

FILE

CP07-208-000 REX Pipeline East

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Ms Bose and the Federal Energy Regulatory Commissioners,

I reviewed the situation with the Murray Energy and the future planned uses of the strategic coal reserves in the Belmont and Monroe counties of Eastern Ohio and the Rockies Express plan to cross over this coal reserve..

After scrutinizing the map of the coal reserves and the Rockies Express routing, it becomes a matter of whose plans and needs were in place first. As that owning minerals rights and having "right of way" easements are two different legal standings, Murray would be a property owner in this matter.

The Kinder Morgan's Rockies Express Pipeline should design and build this proposed pipeline with all safety features for mine subsidence during the original construction of said pipeline. The costs associated with the built in stabilizing system, should be borne by Kinder Morgan's Rockies Express if this route is allowed.

Members of the mining divisions of the Department of Energy, Bureau of Land Management and the U.S. Geological Survey should be working directly with both Murray Energy and the Kinder Morgan Express Pipeline Engineering staff, both on site as well as both companies' respective engineering offices to find a resolution for this situation. If the U.S. Bureau of Mines still existed, then the over whelming amount of departmental over lap between agencies would be eliminated, but USBM no longer exists.

The Murray Plans for mining these reserves have long be established, while the Kinder Morgan Rockies Express Pipeline personnel did not know of or have any understand of long wall mining techniques until the Kinder Morgan's Rockies Express came to the Eastern Ohio area. This indicates a major failure on the part of Kinder Morgan's Rockies Express to do preliminary research that is requiring to estimating the project's requirements.

The offer of using remote telemetry with strain gauges and other electronic sensors and on site 24 hour a day visual inspection by a staff of licensed engineer or certified NDT 3 personnel is a nice gesture, but this shows a clear misunderstanding of what land subsidence is all about. As that the Murray Energy people have the experience and the expertise in the matters of land subsidence, the Murray Energy personnel will note that there is a real level of unpredictability in subsidence.

With this situation, the best mitigation is to route completely around the Murray Energy coal reserves by going south of the current plan as presented by the Kinder Morgan's Rockies Express Pipeline. If this pipeline goes as Kinder Morgan plans and there is a failure with the pipeline, is Kinder Morgan going to pay the Murray personnel for lost wages during any repair cessation periods of mining operations, repair the pipeline with all due haste as well as resolve all problems with the pipeline's crossing and insurance the continued supply of coal to the electrical generation industry?

Jerry Smith, PhD.

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