

COMPANIES AND ORGANIZATIONS

CO21 – Vorys, Sater, Semour and Pease LLP

Appendix T

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April 11, 2016

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E.
Washington, D.C. 20426

Re: Rover Pipeline LLC
FERC Docket No. CP 15-93-000
Public Comment

Dear Ms. Bose:

CO21-1

This law firm represents Black Fork Wind Energy LLC ("Black Fork") in regards to its Black Fork Wind Energy project (the "Black Fork Wind Project") proposed for Richland and Crawford Counties, Ohio. Black Fork submits this public comment to emphasize the need for the Rover Pipeline project to abide by project setbacks that are currently in place for the Black Fork Wind Project.

The Black Fork Wind Project holds a Certificate of Environmental Compatibility and Public Need issued by the Ohio Power Siting Board in Case No. 10-2865-EL-BGN, as amended, in Case No. 14-1591-EL-BGA. The Certificate approved Black Fork to construct a major facility in the form of a wind-power electric generation facility with up to 91 wind turbines and 200 megawatt capacity. The Black Fork Wind Project is to be built on 24,200 acres in Auburn, Jackson, Jefferson and Vernon Townships in Crawford County, Ohio and Plymouth, Sandusky and Sharon Townships in Richland County, Ohio. The facility is to be located on approximately 14,800 acres of leased private land, with 150 participating landowners¹.

The Black Fork Wind Project is referenced in Appendix S to the draft environmental impact statement. Appendix S notes that the approximate closest distance to the proposed pipeline for the Black Fork Wind Project is 0.3 miles. The Black Fork Wind Project is also referenced at Page 4-269 of the environmental analysis for the proposed pipeline project in Section 4.13.6.1 (Geology and Soils).

¹ See, Opinion, Order and Certificate dated January 23, 2012 in Case No. 10-2865-EL-BGN at 3.

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Based on information provided by Rover as well as our review of available information on the Black Fork Energy Project, the Rover Project would be about 0.3 mile from the closest turbine at MP MAB 115.0. Therefore, we do not anticipate that the Rover Project would cause the Black Fork Project to violate any of its permit conditions.

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The Ohio Power Siting Board routinely conditions major facility projects. Black Fork's Certificate includes Condition 40 which requires the Applicant to adhere to a setback distance of at least 1.1 x the total height of the wind turbine generating structure (543.4 feet), as measured from the tower's base, from any natural gas pipeline in the ground at the time of commencement of facility construction.

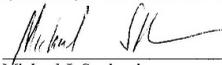
To avoid any violation of the imposed setback on the Black Fork Wind Project, Black Fork requests that steps be taken to assure that the proposed pipeline will be no closer than the listed 0.3 mile distance on Appendix S. Based on the current height of the tallest turbine available for the Black Fork Wind Project, the pipeline setback is 543.4 feet. Assuming that Appendix S accurately states that the pipeline will be no closer than a 0.3 mile distance from the wind turbines, that would result in a distance of 1,584 feet from any turbine and would not create a violation of the Ohio Power Siting Board Certificate setback.

Black Fork Wind Energy LLC seeks to ensure that the proposed pipeline project does not violate the state-imposed setback condition for the wind energy project. We appreciate your attention and consideration to this comment.

Sincerely,

VORYS, SATER, SEYMOUR AND PEASE LLP

By:



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CO22 – Goldman and Braunstein, LLP

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Rover Pipeline, LLC

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Docket No. CP15-93-000

PUBLIC COMMENT
OF
GOLDMAN & BRAUNSTEIN, LLP

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT
ISSUED FEBRUARY 19, 2016

CO22-1

Goldman & Braunstein, LLP (“Goldman & Braunstein”), on behalf of the two hundred fifty-one (251) Ohio landowners it represents and who are affected by this proceeding (“Landowners”) (**Exhibit A**), hereby respectfully submits this Public Comment in response to the Draft Environmental Impact Statement (“DEIS”) issued by the Commission on February 19, 2016. This Public Comment is submitted for the Federal Energy Regulatory Commission’s (“FERC”) consideration in developing a final Environmental Impact Statement (“EIS”) and in developing conditions upon which to issue a Certificate of Public Convenience and Necessity (“Certificate”) for the ET Rover Pipeline Project (Docket No. CP15-93-000), in the event such Certificate is issued.

CO22-1

See the response to comment CO11-1 regarding landowner negotiations and eminent domain. The commentors’ statement regarding Rover’s threat of eminent domain is noted.

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INTRODUCTION

Goldman & Braunstein represents 251 Ohio Landowners, predominantly farmers, whose lands are affected by approximately 680,000 linear feet of Rover Pipeline LLC's ("Rover") ET Rover pipeline project ("Pipeline"). Goldman & Braunstein is committed to protecting the rights and lands of Ohio Landowners to the fullest extent possible under the law and recognizes that Rover may be delegated the power of eminent domain to construct the Pipeline pursuant to the Natural Gas Act ("NGA") (15 U.S.C. § 717). Rover's actions, however, disqualify it from receiving a Certificate and eminent domain authority.

This Public Comment also addresses certain of FERC's conclusions contained within the DEIS with which Goldman & Braunstein either disagrees or believes that additional information is necessary in order for FERC to develop adequately-informed conclusions. Given the scale of the project, the magnitude of the Pipeline's adverse impacts on hundreds of Landowners and Rover's failure to deal in good faith with those Landowners, Goldman & Braunstein is requesting that the Commission deny Rover issuance a Certificate, or at a minimum condition the Certificate on Rover's agreement to remedy the following deficiencies and violations.

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ROVER IS NOT NEGOTIATING IN GOOD FAITH

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I. Rover is violating FERC policy and should be required to use eminent domain only as a last resort.

A. Rover has resorted to threats, intimidation and refuses to negotiate.

According to well-established FERC policy, Rover is expected to acquire the lands it needs through negotiation and use eminent domain only as a *last resort*.¹ Rover has not negotiated in good faith, however, and has instead engaged in intimidation tactics and threats of eminent domain to acquire its right-of-way. Rover has threatened Landowners who are unwilling to settle on Rover's terms with inferior compensation, inferior easement terms, and inferior land restoration.² Moreover, Rover will not mitigate the damages that will inevitably result from construction by performing pre-construction drain tile remediation for Landowners who do not agree to waive their constitutional rights and agree to Rover's terms. As discussed below, this is a violation of Federal law.

Goldman & Braunstein has made numerous attempts to avoid eminent domain litigation and negotiate in good faith with Rover to resolve critical issues through voluminous e-mail correspondence, phone conferences, in-person meetings, and mediation before FERC, which

¹ See FERC Statement of Policy, September 15, 1999, Docket No. PL99-3-000 ("[T]he Commission's goal is to appropriately consider (...) the avoidance of unnecessary disruption of the environment, and the **unneeded exercise of eminent domain**." (Emphasis added); see also Order Clarifying Statement, February 9, 2000, Docket No. PL99-3-001 ("The Policy Statement encouraged project sponsors to acquire as much of the right-of-way as possible by negotiation with the landowners (...)); see also Glossary on FERC website, available at: <http://www.ferc.gov/resources/glossary.asp> ("**Eminent domain is used as a last resort** if a landowner and the project proponent cannot reach agreement on compensation (...))" (Emphasis added); and see e.g., FERC statement issued on Docket No. PF14-22-000 ("FERC expects a company to acquire the right-of-way easements for its pipeline through negotiated agreements with landowners; and **eminent domain should only be used as a last resort**." (Emphasis added).

² See February 26, 2016 letter to affected landowners by Rover Senior Vice President, Joey Mahmoud, (claiming that attorney-driven "delay tactics" "will result in decreased final compensation for the easement, as well as prevent the development or agreement of terms that protect your land and resources (...)" **Exhibit B**.

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Goldman & Braunstein initiated.³ Despite those efforts and based on Goldman & Braunstein's knowledge and belief there are more than 500 Ohio landowners who have not settled with Rover.

Rover is clearly violating FERC policy and is failing to satisfy FERC's stated expectation that Rover acquire the lands it needs through negotiation and reserve the use of eminent domain as a last resort. Rover's continuous touting about its eventual eminent domain authority, its refusal to mitigate damages as a means to intimidate landowners and its flat out refusal to negotiate or settle cases flies in the face of FERC policy and undermines the credibility of the FERC approval process. For these reasons, FERC should deny Rover a Certificate, or at a minimum condition the Certificate on Rover's taking corrective action. Such corrective action includes performance of pre-construction drain tile remediation where necessary to mitigate property damage and engaging in good-faith negotiations over compensation and easement terms without further use of intimidation tactics or threats of eminent domain. Furthermore, prior to issuance of a Certificate, FERC should verify with the Landowners that such corrective action has occurred.

CO22-2

II. FERC should require Rover to perform pre-construction drain tile remediation to mitigate construction damage.

A. Pre-construction drain tile remediation is necessary to mitigate construction damages.

Rover is fully aware of the critical nature of continuous, properly functioning drain tile on the agricultural lands it crosses throughout northern, central and western Ohio. Goldman & Braunstein has extensive experience dealing with pipeline construction and drain tile restoration issues on agricultural lands in Ohio, and has seen first-hand the tremendous unnecessary damage

³ See Motion to Assign Matter for Dispute Resolution of Goldman & Braunstein, LLP, submitted Oct. 2, 2015, Docket No. CP15-93-000 (subsequent mediation conducted at FERC headquarters, Nov. 10, 2015).

CO22-2

Rover would be required to follow its AIMP and its Plan regarding repairing and/or replacing drain tiles impacted during construction. See the response to comment CO14-3 regarding drain tile plans.

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and expense that is caused when pipeline companies fail to properly plan and undertake comprehensive drainage restoration plans prior to the outset of construction.

Goldman & Braunstein represents nearly 200 Landowners in Richland, Crawford, Seneca, Wood, Henry, Defiance, and Fulton counties whose lands are located in the most drainage-critical areas of the project. The majority of the Rover project in these areas is proposed to consist of two 42-inch lines, the installation of which will require the excavation of two trenches that will extend well below the depth of the existing systematic drain tile. This means critical drain tile will necessarily be disrupted and rendered non-functional until suitable repairs are made. If this drain tile were left in a non-functioning condition during the months of pipeline construction and land restoration, this would cause significant, long-term damage to the surrounding lands and precious topsoil—far beyond the actual easement area—and render significantly more land unusable. It is therefore critical that Rover be required to perform pre-construction drain tile work to minimize disruption and maintain and/or redirect field drainage as necessary to maintain as close to normal drainage function as practical throughout the construction of the project.

Numerous Goldman & Braunstein clients have submitted to Rover pre-construction drain tile plans prepared by drain tile professionals approved by Rover to and designed to maintain necessary drainage and reduce property damage. To date, Rover has refused to approve or even discuss these plans with the condition that easement agreements and compensation must first be settled—on Rover's terms. See **Exhibit C**.

CO22-3

B. Rover is improperly withholding pre-construction drain tile remediation as a means to compel landowners into settlement in violation of federal law.

Rover has thus far refused to perform pre-construction drain-tile work on the lands of those Landowners who have not settled. This intimidation tactic is purposed solely to gain

CO22-3

See the response to comment CO11-1 regarding landowner negotiations and eminent domain. The commentors' statement regarding Rover's threat of eminent domain is noted. See the response to comment CO14-3 regarding drain tile plans.

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leverage over those Landowners and compel them to settle on Rover's terms. Rover has argued that entering into agreements to perform pre-construction drain tile work before securing corresponding easements poses some financial risk—this is not true. Rover is virtually certain to be vested with eminent domain authority to acquire its easements, with or without the Landowners' consent. Therefore, Rover faces no risk of losing its investment in pre-construction drain tile work as Rover is virtually certain to acquire the easements it wants. There is simply no legitimate reason for Rover to refuse to perform this work. It is merely an intimidation tactic.

Rover is using this very real threat of increased property damage as a coercive measure against Landowners in order to compel them to surrender their constitutional rights to an eminent domain trial as provided by the Fifth Amendment to the United States Constitution and Articles I and XIII of the Ohio Constitution.

The U.S. Supreme Court has long held that entities such as Rover may not impose conditions on individuals as a means to compel those individuals to surrender their constitutional rights during those entities' exercise of public authority. This tenet of American law is known as the "Unconstitutional Conditions Doctrine." As the Supreme Court aptly noted, in such instances, "constitutional guarantees, so carefully safeguarded against direct assault, are open to destruction by the indirect, but no less effective, process of requiring a surrender which, though in form voluntary, in fact lacks none of the elements of compulsion." *Frost & Frost Trucking Co. v. Railroad Comm'n. of Cal.*, 271 U.S. 583, 593, 46 S.Ct. 605 (1926).

Similarly, entities exercising public authority may not suspend an individual's rights or withhold benefits from individuals on the condition that those individuals surrender their constitutional rights. *Sherbert v. Verner*, 374 U.S. 398, 404-05 (1963); *see also Elrod v. Burns*, 427 U.S. 347, 361 (1976); *National Amusements, Inc. v. Town of Dedham*, 43 F.3d 731, 747 (1st

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Cir. 1995) (further barring the arbitrary conditioning of a benefit on the surrender of a constitutional right even where the benefit might have otherwise been appropriately refused).

Moreover, conditions imposed when conferring some benefit to an individual must bear an essential nexus to and serve the same governmental purpose underlying the grantor's exercise of public authority. *Nollan v. California Coastal Comm'n.*, 483 U.S. 825, 837 (1987); *see also Dolan v. City of Tigard*, 512 U.S. 374 (1994).

This well-established doctrine applies directly in the context of eminent domain:

[u]nder the well-settled doctrine of "unconstitutional conditions," the government may not require a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property.

Dolan at 386. In this context the term "government" applies equally to Rover, as an entity delegated the governmental power of eminent domain authority; and the term "property" in this context subsumes the meaning of "governmental purpose"—the public purpose for which the property is being taken. The Court observed that when an entity exercises public authority and in doing so attempts to impose a condition on the landowner that bears no nexus to the underlying governmental purpose, the condition is not only invalid, it is akin to *extortion*. *Nollan* at 837.

Rover has engaged in the exercise of public authority under Ohio Revised Code Section 163 to enter upon private lands and conduct physical surveys for more than a year. Additionally, Rover has made clear its intention to use eminent domain authority to acquire the lands it needs pursuant to the NGA upon its receipt of a Certificate from this Commission. Under state and federal law Rover's ongoing exercise of eminent domain authority precludes it from imposing conditions on and withholding the benefit of pre-construction drain tile work from Landowners

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as a means to compel those Landowners to surrender their constitutional rights to an eminent domain trial and settle on Rover's terms. This is exactly what Rover is doing.

CO22-4

C. FERC should require Rover to perform pre-construction drain tile remediation as a condition of the Certificate.

Rover, being fully aware of the critical need for continuous drainage has conditioned pre-construction drain tile work on settlement and is otherwise withholding this benefit from Landowners' who do not agree to surrender their constitutional rights to an eminent domain trial and settle on Rover's terms. This runs directly afoul of the Unconstitutional Conditions Doctrine.

Moreover, there is no nexus between Rover's refusal to perform pre-construction drain tile work and the governmental purpose underlying Rover's exercise of public authority—the construction of a natural gas transmission pipeline. Just as the *Nollan* Court contemplated, Rover cannot be permitted to continue to condition pre-construction drain tile work as a means of compelling the Landowners to settle, as such is akin to *extortion*. Rover's coercive tactics are an abuse of public authority that is strictly prohibited by federal law.

Goldman & Braunstein has attempted to resolve the issue of pre-construction drain tile work since early in this proceeding. However, Rover's refusal endures. If this issue is not resolved prior to the start of construction the Landowners will suffer extensive and potentially irreparable damages to vast areas of land, well beyond the bounds of the proposed easements, and in certain cases entire farms. Rover's refusal to perform pre-construction drain tile work violates federal law and will pose a significant threat to Ohio landowners if the Commission issues a Certificate and thereby enables Rover to proceed with eminent domain acquisition and construction. FERC should issue a Certificate unless it specifically requires Rover to perform pre-construction drain tile work as necessary to mitigate damages that would otherwise result from an interruption in drainage; otherwise FERC will be subjecting hundreds of Ohio

CO22-4

See the response to comment CO14-3 regarding drain tile plans. Based on our recommendation in section 4.8.4, Rover would need to file its site-specific drain tile plans prior to the start of construction on each agricultural parcel. As part of these plans, landowners could negotiate pre-construction mitigation measures as needed.

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landowners to unfair burdens and hardships, unnecessary property damage and years of disruption to their lives and livelihoods.

For all of these reasons, the Commission should deny Rover a Certificate, or at a minimum condition the Certificate upon Rover's agreement to perform pre-construction drain tile work where necessary to mitigate property damage.

CO22-5

**ROVER'S PROPOSED SCHEDULE WILL LIKELY VIOLATE
LANDOWNERS' CONSTITUTIONAL RIGHTS**

I. FERC should require Rover to demonstrate that its proposed schedule does not rely upon emergency measures and extraordinary relief from the Federal Court.

Based on the construction schedule originally submitted by Rover and the current environmental review schedule issued by FERC on November 9, 2015, Rover will likely attempt to secure extraordinary relief from the Federal Court, to the detriment of the Landowners, with FERC's unwitting assistance.

Under the NGA, Rover would obtain the right of eminent domain upon FERC's issuance of a Certificate. However, that does not entitle Rover to the additional right of "quick-take," also known as "immediate possession," an extraordinary right that is generally reserved only for wartime exigencies and governmental use in narrow circumstances.⁴ The right of quick-take enables a condemning authority like Rover to take private property prior to the determination and payment of just compensation to the landowner. This right is not provided by the NGA and is strictly prohibited in Ohio by the State's Constitution. These statutory and constitutional

⁴ *Transwestern Pipeline Co. v. 17.19 Acres*, 550 F.3d 770 (2008) (held: the NGA does not provide a pipeline company in possession of a FERC certificate the right of immediate possession of private property); *see also* OHIO CONST. art. XIII, § 5 (denies the right of quick-take to private entities by requiring that just compensation be paid to the landowner prior to appropriation); *and see* OHIO CONST. art. I, § 19 (providing right of governmental quick take only: (1) in time of war, (2) in time of public exigency, imperatively requiring its immediate seizure; and (3) for building or repairing public roads.

CO22-5

See the response to comment CO11-1 regarding landowner negotiations and eminent domain. The specific avenues an applicant may use in any condemnation proceeding are beyond the scope of this EIS.

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limitations serve as protections for landowners to ensure that landowners are not forced against their will to become creditors of private companies.

Nevertheless, Rover has threatened to use its FERC certificate and the schedule contained therein to secure the additional right of quick-take from the Federal Courts. Pipeline companies holding FERC Certificates have recently persuaded Federal Courts to grant this extraordinary right by arguing that FERC has conditioned the Certificate upon strict adherence to a FERC-mandated schedule.⁵ The companies also argue that the FERC-mandated schedule simply does not allow time for eminent domain proceedings prior to entry and construction, and therefore, emergency relief in the form of immediate possession is necessary.

FERC's current schedule anticipates issuance of a Certificate to Rover by October 27, 2016. FERC has also requested that Rover adhere to the U.S. Fish and Wildlife Service ("FWS") tree clearing window, which means that all tree clearing activity along the 500-plus miles of right-of-way must be completed by March 31.⁶ Rover, like other FERC projects that receive their Certificates in the fall and adhere to the FWS tree clearing schedule in the winter will, upon receipt of the Certificate, argue to the Court that it must gain immediate possession of all of the land along its easement right-of-way—prior to eminent domain hearings and payment of just compensation—in order to comply with the FERC-mandated FWS schedule. By doing this, the Certificate holder, with the invocation of FERC's authority, violates the Landowners' Constitutional rights and places them at undue risk. Additionally, neither the NGA nor the Federal Energy Act provides a statutory basis or authority for such relief.

