into that. Now, I mean these are

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1 exactly the comments that we need to hear. If you  
2 have an issue with the pipeline on your property,  
3 make sure you let us know, and if we've made a  
4 decision in the draft and you're not happy with it,  
5 that's exactly what you need to tell us, so we can  
6 look into it further. John Roe.

7 JOHN ROWE

8 JOHN ROWE: I'm gonna take a little  
9 bigger picture approach and ask the audience to bear  
10 with me.

11 DOUGLAS SIPE: Sir, yeah, could you  
12 spell your name. Everyone that comes up to the mic  
13 just spell your name.

14 JOHN ROWE: It's John Rowe, R-o-w-e,  
15 78 Mound Road, M-o-u-n-d Road, Wilmington, Ohio. Our  
16 20 acre horse farm borders Caesars Creek State Park.  
17 We purchased it in 2001 with the intent of starting a  
18 small horse business as a 10 year -- and a 10 year  
19 investment to develop for retirement. We  
20 successfully bread thoroughbred and warm bloods and  
21 we're just finishing our first year on the race  
22 track. Finally we are beginning to make money and  
23 the long terms rest.

24 We thought we would be safe from such  
25 disasters because we boarder a state park wild life

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1 reserve -- by wetlands and there is no existing  
2 utility for that.

3 We have attended Ferc meetings from  
4 the start and entered our concerns verbally and in  
5 writing thinking that Ferc was here to protect the  
6 landowners as well as supervise the overall project.

7 The current -- the concerns we had  
8 appeared on documents at Rex and in the Environmental  
9 Impact Draft. Rex was asked by Ferc to resolve our  
10 concerns. The only contact and conversation we had  
11 with Rex was about permission survey which denied.  
12 Ferc strongly recommended they talk to us about our  
13 concerns. Instead on December 9th we received a  
14 summons to appear in civil court in front of a  
15 federal judge who is -- did acted favorably to Rex in  
16 the past and did not represent the southwest district  
17 of Ohio -- The summons gave us 20 days from December  
18 5th to respond, which means the deadline was  
19 Christmas day. The summons claimed we were causing  
20 irreparable damage to Rex. These are the kind of  
21 people we are dealing with. They could care less as  
22 to what our concerns are. In fact the irreparable  
23 damage is to -- is without a doubt done to the  
24 landowners.

25 Our horse business is in jeopardy

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1 because of this pipeline. We have three pastures,  
2 which we depend on for grazing and hay. The line  
3 would come to all three pastures if our GPS system is  
4 correct. There's a mark in the highway and there's a  
5 mark on the other side of the property.

6 Our local seed store tells us that it  
7 will take three to five years before we can get the  
8 grass back, if we're lucky. Our horses will not be  
9 able to stay on the property for at least two years,  
10 and even then we will not be able to graze heavily.

11 We are entering the breeding season  
12 and the uncertainty surrounding the pipeline  
13 prevented us from going forward.

14 In 2008 we projected doubling the  
15 horse -- by putting stalls -- in our current pastures  
16 and we intended to do so. However, pipeline going  
17 through that pasture will be impossible.

18 In addition, this is a high-pressure  
19 pipeline, which emits low-frequency sound, and I'm  
20 sure you're aware of that. Low ultra frequency  
21 sound. This is extremely disturbing to horses and  
22 other animals.

23 The pipe is also extremely hot and  
24 must be buried at least 7 feet if you are going to  
25 expect good crop coverage production or if you need

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1 to drive over the line. On our property this  
2 pipeline -- haul manure out at least once a week,  
3 therefore one of our strong objections as well as  
4 those of other -- proposal has been that by following  
5 the propose route they have taken 96 percent or more  
6 private property, which does not have existing  
7 corridors.

8 I have read on the Rex site as well as  
9 Ferc that every effort will be made to stay on  
10 existing corridors. There are two existing utility  
11 corridors on the south side of -- which proposed  
12 alternative routes and the pipe will be primarily on  
13 existing corridors. These are the Little Miami  
14 Alternative and the Mowrey alternatives. As far as I  
15 can tell without any kind of verification to us as  
16 the property owners, Rex indicates that both these  
17 routes are unsuitable for -- even though Ferc has  
18 recommended both these alternatives initially in  
19 places the proposed route.

20 I have noticed that Ferc has the  
21 tendency to bend to Rex's will, and this is  
22 understandable and I'll tell you why later. There is  
23 no excuse for this. Rex simply does -- engineer  
24 routes and simply refuses to do so because they seem  
25 to know Ferc will not make them comply. Why is this,

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1 and as I said, I think I have an answer for that at  
2 the end.

3 In addition on our property we have  
4 mature wind break. A line of trees which prevents  
5 storm damage to our house and front pasture when the  
6 storm is coming from the northwest. The current  
7 pipeline would take 125 feet of that wind break  
8 leaving our house, our passage and fire station  
9 across the street exposed. The wind break also has a  
10 spring which the pipeline across. The spring will  
11 surely be contaminated with chemicals from the pipe's  
12 surface and also enclose the spring disturb.

13 And for those of you who don't know  
14 these pipes are covered with deadly toxic chemicals  
15 that will leak into your ground.

16 There are a number of safety issues  
17 overriding of this entire project. Is Ferc aware of  
18 the reason that Kinder Morgan Rex and Conoco Philip  
19 wants this pipeline. Much of the Wyoming Colorado  
20 gas is called "bitter gas." It is poisonous and it  
21 does not produce the minimum PTUs required by law.  
22 In order to sell it the bitter gas must be mixed with  
23 sweet gas of which there is an abundance supply of  
24 needs. The mixing process produces an inferior gas  
25 but one which can be sold at market prices. There is

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1 not a demand for bitter gas in the west from once the  
2 gas comes.

3 In terms of gas companies, Kinder  
4 Morgan Rex is considered the lease reliable pipeline  
5 company, and one that will stoop to almost any means  
6 to make a profit. Rex simply wants to get this  
7 project completed in the cheapest way possible with  
8 no concern for landowners or the safety of those in  
9 the proximity of the pipeline.

10 In Clinton County for example Rex has  
11 asked for a waiver of compliance and pipeline  
12 regulations requiring them to use a design factor  
13 0.72, which not only saves them money for  
14 construction but also improve pipeline efficiency at  
15 the expense of safety. This sort of attitude  
16 prevails in Rex and responses to Ferc recommendations  
17 throughout the Environmental Impact Statement.

18 Since this is not the average pipeline  
19 for which current regulations have been written, but  
20 a pipeline which is meant to deliver gas -- high  
21 pressure and carry almost two billion cubic feet of  
22 gas per day, Ferc should be requiring Rex to take  
23 extreme measures to ensure the safety of people,  
24 animals and structures in the proximity of the  
25 pipeline. This is not happening.

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1                   Many of us have brought the issue of  
2 explosion due to accidents or terrorism; that this  
3 has been pretty much ignored by Ferc and we've  
4 referred to Homeland Security. However, this kind of  
5 concern is also an environmental issue, as well, and  
6 it has not been addressed.

7                   The unusual high capacity of the  
8 pipeline requires unusually high safety standards,  
9 including modification of a distance of existing  
10 structures, people and animals, safety is being  
11 ignored.

12                   For example, after crossing our  
13 property, the pipeline should go directly under the  
14 piping, parking lot of the fire house across the  
15 street from our house. It will come less than 50  
16 feet from that location. A location that would be  
17 called upon to help mediate if that line breaks and a  
18 fire should one occur.

19                   Another example is that the Little  
20 Miami and Mowrey -- come within only, only within 50  
21 feet of -- where the proposed route, the proposed Rex  
22 route is in proximity of many, many more residence  
23 than that.

24                   Another safety issue is the pipe  
25 itself. It is coded with a very toxic chemical to

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1 prevent corrosion. Human contact naturally lethal.  
2 Also due to the high pressure -- of gas, pipe stays  
3 very, very hot, so hot that the standard depth of 36  
4 inches proposed by Rex, not only unsafe, but will  
5 prevent growth of crops -- And I'm glad to hear that  
6 they've got 60 inches, but it needs to be deeper than  
7 60 inches. The cover recommended is at least 60, but  
8 seven feet of cattle horses that must drive over it.

9           The pipe -- Another concern is the  
10 pipe will cross Caesars Creek at the head -- of  
11 Caesars Creek Lake. And I want to thank  
12 Representative Turner for sending someone to this  
13 meeting, because I'm sure she's gonna be interested,  
14 he's gonna be interested in this.

15           This lake is a drinking water supply  
16 for Wilmington and another nearby town. The  
17 chemicals from the pipe surface without a doubt will  
18 slowly leak into the drinking water sources, and  
19 furthermore it can act such as an explosion in the  
20 section of pipe crossing -- this creek would occur.  
21 It would not only threaten in the park but  
22 potentially seriously contaminate Wilmington's  
23 drinking water.

24           Since this is bitter gas from out west  
25 it is also poisonous, slightly poisonous. So if a

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1 pipe is to cross -- it should be in the tail waters  
2 on the other side of the dam. The Mowery  
3 alternative or the Little Miami alternative. These  
4 are just a few examples, and just a few, 'cause there  
5 are many more in Indiana that are contained in this  
6 draft.

7           And I submit to you that Ferc needs to  
8 be careful when it comes to the lives and safety of  
9 U.S. citizens when bending to Rex's will. It also  
10 needs to be more concerned about verification of  
11 statements. And this is really important. Just  
12 because Rex says it so doesn't make it so in response  
13 to an environmental document.

14           I'd like to make some final points and  
15 this is really to the audience. So far Ferc has not  
16 providing a fair and unbiased evaluation consideration  
17 of data provided the landowners but rather giving  
18 difference to Rex. The project approval seems to be  
19 a done deal as far as Ferc and Rex is concerned. And  
20 evidence for this includes the fact that miles and  
21 miles and miles of pipe have already been delivered  
22 by Rex in Wilmington and they're in storage and in  
23 Senecaville and in Indiana and in Illinois.

24           If this is such a fair process, why is  
25 Rex so confident the project will be approved that it

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1 has purchased and delivered pipe in an area where it  
2 is being installed.

3 Rex agents to land -- some of the  
4 landowners that I've talked to have said that they  
5 don't really have to obey the recommendations of Ferc  
6 if once the project is approved. So far there have  
7 been few changes or deviations of the route from Rex  
8 originally proposed in response to Ferc's  
9 recommendation. In fact from the very first meeting  
10 with Rex representatives, landowners were told that  
11 there was nothing they could do to stop Rex from  
12 invoking eminent domain laws to take our land for  
13 pipeline.

14 If they did not feel Ferc was on board  
15 then why would they take this approach. Isn't Ferc  
16 paid for by taxpayer dollars, and shouldn't their  
17 first consideration be the thousands and thousands of  
18 landowners affected and the safety of the public.

19 The issue of eminent domain and the  
20 reason Ferc may be cooperating so readily with Rex, I  
21 submit to you, and I don't mean this for you  
22 directly, but, you know, above, higher above, way  
23 above.

24 DOUGLAS SIPE: I'll take it.

25 JOHN ROWE: Eminent domain is not to

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1 be used to give advantage to a private company. By  
2 Ohio Law even before a survey, a company is supposed  
3 to go to every effort to work with the landowners.  
4 Only after that is exhausted can they serve summons.  
5 They were in contact that that has not happened so  
6 far.

7 Only a small number of landowners,  
8 also who have not allowed the survey had been  
9 presented summons -- we happen to be one of them.

10 The project must be approved to be a  
11 necessity for public good by Ohio Law and Federal Law  
12 in order to do a survey or of course eminent domain.  
13 So far only a federal judge from the southeast  
14 district of Ohio made such a ruling.

15 We have the right to ask for evidence  
16 and necessity. We are citizens of the United of  
17 America, not Russia, not some other country, and I  
18 don't feel like I'm living in America right now.

19 Where is the documented evidence with  
20 real facts and figures that can be checked questioned  
21 and challenged. Also it should be evidence -- this  
22 is a question -- from some source other than Rex.

23 And getting to the point of necessity,  
24 U.S. gas supply. In Rex's document they say there's  
25 going to be a 50 percent increase in the demand for

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1 natural gas. I have to tell you that we looked into  
2 it. We could not find any indication of that, from  
3 sources that we have looked at. In fact natural gas  
4 production in West Virginia is booming and it's sweet  
5 gas.

