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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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