

ORIGINAL

06-1142-GA-BJN

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

FILED  
OFFICE OF THE  
SECRETARY

March 19, 2007

2007 MAR 27 P 3:25

FEDERAL ENERGY  
REGULATORY COMMISSION

Re: Docket PF06-30

Dear Ms. Salas,

I have watched with growing dismay the process that may grant Rockies Express East (REX) the permission to uproot and desecrate thousands of acres of productive, beautiful and historical land in my home state of Indiana. I understand that the FERC will make a decision about giving REX a positive Environmental Impact Statement by the end of April. Your commission needs to be very careful in their deliberation over this permit as so many people's lives and futures depend on it.

I want to share some of my many experiences with this project. My husband and I were first notified about the REX project late last Spring. We attended an open house here in Greensburg, IN to get information about how this would affect our property. What REX calls a "community outreach" was in fact major turmoil. A small room full of REX computers, maps and staff was jammed with perhaps two hundred landowners looking for answers. What they got was REX representatives with few explanations, just permit forms to sign, and FERC representatives recommending that these permits be signed as this project had been deemed in the national interest and would happen in any event. The evening was unbelievably chaotic and unproductive from a landowner's perspective.

After the open house, we discovered that many landowners who apparently were on the proposed pipeline route had not been notified of the project or the open house. Shortly before the scoping meeting that was held here in Greensburg on September 11, Alisa Lykens from FERC noted that over 700 of the scoping meeting notices that had been sent out based on the REX compiled mailing list had been returned as undeliverable. REX agreed to correct and keep up-to-date this list, but apparently didn't do a very thorough job of it. We contacted Alisa after the first group of corrections had been made to see if some of the folks we knew had been omitted before were on the updated list. Out of three people we tested, none of them were on the list. As best we can tell they still aren't, even though they now each have REX stakes running within 300 ft of their homes. When Alisa was asked what could be done to correct this so that land owners could stay in the loop, she said they could call FERC and be added to the list. Why is this the landowners responsibility? How does an individual know they are affected unless they are officially notified? I believe that REX did a very sloppy job compiling the list in the beginning and really didn't care if everyone was included. It doesn't appear that there is any penalty from FERC to them for poor performance.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician                      Date Processed 3-30-07

RECEIVED-DOCKETING DIV

2007 MAR 30 AM 11:18

PUCO

The issue of trespassing and landowner abuse reared its head last summer. As REX approached landowners to get permission to survey they told people that they better give permission, because like it or not this project would be approved and REX would be on their land anyway. This is one of the tactics they used to scare and bully many people into giving permission to survey. Unfortunately, these tactics were still being used a week ago as REX rushes to complete its plan. Several of those who did not give permission for survey were trespassed upon and a few of those had the surveyors cited. Two of those citations will be adjudicated this April in Franklin County, Indiana, court in spite of the statement by REX's representative Brian Burdick before two Indiana Senate committees that all these charges had been dropped. Mr. Burdick, an attorney, had either sloppy information or else was outright lied to by his client.

This past October, Alice Weekly tried to assure everyone that the trespassing was pretty much a non-issue at a meeting of REX personnel, Indiana state legislators and a few concerned citizens held at the Faulkner Strategies offices in Indianapolis. She said that of twelve incidents of trespassing reported at the September 11 scoping meeting, all but three were unfounded. Land owners had forgotten that they had actually given permission for surveying in nine cases. Strangely enough "three" matches exactly the number of citations filed against REX surveyors. Are these three lost survey permissions the three that were cited? At that meeting Ms. Weekly had the unfortunate chance to sit across the table from Indiana Senator Richard Bray. The Senator politely accepted Ms. Weekly's explanation of the reported trespasses, but told her that his land had also been trespassed on and in fact the REX people had taken a locked gate off its hinges to gain access and then left the gate un-mounted when they left, leaving his property wide open. He said he would have given REX permission if only they had asked. I would suspect that this is only one of many unreported trespassing incidents. This is a very poor performance by REX. Where are the penalties?

Safety is another issue that we in Indiana are concerned about. I know that FERC does not consider safety its issue- it is only concerned with the environment. However, if this pipeline fails it looks to me to be a major environmental disaster both to humans, but also to the land and wildlife environmental policies are to protect. At the Faulkner Strategies meeting last October, Mr. Gordon Hunter was asked if an impact study of a potential pipeline failure had ever been done by REX. He said no, it would be too expensive. He was presented with a study recently done, as is required by Canadian law, for a similar pipeline being considered in New Brunswick. There was some discussion of the study and Mr. Hunter took it with him. Later that day there was another REX "community outreach" meeting in Johnson County. One of our interested stakeholders Jim Whittaker attended that meeting and had the opportunity to ask Mr. Hunter a similar question about a safety impact study. Mr. Hunter said he had never heard of such a study. This is typical of REX's attitude about our safety concerns. Their mission is to get the pipe in the ground and let the DOT worry about safety later.

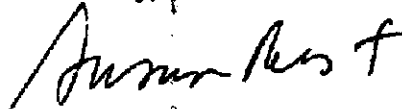
The safety issue also came up at a meeting sponsored by Indiana Farm Bureau (IFB) this past January. The purpose of this meeting was to let the public know the details of the negotiations on land mitigation between REX and IFB. During this meeting it was asked

if REX would agree to independent construction monitors, as was asked by Panhandle Eastern pipeline in the areas where Rex would closely parallel their line. Ms. Alice Weekly said this wouldn't be possible and anyway, the best monitors would be the landowners themselves. I don't know any landowners who are trained to inspect how this pipeline is being constructed. Why aren't the individual landowners given the same consideration as the highly knowledgeable Pipeline Eastern Company, which has many years of experience dealing with pipelines, their construction and their safety? Does she think we are all fools in Indiana and will accept this answer?

Why is FERC allowing REX to negotiate land mitigation policy for Indiana with a private, non-elected organization, the Indiana Farm Bureau? REX says that any deal they make with IFB will have the power of law relative to how this project is constructed in Indiana. The problem with this is that the IFB represents only a portion of the Indiana land affected by this project and cannot speak for the entire state. These negotiations should be handled only by representatives of our elected state government. Anything less will be considered void by the people of Indiana. By pursuing a deal with IFB rather than an agreement with our state government, it appears that REX is trying to circumvent the will of the people of Indiana.

I hope that our representatives to the utility industry, the commissioners of the FERC, won't approve this poorly managed project run by untrustworthy people. It affects too many lives and too much precious private property that individuals have worked for their entire lives. The best solution for the FERC is to reject the REX proposed route. If it is truly in the national interest that this project be done, then REX should find a path less disruptive to our green fields and old forests, and they should be forced proceed in an honest and respectful manner. REX stands to make an untold amount of money off this project and should invest some of it in proper studies and land corridors that will ensure the success of the project and the satisfaction of the residents of Indiana. This project should be run north of Indianapolis along the existing Pan Handle Eastern pipeline where the land is already disturbed. Consider the consequences of having our federal government associated with this disreputable project and I am sure you will see that this is not a project for the benefit of the people of America.

Sincerely,



Susan Rust  
630 E. Main St.  
Greensburg, IN 47240  
812-663-2500  
susanrust@insightbb.com