6 Natural gas in West Virginia are  
7 concerned about the Rex pipeline because it will  
8 compete with West Virginia natural gas of which there  
9 is an abundance. Wyoming and Colorado have about 7  
10 percent of the nation's natural gas, much of it is  
11 bitter gas. Why then is it necessary to put 4  
12 billion dollars, 1660 mile pipeline to supply  
13 unneeded bitter gas for the east coast from the west?  
14 The obvious reason would be enrichment of a company  
15 with long political connections and deep pockets.

16 Rex primary owner is Kinder Morgan  
17 Incorporated. Mr. Kinder was the former president of  
18 Enron before Shilling. Mr. Morgan was the top  
19 executive. Kinder and Ken Lay were fraternity  
20 brothers. When Kinder and Morgan left Enron in 1996  
21 they took the Enron pipeline and -- leaving Enron  
22 empty shell, traded only to -- commodities. Kinder  
23 is now a multi-billionaire and top contributor to the  
24 Bush election campaign. Joseph Kelliher who's the  
25 chairman of the Ferc commission and is also in charge

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1 of helping approve natural gas projects is also in  
2 secret meetings with Chaney as well as Kinder for  
3 projecting the energy concerns back in the early  
4 days.

5 So remember I was gonna suggest why is  
6 Enron -- Oh, excuse me, Kinder Morgan Incorporated  
7 think this deal is a done deal with Ferc. You'd  
8 think there might be some political pressure on Ferc  
9 employees to approve this project no matter what.

10 All the things that I'm saying can be  
11 easily documented on the web. It didn't take me any  
12 time, it took me a couple of hours on the web.

13 This is a report, investigative report  
14 for the -- I would ask Ferc to extend the time line  
15 for this project so that more consideration can be  
16 given to the details and the documentation demanded,  
17 which should be demanded by Rex.

18 I, for those of you in the audience  
19 who would like to sign a petition -- or be interested  
20 in a class-action lawsuit, we will have a sign-up  
21 sheet out here. We'd love to take your address and  
22 so on.

23 I have a couple of other things that  
24 I'd like to say, and this encouraged from some of the  
25 earlier people that were involved up here. There is

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1 -- This is just one example of so many. This is a  
2 CC-07.208 docket, this is something that's submitted  
3 to you guys.

4 On January 5th, 2008, I had a meeting  
5 in my home with a Rockies Express pipeline  
6 right-of-way agent concerning the temporary work  
7 space easement on my property. In this meeting I was  
8 informed Rex would be in need of .1 land acres to  
9 restore soil while installing a natural gas pipeline.  
10 It was my understanding that final approval had not  
11 been granted by Ferc. After listening to the agent,  
12 had -- agent had to say, I asked if Rex had made  
13 final approval on the -- project. I was told by Tina  
14 Blanch, the right-of-way agent that they had. After  
15 hearing that I was surprised. So I asked what that  
16 happened, she said it happened a couple of months  
17 ago.

18 On January 7th I contacted Sara at the  
19 Commission's office of External Affairs and she  
20 confirmed that Ferc had not granted final approval  
21 and urged me to file my experiences first.

22 I am concerned that the lies being  
23 told by Rex will convince people into signing these  
24 easements, and in the end the use of leverage to  
25 receive the necessary permits to begin construction.

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1                   Now I can tell you I've looked at  
2 those letters on the Ferc site and I see this over  
3 and over and over and over again. So think Ferc's or  
4 Rex's credibility is really, should be in jeopardy,  
5 and this should be seriously taken into consideration  
6 by Ferc.

7                   And I hate to say this to the lady who  
8 is concerned about her property being restored, but  
9 we have an email from somebody in Oregon who's been  
10 trying for seven years to get their property  
11 restored, and I can show that to you if you'd like to  
12 see it. Thank you.

13                  DOUGLAS SIPE: Thank you, sir. I  
14 wrote down several comments while you were speaking.  
15 Very good comments, by the way. Pipe delivery, this  
16 came up every night. This is my third night of this.  
17 Pipe delivery.

18                  The pipeline curve for actual  
19 construction of pipelines is really high right now  
20 across the entire country. There's projects from the  
21 east coast to the west coast being proposed and  
22 constructed. There's only a certain amount of pipe  
23 makers out there in the United States and foreign  
24 areas. A lot of these pipeline companies had to put  
25 their orders in long in advance of even thinking

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1 about being, even thinking about coming into Ferc for  
2 a proposal for a project. That is a risk that the  
3 company -- any company does take.

4 The pipe yards themselves, the people  
5 who make the pipe cannot hold the pipe. Once their  
6 order is complete, the pipe yard says you guys need  
7 to get it out of here and you have to store it  
8 somewhere.

9 And I understand if I was on -- you  
10 know, if I wasn't in the know and I was a resident  
11 here and I saw pipe starting to be delivered to this  
12 area, I would think, well, this pipeline project is a  
13 done deal. That is a risk that a pipeline company  
14 takes in getting their pipe here before a project  
15 goes through.

16 Another thing with that, if there's  
17 someone in the room here tonight that has already  
18 been paid for an easement from Rex for this project,  
19 that's a business decision. That's a business  
20 decision Rex makes, that's a business decision Rex  
21 makes before Ferc makes a final say on the project.  
22 They may pay someone for an easement, Ferc may move  
23 the line. That's loss money for them.

24 There's certain risk in any business  
25 venture that a company will make, pipe is one of 'em,

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1 easements is one of 'em.

2 By law they must obey the  
3 recommendations that the Ferc order. If the project  
4 is approved by law they must obey the recommendations  
5 put in front of them, not only from Ferc. Ferc is  
6 not the only agency here giving these guys authority  
7 to build. Fish and Wildlife Service has a biological  
8 permit that they they're doing, the state agencies  
9 out there have permits that they need to issue, the  
10 Army Corp of Engineers has a permit they need to  
11 issue. Ferc is the lead agency but there's a lot of  
12 other permits and a lot of other things that the  
13 pipeline company must obey.

14 Eminent domain is a scary, scary  
15 thing. I apologize for everyone in this room if you  
16 have been threatened by the use and for the use of  
17 eminent domain. We do not regulate right-of-way  
18 agents, I wish we could. Right-of-way agents are  
19 subcontracted to a company to obtain easements.

20 We do realize -- I had -- I've been  
21 actually the one at Ferc tracking this information  
22 from right-of-way agents from the 2006 up till now.  
23 Our office director has met with INGA. INGA is an  
24 industry that represents all pipelines. We are very  
25 aware of the right-of-way agent, how they're

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1 conducting business throughout the county and we are  
2 trying to solve that. I apologize for that.

3 Eminent domain, right now the company  
4 does not have federal eminent domain to construct  
5 this project. If you're being told that, they're  
6 wrong. Now they do have a state eminent domain  
7 process in the State of Ohio. But there are several  
8 other states the union that has that, across the  
9 country that has that, Ohio is one of 'em. So they  
10 can use state domain methods. But they do not have  
11 federal eminent domain until Ferc approves this  
12 project.

13 The letters that you may be receiving,  
14 if you denied survey access, and that is 100 percent  
15 your right to deny survey access. No one here is  
16 going to tell you that we want you, that you should  
17 allow them to provide survey access to 'em.

18 The reason you're getting those  
19 letters is because we need, "we" as in "Ferc," the  
20 other agencies involved, and also Rockies, they need  
21 that information from your property to make a  
22 decision. We're not saying we need it right now, but  
23 we're going to need it some time. If this project is  
24 approved, they'll use eminent domain to come on and  
25 do the surveys.

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1                   Now I'm hearing that certain people  
2 here have given access for civil survey, but then  
3 they haven't access for the environmental surveys.  
4 That's totally your right. But that's why certain  
5 people are getting the letters, I saw one today.

6                   I saw one today where a landowner was  
7 given civil survey access, but they didn't give the  
8 environmental survey access.

9                   The reason why Rockies is coming after  
10 everyone here for the survey access is because, among  
11 us, the other agencies are asking them for  
12 information. They need information to make a  
13 decision on the project. That's the only reason that  
14 they want the survey access.

15                   Survey accesses, you know, sometimes  
16 hurts you, sometimes helps you. 'Cause -- then we  
17 may come on and do a -- Or Rockies not we, Rockies  
18 may come on or Ferc may come on your property and  
19 find something on your property that they need to  
20 re-route the line anyhow. They won't know that until  
21 they do the surveys.

22                   The need for the project. The need  
23 for the project is not decided by a single state, is  
24 not decided by four states. We as the federal agency  
25 look at the need for any pipeline project as a whole,

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1 as a country as a whole.

2 This Rockies Express proposal is put  
3 in front of us, it's just another pipeline project  
4 that's adding gas into the system.

5 We need those systems throughout the  
6 country. Ferc does push for infrastructure  
7 throughout the country to provide the gas for people  
8 who need it. It's a balancing act. Ferc protects  
9 the public, but also we want to make sure we have the  
10 infrastructure in the ground to supply the gas and  
11 the people who need it. It's a tough, it's a tough  
12 way to go.

13 Other agencies out there that we work  
14 with, they don't have to worry about that, they have  
15 to worry about what is under their jurisdiction.  
16 Fish and Wildlife Service, Fish and Wildlife, Corp of  
17 Engineers, Wetlands and Water Bodies. We at Ferc  
18 have to protect all of that, plus the people, and  
19 provide the infrastructure to the people that need  
20 it.

21 Rockies and Ferc and everyone involved  
22 is just trying to find the best location for a  
23 pipeline project. But again we don't look at the  
24 need of a project just for a single state, it's  
25 providing for the whole grid. That's hard for

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1 everyone to understand, I realize that.

2 Last three nights people have been  
3 slamming Russia. I don't know why. Where's the  
4 Russia thing coming from, I don't understand. Just a  
5 side note.

6 MS. ROWE: -- percent of the world's  
7 natural gas --

8 DOUGLAS SIPE: Okay. We do --  
9 Rockies Express and any pipeline project across the  
10 country supplies us an application. We do an  
11 independent analysis of that application. We as Ferc  
12 staff and our consultants as in ICF and Entrix for  
13 this project, we do do an independent analysis of  
14 their application.

15 As you see in this project this has  
16 149 conditions put in front of them, that's a lot of  
17 conditions. There's a lot of change that we're  
18 looking, there's a lot of information that we're  
19 looking for. So this project is not a done deal. I  
20 can't state that enough. If it's on your property  
21 now and we come -- You know when you see a final EIS,  
22 it may not be on your property later.

23 We stress to Rockies and to everyone  
24 involved, I am outreach manager at Ferc and I stress  
25 to everyone pipeline company out there that they must

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1 speak to the local constituents and everyone  
2 involved. You can't just speak to the federal  
3 agencies and the state agencies, you have to get down  
4 to the local government, and that's what Rockies  
5 should be doing, and if they're not doing that,  
6 that's exactly the kind of comments that I want to  
7 hear, so they do that, 'cause that's the worse thing  
8 that can happen to us. Is for someone to come up  
9 here and say that they contacted someone from the  
10 county or even like the NRCS who is a cooperating  
11 agency and those people don't know anything about the  
12 project. That's a problem. That's the information  
13 we need to know.

14 If you are having issues with your  
15 right-of-way agents, you don't have to use the same  
16 one that's in front of you when they come to your  
17 house. If you're unhappy with that right of way  
18 agent, request another, if you're unhappy with that  
19 one, request another one. If you're not getting the  
20 right-of-way agents that you like, contact Ferc.

21 Next speaker, Robbie Rowe.

22 ROBBIE ROWE

23 MS. ROWE: My husband John just spoke,  
24 but I have some additional questions, and the first  
25 one -- I actually blurted it out when you started

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1 speaking. You said that the final approval will be  
2 made by five commissioners ahead of Ferc and some  
3 others. Now are these all political appointments?

4 DOUGLAS SIPE: They are.

5 MS. ROWE: They are. And so they were  
6 appointed by the Bush Administration, correct?

7 DOUGLAS SIPE: They were appointed by  
8 -- yes.

9 MS. ROWE: Yes. Okay. I -- I -- From  
10 the get go, I just want to say that I found it very  
11 strange that this whole thing had to be introduced to  
12 us, maybe a year and a half ago we got some letter in  
13 the mail, then we were invited to go to this meeting,  
14 and I went to this meeting, and here was my farm  
15 beautifully photographs, aerial, I don't know if they  
16 used satellite or what, and showing me exactly where  
17 the pipeline would go through my farm. And at that  
18 time I was told there was nothing I could do about  
19 it. Eminent domain would be invoked if I refused to  
20 let them survey. And if I didn't comply with their  
21 wishes things would get very ugly for me. Okay.

22 And I have a terrible temper and I  
23 have to admit I was not terribly pleased to see all  
24 this laid out. "Here we are, and we're coming  
25 through whether you like it or not."