⁵ See, e.g., *Texas Eastern Transmission, LP v. 3.2 Acres, et al.*, Case No. 2:14-CV-02650 (S.D. Ohio Jan. 12, 2015), Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction for Immediate Possession, filed December 16, 2014.

⁶ DEIS at 4-133.

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In sum, FERC does not possess the authority to grant immediate possession to applicants, and FERC, now fully aware that such a tactic has been repeatedly carried out this way under FERC's purported mandate and authority, should not stand idly by and enable Rover to employ this tactic and violate the Constitutional Rights of Ohio Landowners. Therefore, FERC should either deny the Certificate altogether, or condition its issuance upon Rover demonstrating that its schedule provides the time required for regular eminent domain proceedings prior to its entry and construction activities on private lands.

CO22-6

ROVER WILL HAVE A SIGNIFICANT IMPACT ON PROPERTY VALUES

I. Rover will negatively impact the value of the lands it will traverse.

The presence of the Rover pipeline and easement encumbrance will have a negative impact on the values of the lands it will traverse. This fact is supported by newly emerging empirical data as well as common sense. Indeed, one article made the following straightforward observation:

Sarver . . . said empirical data about property value impacts might miss the larger point. If a buyer has a choice between a parcel with an easement for a large-diameter pipeline and a similar parcel without an easement, the buyer's choice would seem clear, he said. "It's common sense."⁷

Sarver, a realtor in a pipeline-affected market in Virginia, also added, "I don't see how anyone could buy the property with that uncertainty. . . You wouldn't. I wouldn't."⁸

A. Rover's easement contract will cause diminished property values.

Richard M. Vannatta, an Ohio appraiser with more than forty years' experience, concludes that the mere existence of the Rover easement encumbrance is a significant value-

⁷ Duncan Adams, *A question of effect: Pipelines v. mortgages, property values, insurance*, The Roanoke Times (Apr. 3, 2016), http://www.roanoke.com/business/news/a-question-of-effect-pipelines-vs-mortgages-property-values-insurance/article_c3750fd9-1712-5b3e-a12d-b2d2486f043b.html.

⁸ *Id.*

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See the response to comment CO14-4 regarding property values.

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diminishing factor. See **Exhibit D**. As Vannatta notes, the easement agreement Rover is presenting to landowners will give Rover and its agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on Rover's behalf myriad perpetual rights on the encumbered lands. These rights seem to include an unrestricted right of access across any and all of the landowner's adjacent lands, 24 hours per day, 365 days per year; the right to enter those lands to carry out numerous invasive activities such as to survey, construct, lay, maintain, inspect, erect, alter, operate, protect, repair, replace with same or different size pipes, improve, alter, substitute, access, patrol, relocate and change the route or routes of, abandon in place and remove the pipelines; as well as the right to install any other above- or below-ground facilities such as valves, fittings, meters, corrosion control devices, wires, cables, markers and other equipment and appurtenances as may be necessary or convenient to operate and maintain the pipelines; and the right to transport any type of hazardous materials through the pipelines.

Vannatta's expert conclusions and experience are corroborated by the common sense conclusion that a prospective buyer would choose to buy a comparable property that is not encumbered by such an invasive easement instead of the encumbered property. As Vannatta concludes, Rover's easement agreement itself is a major cause of value-diminution. FERC should consider the value-damaging effects of Rover's easement in forming its conclusions about the property value impacts of the Rover project.

B. The presence of Rover's pipelines will cause diminished property values.

Vannatta concludes that informed buyers also consider the proximity of large-diameter, high-pressure natural gas pipelines like Rover's as a significant, negative element of comparison when deciding whether to buy or not to buy a specific property (see discussion of Rover's

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potential impact radius, page 13, *supra*). Vannatta attributes some of this to the “virtually endless” sources of media and information about pipeline accidents throughout the world.

Vannatta’s conclusions are further supported and quantified by a study conducted by Dr. James W. Peltier of the University of Wisconsin. See **Exhibit E**. Dr. Peltier’s study investigated the impact that the presence of large-diameter, high-pressure gas pipelines have on real estate purchasers’ decision-making. The study showed that 62.2% of all purchasers would not buy a property encumbered by a large-diameter, high-pressure gas pipeline—at any price. Additionally, 18.9% said they would buy the property, but at an average price-reduction of more than 21%. Only 18.9% of those surveyed said they would still buy the property at market price. This means the market for a property encumbered by a large-diameter, high-pressure gas pipeline is reduced by more than 62%, and half of the remaining 38% would demand a substantial discount.

As Vannatta notes, the basic theory of supply and demand tells us that if the market for a property is shrunk, and more than 80% of potential buyers would either refuse to buy the property or would only buy at a substantial discount as Dr. Peltier’s study shows, the property will suffer a substantial decrease in market value.

Kurt C. Kielisch, principle of Forensic Appraisal Group, an appraiser with numerous state licensures, more than thirty years’ experience and extensive experience appraising properties encumbered by large-diameter, high-pressure gas pipelines “has consistently found that such pipelines have a negative impact on residential and agricultural property value.” See **Exhibit F**. Kielisch, in his extensive experience with and study of real estate purchasers, has found that residential buyers are primarily concerned with: (1) safety—especially that of their families; (2) restrictions on the use and enjoyment of the easement area; (3) invasion of privacy

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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CO22-6
cont'd

due to the rights of access of the pipeline; and (4) diminished aesthetics from permanent tree clearing and visible pipeline appurtenances.

Kielisch also cites a study conducted by Appraisal One Group wherein more than two-thirds of 88 licensed realtors surveyed indicated that high-pressure, natural gas pipelines negatively impact perception and value of property. Kielisch cites another study that was conducted in Ohio by Raymond Jackson, which indicates this decrease in value is in the range of 12-14%.

Additionally, Kielisch has encountered numerous concerns from agricultural property purchasers, which include: (1) safety of self and family (see discussion of Rover's potential impact radius, page 13, *supra*); (2) restrictions on the use and enjoyment of the easement area; (3) invasion of privacy and disruption of livestock by pipeline personnel; (4) interference with drain tile systems; (5) the creation of soil soft spots caused by trenching resulting in dips in the contour when heavy farm equipment and machinery cross over the easements; (6) crop loss along the easement area due to soil compaction, which knowledgeable farmers believe is a permanent condition; (7) permanent crop loss over the pipeline due to drier soil conditions caused by continuous heat generated by the pipeline; (8) interference with irrigation systems; and (9) the perception that once a pipeline easement is on the property, more will follow including electric transmission lines.

Vannatta has also encountered the concern over "utility corridors." This concern is well-founded and is further evidenced by the fact that Rover itself follows existing utility corridors along much of its proposed right-of-way. Furthermore, as Kielisch notes, Ohio is a mandatory disclosure state, which means the seller of property must disclose the presence of an easement—like Rover's—that restricts the use of property, to prospective buyers.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-6
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As Vannatta confirms, perception means everything in real estate valuation. For example, realtor Kristina Adler told *The Roanoke Times* that about a dozen prospective buyers she did business with balked when they heard that a property they had considered purchasing was located along the proposed route of the Atlantic Coast pipeline.⁹ “They definitely have no interest at all in the properties on the proposed path or bordering the proposed path,” Adler told the newspaper. Additionally, Kielisch notes that the more people learn about pipelines, the less likely they are to buy property encumbered with a pipeline easement. And, perceptions about the dangers of high-pressure pipelines make people less likely to buy even where the likelihood of a catastrophic accident may be statistically low. Indeed, Glenn Archambault, a board member of the Pipeline Safety Trust, a non-profit formed after a pipeline rupture killed three people in Washington in 1999, observed that nothing “settle[s] people when you start talking big pipelines and high pressure. It scares them.”

The pipeline industry-sponsored sources cited in the DEIS,¹⁰ which not surprisingly claim that natural gas lines have no impact on land value, are not supported by the particular facts of the Rover project and are contradictory to common sense. The experts cited herein have analyzed the pertinent details of the Rover project, including the project’s specifications, the easement contract, the types of properties and the specific geography involved, and bring decades of pertinent appraisal experience. These experts conclude, based on experience with Ohio landowners, Ohio’s mandatory disclosure of the Rover pipeline, Rover’s particular pipeline specifications, Rover’s easement agreement, and the virtually endless sources of media, photos and information on large-diameter, high-pressure gas pipeline accidents, that Rover will have a

⁹ Duncan Adams, *A question of effect: Pipelines v. mortgages, property values, insurance*, *The Roanoke Times* (Apr. 3, 2016), http://www.roanoke.com/business/news/a-question-of-effect-pipelines-vs-mortgages-property-values-insurance/article_c3750fd9-1712-5b3e-a12d-b2d2486f043b.html.

¹⁰ DEIS at 495-96.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-6
cont'd

significant, negative impact on the market and market value of the Ohio properties Rover will cross. FERC should consider the herein-cited experts' conclusions as well as common sense and acknowledge that Rover will have a significant, negative impact on property values.

CO22-7

C. Rover's pipelines pose significant risks to landowners' insurance coverage.

FERC's monitoring recommendation regarding Rover's impact on landowners' insurance policies is wholly inadequate to address the very serious insurance risks posed by the pipeline.¹¹ At a minimum, FERC should condition Rover's receipt of a Certificate on its provision of hazard insurance with landowners named as additional insureds and its inclusion of a "hold harmless" clause in its easement agreements with landowners.

Citing its own research from 2014, FERC concludes that because it could not confirm two years ago whether the pipeline would negatively impact a landowner's ability to obtain or maintain hazard insurance or whether the pipeline would cause landowners' insurance premiums to rise, then the pipeline must not have those negative impacts.¹² Accordingly, FERC recommends only that Rover file reports documenting landowner complaints with respect to the pipeline's effect on homeowners' insurance and how Rover mitigated that impact.¹³ The DEIS does not mandate or even recommend any specific mitigating measures.

The addition of landowners as insureds under Rover's hazard insurance policy would ensure that landowners would be made whole if they suffer injury to persons or property because of Rover's presence on their land. Further, hold harmless clauses would provide landowners with indemnification from Rover for all injuries or damages occurring to other persons or property as a result of Rover's activities or the pipeline's presence on their land. Requiring these

¹¹ See DEIS pp. 4-197 & 4-198.

¹² See *id.*

¹³ See *id.* at 4-198.

CO22-7

As stated in our recommendation in section 4.9.6 of the EIS, Rover would be required to report how any impacts on insurance were mitigated. We are unable to identify specific mitigation measures, as each situation and policy is unique. These measures would need to be negotiated between the landowner and Rover based on the identified impact and the landowner's policy.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-7
cont'd

two mitigating measures as conditions to Rover's receipt of a Certificate would shift the risk of loss to the party most responsible for and most capable of preventing that loss—Rover.

Rover's presence may make it impossible for landowners to obtain the insurance necessary to protect their families and land. Insurance companies may cancel or decline to extend or renew hazard insurance policies if landowners are not added as insureds under Rover's policy or if they do not have a hold harmless agreement with Rover. For example, *The Roanoke Times* reported in an article published April 3, 2016, that insurance agents and underwriters in West Virginia reported to landowners affected by the Mountain Valley Pipeline (which, like Rover, is a 42-inch-diameter, high-pressure natural gas pipeline), that the insurer required a certificate of insurance showing the landowner had been added to the pipeline company's policy as an insured before it would allow the landowner to keep the policy, and even then the underwriter made no guarantees of continued coverage.¹⁴ The same underwriter also stated that the insured must obtain a hold harmless agreement with the pipeline company, and other agents quoted in the same article stated that landowners must either include hold harmless clauses in their easements with the pipeline company or obtain additional coverage for this additional liability exposure as an added cost.¹⁵ Additionally, the installation of a natural gas pipeline may disqualify landowners from coverage under a residential hazard policy and require them to obtain a more costly commercial policy.¹⁶

In order to mitigate these potentially disastrous impacts for property owners, and to shift the risk of loss to the party most responsible for and most capable of preventing that loss, FERC

¹⁴ Duncan Adams, *A question of effect: Pipelines v. mortgages, property values, insurance*, *The Roanoke Times* (Apr. 3, 2016), http://www.roanoke.com/business/news/a-question-of-effect-pipelines-vs-mortgages-property-values-insurance/article_c3750fd9-1712-5b3e-a12d-b2d2486f043b.html.

¹⁵ *See id.*

¹⁶ *See id.*; see also Ann Neumann, *A Pipeline Threatens Our Family Land*, *The New York Times* (July 12, 2014), http://www.nytimes.com/2014/07/13/opinion/sunday/a-pipeline-threatens-our-family-land.html?_r=1 (explaining that USAA informed an insured that "the pipeline would change her insurance category from residential to commercial, with a higher premium").

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-7
cont'd

should condition its Certificate on Rover: (1) obtaining insurance coverage for all affected landowners for injury and damages caused by Rover's activities on and the pipeline's presence on their properties and (2) including hold harmless clauses providing that Rover will indemnify landowners for injury or damage to other persons or property in every easement Rover obtains from landowners.

CO22-8

D. Rover could impact buyers' ability to obtain a mortgage.

If a landowner is fortunate enough to convince a prospective buyer to purchase a pipeline easement-encumbered property, Rover's presence may also prevent the buyer from obtaining a mortgage on the property.¹⁷ For example, Veterans Affairs loans require that a pipeline company certify compliance with maintenance regulations before a mortgage will be approved for any residential structure within 220 yards on either side of a high-pressure pipeline.¹⁸ And, the presence of a pipeline could technically violate standard Fannie Mae and Freddie Mac mortgage agreements, which prohibit the storage of "hazardous substances" on the mortgaged property and also prohibit the transfer of any interest in the property without the lender's permission.¹⁹

CO22-9

II. Rover will affect land far beyond the easement area.

Rover will affect the value and use of lands far beyond the bounds of the easement area, contrary to the amount of affected acreage cited in the DEIS.²⁰

¹⁷ Duncan Adams, *A question of effect: Pipelines v. mortgages, property values, insurance*, The Roanoke Times (Apr. 3, 2016), http://www.roanoke.com/business/news/a-question-of-effect-pipelines-vs-mortgages-property-values-insurance/article_c3750fd9-1712-5b3e-a12d-b2d2486f043b.html (explaining that two loan officers told a landowner on the Constitution Pipeline in Masonville, New York that a lender might "shy away" from approving a mortgage for a pipeline easement-encumbered property because of potential liability).

¹⁸ See *id.*

¹⁹ See *If Your Property is Affected/Impact to Homeowners*, Nashoba Conservation Trust, available at <http://nashobatrust.org/if-your-property-is-affected/> (last accessed Apr. 11, 2016).

²⁰ DEIS at 4-195 (FERC concludes Rover will affect "about 5,305 acres of agricultural land" and "approximately 3,032 acres of forested land."

CO22-8

See the response to comments CO14-4 and CO14-5 regarding property values, mortgages, and insurance.

CO22-9

See the response to comment CO14-4 regarding property values, mortgages, and insurance. See the response to comment LA3-1 regarding pipeline safety.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-9
cont'd

A. Rover will impact property value beyond the easement area and throughout its potential impact radius.

According to the pertinent federal regulations, Rover could have a significant impact on people or property within approximately 1,100 feet of the pipelines if a failure were to occur.²¹ The federal regulations refer to this area as the potential impact radius or “PIR.” This 2,200 foot-wide swath along Rover’s right-of-way will encompass a much larger area than the easements themselves. This equates to more than 133,000 acres of land affected by Rover—many times that acknowledged by FERC—along 500 miles of Rover’s easement right-of-way.

As both Vannatta and Kielisch conclude, this fact will likely magnify the impacts of the virtually endless stream of images and information related to pipeline accidents, as well as Ohio’s mandatory disclosure rules, and will be highly disconcerting to potential buyers resulting in severe value damages. As Vannatta points out, the areas within the PIR will likely suffer the most significant value diminution and in some cases entire properties will fall within the PIR. FERC should consider all lands within the PIR in forming its conclusions about the total land area affected and the Rover PIR’s impact on property values.

CO22-10

B. Rover will impact drainage far beyond the easement area.

Drain tile systems on individual properties in Ohio are most often interdependent on much larger drainage networks. These networks are typically comprised of numerous other properties’ tile systems, surface waterways, municipal, township and county ditches and natural watercourses. As noted by one professional agricultural drainage contractor at the FERC public meeting held in New Washington, Ohio on April 5, 2016, disruption at a particular point in a drainage network can cause severe impacts, including flooding, to several hundred acres of land

²¹ 14 CFR 192.903(4), defining “potential impact radius” as: “ $r = 0.69 * (\text{square root of } (p * d^2))$ ”, where ‘r’ is the radius of a circular area in feet surrounding the point of failure, ‘p’ is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and ‘d’ is the nominal diameter of the pipeline in inches”; and applying to the specifications of the Rover 42” pipelines segment.

CO22-10

See the response to comment CO9-2 regarding drainage.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-10
cont'd

outside Rover's easement area. Similar to the discussion of PIR above, the Rover project will affect many times more acres of land than that acknowledged by FERC, and disruptions to drainage will potentially encompass many times more acres than PIR. FERC should consider this in forming its conclusions about the total land area affected by Rover as well as the necessity for and the conditioning of Rover's certificate upon performing pre-construction drain tile work.

CO22-11

**ROVER WILL HAVE A SIGNIFICANT, LONG-TERM IMPACT
ON AGRICULTURAL PRODUCTIVITY**

I. Rover's soil remediation methods are insufficient.

Dawson G. Alsdorf, a Landowner-client of Goldman & Braunstein, an agronomist with degrees from both Penn State University and the Ohio State University, and a retired professor from the Ohio State University's Agricultural Technical Institute has serious concerns with Rover's soil remediation plan and disagrees with FERC's conclusion that soil compaction will be satisfactorily mitigated by the methods described in Rover's Agricultural Impact Mitigation Plan.²² Rover's proposed methods include topsoil and subsoil segregation and deep tilling. Alsdorf believes that by utilizing those methods alone the soil will take "20 years or more" to return to current levels of crop production, and in some cases soils may never recover. See **Exhibit G**. Alsdorf suggests that in addition to the mechanized methods of soil restoration Rover has presented, Rover should be required to incorporate organic matter (*e.g.*, chicken manure) into the top soil and sub soil before backfilling the trench in order to replenish the soil's microbes and achieve the soil bulk density, porousness and pH levels required for crops to grow.

Goldman & Braunstein presented this plan to Rover through easement revisions in August, 2015, to which Rover has yet to respond. In the opinion of Mr. Alsdorf, Rover's current proposed methods for soil remediation will cause substantially diminished crop production for

²² DEIS at 4-49.

CO22-11

In addition to the measures outlined in Rover's Plan and its AIMP, landowners may negotiate additional mitigation measures as part of its easement agreements, including measures such as the incorporation of organic matter into the topsoil.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-11
cont'd
decades after completion of construction. FERC should consider this information and require Rover to incorporate organic matters back into the soils prior to trench backfill and ensure proper soil bulk density and soil pH levels upon completion of soil restoration.

CO22-12
II. Rover should not be permitted to excavate in agricultural areas during winter.
FERC has improperly concluded that Rover's winter construction plan ("WCP"), which includes trenching through sensitive agricultural soils, is acceptable.²³ However, FERC fails to acknowledge that topsoil and subsoil segregation during excavation cannot be achieved when the ground is frozen. Mixing of these soils will cause permanent damage to precious topsoil and crop production. FERC should investigate Rover's WCP further and require Rover to refrain from all excavating on agricultural lands until the ground is completely thawed.

CO22-13
FERC HAS IMPROPERLY ALLOCATED THE BURDEN OF PROOF TO THE LANDOWNERS AS TO ROVER'S ADVERSE IMPACTS
I. The burden of proof in this proceeding is on Rover—not the Landowners.
According to FERC policy, FERC will not issue a Certificate unless the public benefits of Rover's project outweigh its adverse effects,²⁴ and according to federal law the burden of proof is on Rover—not the Landowners.²⁵ FERC's determination is one of proportionality and balancing,²⁶ and Rover has the burden to show, not only the public benefits of its project, but also that the adverse effects it causes do not outweigh the public benefits. Rover's adverse effects include damages to agricultural lands, including soils, drainage and crop production; the likely infringement of hundreds of landowners' Constitutional rights; the diminution of property

²³ DEIS at 2-32-33.

