

# MASON, GRIFFIN & PIERSON

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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**

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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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