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1 DOUGLAS SIPE: Totally understood.

2 MS. ROWE: And like my husband said,  
3 we back up to a state wildlife reserve. It's only  
4 for fishing, hunting. And while they can come  
5 through that when there is already an access route  
6 south of the whole area, I don't understand. So I  
7 really think this is all political; that a lot of  
8 palms have been greased, a lot of back talk and  
9 stuff, and I think it goes beyond Ferc, I think it  
10 goes all the way up to Texas, Whitehouse oil people  
11 Chaney.

12 It's kind of odd that Chaney comes  
13 from Wyoming and we're putting all this stuff in so  
14 that we can get Wyoming gas to the east coast. Why  
15 don't they take it to the west coast, much closer,  
16 they need gas just as much. Plus you mentioned  
17 Russia.

18 Russia does have a huge amount of  
19 natural gas, and they're dying to get it here.  
20 They're building pumping stations and everything  
21 else. It probably will be cheaper. So who's to say  
22 in just a few years this pipeline is an obsolete.  
23 We've gone through all this expense, hassle, your big  
24 environmental impact statement report for nothing,  
25 absolutely nothing.

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1 I do have a letter to read which was  
2 sent to me today by someone in Indiana and it says,  
3 "Thank you for all the information on the pipeline  
4 projects in the Ferc process. In Oregon I am  
5 listening to five pipeline projects that are under  
6 consideration by Ferc, not to mention the LND  
7 terminals, all very interesting.

8 Here on my farm there is a name that  
9 leaps off the page when Ferc is being discussed.  
10 Alisa Lykins. In 1993 my wife and I met Alisa at a  
11 Ferc meeting in Medford, Oregon. We had owned our  
12 farm for six months and had been dealing with the  
13 coming pipeline since we first bought the property.  
14 Alisa informed us there was no point in resisting, we  
15 would only end up in court for many years, and she  
16 was right. We ended up in court for many, many  
17 years. We never got paid for the pipeline project.  
18 We lost all of our legal fees and spent years of our  
19 lives fighting it. Alisa was right and knew what she  
20 was talking about.

21 What Alisa didn't tell us was that  
22 Ferc and she had no intention of doing the job, after  
23 all, the Ferc documents, the pipeline construction,  
24 all the promises, the truth was a muddy mess.

25 After the pipeline was built and the

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1 years went by you could see that they never expected  
2 to do anything more than lay the pipe and let the  
3 landowners deal with it.

4 Today, 12 years after construction,  
5 they are still debating restoration on the pipeline  
6 next to my farm. The contractors, insurance company,  
7 and several landowners are still at it.

8 The area and unrestored mess is right  
9 next to my house and out buildings. All of my  
10 boarder is unrestored pipeline easement and continues  
11 on the adjoining ranch. The land produces nothing.  
12 Muddy cows plod along the pipeline in the winter and  
13 then the weeds grow in the spring. No amount of  
14 complaints, threats, lawsuits and endless talk have  
15 changed a thing.

16 Year round I cut and maintain ditches.  
17 To keep the water from the pipeline easement off my  
18 land, otherwise it floods the barn and under the  
19 house.

20 The pipeline easement has become a  
21 general dump area for water from the irrigation  
22 district, county roads and several landowners. All  
23 this is under the eye of numerous federal agencies,  
24 they do nothing.

25 The only people involved in this

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1 pipeline project who solve the problems were the few  
2 landowners and the construction crews. The people  
3 building the pipelines struggled with the same water  
4 and understood us in our points.

5 I include a picture of the pipeline  
6 easement next to my house. Rain or irrigation run  
7 off keep this place a mess. Maybe Ferc should  
8 consider finishing up on this pipeline before getting  
9 the go on others."

10 And this was posted on your website.  
11 So I don't know how you can respond to that, but when  
12 I look at these pictures out in the lobby of the  
13 beautiful restoration of grass lands and trees, I  
14 have a pretty good idea that it's a line of baloney.  
15 And once that pipeline goes in we're on our own  
16 unless we've got strong legal documentation going  
17 into anything we sign with Rex. Thank you very much.

18 DOUGLAS SIPE: Thank you. My only  
19 response to that, and I appreciate that, and I'd like  
20 to know what project that is, because --

21 MS. ROWE: It's on your website.

22 DOUGLAS SIPE: Okay. It's on our  
23 website, but I need to know the information. So if I  
24 could have that letter, and the pipeline project, and  
25 the document number and such. There's plenty of

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1 projects at Ferc.

2 We work with Office Enforcement  
3 regularly on dealing with pipeline problems long  
4 after the pipeline is in existence. I can honestly  
5 say that the restoration of the pipeline projects  
6 have only gotten better. Years past our guidelines  
7 and such have only gotten better.

8 There are gonna be certain issues with  
9 the pipeline project, I can almost guarantee it, just  
10 like any other construction project. You have a 600  
11 mile pipeline project, you will probably have your  
12 problems along the way. I can't sit up here and  
13 state and that everything is gonna be perfectly  
14 constructed and we're not gonna have any problems.  
15 But I can honestly say that Ferc will look into that  
16 issue, because I do that as part of my job, too,  
17 along with a lot of other project managers.

18 So there are gonna be certain  
19 situations and that's an example of one. Out of  
20 several hundred thousand miles of pipelines  
21 throughout the country that we need to look into.

22 MS. ROWE: I have one other question,  
23 if I may. I also -- I looked at a map of Ohio and I  
24 also looked at this map on the internet, and  
25 unfortunately I couldn't print it, but it showed all

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1 the corridors for utilities across this state. And I  
2 want to tell you it was looking like the human  
3 circulatory system with all the red and blue lines.  
4 I mean there are hundreds and hundreds of utility  
5 pipelines and electric lines across Ohio. Why do we  
6 need a 42 inch pipeline to bring this gas east, why  
7 can't we connect, make smaller connections between  
8 some of the existing pipelines, or will these  
9 pipeline companies not share with each other. If  
10 it's such a necessity it seems that they all should  
11 share a little bit, and they'll all reap the profits.  
12 We know that our gas prices are only gonna go up. So  
13 what really is the necessity of this enormous  
14 pipeline being put in all the way across the country?

15 When your own agencies say that gas  
16 consumption is not going to increase dramatically  
17 over the -- I was looking at a site that went all the  
18 way to 2030, and it's not a significant increase.

19 And Congress just passed a bill that's  
20 going to require all our utility companies to get  
21 their energy from non-renewable sources like air,  
22 like or wind, solar, composting, 25 percent, so  
23 that's gonna drop it again. Just a question I'd like  
24 to have answered.

25 DOUGLAS SIPE: I can honestly say

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1 that's a tough one to answer, probably not for a lot  
2 of people. But I can tell you one thing, you know,  
3 everyone always asks, and again I do these all over  
4 the country, why is this project needed. You know,  
5 why are they gonna build this pipeline project? I  
6 can grant that if they are gonna stick a billion  
7 dollars into a project, someone needs the gas  
8 somewhere along the line.

9 MS. ROWE: Oh, --

10 DOUGLAS SIPE: Now just let me finish.  
11 The pipelines across the country are not gonna build  
12 these things because they're not needed. Again, the  
13 need for the project is not decided by a single  
14 state. This project, this gas which our gas supplies  
15 in the United States is on the decline. That's why  
16 you say a lot of liquified natural gas. That was  
17 real high there for a while. Liquified natural gas  
18 terminals proposed across the country because we need  
19 to import other supplies into this country. Our  
20 supplies are declining.

21 Trying to get a liquified natural gas  
22 terminal proposed on the east and west coast has been  
23 trying and it's -- There have been some -- There are  
24 being some built right now, there are existing ones.

25 Again, it's just -- we need the gas in

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1 the United States system. This is another arm that  
2 feeds the system.

3 MS. ROWE: But when --

4 DOUGLAS SIPE: Ms., you can't -- you  
5 can't ask me questions from the audience.

6 MS. ROWE: -- because you know we're  
7 gonna need it later down the line.

8 DOUGLAS SIPE: That is the public  
9 means necessity for this project will be decided by  
10 the commission.

11 MS. ROWE: Necessity is profit for  
12 companies.

13 DOUGLAS SIPE: Next speaker, Jeff  
14 McCarthy, McCarty.

15 MAUREEN McCARTY

16 MAUREEN McCARTY: I'm Maureen McCarty.

17 DOUGLAS SIPE: Oh, okay.

18 MAUREEN McCARTY: Myself. I can't  
19 begin to improve on what these people have already  
20 said.

21 DOUGLAS SIPE: I'm sorry, before you  
22 start, is Jeff also gonna speak?

23 MAUREEN McCARTY: No.

24 DOUGLAS SIPE: Okay. So Jeff -- Okay.  
25 You're both signed up here. Okay. Thank you.

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1 MAUREEN McCARTY: Like I said I can't  
2 begin to improve on what they have already said and  
3 I'm probably not saying anything new.

4 Speaking, addressing the abuse from  
5 Rex as far as line agents and we've been threatened  
6 with eminent domain and told that we had to allow  
7 them on our property to do surveys.

8 We aren't really sure where it is they  
9 want to put the pipeline on our property at this  
10 point in time. When they finally told us we had to  
11 let them on our property to do a survey, we finally  
12 let them. And it's completely in a different  
13 location than what it shows on the map out there.  
14 The map shows it going right through a house and a  
15 garage and our pond, directly through the buildings  
16 through the pond, you know, which seems absurd to us.  
17 So I assume when they did the new survey that that  
18 was the new location, that somehow they realized  
19 what, how foolish the previous one was. But we've  
20 never --

21 There are pink, you know, flags in our  
22 fields and stacks stuck everywhere, it looks  
23 ridiculous, and we've never heard another word from  
24 them.

25 Both of those places, even though we

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1 don't know which one they're considering, are  
2 absolutely unacceptable, they would destroy our  
3 property values.

4 There's also an easement on our  
5 property that obviously would present a better  
6 option. The only thing that we can come up with is  
7 that somehow it must be easier or more convenient or  
8 more profitable for them to, you know, do it the way  
9 they're considering doing it. It's 'cause there is  
10 also an easement on the back of our property where  
11 Texas Eastern's pipelines go through. So we really  
12 don't know what's going on.

13 We told them when we've had problems  
14 with them in the past, there's always somebody  
15 different that comes back the next time. It's really  
16 confusing, and like I said, we don't even know where  
17 they're proposing to put it, because there's flags in  
18 one location and a map addressing a totally different  
19 location. So we have serious concerns about it.

20 We have serious concerns about the  
21 safety of it and the depth of the pipe. And like I  
22 say and it would basically destroy our property  
23 values to enrich someone else.

24 DOUGLAS SIPE: Thank you. Constant  
25 communication with your right-of-way agent, I can't

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1 stress that enough. And, again, if you're not  
2 getting what you expect to get out of your  
3 right-of-way agent contact Ferc, contact Rex, contact  
4 someone to get a new one.

5 You will see -- And this is a problem  
6 with pipelines, the projects all the way over.  
7 Through pre-filing, up to they file an application,  
8 up till we get a draft out, after we get the final  
9 EIS out, we're constantly trying to improve the  
10 location of the pipe and make it better for everyone.  
11 So there will be change on some of these pipelines,  
12 on your property even now.

13 So just the communication needs to be  
14 there between you and your right-of-way agent and  
15 also between you and Ferc. Kim Beckman and Paul  
16 Benoit. Yeah, if you can spell that. Beckman, I  
17 think we got the last, but--

18 KIM BECKMAN: Beckman, B-e-c-k-m-a-n,  
19 Benoit, B-e-n-o-i-t.

20 DOUGLAS SIPE: Okay. Thank you.

21 KIM BECKMAN AND PAUL BENOIT

22 KIM BECKMAN: And we'll keep it sort  
23 and simple, because really a lot of the concerns have  
24 already been. We'll keep it short and simple, 'cause  
25 a lot of the concerns have already been addressed or

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1 mentioned. But we have concerns about where the  
2 pipeline is going on our property. The concerns are  
3 related to safety and property damage. And  
4 basically, you know, the pipeline is not open to  
5 discussing any of those alternatives. Said we need  
6 to talk to Ferc about that. So we would like to know  
7 the best way to talk about alternatives on our  
8 property.