²⁴ Certificate Policy Statement, 90 FERC at 61,389, 61,396; *see also* Order Denying Application for Cert. Authorizations, Docket No. CP10-481-000, ¶ 11, issued June 16, 2011.

²⁵ *Michigan Consol. Gas Co. v. Federal Power Comm'n.*, 283 F.2d 204, 214 (D.C. Cir. 1960) (held: "the applicant under § 7(c) for a certificate to commence service must bear the burden of proving that that public interest will be served.")

²⁶ *See, e.g.*, Order Denying Application for Cert. Authorizations, Docket No. CP10-481-000, ¶ 11, issued June 16, 2011;

CO22-12
Rover would be required to adhere to its AIMPs in addition to its winter construction plan, including the segregation of topsoil. As each Plan requires topsoil segregation, in the event that Rover is unable to separate topsoil due to frozen ground conditions, construction would be unable to proceed until conditions change and allow topsoil segregation.

CO22-13
See the response to comment CO15-5 regarding the Commission's decision-making process. The commentors' request that the Project be denied is noted.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-13
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values; the threat to landowners' ability to obtain or maintain insurance coverages and to obtain or maintain mortgages on the encumbered properties; and the potential of eminent domain actions against hundreds of landowners.

FERC has repeatedly stated that "in cases involving landowner objections, the applicant will need to make a showing of public benefits proportional to the potential exercise of eminent domain."²⁷ Goldman & Braunstein alone represents more than 250 landowners who object to Rover taking their land. In addition, to Goldman & Braunstein's knowledge as many or more landowners than those represented by Goldman & Braunstein also object. Therefore, according to FERC policy and precedent, Rover must make a showing of public benefits that outweigh the exercise of eminent domain against some 500 or more Ohio landowners and several hundred miles of easement right-of-way. Indeed, this is a heavy burden.

In light of the numerous adverse impacts cited by the Landowners and the significant number of landowner objections and potential eminent domain actions, the benefits of the Rover project are far outweighed and therefore FERC should deny issuance of a Certificate.

CO22-14

II. FERC has not adequately considered the Landowners' evidence on Rover's adverse impacts.

The Landowners' concerns and evidence regarding Rover's adverse impacts has not been adequately considered by FERC. FERC has given minimal reference to Landowners' input throughout the DEIS and has tended to form conclusions in support of Rover's assertions. This is especially apparent with regard to Rover's effects on property values. FERC conducted research based on pipeline industry-sponsored sources in forming a conclusion favorable to Rover. FERC's action improperly and unfairly placed the burden squarely on the Landowners to present

²⁷ See, e.g., Order Dismissing Request for Rehearing, Docket No. CP08-96-001, ¶ 12, issued September 17, 2009; and see Order Denying Application for Cert. Authorizations, Docket No. CP10-481-000, ¶ 11, issued June 16, 2011.

CO22-14

See the response to comment CO14-4 regarding property values, mortgages, and insurance.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-14
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their own evidence from the standpoint of rebuttal. This is contrary to FERC policy and precedent and federal law, which place the burden on Rover. FERC should consider the Landowners' evidence presented herein and throughout this proceeding and task Rover with the burden of proving that the public benefits of the Rover project outweigh the numerous adverse effects presented by the Landowners.

CO22-15

CONCLUSION

In light of the foregoing and given the scale of the project, the magnitude of the Rover's adverse impacts on hundreds of Landowners and Rover's failure to deal in good faith with those Landowners, Goldman & Braunstein hereby requests that the Commission deny Rover issuance a Certificate.

Respectfully submitted,

/s/ Michael Braunstein _____
Michael Braunstein, Esq.
Clinton P. Stahler, Esq.
Matthew L. Strayer, Esq.
GOLDMAN & BRAUNSTEIN, LLP
500 South Front Street, Suite 1200
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Telephone: (614) 229-4540
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Email: Stahler@GBlegal.net
Email: Strayer@GBlegal.net
Counsel for Landowners, Exhibit A

Dated: April 11, 2016

CO22-15

The commentors' request that the Project is denied be noted.

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Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-15
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 11th day of April, 2016.

/s/ Michael Braunstein
Michael Braunstein, Esq.
Clinton P. Stahler, Esq.
Matthew L. Strayer, Esq.
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Counsel for Landowners, Exhibit A

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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ADDENDUM

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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Exhibit A

CO22-15
cont'd

Goldman & Braunstein, LLP

List of Goldman & Braunstein landowner clients affected by the Rover pipeline project, and which indicates confidential, attorney-client relationships. Docket No. CP15-93-000 is designated as **Privileged Information** pursuant to 18 C.F.R. § 388.112.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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Exhibit B



ROVER PIPELINE LLC
An ENERGY TRANSFER Company

7100 Whipple Ave. NW, Suite B
North Canton, Ohio 44720

CO22-15
conf d

February 26, 2016

Re: Rover Pipeline LLC

Dear Stakeholder:

You are receiving this letter to provide you with an update with regard to the Rover Pipeline Project.

On February 19, 2016, the Federal Energy Regulatory Commission (the "FERC") issued its Draft Environmental Impact Statement ("DEIS") for the Rover Pipeline Project. This is an important step forward in the administrative process and brings the project one step closer to final approval by the FERC.

The DEIS is a lengthy document which concludes that with certain mitigative measures, there are no significant environmental impacts preventing the Rover Pipeline Project from moving forward. The DEIS provides an opportunity for public comment on the environmental impacts associated with the project (see attached notice from FERC), which FERC will analyze and incorporate into the final EIS which is anticipated to be issued by late July 2016. Once the final EIS is issued, within a short period Rover expects that the FERC will give final approval for the Rover Pipeline Project through a Certificate of Public Convenience and Necessity and then Rover will initiate construction of the project.

As the process has now taken another step forward, Rover is reaching out to you once again in an attempt to amicably negotiate an easement agreement. Rover wishes to engage in easement discussions with you either directly or through your designated attorney or representative, but believes there is a real opportunity to reach an agreement and requests that you encourage your representative to communicate with the Rover right-of-way representatives to negotiate a fair and equitable easement. If you are represented by counsel, please have your attorney contact us and begin to work out the details of the easement and to resolve the compensation terms.

Unfortunately, Rover believes that thus far certain negotiations have been prevented by unrealistic expectations established by a few groups of third parties and/or attorney groups with regard to the compensatory value of the easements and that no action during this stage of the project will result in a better advantage to conclude the negotiations in the landowner's favor. However, those expectations and tactics are counter-productive and could be a disadvantage for you to work towards a mutually agreeable easement. In reality, the delay tactics actually will result in decreased final compensation for the easement, as well as prevent the development or agreement of terms that protect your land and resources on your terms, as opposed to a court ordered easement and compensation or an easement that is not tailored to your specific property. Rover understands that there are many rumors and statements being made in the public regarding the alleged value or price Rover will voluntarily pay for the easements and we

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Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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would like to clear the air of rumors and talk facts and figures in real terms as they relate to your property.

In an effort to minimize any confusion and misunderstanding, Rover is again reaching out to you or your representative to discuss the terms of an easement across your land as well as to discuss a fair and realistic offer of compensation. Rover has hired many experts to plan the project and, in particular, to offset and mitigate adverse impacts to agricultural property. In that regard, Rover has extended an invitation to all landowners to develop an agricultural crossing plan that will contemplate any drain tile crossings, relocations or replacement plans on an individual basis.

Rover encourages you to take advantage of this time to work with our team of experts to develop the plan and to reach an agreement so as to mitigate any adverse impacts as much as possible under mutually agreeable terms instead of postponing those discussions to the last minute where you or Rover cannot accommodate or take advantage of early planning opportunities.

Despite the rumors and certain miscommunications or non-communications, Rover has done market value studies as well as appraisals to determine the fair market value and price for the easements. Rover's current offer is well above the fair market value of the easements. Given the opportunity, Rover will share its market data, will provide recent and relevant data from comparable public data records for past federal court awards for similar projects under FERC's jurisdiction for easements in the project region and will share with you the certified appraisals that have been developed on a per property basis. As a point of reference, the previous federal court decisions are well below what Rover is offering and in fact the data indicates an average lower per linear foot price by approximately thirty (30%) for agricultural properties as determined based upon a true-up of the assessment for values in 2015/2016 dollars. The analysis and data for which Rover is comparing was for the Rockies Express Pipeline commissioned in 2009, which was a similar 42-inch natural gas project in Ohio. Rover is willing to share this data as a point of reference to correct the record for what is a realistic expectation for monetary compensation for an easement or can provide the analysis to your attorney or representative to validate as part of the easement process.

At this point, Rover requests that you (or your representative) contact Mark Roberts at (234) 401-9680 so that negotiations and discussions can move forward.

Thank you for your anticipated cooperation and we look forward to hearing from you.

Sincerely,



Joey Mahmoud
Senior Vice President

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

CO22-15
cont'd

Exhibit C

Clinton Stahler

From: Michael Braunstein
Sent: Monday, April 11, 2016 4:59 PM
To: Clinton Stahler
Subject: FW: Rover Pipeline -- Drain Tile matters

Follow Up Flag: Follow up
Flag Status: Flagged

On Apr 21, 2015, at 4:54 AM, Carl Duke <tanllcrow@gmail.com> wrote:

Mike and Bill,

Attached is the Drain Tile Agreement, together with the Drain Tile Relocation and Reclamation Plan. The Plan is to be used in conjunction with those landowners who use contractors other than those already working with Land Stewards. However, all contractors will use this same template/format, which aids in a proper and timely review.

Previously, we had authority to pay for approved drain plans prior to easement acquisition, but that policy has changed, and I am no longer authorized to pay for approved plans prior to purchasing the easement. However, the landowner should still have the estimate completed either through Land Stewards or a drain contractor of their own choosing, and submit the plans, so that the plans will have gone through review and be ready when the easement is acquired.

Thanks,

Carl
CARL B. DUKE, JR.
Lead ROW Representative - East
Gullett & Associates, Inc. representing
ROVER PIPELINE LLC on the
ROVER PIPELINE PROJECT
7100 Whipple Ave. NW, Suite B
North Canton, OH 44720
Office: 234-401-9680
Mobile: 225-252-9259
tanllcrow@gmail.com



<FINAL Rover Drain Tile Agreement Final 3 4 2015.pdf>

<Drain_Tile_Relocate_Reclaim_Plan_and_Estimate_04_17_15.pdf>

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

CO22-15
cont'd

From: Gregory D Brunton [mailto:GBrunton@reminger.com]
Sent: Thursday, October 08, 2015 3:37 PM
To: Michael Braunstein; William Goldman
Cc: Erin Morrow; Sherry Evanichko
Subject: Clients who contacted Land Stewards

Bill and Mike,

Attached is a list of your clients who have contacted Land Stewards. Let me know if you have any questions. Thanks,

Greg

My Bio Website vCard	
T 614-232-2632 F 614-232-2410 M 614-561-5548 www.reminger.com	Gregory D Brunton, Esq. Reminger Co., LPA GBrunton@reminger.com 65 East State Street, 4th Floor Capitol Square Columbus, OH 43215

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Land Stewards Requests - Clients of GoldmanBraunstein

Tract#	Landowner	Attorney
OH-CR-037.000	Gerald Stacklin	G & B
OH-CR-039.000	Gerald Stacklin	G & B
OH-CR-041.000	Deanna Tomecko	G & B
OH-CR-044.000	Ken Studer	G & B
OH-CR-045.000	Philip Studer	G & B
OH-RI-031.000	John Foley	G & B
OH-RI-037.000	Thousand Oak Farms	G & B
OH-SE-004.000	Gerald Bumb	G & B
OH-SE-006.000	Gerald Bumb	G & B
OH-SE-011.000	Gerald & Shirley Bumb	G & B
OH-SE-023.000	Mark Wagner	G & B
OH-SE-025.000	Jeffrey Wagner	G & B
OH-SE-052.000	Mark Smith	G & B
OH-SE-053.000	Gregory Smith	G & B
OH-SE-055.000	Gregory Smith	G & B
OH-SE-058.000	Gary Smith	G & B
OH-SE-059.100	Gary Smith	G & B
OH-AS-005.000	Wayne Bartter	G & B
OH-AS-050.000	Richard Peterson	G & B
OH-AS-051.000	John Kamenik	G & B
OH-AS-058.000	James R. Wolfe	G & B
OH-CR-011.000	E. Jane Phenicie Family Trust	G & B
OH-CR-018.000	Samuel J Kraft	G & B
OH-CR-019.000	MMJ Farms LLC	G & B
OH-CR-026.000	James R Springer Living Trust	G & B
OH-CR-029.000	Donald L. Pheneicie	G & B
OH-CR-038.000	Lyndsey A Stacklin & Mr. Jeffrey A Stacklin	G & B
OH-DE-001.000	Lavina I. Boesling & Frieda M. Boesling	G & B
OH-HA-003.000	LR & J Family Farms II LTD	G & B
OH-HE-003.000	Henry Godeke	G & B
OH-HE-006.000	Shirley Woltmann	G & B
OH-HE-007.000	Timothy Behrman	G & B
OH-HE-008.000	Chester and Susan Phillips	G & B
OH-HE-058.000	Ron Fruth (Mark Oberhaus LO)	G & B
OH-RI-001.000	Kathy A Wolfe	G & B
OH-RI-049.000	Mark Metzger	G & B
OH-RI-050.000	A&B Metzger Family	G & B
OH-RI-052.000	Lawrence Biglin	G & B
OH-RI-053.000	Mark Metzger	G & B
OH-RI-055.000	Mark Metzger	G & B
OH-SE-037.000	Thomas Wise	G & B
OH-SE-039.000	Roger and Melissa Daniel	G & B
OH-SE-046.000	William V. & Jane E. Smith	G & B
OH-SE-050.000	Steven Smith	G & B

CO22-15
cont'd

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Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

Land Stewards Requests - Clients of GoldmanBraunstein

Tract#	Landowner	Attorney
OH-SE-057.000	Carol Smith	G & B
OH-SE-059.110	Benjamin Kebley	G & B
OH-SE-059.120	Robert Schilling	G & B
OH-SE-060.000	Benjamin Kebley	G & B
OH-SE-061.000	Sara Sheidler	G & B
OH-SE-063.000	Raymond C. Doran Living Trust Agreement	G & B
OH-SE-066.000	Fruth Legacy Farms LLC	G & B
OH-SE-076.000	Holmstead Farms LLC	G & B
OH-SE-077.000	Holman Bernice Louise Trustee	G & B
OH-TU-029.000	David Kennedy	G & B
OH-WA-040.000	Lynn Orr	G & B
OH-WA-052.516	Dawson Asldorf	G & B
OH-WO-036.000	Anita Gerkens	G & B
OH-WO-039.000	Anita Gerkens	G & B
OH-WO-077.120	Timothy Behrman	G & B
OH-WO-078.500	Delbert Behrman	G & B

CO22-15
cont'd

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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Exhibit D

CO22-15
cont'd

PUBLIC COMMENT
of
RICHARD M. VANATTA,
GAA, ASA, SR/WA, RW/AC¹

April 8, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Re: Docket No. CP15-93-000
E.T. Rover Pipeline Project and Rover Pipeline, LLC ("Rover")
FERC's conclusions presented in its Draft Environmental Impact Statement
("DEIS") issued February 19, 2016

I. FERC's Conclusion that Rover will not have a Significant Impact on Property Values is Wrong

Rover will have a significant impact on most or all of the properties it crosses. Informed, prudent market participants (i.e., buyers) would consider the proximity of a large-diameter, high-pressure natural gas pipeline as an important element of comparison when making the decision to either buy or not buy a specific property. Given the availability of information today, I determined that the attached photographs of natural gas pipeline explosions are relevant to this assignment. **Exhibit A.** These photographs help to illustrate the severity of the potential negative impacts of natural gas pipelines and the resulting fear of dangerous, catastrophic explosions, property damage, bodily injury and loss of life that could occur at any time, without warning—all of which shape the perceptions of potential buyers, and therefore affect the property's market value.

In this condemnation matter Rover will be required to pay property owners "just compensation" for the market value of the property taken and damages to the value of the remaining "residue" property due to the presence of the pipeline and easement. For that reason, it is necessary to consider Rover's negative external influences, the effects of the severance of the easement on the residue, and the external and internal economic and physical damage imposed on the residue.

¹ Curriculum Vitae, see **Exhibit C.**

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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CO22-15
cont'd

I have concluded that the residue properties along the Rover easement corridor will be conferred no benefit by the presence of the Rover pipeline and easement. Conversely, the residues will suffer from significant negative externalities, as well as negative internal effects. Rover will install in its easement new 24, 36 or 42-inch, or dual 42-inch, high-pressure natural gas pipelines along a several hundred mile-long corridor. This will impose permanent encumbrances and detrimental externalities, including permanent use restrictions, hindrances to future use and development, permanent aesthetic changes due to clearings and above-ground appurtenances, permanent rights of access to the properties by pipeline personnel, potential safety hazards, potential liabilities, and fear of catastrophic events.

Given that Rover will only be required to compensate landowners one time for the negative impacts it will permanently impose on their property, it is crucial that due consideration be given to all of the negative external influences and negative internal effects that will be imposed by the presence of the Rover pipeline and easement. These negative external influences and negative internal effects have a significant impact on property values because they shape informed buyers' perceptions of desirability. As a consequence, these factors influence buyers' decisions and their willingness to purchase property at a given price. Thus, because informed buyers react negatively to detrimental property encumbrances and uncontrollable detrimental externalities imposed on property, the marketability and resale value of the residue properties along the Rover easement corridor will be severely and incurably diminished.

II. Rover's Proposed Recorded Easement Contract

Rover's perpetual easements that it has presented to the landowners will run with the land and will give Rover and "its agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of it" myriad perpetual rights, including the following rights:

- (1) of ingress and egress over, across and through the Permanent Easement, the Temporary Construction Easement, and other contiguous land owned by Grantor;
- (2) to survey, construct, lay, maintain, inspect, erect, alter, operate, protect, repair, replace with same or different size pipes, improve, alter, substitute, access, patrol, relocate and change the route or routes of, abandon in place and remove at will, in whole or in part, two (2) pipelines (the "Pipelines") along a route selected by Grantee;
- (3) together with such valves, fittings, meters, corrosion control devices, wires, cables, markers and other equipment and

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-15
cont'd

- appurtenances, above and below ground, as may be necessary or convenient for operation and maintenance of the Pipelines;
- (4) for the transportation of oil, gas and other fluids or substances including water, or any of them, and the products thereof, which may be transported by the Pipelines (collectively with the Pipelines, the "Facilities");
 - (5) to install or remove structures and objects located within the Permanent Easement and Temporary Construction Easement and for all other purposes necessary and at all times convenient and necessary to exercise the rights granted by the easement agreement;
 - (6) in, over, through, upon, across, under, and along lands owned by the [landowners].

Thus, Rover is taking the indefinite right to occupy all three spatial dimensions, 24/7, 365 days a year, without warning, which includes the right to impose economic damage on the residue properties forever. Therefore, I have concluded that the forever-negative externalities of the project, the forever-negative internal impacts, and the permanent potential for recurrent physical and economic damage will cause the whole of the residue properties to suffer a significant and permanent diminution in value.

III. Buyers' Negative Perceptions of Utility Corridors

I have conducted informal interviews over a period of years with numerous landowners and real estate sales agents regarding similar pipeline projects. Through that experience I have learned that most landowners and real estate sales agents perceive that new utility corridors would likely encourage other utilities to locate alongside or within the new corridor, thereby increasing the negative effects on the residue properties. This is a view that is well supported and evidenced by the fact that state and federal regulators prefer that projects follow or occupy existing corridors, as well as by the fact that Rover itself follows existing utility corridors for significant portions of its route. Indeed, many new utility projects parallel substantial portions of existing corridors, thereby creating ever larger corridors. In my experience the concept of utility corridors and their accompanying negative effects on property values are real because buyers are less likely to buy property influenced by a utility corridor.

