

United States Senate

WASHINGTON, DC 20510

February 1, 2017

The Honorable Cheryl A. LaFleur
Acting Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Acting Chairman LaFleur,

We write regarding actions at the Federal Energy Regulatory Commission (FERC) last week that have the potential to harm consumers and limit the ability of citizens to challenge FERC's approval of a pipeline project in New England. We are very troubled by the combination of FERC approving a pipeline project in New England -- the Atlantic Bridge Project -- coupled with former Chairman Norman Bay's subsequent announcement that he will resign from FERC on February 3, 2017, which will leave FERC without the quorum needed to be able to hear challenges of this pipeline approval. We request that FERC immediately rescind the order authorizing the Atlantic Bridge pipeline project until such time as the agency has a newly constituted quorum in place that will allow it to hear an appeal of this project.

On January 25, 2017, the Federal Energy Regulatory Commission approved a proposal by Spectra Energy Partners, LP to authorize the Atlantic Bridge pipeline project. This authorization will allow for the construction of new and expanded compressor stations, larger pipelines and the potential for natural gas to flow north out of New England to Canada, which could pave the way for the exportation of natural gas out of our region as LNG. The day after this pipeline project was approved former Chairman Norman Bay announced his intention to resign from FERC effective February 3, 2017. This resignation would leave FERC without the necessary quorum to conduct its business, preventing opponents of the Atlantic Bridge pipeline project from having challenges to this pipeline approval heard by the Commission.

While FERC has delegated to its senior staff the ability to complete a number of functions in the absence of a quorum under a 1993 order, this does not appear to apply to contested proceedings, as would be the case for a rehearing request for the Atlantic Bridge pipeline project by opponents. Therefore, the absence of a quorum at FERC could prevent opponents from challenging FERC's approval of the Atlantic Bridge pipeline project for as long as the vacancies persist.

Based on recent history, these FERC vacancies could persist for an extended period of time. The current two vacancies at FERC have existed since Commissioner Tony Clark stepped down on September 30, 2016 and since Commissioner Phillip D. Moeller left FERC on October 30, 2015 -- well over a year ago. The American people deserve to be assured that FERC will not be hamstrung from hearing appeals of this pipeline approval for an extended period of time.

Given the announced resignation of former Chairman Bay following the approval of this pipeline project, we ask that FERC immediately rescind the order authorizing Spectra's Atlantic Bridge Project until a new quorum can be reconstituted at the Commission. Only by rescinding this pipeline approval until that time can the American people be assured that their voices will be properly heard and that this pipeline will not be permitted to go forward while opponents are silenced.

Thank you for your consideration of this request.

Sincerely,


Edward J. Markey
United States Senator


Elizabeth Warren
United States Senator