9 PAUL BENOIT: How do we formally  
10 request an alternative route.

11 KIM BECKMAN: Do we call, do we go on  
12 your website?

13 PAUL BENOIT: They said, they told us  
14 Ferc decided where the pipelines go and then that's  
15 where it's going.

16 DOUGLAS SIPE: And that's the  
17 question?

18 KIM BECKMAN: Yes.

19 PAUL BENOIT: We'd like to know how to  
20 officially, yeah, because there is undeveloped  
21 property for sale that parallels, that parallels the  
22 Texas Eastern line, but they could just go buy the  
23 property, instead they're cutting through three  
24 residential properties, and they're going to ruin the  
25 property value because they're taking out trees,

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1 mature forest at the back of the property which  
2 serves to, serves for privacy from the undeveloped  
3 land behind us.

4 Now their pipeline has to cross that  
5 undeveloped property in two different places. So we  
6 don't see that it's a big deal to just skirt the  
7 residential properties and buy the property that's  
8 already for sale instead of coming and telling us our  
9 land is not worth anything, the trees aren't worth  
10 anything.

11 DOUGLAS SIPE: The best way for you to  
12 -- There's several ways you can do this. One, you  
13 can stay here after the meeting and talk with myself  
14 or my consultants and show us the map. You know we  
15 have maps --

16 PAUL BENOIT: Okay.

17 DOUGLAS SIPE: -- we can look at that  
18 with you. Two, you can file your comments with Ferc.  
19 You can send them by mail, you can do it by e-file.  
20 Take pictures. You know, send in -- Don't say we  
21 don't want it on the property, show us what you're  
22 talking about, you know, just like some of your  
23 concerns now.

24 PAUL BENOIT: Okay.

25 DOUGLAS SIPE: Provide us a map, draw

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1 us a line on the map.

2 PAUL BENOIT: Got an aerial photograph  
3 with me.

4 DOUGLAS SIPE: It doesn't have to be  
5 very sophisticated for us to, you know, take a look  
6 at it and match it up to the alignment sheets. So  
7 those are the ways to get that.

8 PAUL BENOIT: Okay. Now where's the  
9 closest Ferc office to this location right here?

10 DOUGLAS SIPE: Washington, D.C.

11 PAUL BENOIT: That's what I thought.  
12 You've got to understand, for everybody sitting here,  
13 an email from here to Washington, we don't expect a  
14 whole lot to get done. We'd like to feel a little  
15 more support from the government than what we are  
16 really getting, because we are -- a lot of people do  
17 feel like they're being strong armed, eminent domain  
18 is being brought up every time someone comes out.  
19 You know they're being offering very low amounts for  
20 the property. They want you to get it signed right  
21 then and there. And I do feel it's a little bit of a  
22 strong-arm tactic, and this is going through and  
23 there's nothing you can do to stop it.

24 KIM BECKMAN: And we are also -- it's  
25 a different person each time. So you have a lack of

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1 confidence.

2 PAUL BENOIT: We're on our 4th.

3 KIM BECKMAN: Yeah.

4 PAUL BENOIT: We didn't request them,  
5 we're just on our 4th agent.

6 KIM BECKMAN: So, you know, we don't  
7 have any consistency. You know it's very easy to  
8 say, well, I don't know why they told you this, you  
9 know. We don't know anything about that. It's just  
10 a very uncomfortable process.

11 DOUGLAS SIPE: Okay.

12 PAUL BENOIT: Is that it?

13 KIM BECKMAN: Yeah, that's it.

14 DOUGLAS SIPE: I'm sorry about that,  
15 but, you know, right-of-way agent deal, again,  
16 they're an independent contractor of the company  
17 themselves.

18 PAUL BENOIT: Right. We just didn't  
19 know the process for an alternative route.

20 DOUGLAS SIPE: Okay. Thank you.

21 KIM BECKMAN: Okay. Thank you.

22 DOUGLAS SIPE: Daniel E. Proeschel.  
23 Did I butcher that really bad?

24 DANIEL PROESCHEL

25 DANIEL PROESCHEL: You did real good.

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1 DOUGLAS SIPE: I done one of these  
2 meetings one time in Louisiana and had a bunch of  
3 Cajun names and French names and was terrible that.

4 DANIEL PROESCHEL: It's Dan Proeschel,  
5 P-r-o-e-s-c-h-e-l. And I live in Warren County, farm  
6 approximately 1000 acres. The pipeline is crossing  
7 nine different farms that I operate at this time. I  
8 deal with 18 separate landlords and nine of those  
9 farms the pipeline is crossing. It is also crossing  
10 two farms that I own myself. I have not been  
11 contacted to obtain a right of way on my farm. I  
12 should regress. They contacted me, but they did not  
13 have all the information they needed, so we haven't  
14 got into the details yet.

15 It's my understanding that Rockies is  
16 going to pay crop damages for the right of way that  
17 they purchased. Now, who receives the crop damages,  
18 is it the landlord or is it the tenant? Can you  
19 answer that for me?

20 DOUGLAS SIPE: That would be an  
21 easement negotiation between the landowner themselves  
22 and Rockies. I know -- I really can't answer that  
23 question, 'cause I'm not exactly sure on how each  
24 particular company does their easements. I would  
25 assume that they would do that between the landowner

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1 themselves. And that would be something you would  
2 have to negotiate out with the landowner that you're  
3 leasing the property off of to grow your crops or  
4 farm, however you do.

5 DAN PROESCHEL: Okay. I've already  
6 had contact with two of my landlords, and Rockies  
7 came to me and I had to sign off a piece of paper so  
8 that they could pay these landlords, and I have yet  
9 to see a dime in crop damages.

10 DOUGLAS SIPE: Well there wouldn't be  
11 any crop yet.

12 DAN PROESCHEL: No, correct, but there  
13 is no -- nothing set in motion to take care of the  
14 tenants on these farms that their pipeline is  
15 crossing. I hope you understand where I'm going?

16 DOUGLAS SIPE: I totally understand  
17 where you're going.

18 DAN PROESCHEL: Okay. So --

19 DOUGLAS SIPE: That's something you  
20 would definitely need to talk -- There's right-of-way  
21 agents here from Rockies tonight.

22 DAN PROESCHEL: Okay.

23 DOUGLAS SIPE: That would be something  
24 you'd want to ask them specifically after the meeting  
25 on how they can negotiate that out. I kind of want

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1 to know myself.

2 DAN PROESCHEL: Very good. Another  
3 issue, the compressor stations, is that a done deal  
4 on the location yet?

5 DOUGLAS SIPE: Which compressor  
6 station?

7 DAN PROESCHEL: The one in Monroe  
8 area.

9 DOUGLAS SIPE: That's the one we  
10 looked at today. That proposal for that compressor  
11 station just came to our office Friday, last Friday  
12 before I come out here, so, no.

13 DAN PROESCHEL: Okay. How many  
14 proposed sites is there for this compressor station,  
15 do you know?

16 DOUGLAS SIPE: That was the 4th.

17 DAN PROESCHEL: Four.

18 TOM CUDDY: Fourth been moved out of  
19 Monroe. It's at least the fourth proposed by for  
20 that station.

21 DOUGLAS SIPE: It's been moved out of  
22 Monroe and it's at least the fourth spot proposed for  
23 that location, that compressor station.

24 DAN PROESCHEL: Okay. Thank you very  
25 much.

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1                   DOUGLAS SIPE: Thank you. That's the  
2 last speaker I have on my list, but I'm here for  
3 questions, or anybody else that wants to speak that  
4 did not sign up. I see the hands. I'll try to pick  
5 out the hands. It would be good if everyone wants to  
6 sign up, go back out and sign up. If I'm gonna get a  
7 lot that, then I'll have to pick and choose, but I  
8 see three people right now that raised their hands.  
9 Sir, in the red shirt and the hat, you're first.  
10 Ms., you're next, and then the sir in the blue shirt  
11 in the back, you're next, that's three.

12                   WILBUR WOOLLARD:

13                   WILBUR WOOLLARD: My name is Wilbur  
14 Woollard Fuller, that's W-i-l-b-u-r W-o-o-l-l-a-r-d.  
15 I have about three comments that I'd like to make.  
16 For the people that are talking about restoration of  
17 property afterwards, if they're talking about getting  
18 trees replaced and everything, I think they should  
19 forget it, because the pipelines will not allow any  
20 trees on the site of the pipelines. And about once  
21 every three, four years, five years there will be a  
22 crew that will come in and bush fall all over that  
23 area. And if there's any sprouts, something like  
24 that, they'll cut down those trees. They have to  
25 have -- people like Texas Eastern -- has to agree

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1 because they have everything signed over and checking  
2 those lines. In fact, where I live -- so that may  
3 answer the question for some of those folks.

4 Now last year, I believe it was, I  
5 don't have the paperwork with me, but I had a  
6 previous meeting, and I believe this lady was from  
7 the state, I'm not sure, but after the meeting was  
8 over I approached her and I said, we've been talking,  
9 just like we're doing here tonight, not one pipeline,  
10 however, and article that I read quoted two people in  
11 saying there was a possibility of three pipelines,  
12 eventually. She denied that, she said, oh, no, we're  
13 only talking about one pipeline, and I said that's  
14 not my question. And she's talking, just right  
15 behind me, one pipeline.

16 The comments that I read, two  
17 different occasions, two different articles was that  
18 was an eventuality of three pipeline. Now that could  
19 give an indication that some of these folks are  
20 having some variances as to where the lines go,  
21 deviation and so on as to why that deviation is being  
22 looked at, just a thought.

23 The other one is these folks gripping  
24 about one line. My farm property has five pipelines  
25 going through it. Two natural gas -- no, I'm sorry,

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1 three natural gas and Texas Eastern, a propane line,  
2 which exploded three years ago. And also Tecco has a  
3 line going north with gas north.

4 Now my property is normal for this  
5 area, and there is a very, very deep solid hard pan  
6 somewhere between 5 foot to 6 foot, we buried it, we  
7 buried a foot on my property. That's very, very  
8 deep.

9 I did a little calculations and I  
10 didn't use any new height, math or anything like a  
11 computer, but if you're going to take hard pan five  
12 to six feet and you're gonna put a 42 inch pipeline,  
13 you are not going to get the required topsoil.

14 And the meeting at Kings Island, I  
15 asked one of the people there in safety, and he says  
16 I don't know the answer to that, because I'm not in  
17 engineering, but I said with that much hard pan, and  
18 I've had to really get down through that on two  
19 occasions, you have to use a bigger, blasting or  
20 drilling. And if people who live close to this type  
21 of situation, they're gonna find out that, yeah,  
22 there's a lot of noise and a lot of dirt and a lot of  
23 dust that you don't know about, and there's a lot of  
24 vibration.

25 Now, my other experiences with the

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1 pipelines, and I've had a few that I've turned down  
2 that have not come to. Well the pipeline and hiring  
3 people to get signatures for right of ways, they'll  
4 be very demanding, as you've expressed. Then once  
5 something decided, then there will be another crew of  
6 people come along and want to do some certain things,  
7 surveys, et cetera, et cetera. They don't pay any  
8 attention to what the paperwork that was signed for  
9 this. They have their own way of doing this. And  
10 once that's done, then the construction will come in  
11 and start, and they have their own methods and ways  
12 of doing things and pay no attention to what's been  
13 said before. And after all that is done, you better  
14 be prepared, folks, because the clean-up people will  
15 come in, so-to-speak, performing clean up, and they  
16 have their own system and ways of doing things.

17 Now, the only thing I can suggest in  
18 my statement here tonight is that there's a lot of  
19 things going on and you just better be prepared for a  
20 lot of problems. And anything that you gentlemen and  
21 your organization can do to help would be greatly  
22 appreciated. Your comments. I know I've covered a  
23 few topics.

24 DOUGLAS SIPE: One, in the center line  
25 of maintaining a pipeline right of way, the only area

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1 they don't allow trees is directly over top of the  
2 center line for a distance, usually 10 feet on either  
3 side on average. The rest of it can grow up and go  
4 back to be replanted and do whatever. They're not  
5 gonna come in and maintain, in certain areas, the  
6 entire 50 foot permit easement.

7 WILBUR WOOLLARD: No, you could -- you  
8 can grow grass, you can put a crop in over that, but  
9 you can't have trees.

10 DOUGLAS SIPE: You can't have trees  
11 within that 10 feet on either side of the pipeline.

12 WILBUR WOOLLARD: Ten feet is 25 foot  
13 on each side of a pipeline, existing pipeline.

14 DOUGLAS SIPE: I'm not sure what -- It  
15 comes from our plan and procedures. You know, we  
16 have a plan and procedures on tells them how much  
17 they can maintain and how often they can maintain it,  
18 and that's what I'm telling you our plan and  
19 procedure state. I'm not sure what Texas Eastern or  
20 whatever company you have on your property has  
21 negotiated out with you, but if they're not doing  
22 that, then they're not following Ferc plan and  
23 procedures. The reason they do need to keep that  
24 clear is one for maintenance so they can see the  
25 line.