Additionally, my experience indicates that when market participants become informed of the numerous potential dangers of high-pressure natural gas pipelines, they demand a substantial purchase price reduction, as compared to competing properties unaffected by a pipeline. Furthermore, a certain percentage of buyers simply would not buy at any price. For these reasons, I have concluded that buyers' perceptions of the negative effects of major utility

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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cont'd

projects on a property, such as Rover's large-diameter, high-pressure natural gas pipeline, result in a very real impact on property value.

IV. Rover's Potential Impact Radius

According to Title 49, Section 192.903 of the Code of Federal Regulations, the "potential impact radius" ("PIR") of a natural gas pipeline is the radius within which the potential failure of a particular pipeline could have "a **significant impact on people and property.**" According to the formula set forth in that Section, the majority of the Rover pipeline, which will be 42-inch diameter and designed to operate at 1,440 psi, will have a **potential impact radius of 1,100 feet** in all directions. This means Rover's PIR will encompass a **2,200-foot-wide** swath along the majority of its route, and in many cases will encompass entire residences.

I conclude that the whole of the residences will suffer a significant value diminution, most notably those portions within the PIR. This is due to the rights taken, the imposed severance damage, the disruption of quiet enjoyment, and diminished quality of life, as well as the fact that pipeline explosions can occur at any time without warning due to many unforeseeable reasons. Additionally, there is a real potential that an explosion on a line such as Rover could cause supersonic concussive forces, earthquake-like shock waves, and a ball of fire hot enough to turn sand into glass, which would likely engulf everything within the 2,200 diameter circle of potential impact radius, as well as cause a myriad of secondary fires, and damage, well beyond the potential impact radius. This is due to the thermal radiation, and extremely hot radiant heat that is generated by such an explosion.

Furthermore, recurrent reports of these catastrophic natural gas pipeline explosions throughout the United States are commonplace. Therefore, I concluded that informed market participants would forever fear the potential for bodily injury, loss of life and catastrophic property loss that could occur at any time without warning. For those reasons, I concluded that the whole of the residences of the properties along Rover will suffer significant compensable severance damage due to the proximity to Rover and due to overall diminished functional unity.

V. Rover's Negative Effects of Potential Buyers and Property Values

In addition to the value-damaging factors discussed above, I conclude that given the restrictions on the owners' use of their properties, and the burdens caused by a perpetual high-pressure natural gas pipeline easement equates to nearly 100 percent of the before fee simple

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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interest in the easement area. Moreover, although sales of properties burdened with large diameter natural gas transmission pipeline easements do occur, it is not necessarily true that they sell for similar prices or within reasonable marketing times. Although statistically the chances of a catastrophic failure on a given property might be low, that is irrelevant to the issue of public perception and the resulting value decrease. For many buyers, the presence of a high pressure gas line on the property is unacceptable. For those reasons, I conclude that the marketability of the whole of residues are impaired, and will suffer significant incurable severance damage.

In support of my conclusions, I obtained a copy of a study of the effects of natural gas pipelines on property values by Dr. James W. Peltier. See **Exhibit B**. According to Dr. Peltier, the primary objective of his study was to determine whether the presence of a large diameter natural gas pipeline would affect the perceived value of a property under which a pipeline would be buried. A brief summary of Dr. Peltier's conclusions follows:

62.2% said they would not buy a home/property encumbered with a gas pipeline easement—at any price;

18.9% said they would still buy, but at a reduced price. Of that group, the average price reduction/incentive required to induce them to buy was 21.15%; and

Only 18.9% of the study's respondents indicated that they would buy at market price.

The study also revealed some interesting results that support my years of experience and informal survey conclusion that the more information potential buyers receive regarding negative influences of pipelines, the more concerned they become. In Dr. Peltier's study, that concern caused the "no buy" decision percentage to increase after informing potential buyers of the possible dangers of a natural gas transmission pipelines. Thus, Dr. Peltier's study supports the notion that information shapes perception and that perception influences buying decisions, which is especially relevant in today's world where information is so readily available. If market participants choose, they can become more informed than ever with little effort by way of the pervasive 24 hour news cycle and the Internet. Through these sources, information about pipeline accidents are available and articles containing compelling photographs chronicling the devastating effects of various pipeline explosions throughout the United States and around the world are virtually endless.

After considering the basic theory of supply and demand and the effect of a pipeline on buyers' perceptions and a property's desirability, I concluded that if desirability is low, demand will be low, and thus, the item's value will most often be diminished. Therefore, if 60+ percent of potential buyers would not consider buying a property encumbered with a large diameter high-pressure gas pipeline at any price, then, in my experience and according to Dr. Peltier's study,

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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cont'd

the pool of potential buyers for properties encumbered by Rover will shrink to about 40 percent of potential buyers of otherwise comparable property. Furthermore, of that group, about half would demand an average 21% price reduction. In today's world, the presence of the Rover easement must be disclosed by the seller, and any sale of such property would be subject to a smaller group of potential purchasers and would likely require an extended marketing time and price concessions. Thus, the property would likely sell for far less than a similar property unaffected by such a pipeline easement. Thus, it is my professional and common sense opinion Rover will cause real value diminution on the properties it crosses.

VI. Value Damages Summary:

Damages caused by use impairment of the encumbered residue that result from the owner's highly restricted use of the perpetual easement area;

Damages caused by the taking of a three-dimensional easement, and the ambiguous description of the types of equipment/facilities that will be, or that may be placed in, on, over or above the easement in the future, without additional compensation;

Damages caused by diminished right of privacy and quiet enjoyment that result from Grantee's rights and benefits to the full enjoyment and use of the easements. This includes, without limitation, the free right of ingress and egress to the pipeline and appurtenances over and through Grantor's unencumbered land, including walking and flyover inspections, with the further right to use existing and future roads over and across the property, and to maintain said right-of-way so as to keep the easement free of trees, undergrowth, brush, and obstructions, thus allowing the free perpetual right to cross over and upon the supposed unencumbered residue, without additional compensation;

Damages caused by the rights taken being divisible and assignable in whole or in part. Thus, the Grantee may permit other utility companies to occupy the easement for purposes of expanding its use to include additional pipelines or various types of underground or aboveground cabling of communication companies, as well as other uses, without additional compensation;

Damages caused by the right taken to enter the easement area to inspect, rebuild, remove, repair, improve, relocate equipment, and facilities, and make changes, and alterations at any time. Such as the right to alter the size of and to construct more than one pipeline for the transportation of natural gas and to construct necessary appurtenances without additional compensation;

Damage easement takings, thereby causing marginal utility, diminished intensity of use, as well as marginal highest use. This is a direct result of the situs of the perpetual easement taking (and its use as part of the pipeline right-of-way) leaving the whole

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-15
cont'd

of the residues within a potential impact radius that extends 1,100 feet in all directions from every given point along the pipeline. Thus, a far greater percent of the residue is affected than merely the easement area and will now suffer from significant incurable severance and proximity damage; and

□ Damage caused by fear of bodily injury or death and catastrophic loss of property due the location and proximity of the pipeline to the residue. This is due to the potential and danger of a catastrophic incident that could occur at any time without warning. Such an explosion would likely create supersonic concussive forces, an earthquake like shock wave, and a fireball that would likely destroy everything within 1,100 feet of the accident location. Additionally, the extremely hot radiant heat generated by such an explosion is hot enough to turn sand into glass. For that reason, it is likely that secondary combustion would extend the effects of the blast radius at any point along the pipeline even further. Additionally, after reviewing the numerous photographs in the attached Exhibit A and numerous articles that depict catastrophic explosions of high-pressure natural gas pipelines throughout the United States, my extensive experience, and Dr. Peltier's study, all of which informed my judgement as to the detrimental effects imposed on the whole of the residue, I conclude that the whole of the residues will suffer significant value diminution, and that such diminution is a direct result of severance and the negative effects imposed on the residues by the Rover project. For those reasons, they are important value-influencing considerations. This is because the rights taken, the imposed limitations, and the detrimental use and effects of the perpetual pipeline right-of-way have made the residues far less desirable and marketable to informed market participants.

/s/ Richard M. Vannatta,
Richard M. Vannatta, GAA, ASA, SR/WA, RW/AC

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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cont'd

EXHIBIT A

PERTINENT PHOTOGRAPHS OF RELEVANT CATASTROPHIC NATURAL GAS PIPELINE EXPLOSIONS THAT HAVE OCCURRED THROUGHOUT THE UNITED STATES SOURCE: INTERNET



COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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PERTINENT PHOTOGRAPHS OF RELEVANT CATASTROPHIC NATURAL GAS PIPELINE
EXPLOSIONS THAT HAVE OCCURRED THROUGHOUT THE UNITED STATES CONTINUED



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cont'd



VANNATTA BROTHERS

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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PERTINENT PHOTOGRAPHS OF RELEVANT CATASTROPHIC NATURAL GAS PIPELINE
EXPLOSIONS THAT HAVE OCCURRED THROUGHOUT THE UNITED STATES CONTINUED

CO22-15 cont'd



COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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PERTINENT PHOTOGRAPHS OF RELEVANT CATASTROPHIC NATURAL GAS PIPELINE
EXPLOSIONS THAT HAVE OCCURRED THROUGHOUT THE UNITED STATES CONTINUED

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VAN NATA & BROTHERS

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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SPECIALIZED EDUCATION AND TRAINING CO22-15
cont'd

Richard M. Vannatta, GAA, ASA, SR/WA, RW/AC

ASA Accreditation: To qualify for the Accredited Senior Appraiser designation (ASA), an individual must have a minimum of five years of full-time equivalent appraisal experience and a college degree or its equivalent. To receive the accreditation, the appraiser must pass intensive written examinations, submit representative appraisal reports for peer review, and screened for ethical behavior. Subsequently, each Candidate must pass ASA's ethics examination and an examination on the Uniform Standards of Professional Appraisal Practice (USPAP).

Completed Courses from the
American Society of Appraisers: ASA Senior Designation
RP: 205 Urban Case Studies - Part II Accredited Senior Appraiser
RP: 204 Urban Case Studies - Part I Real Property Urban
RP: 203 Advanced Income Capitalization
RP: 202 Introduction to Income Capitalization
RP: 201 Appraisal Theory, Principles & Concepts
RP: Going Concern Value & Real Property
RP: Valuation of Conservation Easements

The American Society of Appraisers, the Appraisal Foundation, the American Society of Farm Managers and Rural Appraisers, and the Appraisal Institute in cooperation with the Land Trust Alliance jointly developed this course.

ME: 204 Machinery and Equipment Valuation ASA Senior Designation
ME: 203 Machinery and Equipment Valuation Accredited Senior Appraiser
ME: 202 Machinery and Equipment Valuation Machinery & Technical Specialties
ME: 201 Machinery and Equipment Valuation (MTS)
ALL: 215 Report Writing
SE: 100 Uniform Standards of Professional Appraisal Practice
Ethics: Professional Appraisal Ethics

The SR/WA Designation - Senior Member, International Right-of-Way Association, is the professional designation granted by IRWA to members who have achieved professional status through experience, education, and examination. The SR/WA designation requires training and examination in several major right-of-way disciplines. The SR/WA designation signifies, the recipient has more than five years of right-of-way experience, and has had formal training in a wide variety of right-of-way areas. The SR/WA professional may be a specialist in one area, such as acquisition, relocation, appraisal, or law, but also must be familiar with the other disciplines associated with the right-of-way profession. The SR/WA designation is the only designation reflecting evidence of professional attainment in the right-of-way field.

The IRWA Certification Program: The purposes of the IRWA Certification Program are: 1) to further the effectiveness of the services rendered to the public by the right-of-way profession; and, 2) to achieve the aims and purposes of the Association by providing a means for recognizing those right-of-way practitioners who have attained unquestioned professional status in a single discipline.

Completed Courses from the
International Right-of-Way Association: SR/WA Designation #4603
100 Principles of Land Acquisition R/W-AC Appraisal Certification
101 Principles of Real Estate Acquisition Part 1
101 Principles of Real Estate Acquisition Part 2
103 Ethics
201 Communication in Real Estate Acquisition
214 Skills of Expert Testimony
215 Pipeline Right-of-Way Agent's Development Program
401 Appraisal of Partial Acquisitions
402 Introduction to the Income Approach to Valuation
403 Easement Valuation
802 Legal Aspects of Easements
901 Engineering Plan Development & Application
H005 Reviewing Appraisals in Eminent Domain

VANNATTA BROTHERS

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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SPECIALIZED EDUCATION AND TRAINING CONTINUED cont'd

Criteria for the General Accredited Appraiser designations (GAA) includes Realtor or Institute Affiliate membership in the National Association of Realtors. Applicants must hold a State Certified General Real Estate Appraiser Certificate showing a minimum of 1,000 hours of appraisal experience in addition to the experience required to obtain state certification. Additionally, the applicant must have 60 hours of tested appraisal coursework above the minimum Appraiser Qualification Board's education requirement at the time of certification.

Completed Courses from the
National Association of Realtors Appraisal Section:
Appraisal Report Writing Seminar and Workshop
V: Appraisal Standards, Ethics, and USPAP
IV: Cost and Income / Valuation of Partial Interest
III: Sales Comparison Approach
II: Real Estate Analysis
I: The Basics of Appraisal

Completed Courses from the
Appraisal Institute:
Condemnation Appraising: Course # 720
Condemnation Appraising: Course # 710
Litigation Appraising: Specialized Topics and Applications
Principles of Income Property Appraising
An Introduction to Appraising Real Property

The GRI Designation: The Ohio REALTOR Institute, GRI program was designed to enhance the candidate's knowledge of real estate marketing and teach the skills needed in today's competitive marketplace. It sets GRI members apart from their competition. Experienced real estate practitioners teach proven techniques for attracting new listings, generating sales, working within the law, and enhancing professional image. The program consists of three courses, 30 hours each. The Graduate Realtor Institute (GRI) designation is one of the most respected and prestigious professional designations.

Completed Courses from the
Ohio Association of Realtors: GRI Designation
Real Estate Sales and Marketing Courses Graduate, Realtor Institute

The Certified Auctioneers Institute (CAI) Designation: The Auction Marketing Institute, of which the main purpose is to provide educational and designation programs for the auction industry, award The CAI designation. The Certified Auctioneers Institute (CAI) designation was developed for auction firm decision-makers. Its focus is on the operation of an auction firm, and it is designed to enhance the member's knowledge of auction marketing and management. The program focus is on skills needed in today's competitive marketplace and encompasses legal aspects of the auction profession, appraisal of real and personal property, economics, accounting, and bankruptcy law. The program spans a two-year period and totals 92 hours of tested coursework. It is offered annually at Indiana University in Bloomington, Indiana. The CAI designation is one of the most respected and prestigious professional designations in the auction industry. In September of 2013, after 35 years of being an active participant in the auction business, Mr. Vannatta retired.

Completed Courses from the
Auction Marketing Institute: CAI Designation
1 Legal, Appraisal, Real Estate at Auction Certified Auctioneers Institute
11 Marketing, Economics, Raw Land Development
111 Ethics, Bankruptcy Law, Equipment Auctions
Accredited Auctioneer of Real Estate Course Titles:
102 Marketing Real Estate Auctions
201 Finance and Cash Flow Evaluation
202 Advanced Auction Marketing

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Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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SPECIALIZED EDUCATION AND TRAINING CONTINUED

Completed Courses from the CO22-15
Ohio Department of Transportation: cont'd
Highway Plan Reading

Completed Courses from the
Appraisers Qualifications Board of The Appraisal Foundation
aqb Certified USPAP Instructor Recertification Course, 2014-15
aqb Certified USPAP Instructor Recertification Course, 2012-13
aqb Certified USPAP Instructor Recertification Course, 2010-11
aqb Certified USPAP Instructor Recertification Course, 2009
aqb Certified USPAP Instructor Recertification Course, 2006
aqb Certified USPAP Instructor Course, 2004

National Education Conference:
2015, International Right-of-Way Association Education Conference
2014 Appraisal Summit
2014 ASA, International Appraisal Conference
2013, 2011 and 2010 International Right-of-Way Association Education Conference
2013 Appraisal Summit
2012 ASA, International Appraisal Conference
2010 ASA, International Appraisal Conference
2009 Land Trust Alliance, International Rally and Conference
2008 ASA, International Appraisal Conference
2007 ASA, International Appraisal Conference
2005 Uniform Act Symposium
2005, 2004, 2003, and 2002 International Right-of-Way Association, International

As of the date of this report, Mr. Vannatta has completed the requirements under the continuing education program of the Ohio Department of Commerce, Division of Real Estate. In addition, he has completed the requirements under the continuing education programs of The Appraisal Section of the National Association of Realtors, the International Right-of-Way Association, and the American Society of Appraisers.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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PART 7 GUARDIAN PIPELINE STUDY

Exhibit E

CO22-15
cont'd

GUARDIAN PIPELINE STUDY
Jefferson and Walworth Counties

March 28, 2002

Prepared by:

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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GUARDIAN PIPELINE STUDY CONTINUED

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EXECUTIVE SUMMARY

Objectives

The primary objective of the study was to determine whether the presence of the Guardian Pipeline in Jefferson and Walworth Counties would impact the perceived value of property under which the pipeline would be buried.

Method/Procedure

A proportionate to population stratified sample was utilized that contained randomly selected homeowners living in Jefferson and Walworth Counties. The survey was then administered via telephone during February and March of 2002. A total of 418 individuals participated in the study. This translates into a maximum overall margin of error of +/- 4.9%. The overall response rate was 50.8%.

Key Findings

Purchase Likelihood/Price Reduction – Pipeline Description Only Scenario

Respondents were read a description of the pipeline and were asked the extent to which the pipeline would impact their purchase decision. The question was again asked later, following the introduction of potential, though extremely rare risks.

In total, 58.9% of the responding homeowners indicated that because of the pipeline, they would not buy the home/property at any price; 18.7% said that they would still buy, but at a reduced price; and 22.5% stated that the pipeline would have no impact and that they would still buy the home/property. For those who indicated that they would buy, but only at a reduced price, the average price reduction was 21.03%.

Purchase Likelihood and Price Reduction – Introduction of Risk Scenario

After the initial purchase impact and price reduction questions were asked, the homeowner participants were asked to indicate how worried they would be about three extremely rare risks associated with the pipeline: (1) Because The Gas Is Odorless, You Would Not Be Able To Smell A Leak, (2) Terrorist Threat To The Pipeline, and (3) Accidental Explosion. The same purchase impact and price reduction questions discussed previously were asked immediately after the risk perception questions. The intent of the follow-up question was whether the introduction of potential risks, though extremely rare, would impact respondents' perceptions of purchase likelihood and resulting price. Because these risks could reasonably be considered during the purchase decision, it is important to include this information when assessing purchase likelihood and purchase price issues. After evaluating the three potential risks, 62.2% said that they would not buy at any price; 18.9% would buy at a reduced price; and 18.9% said that the pipeline would have no impact.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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GUARDIAN PIPELINE STUDY

BACKGROUND AND PURPOSE

Neighbors Standing United (NSU) commissioned a survey of Jefferson and Walworth County residents. NSU is a group of individuals who will be affected by the construction of the Guardian Pipeline (see Appendix for a description) on their properties. The primary objective of the study is to determine whether the presence of the Guardian Pipeline impacts the purchase decision process and property values.

Research Design

Survey Design Issues

Two key issues needed to be addressed in the questionnaire design phase of the research process, including: (1) how to deal with potential lack of awareness and knowledge regarding the pipeline, and (2) how to deal with perceived values of homes and/or properties impacted by the pipeline. Each of these issues is discussed below. The survey can be found in the attached Appendix (two survey forms).

