

COUNTY OF MERCER

PRINCETON

STATE OF NEW JERSEY

RESOLUTION

WHEREAS, Transcontinental Gas Pipeline Company, LLC has filed an application with the Federal Energy Regulatory Commission ("FERC") for the Leidy Southeast Expansion Project (see Docket No. PF13-5-000); and

WHEREAS, the improvements proposed to the existing pipeline involve a 1.2 mile natural gas pipeline extension through the environmentally sensitive Princeton Ridge; and

WHEREAS, Princeton wishes to continue to participate in the process of commenting upon the pipeline expansion project and, therefore, wishes to be recognized as an intervener before FERC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton as follows:

1. Princeton is hereby authorized and directed to file a motion with FERC to intervene in the above-referenced Transcontinental Gas Pipeline Company, LLC application involving the Leidy Southeast Expansion Project.

CERTIFICATION

I, Linda S. McDermott, Clerk of Princeton, do hereby certify that the foregoing Resolution was considered and adopted by the Princeton Council at its regular meeting held on the 14th day of October, 2013.

Linda S. McDermott, Clerk
Princeton

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor and Council of Princeton
via e-mail only & hand-delivery

From: Edwin W. Schmierer, Esq.
Princeton Attorney



Date: October 10, 2013

Re: **Princeton – Williams Transco, Inc.: Leidy Southeast Project Intervention**

The Williams Company has filed with FERC its plans to build a 1.2 mile natural gas pipeline extension through Princeton. That filing took place on September 30, 2013. A decision should now be made by Princeton as to whether or not to seek intervener status in the FERC proceeding.

Princeton would clearly have standing to qualify for intervener status. The process would be to file a motion with FERC to be permitted to be recognized as a party in the proceeding before FERC.

The benefits from achieving intervener status would be to review all of Williams' filings and other FERC documents related to the case and all materials filed by other interested parties who are likewise interveners. As an intervener, Princeton would have the opportunity to file briefs, appear at hearings and be heard by the Courts if we were to choose to appeal the FERC final ruling. Most of the Court filings are now electronic and as an intervener, we would have access to those filings so that we could monitor in particular the aspect of the overall project which specifically impacts Princeton. The Williams Company has worked over the past several months with Princeton to address a number of concerns that Princeton and its residents have had with regard to the environmental impact on the Princeton Ridge from the pipeline expansion. They have also reduced substantially the area of disturbance on the Princeton Ridge and recently informed us that none of the Princeton Open Space will be impacted. The latest report from Williams provides that they would seek permission to shut down the 1.2 mile gas line while the extension is installed. As an intervener, these representations can be monitored and required as a part of the legal process before FERC.

On the negative side, if Princeton was to become an intervener, all materials submitted to FERC would likewise have to be submitted to other parties with intervener status. We are informed that the FERC process usually draws hundreds of parties when a pipeline expansion is proposed. Also, there would be a cost associated with both the monitoring of the FERC process and the preparation and filing of the motion to intervene and the filing of any other legal documents

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Princeton may wish to file while the application is pending. Under cover of memorandum dated September 3, 2013 (see attached), we estimate the impact on your Legal Budget for approximately 50 to 60 hours' worth of work to be in the \$8,000.00 to \$9,600.00 range. The attached memorandum also indicates that the Eastern Environmental Law Center has also expressed an interest to represent Princeton and other public entities in their intervener status.

A motion to intervene is required under the FERC rules and regulations to be filed not later than twenty-one (21) days after notice of the Williams filing is published in the Federal Register. Conservatively, therefore, if that filing took place immediately, our deadline would be on or about October 21, 2013 to file for intervener status. Consequently, I would recommend that the Mayor and Council decide at its meeting on October 14, 2013 whether or not a formal motion to intervene will be filed for the municipality.

EWS:jv
attach.

cc: Robert W. Bruschi, Princeton Administrator (w/attach.)
Kathy Monzo, Princeton Assistant Administrator/CFO (w/attach.)
Linda S. McDermott, Princeton Clerk (w/attach.)
Robert V. Kiser, P.E., Princeton Engineer (w/attach.)

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MEMORANDUM

To: Mayor and Council of Princeton
via e-mail only

From: Edwin W. Schmierer, Esq. 
Princeton Attorney/COI Counsel

Date: September 3, 2013

Re: **Princeton – Transco–Leidy Southeast Project Intervention**

I have been requested to advise with regard to the public intervention process afforded before the Federal Energy Regulatory Commission ("FERC") with regard to the proposed Transco-Leidy Southeast Project.

The ability to intervene before FERC is not triggered until a formal application is filed with FERC for the Pipeline Project. To file for intervener status, the filing must take place within twenty-one (21) days after the Transco notice of filing of their application appears in the Federal Register. I have recently been in touch with the attorneys for the Pipeline Project. They still plan on filing their formal application on or about September 27, 2013. Thereafter, notice of filing will be published in the Federal Register. The Transco attorneys have been most cooperative and have assured me that my office will be notified with the filing of the formal application.

Pursuant to 18 C.F.R. 385.214(b)(2), Princeton would have standing to obtain intervener status since we would be moving to intervene to participate in the process in order to ensure that the "public interest" is served if the application is approved by FERC.

As an intervener in the process, Princeton would have standing to address any issues raised by the formal application. Princeton would be permitted to participate in hearings before the FERC Administrative Law Judges. Princeton would also have the right to contest any FERC decision. Once the Motion to Intervene is granted, the intervener will receive the applicant's formal filings and other Commission documents related to the case and all materials filed by other interested parties. As an intervener, Princeton would be obligated to distribute to all participating in the formal process any documents which Princeton may elect to file with FERC. In the past, this has been burdensome for some interveners. However, the process now encourages e-filing so distributing any comments Princeton may wish to contribute to the process should not be difficult.

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As an intervener, we would receive all of the documentation filed by all parties. We could monitor that documentation and determine if there are any matters we wish to add to the case. At a minimum, we would be able to monitor all of the proceedings and to ensure for example when that section of the Project related to transversing Princeton is presented to FERC, the appropriately downsized right-of-way is reflected in all of the formal documents filed by Transco.

It is difficult to estimate how much time would be spent primarily monitoring the documents filed with FERC by participating parties in order to determine whether or not those filings had any effect or impact on Princeton. I would estimate conservatively that a minimum of fifty (50) to sixty (60) hours of time would have to be spent regularly reviewing and monitoring the filings with FERC. Billed at \$160.00 per hour, your legal budget for the intervention would be in the \$8,000.00 to \$9,600.00 range.

I do recollect a presentation before the Mayor and Council by the Eastern Environmental Law Center. I believe they suggested that they could represent Princeton and other public entities as an intervener in the process if Princeton so chose. Candidly, I am not certain with the number of public clients to serve how much attention would be given to the Princeton issues. I do believe, however, that it might be less expensive for Princeton to work with the Environmental Law Center and would suggest that if this is of interest to you, Administration contact them and receive a fee proposal.

EWS:jv

cc: Robert W. Bruschi, Princeton Administrator
Kathy Monzo, Princeton Assistant Administrator/CFO
Linda S. McDermott, Princeton Clerk
Robert V. Kiser, P.E., Princeton Engineer

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