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1 WILBUR WOOLLARD: Sure, understand.

2 DOUGLAS SIPE: So they can fly over it  
3 and check it out. The actual construction on your  
4 property, that varies throughout. The reason why a  
5 lot of these pipelines are in agricultural areas is  
6 because, one, there's no homes there.

7 WILBUR WOOLLARD: I understand.

8 DOUGLAS SIPE: There's not a lot of  
9 infrastructure there, which they're trying to avoid.  
10 They're not trying to get close to cities and towns.  
11 And I get the question about municipalities. They're  
12 all trying to stay away from municipalities, they're  
13 all trying to stay away from these cities that are  
14 telling them to get away. Well, the reason they do  
15 that is because, you know, they want to try to be as  
16 far as they can away. But during construction,  
17 everything can be different.

18 You can have the hard pan areas as you  
19 stated, and it can be difficult to get 5 foot of  
20 cover. But if they're conditioned to get 5 foot of  
21 cover and the Department of Agriculture is behind  
22 that and Ferc is behind that, then that's what they  
23 need to do.

24 WILBUR WOOLLARD: Okay. Thank you.

25 DOUGLAS SIPE: Thank you.

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1 MARY DETCHER

2 MARY DETCHER My name is Mary Detcher,  
3 D-e-t-c-h-e-r and I live at 440 Codheneer,  
4 C-o-d-h-e-n-e-e-r in Monroe, Ohio, and I attended a  
5 meeting just this past Thursday at the Monroe Center,  
6 James for Rockies Express introduced the new location  
7 of the compressor station, as you said you just got  
8 to. Well, I was well surprised to see that, and I  
9 was very surprised to see that the line was drawing  
10 all the way back down to Monroe. And it is going to  
11 be in the field behind me and run right up close to  
12 Todd Hunter Road out, and that is no where -- I mean  
13 it's out on undeveloped property. There is no  
14 easement there, there is no utilities there, and  
15 there is nothing there. And when they move this over  
16 to Burns -- Of course they told us at that meeting  
17 the it was already done. They don't even need to do  
18 anything -- a set up houses, you know, they -- And,  
19 of course, I'm also concerned about the 3 foot -- 3  
20 foot, they have to put this pipeline into the ground.

21 And I work for a syndrome and we bury  
22 bodies 6 foot in the ground. I mean, but, this big  
23 pipeline they only put it 3 foot into the ground.  
24 So, you know, I just don't understand, but this is  
25 what they keep saying, and now they're gonna be clear

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1 back into Monroe. And if they're coming down and,  
2 oh, and the new compressor station is going right  
3 there on the interstate, right with all these homes  
4 and everything there. And so they move out to the  
5 country away from the cities and municipalities, no,  
6 this is not. And so, you know, there is great  
7 concern about that. But when I went up there and saw  
8 all the new pictures and I see it's moving -- that  
9 the line is totally moved. It is nowhere that any  
10 utilities, it is going all the way to Monroe, and only  
11 time it gets to any utilities it is going to get up  
12 to Duke there.

13 And, I mean, you know, it's dropping  
14 way down, it doesn't have to do that, they don't have  
15 to do -- They have the line all moved different ways.  
16 And, of course, before when they were gonna put it in  
17 the field behind me, you know, they trespassed on my  
18 property, they dug holes on my property, I called the  
19 police on them.

20 And you have several reports on your  
21 -- I have letters all over your site, yeah, Mary  
22 Detcher, D-e-t-c-h-e-r, just one right after another.  
23 There's one posted today. I got on it today and  
24 posted today. And I just think it's terrible. But,  
25 you know, I don't -- I'm like the other people, I

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1 don't know what the federal government is doing for  
2 us. You know we buy property and we pay cash. If we  
3 don't pay our taxes, we'll lose our property, but you  
4 can come in and do whatever you want to do.

5 My neighbors told me, I was at work.  
6 I'm a widow, I live by myself, and I was at work and  
7 my neighbors said there was two vans pulled in my  
8 property, about 25 people walked all over the place  
9 and they said they have permission from me to be  
10 there and they didn't. And then the very next day  
11 they come and they dig holes 20 by 20 square all the  
12 way down the drive and I called the police.

13 So -- And then a gentleman, Rick Meres  
14 from Rockies Express shows up at my on my workplace  
15 the next day, "Oh, Ms. Detcher, we're so sorry we dug  
16 holes on your property.

17 They are not credible people. They  
18 are not credible people, let me tell you. They are  
19 so dishonest, and if their mouth is moving they're  
20 lying.

21 So I hope you got that spelled right  
22 on the record, because that is exactly the way I  
23 feel. And I have been following you people, they are  
24 just a terrible thorn in my side, and I hope you can  
25 do something about this. Thank you.

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1 DOUGLAS SIPE: Thank you. Sir.

2 JIM BOHREN

3 JIM BOHREN: I'm Jim Bohren,  
4 B-o-h-r-e-n. I have two concerns with the  
5 Environmental Impact Statement in terms of omissions  
6 and errors. First, I heard tonight about this toxic  
7 coding on the pipes, which I understand is not  
8 addressed in your report at all. And this is of  
9 interest to me because that goes up stream behind my  
10 place and my well will be getting all that toxic for  
11 me and my livestock. So I would really like to know  
12 how I'm supposed to find out about this.

13 DOUGLAS SIPE: Gery, you want to  
14 address that or you want me to?

15 GERY BAUMAN: My name is Gery Bauman I  
16 work for the Pipeline and Hazardous Materials Safety  
17 Administration. There's been some concern about the  
18 coding that's on the pipe. The coding is there for  
19 cathodic protection. It is a requirement of federal  
20 regulations that the pipe be coded. The coding that  
21 Rockies Express will be using, if the pipeline is  
22 built, is manufactured by 3M, and it is specifically  
23 made for cathodic protection.

24 3M has done extensive testing on their  
25 codings, and it has not been shown to be a toxic

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1 agent. It is an epoxy.

2 JIM BOHREN: Where is this  
3 information?

4 GERY BAUMAN: The information can be  
5 received from 3M on their coding.

6 JIM BOHREN: Okay. The one with  
7 codings on it.

8 GERY BAUMAN: Okay. We can get that  
9 information for you, it's not a problem.

10 JIM BOHREN: I appreciate that. Now  
11 the other point, your Environmental Impact Statement  
12 talks about the social impact of the work crews in  
13 the area and makes the claim that there would be  
14 essentially no community impact from the work crews  
15 going through. I happen to have been out in the west  
16 where they're building pipe last summer, and I happen  
17 to talk to some of the people in the cities where  
18 they're going through and that is not what I heard.  
19 The people in the towns were extremely offended by  
20 the workers, they had no provisions for taking care  
21 of those people. There was the community have no  
22 provisions, and there's nothing there, and there was  
23 considerable problem and friction after the fact  
24 between city people and the work crews. And I happen  
25 to run into it by accident in one of the restaurants,

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1 and I went down to talk to a banker and I got an ear  
2 full. There are not no impact items from those work  
3 crews coming through. So you need to revise the  
4 document to really address what happens when they get  
5 in an area, 'cause it's not what actually happens.  
6 And how do I get this epoxy information from you?

7 GERY BAUMAN: I'm looking up the  
8 manufactures specifications right now for you and I  
9 will have it for you at the conclusion of this  
10 meeting.

11 JIM BOHREN: Thank you.

12 DOUGLAS SIPE: Thank you, sir.

13 CHRIS CAREY

14 CHRIS CAREY: My name is Chris Carey,  
15 C-a-r-e-y. I am a neighbor Mary, and my wife and I  
16 were not completely aware of the project until the  
17 Monroe compressor station to be behind her home. At  
18 the time we began to research the pipe and the  
19 development, began research the development. We  
20 began to have, why you would select a location for  
21 the compressor station like Monroe in the middle of  
22 the community that is developing very rapidly. After  
23 listening to some of the speakers tonight, I thought,  
24 Rockies appears to have put in some of the locations.  
25 I assume that Ferc has final say over some of the

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1 locations, hopefully all of 'em.

2 And I would also want to request, make  
3 sure you take a good amount of time to understand the  
4 impact in the area. The new locations selected, along  
5 that road, there is a brand new high-end outlet mall.  
6 There's been discussion for potential on and off --  
7 new residential, as well as commercial.

8 It concerns a lot of people where we  
9 live at is will the impact be on our city and on the  
10 area. And I cannot understand why that hadn't been  
11 thought through necessarily by the company, but I  
12 hope that Ferc will take the time to do that.

13 DOUGLAS SIPE: Thank you, sir. And  
14 the gentleman in the hat, you're next.

15 DAVID KYLE

16 DAVID KYLE: My name is David Kyle.  
17 I'm speaking on behalf of myself and Ronald Kyle, my  
18 father. I can keep it pretty short and simple. You  
19 guys came out with an alternative route, Ferc did,  
20 and I just like you guys to enforce that. And I  
21 appreciate you coming out with that. So I just want  
22 to make sure it's definitely on the record.

23 DOUGLAS SIPE: Okay. Thank you. Sir.

24 GREG WILKEN

25 GREG WILKEN: Greg Wilken, engineer.

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1 W-i-l-k-e-n. Ferc has since slowed the contract  
2 originally, not Ferc, but Rex, but lately we have  
3 been in good communication with them.

4 There's one issue that's still  
5 resolving and pending that we've got, and that's the  
6 development of future streets in subordination of  
7 their easements. So our right of way street clear  
8 and encumber. We sent back some agreements today. I  
9 would hope that we could get that issue worked out,  
10 but it is a pending issue.

11 And the other is my third point, is a  
12 question. You spoke to eminent domain and you spoke  
13 there's no federalized domain, and you spoke to  
14 potential state eminent domain on this issue. How  
15 does the state eminent domain come into effect  
16 without Ferc already given approval, I'm not sure of  
17 the process?

18 DOUGLAS SIPE: I'm not an attorney, so  
19 I can give you the basics of that. For example, in  
20 Texas, Texas has state eminent domain, and on several  
21 projects we were hearing, you know, with the pipeline  
22 project going through the state of Texas is that, a  
23 lot of these people have already -- their land has  
24 been taken by eminent domain. That's state eminent  
25 domain. State has a process of taking an easement

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1 for use, not taking the land, taking an easement for  
2 use, for a utility. That's how it's designed. The  
3 state -- If you are a utility, that is how you can  
4 get state eminent domain.

5 Ohio has similar, the similar  
6 situation where if you are, and that's what the judge  
7 ruled on. I just read the ruling a little bit  
8 today. If it's considered a utility, then they can  
9 have the access for survey information. The access  
10 for eminent domain, I believe from that judge, has  
11 not been ruled on yet. But federal eminent domain  
12 does not exist until Ferc rules, approves for, if  
13 they had actually approved the project.

14 GREG WILKEN: Just looking through the  
15 process, without Ferc approval, would you move -- or  
16 I can't imagine the state allowing eminent domain use  
17 on our line if that hasn't been chosen with Ferc  
18 approval. I mean I was coming into a property owner  
19 and use eminent domain without Ferc's approval,  
20 because Ferc -- I'm gonna use eminent domain on our  
21 alignment that isn't approved through Ferc yet.

22 DOUGLAS SIPE: Right.

23 GREG WILKEN: So it stands to reason  
24 Ferc's approval is an immediately process before any  
25 eminent domain is becoming effect.

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1 DOUGLAS SIPE: You would think -- I  
2 mean you would think, because if they would use that  
3 state eminent domain to take that easement for the  
4 use of a pipeline, not take the land, take it for an  
5 easement. Ferc --

6 GREG WILKEN: So that alignment --

7 DOUGLAS SIPE: That can be moved, Ferc  
8 can move that and it would be used.

9 GREG WILKEN: But Ferc's approval  
10 would need process, I would think, prior, prior to  
11 use of any eminent domain, because they can't define  
12 that to be of use for a pipeline without an  
13 alignment.

14 DOUGLAS SIPE: I can't answer.

15 GREG WILKEN: I mean I do the same way  
16 -- we deal in that same process on roadways. And I  
17 got to establish my alignment prior to the use of any  
18 eminent domain. I would have to think that Ferc's  
19 approval is they have to come in line prior to use of  
20 any state or federal.

21 DOUGLAS SIPE: It's my understanding  
22 that the eminent state domain, "state eminent domain"  
23 is they've been used so far for survey access.

24 GREG WILKEN: That's a possibility, I  
25 would think survey access and not land use for Ohio.

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1 DOUGLAS SIPE: Not for -- yeah.