"Property" Versus "Home and Property"

The Guardian Pipeline will be buried approximately four feet below the ground on affected properties. Some of these properties will already have homes built on them, some will likely be building sites in the future, and some will never have homes built on them (note: the pipeline will never be directly below a home). To account for potential phrasing biases, it was determined that approximately 50% of the questionnaires would be phrased in terms of home and property, and 50% using the property phrasing. As is shown later, the results did not differ by phrasing, and as such, either could have been used.

Awareness/Knowledge Issues

By law, sellers and agents have to disclose the presence of the pipeline to potential buyers. Prior to administering the survey, it was uncertain whether respondents would be aware of the existence of the pipeline and whether they understood and/or have considered potential risks associated with the pipeline. To ensure a systematic and objective solution to these concerns, two identical purchase impact and pricing questions were asked. Excluding a description of the pipeline (see Appendix), the first was asked prior to the presentation of potential risks and respondents' perceptions of these risks. Later, the same purchase impact and pricing questions were asked after respondents indicated how worried they would be regarding three possible, though extremely rare risks associated with a high-pressure gas pipeline.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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This presentation order provided two clear advantages. First, because the initial purchase impact and pricing questions were asked prior to the presentation of potential risks, they were free of any negativity biases. Second, in that not all respondents would be aware of potential risks, the follow-up purchase impact and pricing questions were asked and answered.

In combination, the initial questions provide a conservative estimate of the impact of the pipeline and the follow-up questions offer a more informed decision scenario.

Procedure

A list was purchased from a brokerage house of randomly selected homeowners living in Jefferson and Walworth counties. Homeowners were selected for inclusion in the study because they would be most familiar with the home purchase process, and because renters are less informed about the home/property market. A random proportionate to population stratified sample of homeowners was then drawn across the two counties in proportion to two criteria: (1) percent of population 18 years and older, and (2) gender. Table 1 below shows the number and percent of individuals living in Walworth and Jefferson Counties by age (18 years and older) and gender.¹ Later, it is shown that the actual responses are consistent this sampling plan, ensuring a representative sample.

Table 1
Data for Proportionate Stratified Sample

County	Total Population 18+	Percent Population 18+	Total Males	Total Females	% Males	% Females
Jefferson	55,364	44%	27,226	28,138	49%	51%
Walworth	71,105	56%	35,045	36,060	49%	51%
Total	126,469	100%	62,271	64,198		100%

The survey was then administered via telephone during February and March of 2002 (calls were made on weekdays and weekends). Callers made a minimum of 3-4 attempts and across multiple days to reach not-at-homes before moving on to a replacement name from the list (see surveys in Appendix for instructions).

A total of 418 homeowners participated in the study. This translates into a maximum overall margin of error of +/- 4.9%. The overall response rate was 50.8%.

When reading the survey, the interviewer randomized ordering of response categories for the two purchase decision impact questions (Q2 and Q7). For quality checks, a supervisor called back one in every 12-15 respondents to ensure that the interviews were conducted as indicated. No non-call errors were found.

¹ Data from the 2000 U.S. Census.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
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KEY FINDINGS

I. Initial Pipeline Impact Question: Description Only

After being read a description of the pipeline (see Appendix), the pipeline impact question was phrased two different ways. Specifically, 50% of the respondents received the home and property version and 50% of the respondents received the property version (see below phrasings as they appeared on the surveys).

1. **Property Version.** Suppose you were looking for some property and you found one that you really liked. You determine what you think is a fair market price for that property and are ready to buy it. Now suppose that the same property has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the property?
2. **Home and Property Version.** Suppose you were looking for a home and you found one that you really liked. You determine what you think is a fair market price for that home and are ready to buy it. Now suppose that the same home has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the home?

Given these instructions, respondents were asked to select from three choices regarding the impact of the pipeline on their decision to purchase: (1) The pipeline would have no impact on my decision and I would still buy the home/property, (2) I would still buy the home/property, but only if the price was reduced, and (3) Because of the pipeline, I would not buy the home/property at any price. (Note: the order of these responses was rotated to control for order bias).

Table 2 on the next page presents the purchase impact results. As can be seen from Table 2, 58.9% of the responding homeowners indicated that because of the pipeline, they would not buy the home/property at any price; 18.7% said that they would still buy but at a reduced price; and 22.5% stated that the pipeline would have no impact and that they would still buy the home/property.

Cross-tabulation analyses were conducted to determine whether the responses to the purchase impact question differed by (1) formed used (home and property vs. property), or (2) county (Jefferson vs. Walworth). Tables 3-4 show the cross-tabulation results. As can be seen, no significant differences existed with regard to form or county. (Note: the most common significance standard used by researchers is $P < .05$ and was used here). As such, either could have been used.

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COMPANIES AND ORGANIZATIONS

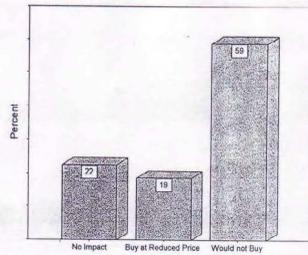
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GUARDIAN PIPELINE STUDY CONTINUED

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Table 2
If Found A Property/Home That You Liked,
How Would The Pipeline Affect Your Decision to Buy?

	Frequency	Percent
Pipeline would have no impact & would still buy home	94	22.5
Would still buy home, but at reduced price	78	18.7
Because of pipeline, would not buy home at any price.	246	58.9
Total	418	100.0



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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Table 3
Form Cross-Tabulations

		If Found A Property That You Liked, How Would The Pipeline Affect Your Decision to Buy?			Total
		Pipeline would have no impact & would still buy home	Would still buy home, but at reduced price	Because of pipeline, would not buy home at any price	
FORM Home	Count	55	35	120	210
	% within FORM	26.2%	16.7%	57.1%	100.0%
Property	Count	39	43	125	208
	% within FORM	18.8%	20.7%	60.6%	100.0%
Total	Count	94	78	246	418
	% within FORM	22.5%	18.7%	58.9%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.681 ^a	2	.159
Likelihood Ratio	3.695	2	.158
Linear-by-Linear Association	1.810	1	.179
N of Valid Cases	418		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 38.81.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Table 4
County Cross-Tabulations

COUNTY	Walworth	Count	If Found A Property That You Liked, How Would The Pipeline Affect Your Decision to Buy?			Total
			Pipeline would have no impact & would still buy home	Would still buy home, but at reduced price	Because of pipeline, would not buy home at any price	
		49	43	142	234	
		% within COUNTY	20.9%	18.4%	60.7%	100.0%
	Jefferson	Count	45	35	104	164
		% within COUNTY	24.5%	19.0%	56.5%	100.0%
Total		Count	94	78	246	418
		% within COUNTY	22.5%	18.7%	58.9%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.893 ^a	2	.640
Likelihood Ratio	.891	2	.641
Linear-by-Linear Association	.889	1	.346
N of Valid Cases	418		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 34.33.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
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II. What Percent Would The Price Of The Property Have To Be Reduced Before You Would Still Buy it?

As shown in Table 2, 18.7% of the respondents indicated that they would still buy the home/property knowing the presence of the pipeline, but would do so at a reduced price. These individuals were asked to state how much the home and property/property would have to be reduced before they would buy. Table 5 shows the distribution of responses (missing responses are those who did not say they would buy, but at reduced price).

The average price reduction was 21.03%.

Table 5
Percent Reduction in Purchase Price Needed
With Pipeline of Property

	Frequency	Percent
Percent Needed to be Reduced Before They Would Buy	1.0	1
	4.5	1
	5.0	6
	7.0	1
	7.5	1
	10.0	13
	12.5	1
	13.0	2
	15.0	7
	20.0	17
	22.5	1
	23.0	1
	25.0	10
	30.0	2
	33.0	2
	37.5	2
	40.0	2
	50.0	8
Total	78	18.7
Missing System	340	81.3
Total	418	100.0

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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III. Assessment of Risks

After the initial purchase impact and price reduction questions were asked, the homeowner participants were asked to indicate how worried they would be about three extremely rare risks associated with the pipeline (four-point scale ranging from 1 = very worried to 4 = not worried): (1) Because The Gas Is Odorless, You Would Not Be Able To Smell A Leak, (2) Terrorist Threat To The Pipeline, and (3) Accidental Explosion.

This section was added for two reasons. First, to understand the extent to which these three risks would worry home and property buyers. Second, although extremely rare, these risks do exist and could be of interest to potential buyers when making their purchase decision. Because the initial purchase and pricing questions presented no mention of these risks, we wanted to evaluate the respondents' purchase and reduced price perceptions after these risks were introduced (as a note, respondents were told that these risks are extremely rare).

Verbatim, the lead-in description was:

Although extremely rare, realtors must disclose to you that the pipeline carries certain risks. Some of these rare risks include, accidental explosions, terrorist threats, tampering, and the inability to detect leaks. How worried would you be regarding the following? The three risks were then presented.

Table 6 shows the average worry score and the distribution of responses. Overall, the risk perceptions varied across respondents. The respondents were most concerned about the inability to detect leaks and accidental explosions.

Table 6
Perceptions of Potential Risks

	Average Worry Score	% Very Worried	% Worried	% Slightly Worried	% Not Worried
Because The Gas Is Odorless, You Would Not Be Able To Smell A Leak	2.24	38.8	20.3	18.9	22.0
Terrorist Threat To The Pipeline	2.74	23.9	16.7	20.6	38.8
Accidental Explosion	2.35	33.5	21.3	21.3	23.9

Scale ranging from 1 = very worried to 4 = not worried

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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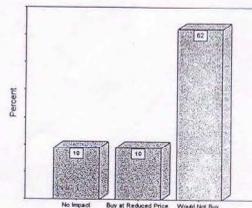
IV. Follow-Up Pipeline Impact Question: Introduction of Risk/Perceptions of Risk

The same purchase impact and price reduction questions discussed previously were asked immediately after the risk perception questions. Again, the initial questions were asked free of any external information beyond the pipeline description. The intent of the follow-up question was whether the introduction of potential risks, though extremely rare, would impact respondents' perceptions of purchase likelihood and resulting price reduction (assuming they indicated they would buy, but at a lower price). Because these risks could reasonably be considered during the purchase decision, it is important to include this information when assessing purchase likelihood and purchase price issues. The results can be found in Table 7.

As shown in Table 7, after evaluating the three potential risks, 62.2% said that they would not buy at any price; 18.9% would buy at a reduced price; and 18.9% said that the pipeline would have no impact. Table 8 and Table 9 again show that no significant differences were found in the responses by form and county.

Table 7
Again, If Found A Property/Home That You Liked,
How Would The Pipeline Affect Your Decision to Buy?

Valid		Frequency	Percent
	No Impact	79	18.9
	Buy at Reduced Price	79	18.9
	Would Not Buy	260	62.2
	Total	418	100.0



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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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 GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
 cont'd

Table 8
Form Cross-Tabulation

		Again, If Found A Property That You Liked, How Would The Pipeline Affect Your Decision To Buy?			Total
		No Impact	Buy at Reduced Price	Would Not Buy	
FORM Home	Count	44	37	129	210
	% within FORM	21.0%	17.6%	61.4%	100.0%
Property	Count	35	42	131	208
	% within FORM	16.8%	20.2%	63.0%	100.0%
Total	Count	79	79	260	418
	% within FORM	18.9%	18.9%	62.2%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1.348 ^a	2	.510
Likelihood Ratio	1.350	2	.509
Linear-by-Linear Association	.539	1	.463
N of Valid Cases	418		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 39.31.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
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Table 9
County Cross-Tabulation

COUNTY	Walworth	Count	Again, If Found A Property That You Liked, How Would The Pipeline Affect Your Decision To Buy?			Total
			No Impact	Buy at Reduced Price	Would Not Buy	
		41	43	150	234	
		% within COUNTY	17.5%	18.4%	64.1%	100.0%
	Jefferson	Count	38	36	110	184
		% within COUNTY	20.7%	19.6%	59.8%	100.0%
Total		Count	79	79	260	418
		% within COUNTY	18.9%	18.9%	62.2%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.920 ^a	2	.631
Likelihood Ratio	.918	2	.632
Linear-by-Linear Association	.915	1	.339
N of Valid Cases	418		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 34.78.

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

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V. What Percent Would The Price Of The Property Have To Be Reduced Before You Would Still Buy it?

As shown in Table 7, 18.9% of the respondents indicated that they would still buy the home/property knowing the presence of the pipeline, but would do so at a reduced price (related to the disclosure of risk scenario). These individuals were asked to state how much the home and property/property would have to be reduced before they would buy. Table 10 shows the distribution of responses (missing responses are those who did not say they would buy, but at reduced price).

The average price reduction was 21.15%.

Table 10
Percent Reduction in Purchase Priced Needed
With Pipeline of Property

	Frequency	Percent
Percent Needed to be Reduced Before They Would Buy	1	.2
1.0	5	1.2
5.0	2	.5
7.5	16	3.8
10.0	2	.5
13.0	5	1.2
15.0	20	4.8
20.0	1	.2
22.5	11	2.6
25.0	2	.5
30.0	2	.5
33.0	2	.5
37.5	3	.7
40.0	7	1.7
50.0	79	18.9
Total	339	81.1
Missing System	418	100.0

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
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VI. Profile of Respondents (Demographics and Forms)

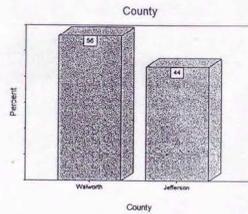
Tables 11-14 provide responses by: (A) county, (B) form, (C) gender, and (D) gender by form by county. All of these tables support the quality of the sampling plan and the representativeness of the results as shown in Table 1.

A. Responses by County

A total of 56% of the responses were from residents living in Walworth County and 44% from Jefferson County (Table 11). This matches the data from the 2000 U.S. census for Jefferson and Walworth County (individuals 18 years and older).

Table 11
Responses by County

		Frequency	Percent
Valid	Walworth	234	56.0
	Jefferson	184	44.0
	Total	418	100.0



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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

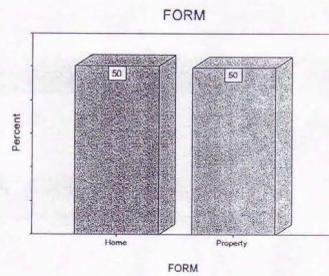
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B. Responses by Form

Table 12 shows that approximately 50% of the responses used the home and property format (50.2%) and the property format (49.8%)

Table 12
Responses by Form

Valid		Frequency	Percent
	Home	210	50.2
	Property	208	49.8
	Total	418	100.0



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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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GUARDIAN PIPELINE STUDY CONTINUED

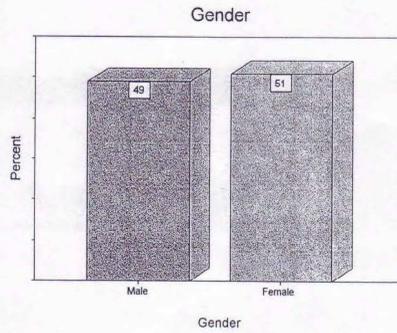
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cont'd

C. Responses by Gender

Of the sample, 51% were women and 49% men (Table 13). This ratio matches the data from the 2000 U.S. Census for Jefferson and Walworth County.

Table 13
Responses by Gender

Valid		Frequency	Percent
	Male	205	49.0
	Female	213	51.0
	Total	418	100.0



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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

D. Responses by Gender, County, and Form

Lastly, Table 14 provides the responses by gender, county and form. As can be seen, the responses match the desired proportionate to population stratified sampling plan presented in Table 1.

Table 14
Responses by Gender, County, and Form

Count		Wording and Area of Survey				Total
		Walworth/ Home	Walworth/ Property	Jefferson/ Home	Jefferson/ Property	
Gender	Male	58	57	45	45	205
	Female	60	59	47	47	213
Total		118	116	92	92	418

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

VII. APPENDIX

SURVEY INSTRUMENTS

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VANNATTI BROTHERS

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

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VANNATTA BROTHERS

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Guardian Pipeline Survey

Caller's Name _____ Phone Number _____ First Name of Homeowner _____
 Day First Called _____ Time First Call _____ Respondent Rejected
 Not Home 1 Not Home 2 Not Home 3 Not Home 4
 Call Back Day/Time _____

(Ask for name of a specific person. If not home, say thank you and tell them that you will call back later).

Hello, my name is _____ and I am with CMU Research. There is a high-pressure natural gas pipeline that is being constructed in your area. We are conducting a very short, though important confidential survey to find out your feelings about this pipeline. The survey will only take a few minutes. Would it be ok if I ask you a few questions about the pipeline? Thank you.

Filter Question: Do you currently own the residence that you are living in? If not, thank them and hang up.

IF NO, THANK THEM AND HANG UP. If they are busy, "when would be a good time to call you back?"

First of all, let me inform you that the Federal Energy Regulatory has given authority to Guardian Pipeline to construct a high-pressure pipeline, that is three feet in diameter. This pipeline will pass through agricultural, rural, and residential properties from Will County, Illinois, to Ixonia, Wisconsin. The pipeline will pass through Walworth and Jefferson counties. The pipeline, carrying natural gas under pressure, will be buried four feet beneath the surface of the land.

- First question, did you know that the high-pressure pipeline was being built in your area? Yes No
- (a) Suppose you were looking for some property and you found one that you really liked. You determine what you think is a fair market price for that property and are ready to buy it.
 (b) Now suppose that the same property has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the property?
 - The pipeline would have no impact on my decision and I would still buy the property. **(Go to Q4)**
 - I would still buy the property, but only if the price was reduced. **(Go to Q3)**
 - Because of the pipeline, I would not buy the property at any price. **(Go to Q4)**
- You indicated that you would still buy the property if it had a the high-pressure pipeline buried below the property, but only if the price was reduced. What percent would the price of the property have to be reduced before you would still buy it? _____

Although extremely rare, realtors must disclose to you that the pipeline carries certain risks. Some of these rare risks include, accidental explosions, terrorist threats, tampering, and the inability to detect leaks. How worried would you be regarding the following?

	Very Worried	Worried	Slightly Worried	Not Worried
4. Because the gas is odorless, you would not be able to smell a leak.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. A terrorist threat to the pipeline.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. An accidental explosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Now that you know that there are some extremely rare risks, I am going to reread the first question.

7. (a) Suppose you were looking for some property and you found one that you really liked. You determine what you think is a fair market price for that property and are ready to buy it.
- (b) Now suppose that the same property has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the property?
- The pipeline would have no impact on my decision and I would still buy the property. (Go to Q9)
- I would still buy the property, but only if the price was reduced. (Go to Q8)
- Because of the pipeline, I would not buy the property at any price. (Go to Q9)

8. You indicated that you would still buy the property if it had a high-pressure pipeline buried below the property, but only if the price was reduced. What percent would the price of the property have to be reduced before you would still buy it? _____

I have just a few more questions about yourself that will help us better understand your attitudes.

9. How many years have you lived in your current home? < 3 years 3-5 Years 6+ Years
10. Including your current home, how many different homes have you purchased? 1 2 3 or more
11. Please stop me when I hit your age range? < 25 25-34 35-44 45-54 55 or older
12. Gender (inferred) Male Female

The survey is now complete, thank you for your time and cooperation.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Guardian Pipeline Survey

Caller's Name _____ Phone Number _____ First Name of Homeowner _____
 Day First Called _____ Time First Call _____ Respondent Rejected
 Not Home 1 Not Home 2 Not Home 3 Not Home 4
 Call Back Day/Time _____

(Ask for name of a specific person. If not home, say thank you and tell them that you will call back later).

Hello, my name is _____ and I am with CMU Research. There is a high-pressure natural gas pipeline that is being constructed in your area. We are conducting a very short, though important confidential survey to find out your feelings about this pipeline. The survey will only take a few minutes. Would it be ok if I ask you a few questions about the pipeline? Thank you.

Filter Question: Do you currently own the residence that you are living in? If not, thank them and hang up.

IF NO, THANK THEM AND HANG UP. If they are busy, "when would be a good time to call you back?"

