

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Algonquin Gas Transmission, LLC) Docket No. CP16-9-012
Maritimes & Northeast Pipeline, LLC)

**BRIEFING COMMENTS OF
INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA**

In accordance with the February 18, 2021, Order Establishing Briefing in the above-referenced sub-docket, the Independent Petroleum Association of America (“IPAA”) hereby respectfully submits the following limited comments.

IPAA represents the thousands of companies that drill 95 percent of America's onshore and offshore oil and natural gas wells. America’s independents produce 54 percent of American oil and produce 85 percent of American natural gas. IPAA members rely on a strong, safe network of pipelines to transport natural gas and its associated products to consumers. IPAA advocates for the ability of its members to produce an adequate and secure supply of natural gas that is essential to the national economy. The United States leads the world in the reduction of carbon emissions, even as the production of U.S. oil and natural gas continues to increase. Its success in lowering carbon emissions is a result of the increased use of clean-burning natural gas. This continued success can occur only with unimpeded access by natural gas consumers, which relies on maintaining and enhancing our interstate natural gas pipeline system.

The Federal Energy Regulatory Commission (“Commission”) currently is reviewing its policy for certificating interstate natural gas pipelines in Docket No. PL181-000. While IPAA will take issue with some of the proposed criteria, the proceeding

allows all parties to participate. The outcome will provide all parties with the framework on which to rely going forward. However, the February 18 Order Establishing Briefing flies in the face of long-standing Commission policy on which pipeline developers have relied in committing billions of dollars for the construction of pipeline facilities. The Commission's responsibility for evaluating the public convenience and necessity of a proposed pipeline occurs up to the issuance of the pipeline certificate and defending its actions in any judicial review. The pipeline operator then relies on that authorization for construction and operation, with other agencies having responsibility for addressing subsequent concerns. Such is the case with the Weymouth Compressor Station, which must comply with the regulations of the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). As noted in paragraphs 9, 10, 13, and 14 of Commissioner Danly's dissent to the Briefing Order, PHMSA took actions, and the Massachusetts Department of Environmental Protection did not initiate a compliance action. The Commission should not assert any responsibility for the operation of the Weymouth Compressor Station, as that responsibility rests elsewhere.

While the Commission is reevaluating how it examines whether to issue pipeline certificates, any change in policy should be prospective only. The regulatory uncertainty created by the issuance of the Briefing Order can have chilling effects on the ability of pipeline companies to adapt existing facilities or construct new ones, as the Commission is contending that it can alter, through a sub-docket proceeding, the original certificate granted years earlier. The implications are compounded by the effects on gas-consuming utilities and generators as they make their decisions on how best to meet their delivery

obligations (e.g, Briefs submitted by the American Gas Association and the Maine Public Utility Commission).

While the majority of IPAA members may not contract directly for firm capacity on interstate pipelines, IPAA members will be affected if the Commission moves forward with this abrupt reversal of its policies to carry out its duties under the Natural Gas Act. IPAA urges the Commission to reconsider the Briefing Order and any action that would revisit and alter certificates earlier found to be in the public convenience and necessity and that have withstood legal review.

Respectfully submitted,

_____/s/

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April 5, 2021

CERTIFICATE OF SERVICE

In accordance with Section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210, I hereby certify that I have this day served the foregoing document upon the service list.

Dated at Washington, D.C. this 5th day of April, 2021.

_____/s/
Susan W. Ginsberg