2 GREG WILKEN: Thank you.

3 DOUGLAS SIPE: Thank you.

4 NANCY MOWREY

5 NANCY MOWREY: Nancy Mowrey,  
6 M-o-w-r-e-y. I actually just have a couple  
7 questions. The recommendations that are made by Ferc  
8 in the Draft EIS, are they enforced by Ferc, and if  
9 they're not why not?

10 DOUGLAS SIPE: They are enforced by  
11 use.

12 NANCY MOWREY: In my situation I have  
13 two specific concerns, one is the Mowrey Jones  
14 Alternative, the other is that they're not to start  
15 construction in our area until the directional drill  
16 across the Little Miami has been completed  
17 successfully, because if that doesn't occur, the  
18 whole route has to be changed. I want some assurance  
19 that that's gonna be enforced.

20 And Rockies has already put a rebuttal  
21 out, you know, regarding the Mowrey Jones  
22 Alternative. So I'm just curious as -- you know when  
23 those recommendations, are they clearly just  
24 recommendations, or does Ferc enforce those  
25 recommendations?

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1 DOUGLAS SIPE: That's very confusing  
2 and it should be confusing to the general public.  
3 These are recommendations to our commission, our  
4 commissioners upstairs, they're not recommendations  
5 to the pipeline company.

6 NANCY MOWREY: Okay. I think that's  
7 confusing.

8 DOUGLAS SIPE: Yeah, so any condition  
9 that we have in there -- there's a lot of conditions,  
10 there's conditions that are requiring Rex to provide  
11 us information before we go forward with our next  
12 document, they're requiring information prior to  
13 construction, and there's also general conditions  
14 that is attached to every single one of our orders  
15 that go out. But when you see recommendation, we  
16 have to write our documents to state that that's what  
17 we are doing. As staff we are recommending this to  
18 the commissioners.

19 NANCY MOWREY: Right, so it wouldn't  
20 be enforced unless accepted in the final EIS.

21 DOUGLAS SIPE: Correct.

22 NANCY MOWREY: Right. And I'm  
23 getting --

24 DOUGLAS SIPE: But I can tell you that  
25 our commissioners on recommendations of that nature

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1 -- I mean they're taking our recommendations on an  
2 alternative measure. It's not very often that they  
3 change those recommendations.

4 NANCY MOWREY: Okay. And like I say  
5 I've already seen where Rex has put a rebuttal into  
6 that.

7 DOUGLAS SIPE: Yeah, I mean Rex has --  
8 Rex has filed I think last week on a lot of these  
9 recommendations we made with asking questions why or  
10 how or no.

11 NANCY MOWREY: And then, of course, I  
12 filed a rebuttal against that, so it just goes on and  
13 on and on. The other thing I'd like for you to do is  
14 if you could expound on the time frame and the  
15 procedure from this point on. You know, like when  
16 the final EIS occurs, when the certificate occurs, if  
17 condemnation of property is going to occur, or how  
18 that happens, and when constructions actually starts.  
19 So we as the general public has an idea of the  
20 overall procedures, because really no one has  
21 explained that to us.

22 DOUGLAS SIPE: Right now it is  
23 scheduled for a final EIS to come out on February  
24 29th. Me personally after doing many of these EIS's,  
25 I'd be very surprised if we make that date from the

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1 information that we're, that, you know, we need yet  
2 Rex has asked, like all companies do,  
3 they ask in their application, okay, we would like to  
4 have a commission decision by this date. We as Ferc  
5 will give the general public all the information they  
6 need about our schedule, except that date. So right  
7 now if the FEIS does come out on February 29th, and  
8 that's what I'm gonna go off of, because that's the  
9 date in front of me, approximately --

10 We have a method of when an  
11 application is filed, you have four months until a  
12 DEIS. Four months after that you have an FEIS. Two  
13 months after the FEIS the commission on average makes  
14 a decision on the project. So right now you'd be  
15 looking for a commission decision around, I think  
16 they're asking for a May decision. That's what they  
17 asked in their application, a Ferc decision by May  
18 1st of 2008. After they receive that decision from  
19 Ferc, depending on what conditions are attached to  
20 that order, they need to send us an implementation  
21 plan on how they are going to implement this project  
22 while considering these conditions that they have to  
23 do.

24 They file that implementation plan  
25 with Ferc, we look at what they file. They have to

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1 make, you know, they have to abide by the conditions,  
2 so that's what we're checking, did they abide by all  
3 these conditions on the information that they filed  
4 in their implementation plan. Once we look at the  
5 implementation plan, if we need any more information  
6 we ask them, but then they ask for a construction  
7 clearance.

8                   Usually on a pipeline project on this  
9 size and nature, they won't be asking for the  
10 entirety of the construction clearance for everything  
11 all at once, it will come in phases. Like they may  
12 want to do Phase I or they may want to build a  
13 compressor station or they may want to do certain  
14 things.

15                   NANCY MOWREY: So at what point can I  
16 get a notification from Rockies saying they're gonna  
17 force the use of eminent domain?

18                   DOUGLAS SIPE: After the commission  
19 votes on the project. After the commission votes to  
20 approve -- if they would vote to approve this  
21 project, that gives Rockies the ability to use  
22 eminent domain.

23                   UNIDENTIFIED PERSON: That's May 1st  
24 or when is that?

25                   DOUGLAS SIPE: That -- Well, right now

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1 they're asking for May 1st. It would be sometime in  
2 May. Once they receive that order, and you can track  
3 that --

4 NANCY MOWREY: On, okay.

5 DOUGLAS SIPE: -- through  
6 e-subscription, e-library --

7 NANCY MOWREY: All right.

8 DOUGLAS SIPE: Once you receive that  
9 order. And, also, we -- I can give you all these  
10 dates right now what --

11 NANCY MOWREY: Right. I understand.  
12 I just need some kind of --

13 DOUGLAS SIPE: -- proposed, but a week  
14 before -- You can go on right now and you can look at  
15 the commission dates for the entire year of 2008.  
16 It's usually like the third week of every month. So  
17 once the FEIS comes out and you can look at that  
18 calendar and you can go see when the commission --  
19 'cause they're not gonna hold a separate meeting for  
20 Rockies, they would do it on a commission agenda.

21 NANCY MOWREY: Right. And then once I  
22 get that notification of them using eminent domain,  
23 they can start construction on my property?

24 DOUGLAS SIPE: No. They can't start  
25 construction until Ferc clears them. That clear --

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1 The commission authorization of the project does not  
2 clear them to start construction. The Office of  
3 Energy Project, who I work for, we have delegated  
4 authority from the commission to grant them  
5 construction clearance.

6 NANCY MOWREY: Okay. Thank you.

7 DOUGLAS SIPE: Okay. Just because  
8 they have an FEIS and just because they have a  
9 commission order doesn't mean they can come in the  
10 next day and start construction. They have to abide  
11 by every condition that's in this document, along  
12 with all the other agencies that provide them  
13 permits. It's not just Ferc.

14 Now under Energy Policy Act of 2005 we  
15 are the lead federal agency for all natural gas  
16 pipeline projects. All other agencies have 90 days  
17 to issue their permits after our final environmental  
18 impact statement unless they have statutory  
19 requirements.

20 Like the Fish and Wildlife Service has  
21 from once we issue them a biological assessment, they  
22 have a 135 days to give a biological opinion. The  
23 Army Corp of Engineers, once they receive an  
24 application from the company they have one year to  
25 act. So it's not just Ferc that has to release this

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1 pipeline project. Further questions? Ms. You have  
2 to come to the mic -- sorry.

3 ROBBIE ROWE

4 ROBBIE ROWE: Robbie Rowe, R-o-w-e.  
5 Does Ferc ever stop any of these project? Do you  
6 ever stop a project of this magnitude?

7 DOUGLAS SIPE: We get that question  
8 quite frequently, and our record of stopping projects  
9 is very low for this simple reason. Ferc is an  
10 advocate for their process. We're not an advocate  
11 for a project, we're an advocate for the process.

12 Most proposals of this nature or  
13 smaller, they will fail themselves before they come  
14 up, before they come in front of the commission for a  
15 vote on the project. If they fail to our process and  
16 they don't give us the information we need, or the  
17 shippers that they're supplying this gas to, no  
18 longer need it, the project fails itself.

19 I have plenty of projects in my  
20 Project Manager's Offices right now filling our  
21 shelves that have just been kind of put on hold for a  
22 number of different reasons. Ferc necessarily did  
23 not "deny" their project, but we have denied their  
24 project, per se, in the data request questions that  
25 we give them, asking them for information that

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1 sometimes we know that they're gonna have trouble  
2 getting, I mean, but we still need it, or other  
3 agencies out there are requesting information from  
4 them that their proposal the way it stands right now,  
5 are they gonna have a pretty hard time getting it  
6 through.

7 So if a project makes it through our  
8 process, which we are an advocate, and I -- we hear  
9 praise throughout the country from other agencies  
10 about our process how it works, if they fail the  
11 process, mostly likely the commissioners don't have  
12 to vote to deny the project.

13 ROBBIE ROWE: Okay. Even -- Now  
14 you've approved the Rex West segment of this project.

15 DOUGLAS SIPE: Right, and that was a  
16 big concern when it first came in, because it was  
17 looked upon that, okay, guys, are you guys segmenting  
18 your projects here? That's a, you know, that's a  
19 failure of the Natural Gas Act, you cannot segment  
20 projects.

21 If the Rockies West Project can act on  
22 its own -- We have this problem right now in Oregon.  
23 There's some multiple pipeline projects out there  
24 proposed. If that project can act as a single  
25 stand-alone project and does not need that next

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1 segment of pipeline built or does not need another  
2 pipeline to be hooked to it for future use, then  
3 that's not segmenting projects. So right now this  
4 one could -- the one that's being built right now,  
5 they have -- they've been giving the public need  
6 necessity, because that project could go forward by  
7 itself.

8 ROBBIE ROWE: So just because west is  
9 approved doesn't necessarily mean that east will be  
10 approved?

11 DOUGLAS SIPE: You're correct.

12 ROBBIE ROWE: So west stands alone?

13 DOUGLAS SIPE: Stands alone as its own  
14 project.

15 ROBBIE ROWE: Project. Okay.

16 DOUGLAS SIPE: This would just be  
17 another --

18 ROBBIE ROWE: But I thought the  
19 purpose is the entire project of both segments was to  
20 deliver gas to the people on the east coast that have  
21 no gas. That's what I was told by the Rex, that I  
22 would stand in the way of people on the east coast  
23 have any gas to heat their homes.

24 DOUGLAS SIPE: There's all kinds of  
25 companies that want to propose projects to deliver

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1 gas to certain areas.

2 ROBBIE ROWE: Okay.

3 DOUGLAS SIPE: This project in general  
4 like you said will send the gas to California. This  
5 project in general may be sending off to one of  
6 their, you know, send-out lines or you know one of  
7 their hookups to send gas to the west. The Rockies  
8 West project had their shippers, they had the people  
9 that needed the gas.

10 I'm sure that was in the back of their  
11 minds all the time, yeah, we would love some day to  
12 build that next segment of the pipeline to get our  
13 gas to the east. They didn't know if they could do  
14 it or not.

15 ROBBIE ROWE: I have another question  
16 about the toxic substances. Because that was  
17 something that was brought to our attention by people  
18 thinking that would do, Monday evening in Zanesville,  
19 Ohio. And I noticed that that 3M manufacturers the  
20 substance that's coding the pipeline. And what does  
21 the Federal Government do to ensure us that they  
22 won't degrade over time and become toxic, because  
23 constantly from drug companies, from chemical  
24 companies, we're told something is fine, and then  
25 three years down the line, oh, it's a carcinogen we

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1 have to pull it off the market. Well if it's already  
2 in the ground and leaking into the soil and our water  
3 supplies, it's too late. How do you respond to that,  
4 or you just take 3M's word that it's not a toxic  
5 substance?

6 DOUGLAS SIPE: No, we don't take 3M's  
7 word, you would take the Environmental Protection Agency's  
8 word. You would take the state, the local like, I'm  
9 not sure what this is called, Ohio Department of  
10 Environment.

11 ROBBIE ROWE: Okay. Now do people, do  
12 you think 3M lobbies the EPA for approval on things  
13 or do you know that or do you know that or is that?  
14 And people, the oil and gas companies, I've heard it  
15 to be largest lobby in the United States, the most  
16 well-funded. Is there a response to that?

17 DOUGLAS SIPE: No, I have to speak to  
18 the lobbyist for each, you know, each individual  
19 company, no, I can't respond to that.