First of all, let me inform you that the Federal Energy Regulatory has given authority to Guardian Pipeline to construct a high-pressure pipeline, that is three feet in diameter. This pipeline will pass through agricultural, rural, and residential properties from Will County, Illinois, to Ixonia, Wisconsin. The pipeline will pass through Walworth and Jefferson counties. The pipeline, carrying natural gas under pressure, will be buried four feet beneath the surface of the land.

1. First question, did you know that the high-pressure pipeline was being built in your area? Yes No
2. (a) Suppose you were looking for a home and you found one that you really liked. You determine what you think is a fair market price for that home and are ready to buy it.
 (b) Now suppose that the same home has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the home?
 - The pipeline would have no impact on my decision and I would still buy the home. **(Go to Q4)**
 - I would still buy the property, but only if the price was reduced. **(Go to Q3)**
 - Because of the pipeline, I would not buy the property at any price. **(Go to Q4)**
3. You indicated that you would still buy the home if it had a the high-pressure pipeline buried below the property, but only if the price was reduced. What percent would the price of the home have to be reduced before you would still buy it? _____

Although extremely rare, realtors must disclose to you that the pipeline carries certain risks. Some of these rare risks include, accidental explosions, terrorist threats, tampering, and the inability to detect leaks. How worried would you be regarding the following?

	Very Worried	Worried	Slightly Worried	Not Worried
4. Because the gas is odorless, you would not be able to smell a leak.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. A terrorist threat to the pipeline.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. An accidental explosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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GUARDIAN PIPELINE STUDY CONTINUED

CO22-15
cont'd

Now that you know that there are some extremely rare risks, I am going to reread the first question.

7. (a) Suppose you were looking for some home and you found one that you really liked. You determine what you think is a fair market price for that home and are ready to buy it.

(b) Now suppose that the same home has a three-foot in diameter high-pressure natural gas pipeline buried four feet below the land on that property. Which of the following three choices best describes how the pipeline would impact your decision to buy the home?

- The pipeline would have no impact on my decision and I would still buy the home. (Go to Q9)
- I would still buy the home, but only if the price was reduced. (Go to Q8)
- Because of the pipeline, I would not buy the home at any price. (Go to Q9)

8. You indicated that you would still buy the home if it had a high-pressure pipeline buried below the property, but only if the price was reduced. What percent would the price of the home have to be reduced before you would still buy it? _____

I have just a few more questions about yourself that will help us better understand your attitudes.

9. How many years have you lived in your current home? < 3 years 3-5 Years 6+ Years

10. Including your current home, how many different homes have you purchased? 1 2 3 or more

11. Please stop me when I hit your age range? < 25 25-34 35-44 45-54 55 or older

12. Gender (inferred) Male Female

The survey is now complete, thank you for your time and cooperation.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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CO22-15
cont'd

Exhibit F



April 4, 2016

Atty. Michael Braunstein
Goldman & Braunstein, LLP
500 S. Front St., Suite 1200
Columbus, OH 43215

Re: The impact of the Rover natural gas pipeline on property value.

Dear Mr. Braunstein:

You requested that I write a brief letter regarding my opinion of the impact that the proposed Rover natural gas pipeline will have on Ohio property value. In contrast to the INGAA Foundation study on this issue, our firm has consistently found that such pipelines have a negative impact on residential and agricultural property value. This impact has been extracted from property owner opinion surveys, Realtor opinion surveys and empirical studies.

Dr. James W. Peltier, President of APR Research (McFarland, Wisconsin) and Professor of Marketing, Director University of Wisconsin-Whitewater Institute for Sales Excellence, completed an opinion survey of what the buying public perceives regarding the presence of natural gas transmission pipelines on residential property value. This survey interviewed 418 property owners in southern Wisconsin. The conclusion of this survey indicated 58.9% stated they would not buy a property encumbered with a large diameter natural gas pipeline and 18.7% would buy, but at a reduced price, leaving 22.5% saying it did not matter. When more details of the dangers of the pipeline were revealed, 62.2% said they would not buy, 18.9% said they would buy at a reduced price and 18.9% said it did not matter. Those willing to buy at a reduced price indicated the price reduction would be 21%. This survey revealed two things: (1) over 77% of those surveyed would either not buy or buy at a reduced price, and, (2) when more facts of the pipeline were revealed those numbers increased to over 81%.

Appraisal Group One, Inc. completed a Realtor survey on the impact that a large diameter natural gas pipeline would have on residential property value. This survey interviewed 88 licensed real estate salespeople, who were also Realtor members, in three geographical areas of Wisconsin: Oshkosh, Brookfield and Madison. This survey indicated that 68% to 78% of the Realtors perceived such a pipeline encumbering a residential property would negatively impact the perception and value of the property.

This firm also completed a number of empirical studies in Wisconsin and Ohio that indicated a large diameter natural gas pipeline encumbering residential and agricultural properties have a negative impact on value. This research utilized simple regression techniques, sales studies and matched pair analysis. In Wisconsin, 12 residential subdivisions and 2 large agricultural acreage properties were analyzed. In Ohio,

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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cont'd

3 residential subdivisions, 1 large acreage (200ac) residential development parcel and another study completed by Ohio appraiser Raymond Jackson was analyzed. All of the studies, except the Jackson study, had a large diameter gas pipeline encumbering the property. The Jackson study had a smaller 10" gas main. Though the impacts varied and were dependent on the size and location of the easement, overall the average value impact for Wisconsin was -15% and for Ohio it ranged from -12% to -14%.

Our studies and experience in the valuation of properties encumbered by a gas pipeline revealed the reasons of impact differed by use. For residential properties the major concerns were:

- Safety of self and family especially when the person learned about the high consequence area (HCA).
- Restriction on the free and enjoyable use of the property that is encumbered by the pipeline easement including restrictions on buildings, storage of material and changing the elevation of the land.
- Invasion of privacy by pipeline personnel who are checking for leaks (walking and flyovers), updating, maintenance and construction of the pipeline.
- Aesthetics.

For agricultural properties the major concerns were:

- Safety of self and family especially when the person learned about the high consequence area (HCA).
- Restriction on the free and enjoyable use of the property that is encumbered by the pipeline easement.
- Invasion of privacy and disruption of livestock by pipeline personnel who are checking for leaks (walking and flyovers), updating, maintenance and construction of the pipeline.
- Interference with the placement and continuation of underground drain tile systems utilized to maximize the productivity of crop production.
- The creation of soil soft spots caused by trenching resulting in dips in the contour when heavy farm equipment and machinery cross over the easements.
- Crop loss along the easement area (not just pipeline) due to compaction.
 - This loss is perceived to be permanent and not temporal.
 - Decompaction methodology followed by many pipeline companies is inadequate, resulting in continued crop loss along the easement area.
- Crop loss in pipeline area due to drier soil conditions. Pipelines tend to influence the soil temperatures to being warmer than normal reducing moisture content.
- Interference with the ability to irrigate the land efficiently.
- Perception that once a pipeline easement is on the property, more will follow including electric transmission lines.

Ohio is a mandatory disclosure state whereas the seller must disclose the presence of utility easements, such as a high pressure natural gas pipeline. It is my opinion that after such a disclosure, a prudent buyer will either retract from purchasing a property encumbered with such a pipeline or demand a discount to

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COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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cont'd

take on this additional risk. This position is supported by: The Peltier survey, the Realtor survey and common sense.

It should be noted that neither the INGAA sponsored study nor our studies investigated what was disclosed to the buyers previous to the closure of the purchase. However, Wisconsin has been a full disclosure state for decades which covered the period of our studies.

The impact of disclosure most likely would be magnified by full disclosure or knowledge of the HCA. The Rover pipeline has proposed diameters of 24", 36" and 42" operating under 1,400 psig. Using the 42" diameter pipeline, the HCA formula of: $0.69 \sqrt{\text{pressure (psi)} \times \text{diameter}^2}$ (inches) = radius of HCA from center line of pipe (feet) would suggest an impact radius of 1,084ft or 3.60 football fields. Revealing this fact would be disconcerting to a potential buyer of a property encumbered with such a pipeline.

Today's buyers are not ignorant to environmental issues that could cause negative impacts to property value and use. The use of the internet to investigate the issues surrounding a large diameter natural gas pipeline would reveal past incidents of harm and explosions, environmental concerns and safety concerns as well as reassurances by the pipeline companies that such pipelines are perfectly safe. With the overwhelming information focused on the dangers of such a pipeline, this search could well cause most potential buyers to give pause and possibly reconsider their purchase. Like the Peltier study, a large number of potential buyers would choose not to buy or buy at a substantial discount. Either way, the law of supply and demand would predict that the few remaining buyers in the pool would sufficiently decrease the demand lowering the price.

Overall, it is my opinion that a residential or agricultural property encumbered with a large diameter natural gas pipeline, such as the proposed Rover pipeline, will have a negative impact its value.

Sincerely,



Kurt C. Kielisch, ASA, IFAS, SR/WA, R/W-AC
President/Senior Appraiser

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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cont'd

KURT C. KIELISCH

Work Experience

As a practitioner, I entered the appraisal industry in 1984 employed by ValuPruf Valuation Service, Milwaukee, Wisconsin. Appraisal assignments through the years have included the following: single-family residential, multi-family residential, farms and ranches, commercial properties, special use properties, tax assessment, ocean-front properties, litigation support work, stigmatized properties, eminent domain, utility easements, valuation consulting, and impact studies. I have provided appraisal services for properties located in Alaska, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Ohio, Virginia, Wisconsin, and Wyoming.

As a communicator, I have authored the book: *The Listing Appraisal Program* (ATI press, 1996) and three magazine articles: *Dead Body Appraisers* (The Appraisal Buzz, October 3, 2002), *Expert Testimony and Reports: Is Change Good?* (Working R.E. Magazine, February 2002), and *Rails to Trails Property Rights* (Right of Way Magazine, Nov/Dec 2012). I have been engaged in valuation related research projects on the impacts of high voltage transmission lines, natural gas pipelines, oil pipelines and wind farms on property value. Related to the impact on property value of utility projects and wind farms, I have given testimony before the Wisconsin Senate Committee, Wisconsin Public Service Commission, Wisconsin Wind Farm Siting Council, Illinois Wind Farm Siting Councils, and the Wyoming Industrial Committee. Our research has been utilized by other appraisers, experts and property owners when arguing before government committees, public service counsels, courts and in reports.

As an expert witness, I have been an approved expert in Wisconsin Circuit Courts and the Federal Courts in Wisconsin and Ohio, and commissioner hearings in Minnesota. In the Wisconsin Supreme Court case of Spiegelberg vs. State of Wisconsin DOT (2004AP3384), I was the appraiser for Ms. Spiegelberg. This hearing resulted in a landmark decision relating to the proper valuation methodology when appraising property involved in eminent domain to obtain just compensation. In the Wisconsin Supreme Court decision of Waller vs. American Transmission Corporation, LLC (2012AP805 & 2012AP840) the high court made a landmark decision involving relocation rights and an uneconomic remnant. I was the expert witness for the Wallers.

As an educator, I taught appraisal pre-licensing and continuing education courses throughout a multi-state area from 1994 to 2000. During this time, I authored course curriculum for seven pre-licensing courses and twelve continuing education courses as well as the creation of a two-year professional appraiser training program. Since 2000, I have given several presentations for professional continuing education (IRWA - Badger Chapter, The American Law Institute CLE Annual Eminent Domain Conferences (2013, 2014), IRWA Annual Conference (2013) and for general information at public meetings.

Academics

M.A. Education, Regent University, Virginia Beach, Virginia. This degree concentrated on the adult learner and state-of-the-art communication technology to enhance learning. The focus was on the adult learner.

B.A. Business Administration (Economics Minor). Lakeland College, Sheboygan, Wisconsin.

B.A. Biology (Natural Sciences Minor). Silver Lake College, Manitowoc, Wisconsin.

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Certifications/Designations/Organizations

Certified General Real Property Appraiser State of Indiana. License #CG41500059 (Expires 6/30/2016).
Certified General Real Property Appraiser State of Illinois. License #553.002453 (Expires 9/30/2017).
Certified General Real Property Appraiser State of Kansas. License #G-2941 (Expires 6/30/2016).
Certified General Appraiser State of Michigan. License #1201073299 (Expires 7/31/2016).
Certified General Appraiser State of Minnesota. License #40285817 (Expires 8/31/2015).
Certified General Appraiser State of Virginia. License #016559 (Expires 3/31/2017).
Certified General Appraiser State of Wisconsin. License #1097-010 (Expires 12/31/2015).
Temporary Certified General Licenses. Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri and Ohio.
Past Certified General Appraisal Licenses. North Dakota and Wyoming.
ASA (real property) Urban Designated Member. American Society of Appraisers (ASA).
IFAS (Senior Member) Designated Member. National Association of Independent Fee Appraisers (NAIFA).
SR/WA (Senior Member) Designated Member. International Right-of-Way Association.
R/W-AC (Appraisal Certified Member) Designated Member. International Right-of-Way Association.
Review Appraiser. Department of Regulation and Licensing, State of Wisconsin (contract position).
Associate Member. Appraisal Institute (AI).
Member. Real Estate Educator's Association (REEA).
Approved Contract Appraiser. Wisconsin Department of Natural Resources (DNR).
REALTOR member. Realtors Association of Northeast Wisconsin and National Association of Realtors.
Approved R.E. Appraisal Instructor (past). Virginia, Maryland, Indiana, Illinois, Minnesota, and Wisconsin.
Assistant Editor. ASA-Real Property quarterly newsletter (2012-2014).
Faculty. Eminent Domain and Land Valuation Litigation, The American Law Institute – CLE: Miami Beach, FL (January 2013) and New Orleans, LA (January 2014). Eminent Domain Impact of Political & Economic Forces, Eminent Domain Institute CLE International (September 2013), Cleveland, Ohio.
Seminar Instructor. International Right-of-Way Annual Conference (2013), Charleston, West Virginia (topic Valuation of Rails to Trails Corridors); International Right-of-Way Appraisal Day Seminar (May 13, 2014) Ohio IRWA Chapter 13 (topic Valuation of Utility Corridors).

Appraisal/Real Estate Courses (28 courses, 556hrs)

Fundamentals of Real Property Appraisal (40hrs). IAAO, University of Virginia, Charlottesville, VA.
Income Approach to Valuation (40hrs). IAAO, University of Virginia, Charlottesville, VA.
Real Estate Appraisal (45hrs). Alpha College of Real Estate [Instructor].
Uniform Standards of Professional Appraisal Practice (15hrs). Alpha College of Real Estate [Instructor].
Appraising the Small Income Residential Property (15hrs). Alpha College of Real Estate [Instructor].
Advanced Income Appraisal I (30hrs). Alpha College of Real Estate [Instructor].
Advanced Income Appraisal II (30hrs). Alpha College of Real Estate [Instructor].
Residential Construction, Design & Systems (20hrs). Appraisal Training Institute [Instructor].
Residential Cost Approach & Depreciation Methods (20hrs). Appraisal Training Institute [Instructor].
Residential Market Approach & Extraction Methods (20hrs). Appraisal Training Institute [Instructor].
Computer Applications in Appraisal Report Writing (15hrs). Appraisal Training Institute [Instructor].
Completing the URAR in Compliance with FNMA Guidelines (15hrs). Appraisal Training Institute [Instructor].
The Residential Appraisal Process (20hrs). Appraisal Training Institute [Instructor].
Residential Appraisal Practicum (40hrs). Appraisal Training Institute [Instructor].
Pipeline ROW Agent's Development Program: Course 215 (16hrs). International Right-of-Way Association.
Eminent Domain Law Basics for Right-of-Way Professionals: Course 803 (16hrs). International Right-of-Way.
Financial Analysis of Income Properties (16hrs). National Association of Independent Fee Appraisers (NAIFA).
Appraisal of Partial Acquisition: Course 401 (40hrs). International Right-of-Way Association.
National Uniform Standards of Professional Appraisal Practice (USPAP): Course 2005 (15hrs). NAIFA.
Easement Valuation: Course 403 (8hrs). International Right-of-Way Association.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

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Principles of Real Estate Negotiation: Course 200 (16hrs). International Right-of-Way Association.
Bargaining Negotiations: Course 205 (16hrs). International Right-of-Way Association.
Principles of Real Estate Appraisal: Course 400 (exam). International Right-of-Way Association.
Principles of Real Estate Law: Course 800 (exam). International Right-of-Way Association.
Principles of Real Estate Engineering: Course 900 (exam). International Right-of-Way Association.
SR/WA Comprehensive Exam: International Right-of-Way Association.
Course 420: Business Practices & Ethics (8hrs). Appraisal Institute.
United States Land Titles (16hrs). International Right-of-Way Association.
Quantitative Analysis (40hrs). Appraisal Institute.

Appraisal/Real Estate Seminars (40 courses, 214.9hrs)

Real Estate Taxation (7hrs). University of Wisconsin: Continuing Education Division.
Review Appraising as the Supervising Appraiser (3hrs). Appraisal Training Institute [Instructor].
Legal Ramifications of Environmental Laws (3hrs). International Association of Assessing Officers (IAAO).
Virginia State Mandatory Continuing Education (4hrs). Appraisal Training Institute [Instructor].
Appraising the Small Income Property (8hrs). Appraisal Training Institute [Instructor].
Listing Appraisals (7hrs). Appraisal Training Institute [Instructor].
Marshall & Swift Residential Cost Approach: Sq. Ft. Method, (7hrs). Western Illinois University [Instructor].
Marshall & Swift Residential Cost Approach: Segregated Method, (7hrs). Western Illinois University [Instructors].
Residential Construction, Design and Systems (7hrs). Appraisal Training Institute [Instructor].
EMF and Its Impact on Real Estate (4hrs). Appraisal Training Institute [Instructor].
Easements and Their Effect on Real Estate Value (7hrs). Appraisal Training Institute [Instructor].
Exploratory Data Analysis: A Practical Guide for Appraisers (3hrs). Appraisal Institute.
Residential Statistical Modeling (3hrs). Appraisal Institute.
Valuation Modeling: A Case Study (3hrs). Appraisal Institute.
Real Estate Valuation Cycles (3hrs). Appraisal Institute.
Subdivision Analysis (3hrs). Appraisal Institute.
Appraisal of Nursing Facilities (7hrs). Appraisal Institute.
National Standards of Professional Appraisal Practice: Course 400 (7hrs). Appraisal Institute.
Land Valuation Adjustment Procedures (7hrs). Appraisal Institute.
Valuation of Detrimental Conditions in Real Estate (7hrs). Appraisal Institute.
Appraising Conservation Easements (7hrs). Gathering Waters Conservancy.
ROW Acquisition in an Environment of Power Demand Growth & Legislative Mandates (12hrs). IRWA - Minnesota.
Analyzing Distressed Real Estate (4hrs). Appraisal Institute.
7 Hour National USPAP Course for 2008-2009 (7hrs). International Right-of-Way Association.
6th Annual Condemnation Appraisal Symposium (6hrs). Appraisal Institute.
Contemporary Issues in Condemnation Appraisal (4hrs). Appraisal Institute.
7-Hour National USPAP course for 2010 (7hrs). International Right-of-Way Association.
Real Estate Finance Statistics and Valuation Modeling (14hrs). Appraisal Institute.
Michigan Law Update (2hrs): McKissock.
Local Public Agency Real Estate Seminar 2010 (6hrs). Wisconsin Department of Transportation.
8th Annual Condemnation Appraisal Symposium (6hrs). Appraisal Institute.
Golf & Hotel Valuation (3,4hrs). International Right-of-Way Association.
7-Hour National USPAP course for 2012 (7hrs). International Right-of-Way Association.
Statistics, Modelling, and Finance (14hrs). McKissock.
Eminent Domain Issues in the Pipeline Industry: IRWA 2013 Conference (1.5hrs).
Pipelines: Abandoned vs. Idle/Consequences of Not Maintaining Your Easements or ROW. IRWA 2013 Conference (1.5hrs).
The Right of Reversion, "Who's on First." IRWA 2013 Conference (1.5hrs).
Ad Valorem Tax Consultation (2hrs). McKissock.
Appraisal Applications of Regression Analysis (7hrs). McKissock.

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COMPANIES AND ORGANIZATIONS

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cont'd

Valuation of Avigation Easements (3hrs). ASA Wisconsin Chapter (Instructor)
11th Annual Condemnation Symposium. Appraisal Institute – Wisconsin Chapter, (6hrs)

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

20160412-5055 FERC PDF (Unofficial) 4/11/2016 7:43:21 PM

CO22-15
cont'd

EXPLANATION OF DESIGNATIONS

ASA-Urban Real Property: The ASA designation is the senior designation granted by the American Society of Appraisers, which is the only multi-discipline international appraisal association in America. The ASA-Urban designation requires the passing of five advanced level commercial appraisal courses, the passing of a comprehensive exam, a passing grade on a demonstration narrative report, 5 years full-time appraisal experience, a Certified General appraisal license and the recommendation of the local and national membership committee. All ASA designated members must adhere to the Code of Ethics of the Association and keep up-to-date with continuing education (Source- www.appraisers.org).

IFAS: For this senior level designation from the International Fee Appraisal Association the appraiser must meet the requirements for the Member (IFA), successfully pass the Senior Member Examination, score a passing grade on a narrative demonstration report on an income-producing property conforming to prescribed guidelines and meet educational and experience requirements as outlined by the Association. In addition, the designation requires a minimum of 4 years appraisal experience in commercial type properties, a State Certified General Appraisal license, successful completion of over 200-hours of appraisal course work, completion of the current USPAP course, a college degree and the recommendation of the appraiser's peers and local chapter (Source: www.naifa.com). All IFAS members must adhere to the Code of Ethics of the Association and keep up-to-date with continuing education.

Senior Right of Way (SR/WA): This is the most prestigious professional designation granted by the International Right-of-Way Association to members who have achieved professional status through experience, education, and examination. The SR/WA designation requires training and examination in seven major right-of-way disciplines. The SR/WA designation says, "I have more than five years of right-of-way experience, plus I have had formal training in a wide variety of right-of-way areas." The SR/WA professional may be a specialist in one area such as appraisal, engineering, or law, but also must be familiar with the other seven disciplines associated with the right-of-way profession. Additional requirements for the SR/WA designation include: a bachelor degree, 5 years right-of-way experience, successful completion of four core courses and four elective courses, passing the all-day comprehensive exam and recommendation from the designee's peers and local chapter. The SR/WA designation is the only designation reflecting evidence of professional attainment in the right-of-way field (Source- www.irwaonline.org). All SR/WA members must adhere to the Code of Ethics of the Association and keep up-to-date with continuing education.

Right of Way Appraisal Certified (R/W-AC): The Right of Way (R/W) Certification is an esteemed professional designation granted to members who have achieved professional status through experience, education, and examination in a specific discipline. Earning this certification demonstrates an unparalleled achievement in a single discipline and reinforces a standard of excellence in services provided to the public (Source: www.irwaonline.org). All R/W-AC members must adhere to the Code of Ethics of the Association and keep up-to-date with continuing education.

T-485

Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

T-486

20160412-5055 FERC PDF (Unofficial) 4/11/2016 7:43:21 PM

Exhibit G

CO22-15
cont'd

Dawson G. Alsdorf

5053 Millersburg Road, Wooster, Ohio 44691
216-256-8971 jalsdorf@outlook.com

April 7, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Re: Federal Energy Regulatory Commission
Draft Environmental Impact Statement
E. T. Rover Project, Docket No. CP 15-93-000/ CP 15-96-000

Dear Ms. Bose,

I have degrees in agronomy (soils, conservation and crop production) from Penn State University and The Ohio State University, and I was involved in the development of OSU's Agricultural Technical Institute, an applied technology college.

The above is mentioned only to introduce the qualifications, knowledge and experience behind my concerns for the very significant impact the construction of the Rover pipeline will have on the future productivity and stability of the soils through which it passes. The Rover project will cause extensive environmental damage in the soil, and the cost to return the soil to its original condition cannot be forecast. That will depend on the contractors' skills, the weather and everyone's commitment to reduce the soil compaction. Construction of this magnitude can require a minimum of more than 20 years to return the soils to their current level of production, and in some cases centuries. This is not a restoration that can be done by equipment, materials, etc., and Rover's assurances to the contrary and FERC's satisfaction with those assurances reflect the limited knowledge of those who think this is possible. In many cases the more a human tries, the worse he makes it.

Some of Rover's statements for their handling of the soils are very counterproductive. They will only compact the soil more and destroy the habitat for any living matter. Soils are nature's creation and it has taken many years to develop the porosity required for good production. Soils cannot be moved without compacting them.

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

20160412-5055 FERC PDF (Unofficial) 4/11/2016 7:43:21 PM

CO22-15
cont'd

FERC DRAFT ENVIRONMENTAL STATEMENT-- ET ROVER PIPELINE

Soils are a dynamic. The impact of trenching would have much the same impact as a giant tornado above ground. The scars will remain, sometimes forever. Nothing man can do above ground will totally erase the giant trail of the wind's destruction. The same is true for the destruction done by trenching. The damage to the soil and loss of productivity for the farmer would mirror the above ground damage of the tornado.

There is absolutely no way that man can restore the soil to its prior condition. The digging of the ditch and running over it with heavy construction will cause compaction of the soil.

Soils vary, sometimes over very short distances. They were created by nature over very long periods of time. Some important Terminologies:

SOIL TEXTURE-the inorganic particles of sand, silt and clay. Soils vary in their percentage of each of the particles.

1. Sand-the largest size particle, which is easily recognized by the naked eye, is important for soil drainage.
2. Silt-much smaller in size. Could be microscopic. Important for the formation of soil aggregates.
3. Clay-very small in size, microscopic, flat shaped particles. Function in the soils nutrient holding capacity to support growth.

MICROBES-very small, living micro-organisms, mainly single cell. Very instrumental in the decay of any former living materials. Productive soils will have more living organisms than there are people in the world. These organisms provide the plant roots with nutrients and are also instrumental in forming the soil aggregates. (Defined below)

ORGANIC MATTER-all carbon containing material in the soil originating from the decomposition of former living plant, animal or microbial material. Range in size from invisible single chain carbon molecules to decomposing plants and animals. Important to providing plants with nutrients and in the formation of plant aggregates.

SOIL STRUCTURE-the formation of the sand, silt, clay and decomposed organic matter into aggregates.

AGGREGATES-the porous macro and micro combinations of sand, silt and clay held together by the carbon chains from microbes and decaying organic matter.

BULK DENSITY-total weight of a given volume of any soil. Productive soils are comprised of 50% solid, physical materials and 50% air space (micro and macropores)

1. Macropores – visible air space in the soil. Important for drainage and aeration.

T-487

Appendix T

COMPANIES AND ORGANIZATIONS

CO22 – Goldman and Braunstein, LLP (cont'd)

Appendix T

T-488

20160412-5055 FERC PDF (Unofficial) 4/11/2016 7:43:21 PM

CO22-15
cont'd

FERC DRAFT ENVIRONMENTAL STATEMENT-- ET ROVER PIPELINE

2. Micropores-provide the air space in and between the aggregates allowing the tiny root hairs of a plant to get nutrition, through cation exchange capacity with the clay and organic matter. These micropores also hold the water necessary for plant uptake. Example: A productive yield of corn requires 20 to 25 inches of water. Normal rainfall during the growing season is 15-18 inches. Some of that just runs through the macropores and drains from the soil. The balance of the water needed comes from the micropores.

The critical damage done by ditching and running over the soil with heavy equipment is COMPACTION. The soils bulk densities are dramatically reduced. This pore space created by nature over long periods of time provides a direct contact between the plant roots and the soil surface. It allows for the plants to breathe via their root hairs-- it is their source of air and water.

COMPACTION cancels this direct exchange of air for the plant roots. Plant roots suffocate. Without the communication with the soil surface, the plant roots do not get the required amounts of water to facilitate the cation exchange with the soil particles. Nor do they have the water to sustain their existence. So they suffocate and dry up.

Only nature can completely restore these soils to provide them with macropores and micropores that connect to the above the ground atmosphere for air and water.

The traffic over the soil along with the ditching will have a major impact on the yields of any agronomic crop. The monies offered by Rover will in no way offset the losses.

We would appreciate your very careful study before granting Rover the easement. The pipeline will be destructive to nature and will steal monies from the farmer.

Please consider this comment very carefully.

Sincerely,

Dawson G. Alsdorf

4840-6168-9136, v. 1

COMPANIES AND ORGANIZATIONS

CO23 – Craig J. Wilson

April 11, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., NE Room 1A
Washington, DC 20426

RE: Docket No. CP15-93-000

Dear Ms. Bose,

CO23-1

On behalf of our client, Mr. Shane Florence, we are writing to renew our client's request for Rover pipeline to slightly modify its pipeline route on the subject property, being 52 acres located Mead Township, Belmont County, Ohio. Our client's property over looks the Ohio River, with beautiful wide-ranging views of the River. Our client purchased this property in hopes of being able to build a dream home overlooking the River.

Rover pipeline is proposing to locate its pipeline on the ridge of this property, which is the ideal building location on the property. Our client has expressed his concern to Rover personal, to which Rover has not re-routed its pipeline. Our client would like Rover to slightly modify its route by moving about 50 to 100' on the property (our client believes the route he would desire will be located within the temporary workspace), so our client will still be able to build his dream house.

Our client requests FERC to review this route request, and require Rover to move the pipeline so that our client will be able to still build his dream home. Without this route change, our client will not be able to use this property.

Sincerely,

/s/ Craig Wilson

Craig J. Wilson

CO23-1

Our analysis and conclusion for the requested route variation is provided in table 3.4.3-3 of the EIS. Based on our analysis, we are recommending a reroute on this parcel.

T-489

Appendix T

COMPANIES AND ORGANIZATIONS

CO24 – Stark Development Board, Inc.

Appendix T

20160411-0025 FERC PDF (Unofficial) 04/11/2016



**Stark
Development
Board, Inc.**

April 5, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

FILED
SECRETARY OF THE
COMMISSION
2016 APR 11 P 4: 21
FEDERAL ENERGY
REGULATORY COMMISSION

ORIGINAL

RE: FERC Docket No. CP15-93-000 Rover Gas Transmission Pipeline

Dear Secretary Bose,

CO24-1

The Stark Development Board would like to take this opportunity to reiterate our support on the proposed Energy Transfer Partners Rover Gas Transmission Pipeline project that is currently undergoing FERC review here in Ohio. The Stark Development Board's primary purpose is to promote economic development by attracting, expanding, and retaining business in Stark County. This letter is a supplement to our first letter to you dated on October 29, 2015.

The Rover pipeline project's estimated investment is \$4.3 billion dollars and it will create thousands of local jobs during the construction phase. More importantly, this much needed infrastructure will provide affordable natural gas to current manufacturing facilities, power plants, and distribution companies and will spur economic development all along the planned 700 mile route for many years to come.

Economic development is the foundation for prosperity and growth for our counties, cities and townships. Access to a safe and reliable supply of natural gas for our communities is paramount in retaining and attracting business. The Stark Development Board wants to restate our support of this project and encourages the Federal Energy Regulatory Commission to approve the Rover pipeline project.

Sincerely,

Stephen L. Paquette
President and CEO
Stark Development Board, Inc.

Stark Development Board
116 Cleveland Avenue, N.W., Suite 600 Canton, Ohio 44702-1730
(330) 453-5900 FAX (330) 453-1793
www.starkcoohio.com

CO24-1

The commentor's support for the Project is noted.

T-490

COMPANIES AND ORGANIZATIONS

CO25 – Eagle Manufacturing Company

20160412-0028 FERC PDF (Unofficial) 04/12/2016



FILED
SECRETARY OF THE
COMMISSION
2016 APR 12 P 2:19
FEDERAL ENERGY
REGULATORY COMMISSION

April 7, 2016

Testimony of Joe Eddy, President/CEO
Eagle Manufacturing Company
Wellsburg, West Virginia

ORIGINAL

Re: Rover Pipeline Project

Docket No. CP 15-93-000

Good evening.

My name is Joe Eddy and I am the president and CEO of Eagle Manufacturing Company in Wellsburg, West Virginia. For over 120 years, Eagle Manufacturing has carried on a proud tradition of providing innovative, quality products and services to its customers. We manufacture more than 700 industrial safety and hazardous material handling products. We are particularly vested in the natural gas industry as many of our products are made from plastics and other materials manufactured by natural gas and are sold to the natural gas industry.

I support the shale and natural gas industries, which are critical for manufacturing, and for that reason, I am here tonight supporting the Rover Pipeline Project.

We are in the midst of the largest energy boom in our nation's history. It's extraordinary that the ingenuity and innovation of the natural gas and oil industry have unlocked U.S. shale gas reserves in just the last 10 years. Shale gas production has increased from practically nothing in 2005 to more than 85 percent of U.S. supply today.

A boom for the energy industry is also a boom for manufacturing. The security and stability of an affordable, abundant supply of natural gas to be used for heating, processing, electric power generation and a chemical feedstock have helped make U.S. manufacturing more competitive in the global marketplace.

To maintain that competitive advantage, we need pipelines, plain and simple. The Rover Pipeline will gather gas from processing plants in West Virginia, Eastern Ohio and Western Pennsylvania for delivery to the Midwest Hub near Defiance, Ohio, where roughly 68 percent of the gas will be delivered via interconnects with existing pipelines in Ohio and West Virginia. The 710-mile pipeline will deliver 3.25 billion cubic feet per day of domestically produced natural gas from Marcellus and Utica shale production areas to markets—and manufacturers—across the U.S.

The approximate \$4.2 billion proposed project will also create up to 10,000 construction jobs along the route, including between 1,800-2,200 positions in West Virginia and add approximately \$3.9 million to our state coffers in projected ad valorem taxes paid while pipeline is in service.

Safety Cabinets • Safety Cans • Spill Containment • Poly Drums • Material Handling
2400 Charles Street, Wellsburg, West Virginia 26070
F/304-737-3171 F/304-737-1752 sales@eagle-mfg.com www.eagle-mfg.com

CO25-1

CO25-1

The commentor's support for the Project is noted.

T-491

Appendix T

COMPANIES AND ORGANIZATIONS

CO25 – Eagle Manufacturing Company (cont'd)

Appendix T

20160412-0028 FERC PDF (Unofficial) 04/12/2016

CO25-1
cont'd

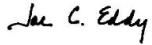
In addition, this project is the definition of "Made in America." The Rover team has committed to utilize local workers in the construction phase, and 76 percent of the proposed pipeline will be manufactured in the United States, along with all compression assembly and packaging.

The Rover pipeline would be an important step to ensure long-term, low-cost, stable supplies of natural gas to consumers and businesses right here in West Virginia. The majority of this gas will stay right here in the United States – for American consumers and American manufacturers. I urge you to support our U.S. manufacturers and approve this project.

Thank you for your time and attention.

All the Best,

Eagle Manufacturing Company



Joe Eddy
President/CEO

T-492

COMPANIES AND ORGANIZATIONS

CO26 – Emens and Wolper Law Firm

20160418-5290 FERC PDF (Unofficial) 4/18/2016 4:42:38 PM

CERTIFICATE OF SERVICE

I hereby certify that I have served the document "REQUEST ("REQUEST" OR "MOTION") FOR THE FEDERAL ENERGY REGULATORY COMMISSION ("FERC" OR "COMMISSION") TO AMEND ITS DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") PRIOR TO ISSUANCE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FEIS"), AND TO INCLUDE CERTAIN CONDITIONS RE: ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ("CPCN"), IF ISSUED TO ROVER PIPELINE, LLC ("ROVER")" under FERC docket CP15-93-000 upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 18th day of April, 2016

/s/ J. Richard Emens

J. Richard Emens
Beatrice E. Wolper
Emens & Wolper Law Firm Co., LPA
One Easton Oval, Suite 550
Columbus, Ohio 43219
Telephone: 614-414-0888
Fax: 614-414-0898
Email: demens@emenswolperlaw.com
bwolper@emenswolperlaw.com
Counsel for Landowners reflected on Exhibit A

CO26-1

CO26-1

The commentors' certification of submittal is noted.

T-493

Appendix T

COMPANIES AND ORGANIZATIONS
CO27 – West Virginia Oil and Natural Gas Association (WVONGA)

Appendix T

20160425-0054 FERC PDF (Unofficial) 04/25/2016



FILED
SECRETARY OF THE
COMMISSION
2016 APR 25 P 2:23
FEDERAL ENERGY
REGULATORY COMMISSION

April 14, 2016

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

ORIGINAL

Reference Number CP15-93-000

Dear Ms. Bose

CO27-1

The members of the West Virginia Oil and Natural Gas Association—WVONGA, we would like to be part of the official record, stating our organization strongly supports the Rover Pipeline Project (CP15-93-000) both for West Virginia and the United States as a whole.

For more than 100 years, WVONGA has been the voice of West Virginia's oil and natural gas industry, its workers, communities and families our industry supports. Over 200 companies strong, our members represent a wide cross-section of the oil and gas sector—from exploration and production, transmission, local distribution as well as their related support. Today, with our ability to produce the unconventional reserves, we are the industry that will be the economic driver for this century, and beyond.

The Rover Pipeline Project will be great for West Virginia. In a time of sluggish growth and poor workforce participation rates, the Rover Pipeline Project will bring thousands of jobs to our state—and about 10,000 to our region overall—as well as inject more than \$4 billion into the regional economy. These are just a few the direct impacts.

The project will also generate massive economic activity as those working on the project spend their pay in their local communities, helping to drive growth and jobs even more. In addition, the project is set to purchase significant numbers of its components domestically, helping to generate manufacturing growth and job creation across the United States.

Local communities will also benefit from lower energy costs, meaning more disposable income in the pockets of the people who keep our local economies growing. And all this is just during the construction phase of the project. We expect the Rover Pipeline Project to continue to generate growth and jobs in our region for decades to come.

P.O. Box 3231 • Charleston, West Virginia 25332 • (304) 343-1609 • wvonga.com

CO27-1

The commentor's support for the Project is noted.

T-494

COMPANIES AND ORGANIZATIONS

CO27 – West Virginia Oil and Natural Gas Association (WVONGA) (cont'd)

20160425-0054 FERC PDF (Unofficial) 04/25/2016

CO27-1
cont'd

At WVONGA, we are cognizant of, and genuinely respect, the concerns of our citizens when it comes to the impact the Rover Pipeline Project might have on our environment, residents, and communities. But we are also very confident that the plan as currently formulated robustly protects our natural resources and local communities and ecosystems, as well as agriculture, industry, and landowners.

The benefits from the Rover Pipeline Project hugely outweigh the risks. While there is risk involved with any project of this size and scope, WVONGA has every confidence that they have been properly planned for and mitigated.

West Virginia already has the infrastructure and expertise in place to work on this important initiative. West Virginia's oil and gas industry stands ready to do our part to get the Rover Pipeline Project completed for our state and nation. Again, thank you for this opportunity to present our organization's support for the Rover Pipeline Project. We urge you to approve the project forthwith.

Sincerely,



Nicholas DeMarco
Executive Director

P.O. Box 3231 • Charleston, West Virginia 25332 • (304) 343-1609 • wvonga.com

T-495

Appendix T

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP

Appendix T

20160512-5081 FERC PDF (Unofficial) 5/12/2016 10:08:38 AM

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Rover Pipeline, LLC

)
)
)

Docket No. CP15-93-000

ANSWER OF GOLDMAN & BRAUNSTEIN, LLP TO ROVER'S MOTION TO
ANSWER AND ANSWER IN OPPOSITION TO MOTION AND COMMENTS

CO28-1

Goldman & Braunstein, LLP (“Goldman & Braunstein”), on behalf of the two hundred fifty-one (251) Ohio landowners it represents and who are affected by this proceeding (“Landowners”), hereby respectfully submits, pursuant to Rule 213 of the Federal Energy Regulatory Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.213, its Answer to Rover’s Motion to Answer in Opposition to Goldman & Braunstein’s Public Comment filed April 11, 2016. This Answer is submitted for FERC’s consideration in developing a final Environmental Impact Statement (“EIS”) and in developing conditions upon which to issue a Certificate of Public Convenience and Necessity (“Certificate”) for the ET Rover Pipeline Project (Docket No. CP15-93-000), in the event that such Certificate is issued.