20 ROBBIE ROWE: Okay. If I as a citizen  
21 -- it's very complicated to move through our  
22 government to find the sources for things. So if I  
23 want to know how much Rex pays lobbyist, can I find  
24 that information?

25 DOUGLAS SIPE: I mean I know the

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1 industry has lobbyist on the hill.

2 ROBBIE ROWE: Well, I do, too, but --

3 DOUGLAS SIPE: But I mean --

4 ROBBIE ROWE: I mean isn't there some  
5 requirement somewhere or wouldn't Ferc be interested  
6 that, too, or you have no interest in that?

7 DOUGLAS SIPE: I'm not saying we don't  
8 have an interest in it, but I can't answer your  
9 question.

10 ROBBIE ROWE: Okay. Would you ever be  
11 able to or that's not something that would just be --

12 DOUGLAS SIPE: I have to because you  
13 just commented on the record about it.

14 ROBBIE ROWE: Oh, okay, okay. And  
15 also about the 3M product, can you comment on that?

16 DOUGLAS SIPE: I do. Everything is --  
17 everything is -- you know every comment that we  
18 receive we have to respond to.

19 ROBBIE ROWE: I hate to monopolize but  
20 I just have so many questions. The other thing is  
21 you said that before a project ever comes before Ferc  
22 it's been approved by all these states, that, you  
23 know, that it's a need, the necessity of this has  
24 already been established by Missouri, by Indiana, by  
25 Ohio, by Pennsylvania, every place this pipeline is

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1 going these states have indicated it is a necessity  
2 before this starts? Or who in my state said this was  
3 a necessity that we run a pipeline through Ohio to  
4 take gas because of --

5 DOUGLAS SIPE: No one stated it was a  
6 necessity at -- Ferc decides if it is a public need  
7 necessity. A company put --

8 ROBBIE ROWE: So the states don't have  
9 anything to do with it. I guess I just misunderstood  
10 what you said before.

11 DOUGLAS SIPE: It's hard to -- It's  
12 very hard to --

13 ROBBIE ROWE: It's very hard.

14 DOUGLAS SIPE: It's very hard. Let me  
15 try it one more --

16 ROBBIE ROWE: Where is the --

17 DOUGLAS SIPE: The states -- We don't  
18 look at the need, Ferc, the Federal Energy Regulatory  
19 Commission does not look at the need for the gas in a  
20 certain state.

21 ROBBIE ROWE: Okay.

22 DOUGLAS SIPE: Like Oregon right now,  
23 for example, I just did these meetings out in Oregon  
24 for the -- actual scoping meetings not the comment  
25 meetings, and they just kept asking me, well, Oregon

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1 does not need this gas, California needs it,  
2 Washington needs it, all the other states around us  
3 need this gas. And I just have to -- you know, I  
4 just have to repeat to them, look, we don't look at  
5 the need for an individual state. We look at the  
6 need.

7 Competition, one, decides the need,  
8 'cause that's why they're coming in and providing us  
9 an application. Two, we don't look at the need for  
10 the state because we look at the overall picture of  
11 the natural gas infrastructure in America.

12 If this project is supported by  
13 shippers, the people who need the gas, and it feeds  
14 the overall grid. For example, in Oregon, I told  
15 those guys, I said, look, your gas right now coming  
16 into your state is coming from Canada, down through  
17 the state of Washington, into Oregon, from the San  
18 Juan Basin, through the state beside you, into  
19 Oregon. And a lot of states feel like they don't  
20 need to brunt the, you know, the effort and the --

21 ROBBIE ROWE: Well --

22 DOUGLAS SIPE: -- the issues with the  
23 pipeline coming through their area.

24 ROBBIE ROWE: But I understand that,  
25 but what I'm saying is: I'm not a non-patriotic

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1 person. And if a true necessity exist that people  
2 will not have gas to heat their homes, will not have  
3 gas for their utility plants, for their factories,  
4 whatever, on the east coast, then I guess I would  
5 just bite the bullet and sacrifice my farm for the  
6 necessity of making sure these people don't freeze to  
7 death this winter and next winter.

8 But it seems to me that somewhere the  
9 owner is on Rex or Ferc or somebody to prove the  
10 necessity of this pipeline. Who, where do I go to  
11 find that out?

12 DOUGLAS SIPE: Go to the commission's  
13 website and read.

14 ROBBIE ROWE: The commission -- for  
15 the commission, what commission, they're a million  
16 commissions. Commission what, Rex, Ferc?

17 DOUGLAS SIPE: Can I finish, please.  
18 Go to Ferc's website, pull up, for example, CP06.459.  
19 That was my last project that I did with Trans  
20 Western Pipeline Company out in the state of Arizona.  
21 Look at a recent order that the commission voted on.  
22 Read that order. That's where they -- you know, read  
23 that language in that order and that's where, you  
24 know, they decide on the public need necessity of  
25 that project.

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1 ROBBIE ROWE: So is that before or  
2 after your approval?

3 DOUGLAS SIPE: Can I talk to you after  
4 the meeting?

5 ROBBIE ROWE: Okay.

6 DOUGLAS SIPE: I think you're  
7 confused.

8 ROBBIE ROWE: I am.

9 DOUGLAS SIPE: Sorry.

10 ROBBIE ROWE: With a lot of people, I  
11 think.

12 SHELLEY WAITES

13 SHELLEY WAITES: My name is Shelley  
14 Waites, W-a-i-t-e-s. These -- This couple right back  
15 here where they were talking about they're coming  
16 through their property and then there's vacant  
17 property. What's the same as she did, and we tried  
18 really hard to try to talk them 300 foot until an  
19 open -- there's no trees. This is my back yard now.  
20 I would like you to look at this. These will all be  
21 gone. I had a -- from Waynesville come out and  
22 there's 165 trees left that are on my timber  
23 easement, but like I said -- willing and dealing,  
24 they're not on my property now, but the trees are  
25 right next to mine, almost all of those when they can

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1 move down. Right here is my property. Here is their  
2 property. Right here there's 45 degrees and then  
3 there's another one across the road, and it goes down  
4 the middle of the road.

5 Now the pressure of this pipeline  
6 going here and -- My well is right here, and this  
7 pipe is going to be right here. Now who protects me  
8 if there's any seepage or anything that does anything  
9 to my well, because they're not on my property, I  
10 don't have to deal with it. So if there's any  
11 damages, who protects me?

12 DOUGLAS SIPE: They're required to do  
13 the survey as well as by certain distances.

14 SHELLEY WAITES: Survey.

15 DOUGLAS SIPE: No, previously tested  
16 while or before construction and tested well after  
17 construction.

18 SHELLEY WAITES: And who pays for  
19 that?

20 DOUGLAS SIPE: They do.

21 SHELLEY WAITES: Okay. We were going  
22 to do that and now that they're not on my property,  
23 now they're not going to do that.

24 DOUGLAS SIPE: How --

25 SHELLEY WAITES: I tell you what I

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1 have to go to the doctor and get pills. They started  
2 this in October, all the way up until Christmas, I  
3 have cried, screamed, cussed, begged, it's been very,  
4 very emotional. I could cry right now. It has been  
5 -- That property we put or life's saving in. So my  
6 house and my brother's house and put everything into  
7 the house. And the first set of surveyors that came  
8 out surveyed it wrong. They put the temporary  
9 easement in my pond, through my dame. So they've  
10 come back up and surveyed when they did they took the  
11 50 foot permanent easement right on the property  
12 line. They didn't allow for the temporary easement  
13 of the equipment. All those pictures in front of my  
14 house. Then they wanted to replace with seed. I  
15 will be dead. They could move down 300 feet. It's  
16 this whole thing is vacant and probably won't be  
17 sold. It's a flood plain. They're not putting any  
18 basement in there. They they have some opening on  
19 all four sides of the water going through. What it  
20 is would be that, but it's probably not.

21 But then there's issues with Miller  
22 wanting to run power line, but there're willing to  
23 talk to someone, but they're not going to say that  
24 because they're cutting through Miller's. That's the  
25 first time and blocking their property, because

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1 they're wanting to put future retention lines.

2 I mean I'm happy they're off my  
3 property.

4 DOUGLAS SIPE: This is the information  
5 we need to have and this is what we will look at.  
6 And after the meeting we're gonna be here, so you can  
7 show us on the maps out there, also. More questions.  
8 Sir, I'm sorry, I didn't see you.

9 GERALD BURTON

10 GERALD BURTON: The name is Gerald  
11 Burton. The remarks made by the other individuals.  
12 I have additional thoughts to ask you in regards to  
13 my conclusion in the proposed route by Rockies  
14 Express.

15 It's obvious in the environmental  
16 statement, quite a few of your -- made a pretty good  
17 study. I'm assuming they made a darn good study of  
18 what Rockies had expressed as the reason for right of  
19 way and from the way you proposed alternative. And I  
20 would like to know the use of the word "eminent  
21 domain" is constantly mentioned. What is told to the  
22 public domain as far as getting data for -- that  
23 caused you to make a statement that you've made in  
24 your environmental impact statement.

25 DOUGLAS SIPE: Rockies filed an

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1 application with us. They filed their application  
2 with us. They filed their application. What was the  
3 date that they filed their application, do you know.  
4 See, I'm just telling you the date. They filed an  
5 application on April 30th, 2007, with the Federal  
6 Energy Regulatory Commission. All that information  
7 is on our website.

8 GERALD BURTON: It is on your website?

9 DOUGLAS SIPE: Yeah. They're found --  
10 it is on our website.

11 GERALD BURTON: All right. Now is --

12 DOUGLAS SIPE: And everything since  
13 then, our data request to them, their responses, and  
14 anything else that was filed back and forth,  
15 communications on the phone and our agency meetings,  
16 all that information is on the website.

17 GERALD BURTON: All right. Now --

18 DOUGLAS SIPE: So we used their  
19 information that they gave us.

20 GERALD BURTON: Okay. I point out to  
21 you that it was erroneous.

22 DOUGLAS SIPE: And that's why we're  
23 here. We want to hear from you.

24 GERALD BURTON: They made a review.

25 DOUGLAS SIPE: That's why we come out

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1 and hold conference meetings on our draft because we  
2 want people to say, look, Ferc, you messed up, you  
3 looked at it wrong, this is why you looked at it  
4 wrong, please look at it again.

5 GERALD BURTON: Okay. Now as I  
6 mentioned -- asked you earlier, how much of this is  
7 open for providing me with the analysis made by your  
8 employees, co-workers?

9 DOUGLAS SIPE: It's just not -- it's  
10 just not him, there's a lot of people involved.

11 GERALD BURTON: Well I'm sure it is,  
12 but I'd like to see the reasons for the conclusion  
13 that you formed, especially of the fact, because of  
14 the facts already exposed in this table on this being  
15 longer route imposing on more residents and not  
16 following the existing east.

17 DOUGLAS SIPE: We have to answer  
18 everything that you just put in front of us tonight.

19 GERALD BURTON: Yeah. What's the  
20 process for me to get that type of data?

21 DOUGLAS SIPE: You go look at what  
22 Rockies filed with us, their application. That's  
23 what they filed in front of us. We looked at it and  
24 then we sent out -- most likely we sent out data  
25 request, which I know we have. They responded to our

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1 data request. So we take their application, the  
2 information that they provide to us, our own  
3 independent analysis field work, and then we make  
4 that decision.

5 GERALD BURTON: So --

6 DOUGLAS SIPE: So the information that  
7 we use is on our website.

8 GERALD BURTON: It is.

9 DOUGLAS SIPE: It is on our website.

10 GERALD BURTON: Prior to the  
11 conclusion paragraph that you included in the draft?

12 DOUGLAS SIPE: The information we use,  
13 whatever, whatever information we have is how we  
14 write up our environmental impact statement. So  
15 whatever, however the analysis and the project  
16 manager decided they they need to put in the ad we  
17 use Rockie's information, plus our own in making that  
18 decision.

19 GERALD BURTON: All of that is on the  
20 website right now your website?

21 DOUGLAS SIPE: All the information  
22 that we used in making our decision that was filed in  
23 front of us, yes.

24 GERALD BURTON: All right.

25 DOUGLAS SIPE: Now the thought process

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1 of whoever made that decision, that's not on the  
2 website.

3 GERALD BURTON: Yeah, they have to --  
4 they have to make the justification through their  
5 supervisors.

6 DOUGLAS SIPE: Their justification is  
7 right there.

8 GERALD BURTON: Okay. In other words,  
9 that's all I have, and I can obtain -- that's the  
10 only bit of information I can obtain is what's been  
11 done in this small paragraph on that page?

12 DOUGLAS SIPE: The small paragraph and  
13 half page I'm assuming you're talking about is in the  
14 alternative section. All those other sections  
15 preceding that, soils, wetlands, water bodies, all of  
16 those paragraphs before that in our analysis lead to  
17 the conclusion in the alternative section.

18 And I understand for the average  
19 person to read an environmental impact statement and  
20 to get all the information out of there on how those  
21 decisions were made is a difficult process. That's  
22 the regulations that we follow, that's the  
23 regulations we use the NEPA Guidelines in developing  
24 a Environmental Impact Statement.

25 So now what you need to look for, is

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1 when the final EIS comes out, we're going to respond  
2 to everything that you said tonight. You'll see that  
3 in the final EIS.

4 GERALD BURTON: All right.

5 DOUGLAS SIPE: What you may see, also,  
6 is from this information. You know, Rockies is  
7 sitting here hearing the same information as much as  
8 Ferc is.

9 Rockies themselves, they would know  
10 from dealing with us on other projects, not Rockies  
11 in general, all these guys who worked on many other  
12 projects before, they'll know what I'm gonna ask them  
13 about this situation. Why did you do this and why  
14 did you come to this conclusion. Just like on a  
15 couple instances today when I was out in the field  
16 looking at certain peoples' properties, looking at  
17 certain alternatives, looking at that compressor  
18 station, they realize that I'm gonna be asking them  
19 that question. So Rockies maybe coming to you again  
20 and asking to look at your property and to do surveys  
21 and such.

22 UNIDENTIFIED: I would like somebody  
23 assurance that Ferc is addressing the matter of  
24 conduct with these people. I mean there's been  
25 numerous and numerous documentation and instances

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1 where Rockies' conduct that shown less than favorable  
2 and they've treated neighbors poorly. Well we want to  
3 get an apology from Ferc --

4 DOUGLAS SIPE: I have.

5 UNIDENTIFIED: -- to ensure that the  
6 kind of conduct is not gonna continue on this project  
7 and on other projects. And I feel by granting them,  
8 if this certificate is granted, then you have  
9 rewarded this kind of conduct. And I think you also  
10 should consider the integrity of a company that would  
11 treat other people in the manner that they treat  
12 people.

13 But I just think that, you know, as  
14 landowners in general, there should be something in  
15 place that gives some kind of guideline for conduct  
16 and if it's not met they're repercussions.

17 DOUGLAS SIPE: Thank you. Again, I'll  
18 state it for the record that I wish that we could  
19 regulate right-of-way agents. We don't have that  
20 authority right now. That may change, because,  
21 again, our director is fully aware of this, and we  
22 have been meeting with a bunch of different people  
23 about this situation, not only from complaints from  
24 Rockies, but from complaints from other companies.  
25 Any other questions? I will be here after the

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1 meeting. It's not like I'm gonna run away after the  
2 meeting. So I'll be here if you guys want to ask me  
3 anything else, and along with Rockies, along with  
4 Ferc themselves.

5 BECKY CHASE

6 BECKY CHASE: Becky Chase, C-h-a-s-e.  
7 I have one question for you. Why can't you keep a  
8 Ferc representative around the area all the time  
9 during this project to see that they do along with  
10 everything that you're recommending? Sometimes you  
11 can get too quick instead of going to your website  
12 and fighting and trying to get to leave any comments.

13 DOUGLAS SIPE: We've got a system in  
14 place that's pretty quick. If you con -- I'll give  
15 you the process which to use. Office of External  
16 Affairs, there's a number in our Environmental Impact  
17 Statement. You call Office of External Affairs  
18 during this point in the project if you have any  
19 concerns. What happens is I am the liaison between  
20 my office and the Office of External Affairs. They  
21 immediately send myself, the project manager and  
22 their boss an email with the concern. It is their  
23 job, Office of External Affairs, to respond to the  
24 public as quickly as possible.

25 In my dealings with Office of External

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1 Affairs as of late they wanted me to give them a time  
2 line on when I could respond to them. They wanted me  
3 to say 24 hours or two hours or whatever. That's why  
4 they're -- that's why when Office of External Affairs  
5 gets a call they're saying to three different people,  
6 because as you see I'm here tonight, and a lot of us  
7 do travel. So in other words, we want to make sure  
8 our response time back to the public is as quick as  
9 possible. Office of External Affairs is the number  
10 is the number you use.

11 BECKY CHASE: We'll do.

12 DOUGLAS SIPE: Any other questions?

13 Sir.

14 DON WILLIAMS

15 DON WILLIAMS: I started to leave and  
16 I thought to -- My name is Don Williams,  
17 W-i-l-l-i-a-m-s. And as she said advisedly probably  
18 best if I just got this decision off the docket. I'm  
19 actually from Indiana. I live right on the state  
20 line. I -- the pipeline affects me several ways.  
21 I'm a property owner, I rent property, but I'm also  
22 an elected official, President of the Town Council.  
23 We have met with Rex officials and our commissioners,  
24 and my question is: Property owners almost seem like  
25 they have a little more leverage because they have to

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1 sign agreements saying what the stipulations are on  
2 across their property and what their settlement would  
3 be.

4 As far as the county government we  
5 don't have anything other than we have our local  
6 laws, but how much leverage do we have, because our  
7 road -- our county -- county, Indiana is the largest  
8 county in the State of Indiana and the Rex pipeline  
9 will cross diagonally. It's gonna cross several  
10 roads, county waterway and that, so what leverage do  
11 we have as far as ensuring that the, all of our local  
12 laws are met?

13 DOUGLAS SIPE: Good question. I'm  
14 just gonna try to find it and read it to you, but you  
15 know what, I believe it is in the order that goes  
16 out. Local county and state, it's stated in the  
17 order, it's in a lot of the orders that go out. The  
18 companies have to abide by your local regulations in  
19 your state regulations.

20 Now you're holding -- if a local  
21 county or a state has some regulations that Ferc does  
22 not agree with, which, you know, sometimes it goes  
23 happen, then, you know, the company can work through  
24 with us and work through with you guys on, you know,  
25 maybe not doing certain regulations you have, but in

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1 general they are required to abide by the county  
2 regulations and the state regulations. It's right in  
3 our order. I wish I had the language that I could  
4 read for you, but I don't have it.

5 DON WILLIAMS: So as far as an agency  
6 that we would be contacting, it would be Ferc?

7 DOUGLAS SIPE: Um-hum.

8 DON WILLIAMS: It's a federal agency?

9 DOUGLAS SIPE: Or your state agency  
10 you dealing with. I mean it's a big process, you  
11 know, coming from the county, the state, federal  
12 government. You know we work with all levels, you  
13 know, like for one like the Fish and Wildlife Service  
14 and some of the federal agencies that we work with  
15 they do have local offices, and we do work with them  
16 quite closely. So I mean that would be a way, that  
17 avenue for you guys to use.

18 DON WILLIAMS: So you're saying that  
19 all of our zoning ordinances that would be affected  
20 by this has to be followed or at least?

21 DOUGLAS SIPE: Deal t wi th.

22 DON WILLIAMS: Deal t wi th?

23 DOUGLAS SIPE: Um-hum.

24 DON WILLIAMS: It's cannot just be  
25 ignored, correct?

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1 DOUGLAS SIPE: Right. Yeah, I mean  
2 there are certain counties out there that basically  
3 get preempted from these companies, because a lot of  
4 their, per se, regulations. A lot of county and  
5 county regulations they don't have specific  
6 regulations for pipeline projects in general, they  
7 have regulations for construction projects.

8 DON WILLIAMS: Um-hum.

9 DOUGLAS SIPE: Some of those don't  
10 apply to pipelines or for linear facilities, and so  
11 the counties don't necessarily have a regulation that  
12 they can use that the pipelines can go through, so in  
13 essence it would basically breaking county code on  
14 certain pipeline projects to go through, but those  
15 issues have to be worked out.

16 DON WILLIAMS: The one particular  
17 issue that is on the top of the pie right now is in  
18 our county, road cuts -- So the question comes, and I  
19 believe it's in your book, there can be cuts?

20 DOUGLAS SIPE: There can be road --  
21 yeah, there definitely can be -- not all. For  
22 example, there was a state from one of my previous  
23 projects that require, or a county that required all  
24 streams to be horizontally directional drilled, every  
25 one of 'em, and this is in a very wet area.

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1 DON WILLIAMS: Um-hum.

2 DOUGLAS SIPE: That didn't happen  
3 because a lot of -- for pipeline construction in  
4 general as all, you know, as the industry and the  
5 experts at Ferc and everything that deals with  
6 pipelines in general know that it would make the  
7 project economically feasible, and plus it's not  
8 needed because of the procedures that we have in  
9 place on how we cross certain streams it's not  
10 needed. But the county didn't have any regulations.  
11 They agreed with us, but they still didn't have the  
12 regulations to say that they couldn't -- we can't  
13 approve it if you're not crossing everything by HGD,  
14 certain kinds have that.

15 Now in your situation where your  
16 county may be requiring every road to be board  
17 underneath, how many roads would that be? There  
18 would be -- you know is it a dirt road that would be,  
19 is that classified as a roadway?

20 DON WILLIAMS: No.

21 DOUGLAS SIPE: Any paved roads?  
22 Right. Those issues would have to be worked out  
23 between us and the county and state. I don't see  
24 every roadway being board.

25 DON WILLIAMS: Okay. That's my -- The

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1 biggest question, who do we refer to and --

2 DOUGLAS SIPE: It would be referred to  
3 us. Yeah, you would give us like, okay, this is our  
4 procedures for a pipeline or any construction project  
5 coming through that every roadway has to be board.  
6 We would answer you. We would work with the state,  
7 work with the -- you know a lot of it maybe board,  
8 but everyone of 'em I doubt it, because we have  
9 procedures in place and the industry has procedures  
10 in place on how to cross those roadways in an  
11 efficient manner that you would not have to bore  
12 every single roadway. And every single roadway could  
13 be set up for a bore because a bore is a different  
14 construction method that cannot be used in all  
15 situations.

16 DON WILLIAMS: Okay. One last little  
17 point. The gentleman who made the comment here  
18 earlier in the meeting trying to sell pieces of  
19 property, he rented it, and he's concerned about  
20 selling the property. Property I owned a month or so  
21 -- property owners that I rent from have already  
22 settled, and when the document that the said he was  
23 asked to sign, the field agent brought to me to sign.  
24 I did not sign it. The first draft, the first  
25 statement says that Rex will pay me \$10.00 to sign

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1 this document, and the field agent said, "And I'm  
2 telling you up-front that I not pay the \$10.00, I  
3 have to collect that from the property owner." I  
4 filed and it was on your docket in late June early  
5 July that incident. So I think that comes on your  
6 docket. I was curious if he was offered the \$10.00  
7 to sign. Thank you.

8 DOUGLAS SIPE: Thank's. That's the  
9 first I heard that one.

10 UNIDENTIFIED: It was filed. I read  
11 it on your website.

12 DOUGLAS SIPE: Again, it's just -- I'm  
13 coming out and holding these meetings for the Project  
14 Manager. I am not following this project. After I  
15 leave these meetings, I'll give all my information  
16 back to the team and they'll be working this, this  
17 project through. That happens, you know, when you  
18 have -- there's nine public meetings and we can't the  
19 project manager who's working on this project out for  
20 nine consecutive days, so we're helping her out by  
21 doing some of the meetings for her.

22 Any other questions? Again, I will be  
23 here, along with my consultants and the company to  
24 answer anybody's questions. Going once. Without  
25 anymore speakers, the formal part of this meeting

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1 will conclude. On behalf of the Federal Energy  
2 Regulatory Commission and the Pipeline and Hazardous  
3 Material Safety Administration, I thank you for  
4 coming out. I'd like to thank everyone else for  
5 coming out tonight.

6 Let the record show that the Rockies  
7 Express East Pipeline Project Public Comment Meeting  
8 concluded at 9:10 p.m. Okay. It's closed now right.

9 - - -

10 (At 9:10 p.m., the public meeting concluded)

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C E R T I F I C A T E

STATE OF OHIO )

) SS:

COUNTY OF BUTLER )

I, Terence M. Holmes, a duly qualified and commissioned notary public within and for the State of Ohio, do hereby certify that at the time and place stated herein, and in the presence of the persons named, I recorded in stenotypy and tape recorded the proceedings of the within-captioned matter, and that the foregoing pages constitute a true, correct and complete transcript of the said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand at Cincinnati, Ohio, this 16th day of January, 2008.

My Commission Expires:  
July 28, 2012

\_\_\_\_\_  
Terence M. Holmes  
Notary Public - State of Ohio