INTRODUCTION

Goldman & Braunstein represents 251 Ohio Landowners, predominantly farmers, whose lands are affected by approximately 680,000 linear feet of Rover Pipeline LLC’s (“Rover”) ET Rover pipeline project (“Pipeline”). Goldman & Braunstein is committed to protecting the rights and lands of Ohio Landowners to the fullest extent possible under the law and recognizes that Rover might be delegated the power of eminent domain to construct the Pipeline pursuant to the Natural Gas Act (“NGA”) (15 U.S.C. § 717). Rover’s actions, however, disqualify it from receiving a Certificate and eminent domain authority. Given the scale of this Pipeline project,

CO28-1

The commentors’ request that the Commission deny the Project is noted. See our responses to letter CO22 regarding Goldman & Braunstein, LLP’s public comments filed April 11, 2016.

T-496

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

20160512-5081 FERC PDF (Unofficial) 5/12/2016 10:08:38 AM

CO28-1
cont'd

the magnitude of the Pipeline's adverse impacts on hundreds of landowners and Rover's failure to deal in good faith with those landowners, Goldman & Braunstein is requesting that the Commission deny Rover issuance a Certificate. In the alternative, the Commission should condition its issuance of a Certificate for this Pipeline on Rover's adherence to certain criteria as specified in Goldman & Braunstein's April 11, 2016 Public Comment.

CO28-2

I. FERC should not rely upon industry-commissioned studies cited by Rover.

Rover cites only two studies to argue that the presence of a large-diameter, high-pressure natural gas pipeline does not have a measurable impact on property values. However, these studies are flawed and were commissioned by organizations with a vested interest in the financial success of the pipeline industry. Therefore, FERC should disregard them.

Rover primarily relies upon a February 2016 study conducted by Integra Realty Resources ("IRR").¹ According to that report, "[t]he INGAA Foundation Inc. retained [IRR]" to study the effect of natural gas pipelines on property values.² The study itself acknowledges that "[t]he client and intended user is the INGAA Foundation membership, regulators, and the public."³ The INGAA Foundation was formed in 1990 as an affiliate of the Interstate Natural Gas Association of America, which is "a trade organization that advocates regulatory and legislative positions of importance to the natural gas pipeline industry in North America."⁴ The INGAA Foundation was formed "to advance the use of natural gas . . ."⁵ Moreover, Rover

¹ See Rover Mot. at 5-8.

² INGAA Foundation, *Pipeline Impact to Property Value and Property Insurability*, at p. 1 (Feb. 29, 2016), available at www.ingaa.org/Foundation/Foundation-Reports/PropertyValues.aspx.

³ *Id.* at p. 1 (emphasis added).

⁴ See INGAA, *About*, <http://www.ingaa.org/about.aspx> (last visited May 11, 2016) ("INGAA is comprised of 25 members, representing the vast majority of the interstate natural gas transmission pipeline companies in the U.S. and comparable companies in Canada. INGAA's members operate approximately 200,000 miles of pipelines, and serve as an indispensable link between natural gas producers and consumers.")

⁵ *Id.*

CO28-2

As discussed in section 4.9.5 of the EIS, we conducted a search of the available studies regarding the effect of a pipeline on property values and found no conclusive evidence that a pipeline would result in a significant decrease in property value. The statements of Mr. Kielisch, Mr. Vannatta, and the referenced study of Dr. Peltier are noted.

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

Appendix T

T-498

20160512-5081 FERC PDF (Unofficial) 5/12/2016 10:08:38 AM

CO28-2
cont'd

briefly cites a study by Steven R. Foster dated November 12, 2015.⁶ However, that study was similarly prepared for the Tennessee Pipeline Company, LLC.⁷ FERC should disregard each of these studies because they were commissioned by pipeline companies or trade organizations with a vested interest in the financial success of the pipeline industry and they are not objective.

Moreover, the INGAA Foundation-commissioned study is flawed. According to Kurt C. Kielisch, ASA, IFAS, SR/WA, R/W-AC, President and Senior Appraiser with the Forensic Appraisal Group, the INGAA Foundation study did not investigate whether the fact that a property was encumbered by a pipeline easement was disclosed to potential buyers before a sale.⁸ The studies Mr. Kielisch relied upon, including a study by Dr. James Peltier, President of APR Research, Professor of Marketing, and Director of the University of Wisconsin-Whitewater Institute for Sales Excellence, accounted for these pre-sale disclosures by using a target area in Wisconsin, which “has been a full disclosure state for decades which covered the period of our studies.”⁹ Like Wisconsin, Ohio also requires the disclosure of utility easements for high-pressure natural gas pipelines to potential buyers.¹⁰ Mr. Kielisch thus concludes that “[i]t is my opinion that after such a disclosure, a prudent buyer will either retract from purchasing a property encumbered with such a pipeline or demand a discount to take on this additional risk.”¹¹

Mr. Kielisch’s conclusions are further supported by Richard M. Vannatta, an appraiser with more than forty years’ experience in Ohio.¹² Mr. Vannatta concludes that, because the

⁶ See Rover Motion at 5-6.

⁷ Foster, Steven R., *A Study of Natural Gas Pipelines and Residential Property Values*, at p. 1 (Nov. 12, 2015), available at www.kindermorgan.com/contents/NED_ResearchReport_11-12-15.pdf.

⁸ See Letter from Kurt C. Kielisch to Michael Braunstein (April 4, 2016), attached as Exhibit F to the Public Comment of Goldman & Braunstein, LLP Re: Draft Environmental Impact Statement Issued February 19, 2016.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² See generally Public Comment of Richard M. Vannatta, GAA, ASA, SR/WA, RW/AC (Apr. 8, 2016), attached as Exhibit D to the Public Comment of Goldman & Braunstein, LLP Re: Draft Environmental Impact Statement Issued February 19, 2016.

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

20160512-5081 FERC PDF (Unofficial) 5/12/2016 10:08:38 AM

CO28-2
cont'd perceptions of market participants drive property values, mandatory disclosure requirements will negatively impact the value of real estate encumbered by a pipeline easement.¹³

In today's world, the presence of the Rover easement must be disclosed by the seller, and any sale of such property would be subject to a smaller group of potential purchasers and would likely require an extended marketing time and price concessions. Thus, the property would likely sell for far less than a similar property unaffected by such a pipeline easement. Thus, it is my professional and common sense opinion Rover will cause real value diminution on the properties it crosses.¹⁴

FERC should thus disregard the flawed, industry-commissioned studies that Rover erroneously relies upon, and which fail to consider the impact that such mandatory disclosure requirements will have on the perceptions of market participants.

CO28-3 **II. Rover's Certificate should be conditioned upon Rover's performance of pre-construction drain tile remediation to mitigate construction damages.**

A. The DEIS and AIMP do not adequately address drain tile remediation.

Rover gives only cursory attention to drain tile remediation in the DEIS, stating vaguely that it "has proposed to restore agricultural drainage systems to their original conditions or better, and would continue restoration until systems are fully operating,"¹⁵ and instead defers almost entirely to its Agricultural Impact Mitigation Plan¹⁶ ("AIMP"). Furthermore, the AIMP is also insufficient and Goldman & Braunstein raised its concerns regarding the "Tile Lines" section of the AIMP with Rover nearly 10 months ago, in August, 2015.¹⁷ Chief among those concerns was the absence of provisions for pre-construction drain tile remediation. See Goldman & Braunstein's proposed revisions in the attached Exhibit A.

¹³ *Id.* at 4-6.

¹⁴ *Id.* at 6.

¹⁵ DEIS at 4.8.4.1.

¹⁶ DEIS, appendix G-3.

¹⁷ Goldman & Braunstein presented its revisions to Rover's proposed Easement and Confidential Addendum, the latter of which includes the exact provisions of the AIMP (DEIS, appendix G-3-9-11). See Goldman & Braunstein's revisions, Exhibit A.

CO28-3 Drain tile plans would be negotiated as part of the easement agreements, and as such landowners could negotiate pre-construction mitigation of tile lines as part of their agreement. See the response to comment CO14-3 regarding drain tile plans. See the response to comment CO11-1 regarding landowner negotiations.

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

Appendix T

T-500

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CO28-4

B. Rover has refused to consult on drainage with landowners who have not agreed to settle—on Rover's terms.

Rover claims that it “will consult with landowners” and that it has “employed a consultant to work with landowners (...) to develop plans (...) to address site specific concerns including replacement and repair of drainage tiles.”¹⁸ This is a blatant mischaracterization and is easily rebuffed by speaking with hundreds of actual landowners along the Pipeline's route.

Numerous Goldman & Braunstein clients have submitted to Rover pre-construction drain tile plans prepared by drain tile professionals who are approved by Rover. These plans are designed to maintain necessary drainage and reduce property damages. To date, Rover has refused to even discuss these plans with landowners who have not agreed to settle—on Rover's terms.¹⁹

CO28-5

C. Drainage provisions for pipeline projects outside of Northwest Ohio have no application to this Pipeline project and should not be relied upon.

Rover mistakenly cites the Rockies Express Pipeline (“REX”) as a model for drain tile remediation on the Rover Pipeline.²⁰ REX, however, is located more than one hundred miles from the drainage-critical region of Northwest Ohio (at its closest point) and has no relevance or application to the drainage issues facing the Rover Pipeline project. The REX route crosses southern Ohio and is located entirely within Appalachia. That region is characterized by mountain foothills, rolling terrain and swift-flowing, natural drainage. Northwest Ohio, on the other hand, is comprised largely of the former Great Black Swamp, most of which is at or near the natural water table, it is flat, low-lying, often fully saturated and would return to unproductive swamplands without continuously-operating drain tile to move the water off the

¹⁸ Answer at 18-19.

¹⁹ See Exhibit C to Goldman & Braunstein's Public Comment filed April 11, 2016.

²⁰ Answer at 20.

CO28-4

Rover's refusal to approve drain tiles plans for landowners who have not reached an agreement with Rover is noted.

CO28-5

The commentors' request that pre-construction mitigation measures for drain tile lines be conducted is noted. See the response to comment CO14-3 regarding drain tile plans.

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

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CO28-5
cont'd

land in a systematic way. These tile systems cannot stand interruption and landowners cannot wait for Rover to make repairs “within 45 days, weather and soil conditions permitting.”²¹ In fact, this drainage is often most crucial during the precise times when soil and weather conditions will preclude construction and remediation efforts, and by the time Rover would be able to make the repairs, significant, possibly irreparable damage will already have been done. This can only be prevented, in many cases, by pre-construction installation of parallel tile lines that will ensure uninterrupted flow throughout the construction and radiation phases of the project.

The fact that Rover has relied on the drainage remediation measures prescribed for REX is a serious cause for concern and calls into question every assumption and representation Rover has made regarding drainage remediation on this project. It is crucial that Rover be required to consult with every affected landowner, including those who have not yet settled easements, and be required to perform certain necessary drain tile remediation, such as the installation of tile line headers parallel to the Pipeline rights-of-way, prior to the start of the Pipeline’s construction.

CO28-6

III. FERC should hold Rover to the lofty standards purported in its motion.

Rover, in its motion, purports to have adhered to high standards which it simply has not lived up to. For instance, Rover claims not to have used eminent domain as a bargaining tool in landowner discussions and claims to have “consistently attempted to negotiate easements with landowners in good faith and will continue to do so.”²² This is out of touch with reality. A stark example of this disconnect was a February 26, 2016 letter from Rover Pipeline LLC Senior Vice President Joey Mahmoud to affected landowners which attempted to drive a wedge between landowners and their attorneys, and threatened that landowners’ reliance on their counsel “will result in decreased final compensation for the easement, as well as prevent the development or

²¹ DEIS at 4.8.4.1; Answer at 19.

²² Rover Motion at p. 10.

CO28-6

The commentors’ statement regarding Rover’s threat of eminent domain is noted. See the response to comment CO11-1 regarding landowner negotiations and eminent domain.

T-501

Appendix T

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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CO28-6
cont'd

agreement of terms that protect your land and resources on your terms, as opposed to a *court ordered* easement and compensation or an easement that is not tailored to your specific property.”²³ This veiled threat of eminent domain is not the sort of good faith negotiating Rover claims to have engaged in. And that is just the tip of the iceberg. Numerous Ohio landowners, including many Goldman & Braunstein clients, have had unique but similarly unpleasant experiences in dealing with Rover.

Moreover, Rover claims that it “routinely agrees as part of its easement negotiations with landowners to maintain insurance for pipeline-related issues and as a matter of basic business practice maintains insurance policies for the protection and coverage of third party claims,” yet at the same time takes issue with Goldman & Braunstein’s request that FERC require such insurance coverage and hold harmless clauses as a condition to receiving its Certificate. If it truly is Rover’s “basic business practice” to obtain insurance policies covering landowners, then Rover should have no problem with such a condition and FERC should hold Rover to that claim.

CONCLUSION

For each of the foregoing reasons and the reasons set forth in Goldman & Braunstein’s Public Comment filed April 11, 2016, and in light of the scale of the project, the magnitude of Rover’s adverse impacts on hundreds of landowners and Rover’s failure to deal in good faith with those landowners, Goldman & Braunstein hereby requests that the Commission deny Rover issuance a Certificate; or in the alternative, condition the Certificate upon the requirements set forth in Goldman & Braunstein’s previously filed Public Comment.

²³ See Letter from Joey Mahmoud to “Stakeholders” (Feb. 26, 2016), attached as Exhibit B.

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

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CO28-6
cont'd

Respectfully submitted,

/s/ Michael Braunstein
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Clinton P. Stahler, Esq.
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Email: Strayer@GBlegal.net
Counsel for Landowners

Dated: May 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 12th day of May, 2016.

/s/ Michael Braunstein
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Counsel for Landowners

COMPANIES AND ORGANIZATIONS

CO28 – Goldman and Braunstein, LLP (cont'd)

Appendix T

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Exhibit A

CO28-6
cont'd

Goldman & Braunstein, LLP

Goldman & Braunstein's proposed revisions to Rover's Confidential Addendum, which contains privileged, attorney work-product, Docket No. CP15-93-000 is designated as **Privileged Information** pursuant to 18 C.F.R. § 388.112.

4838-9021-1377, v. 1

T-504

COMPANIES AND ORGANIZATIONS
CO29 – Business Development Corporation of the Northern Panhandle



**TESTIMONY
TO THE FEDERAL ENERGY REGULATORY COMMISSION**

DATE: 4 April 2016

TO: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

FROM: Patrick B. Ford, Executive Director
The Business Development Corporation of the Northern Panhandle

RE: Draft Environmental Impact Statement (DEIS) Hearing
Rover Pipeline Project
Project Docket Number CP15-93-000

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SECRETARY OF THE
COMMISSION
2016 APR 11 P 4
FEDERAL ENERGY REGULATORY COMMISSION

ORIGINAL

Dear Ms. Bose,

CO29-1

Thank you for allowing me the opportunity to present testimony in support of the proposed rover pipeline project. I am the Executive Director of The Business Development Corporation of the Northern Panhandle (BDC), the lead economic development agency for Brooke and Hancock counties in West Virginia. The BDC is a non-profit organization focused on industry and business recruitment, retention, and creating and maintaining a diverse economy in Brooke and Hancock counties in West Virginia.

THE PROJECT

The rover pipeline will traverse 5.26 miles of Hancock County with 36-inch diameter pipe. This section of the line is part of the Burgettstown lateral which will transport natural gas from a supply compressor station in western Pennsylvania to a mainline station in Harrison County, Ohio.

As an economic development organization we have a vested interest in the jobs and economic benefits this project will deliver, but also believe it is critical that pipeline infrastructure be safe for both our communities and environment. We believe the rover pipeline satisfies all of those essential points.

Since the project was announced, project representatives have provided us with detailed and updated project information and have answered our questions. Decisions,

CO29-1

The commentor's support for the Project is noted.

T-505

Appendix T

COMPANIES AND ORGANIZATIONS

CO29 – Business Development Corporation of the Northern Panhandle (cont'd)

Appendix T

T-506

CO29-1
cont'd

such as utilizing the horizontal direction drilling method for crossing the Ohio River, show me that the Rover pipe line project understands its duty to minimize impacts to our region. In addition, I am aware that the Rover project made a route change to avoid impacting, during construction, Mountaineer Casino's Woodview golf course that lies with Hancock County. This change was welcome news to both the owner and the patrons of the golf course. We are very appreciative of this decision.

JOB CREATION

The rover pipeline is expected to create approximately 10,000 construction jobs, including 1,800 to 2,200 in West Virginia. These family-wage positions will employ skilled tradesmen who have made lifelong careers building critical infrastructure across our region. The extensive experience of these highly qualified men and women is further supplemented by routine training and educational opportunities. Job creation will not be limited to the construction site but will also extend to many manufacturers across our region that will provide key components for the project. Manufacturers will also benefit, in the long-term, from greater access to affordable natural gas, which will stimulate business expansion and greater employment.

CATALYST FOR LOCAL ECONOMIES

Although important, job creation is not the only economic benefit of the Rover pipe line. The project is estimated to generate \$147 million in new ad valorem taxes, including an expected \$3.9 million in West Virginia. Increased tax revenues will go a long way to helping the bottom line of many local communities. Local economies also stand to benefit from an increased demand for goods and services from small businesses that will generate significant sales tax revenue.

The economic benefits of the Rover pipe line fall within the targeted industrial clusters the BDC embraces and markets to attract to our region. These industry clusters include energy, value-added metals, chemical processing, health care, and transportation logistics. The economic and demographic indicators reflect the following impacts to our region over the past six years:

1. Unemployment Rate

- a. Brooke County Rate in 2010 (Feb): 13.3%
- b. **Brooke County Rate in 2016 (Feb): 8.7%**
- c. Hancock County Rate in 2010 (Feb): 13.7%
- d. **Hancock County Rate in 2016 (Feb): 8.9%**

2. 1,956 jobs (1,555 jobs created and 401 jobs preserved)

3. Construction jobs (800 in 2015)

- a. Construction employment increased in 190 out of 358 metro areas between November 2014 and 2015.

COMPANIES AND ORGANIZATIONS

CO29 – Business Development Corporation of the Northern Panhandle (cont'd)

CO29-1
cont'd

- b. New York City and Weirton-Steubenville, W.Va.-Ohio Top Growth List while Fort Worth-Arlington, Texas and Gulfport-Biloxi-Pascagoula, Miss. Experience the Largest Yearly Declines.
 - c. The largest percentage gains occurred in Weirton-Steubenville, W.Va.-Ohio (50 %, 800 jobs).
4. **\$75,316,000 annual payroll**
 5. **\$194,501,154 total investment in the northern panhandle (Brooke and Hancock Counties).**
 - a. Hancock County (\$90,290,594):
 - b. Brooke County (\$104,210,560):

CONCLUSION

In conclusion, thank you again for the opportunity to provide input during this process. As I have stated in my testimony, the Business Development Corporation of the Northern Panhandle is supportive of the Rover pipe line project. It represents a valuable investment in our region that will deliver short and long-term benefits. Rover has gone to great lengths to select a route of least impact for the pipe line and has demonstrated a firm commitment to protecting our environment. With that in mind, we ask for the prompt approval of the Rover pipe line. Thank you.

COMPANIES AND ORGANIZATIONS

CO30 – Denex Petroleum Corporation

Appendix T

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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

ORIGINAL

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COMMISSION

2016 APR 12 P 2:19

FEDERAL ENERGY
REGULATORY COMMISSION

Docket Number CP15-93-000

Dennis Xander, President, Denex Petroleum Corporation

My name is Dennis Xander, and I am the President of Denex Petroleum Corporation.

CO30-1

With more than 40 years of experience in the Appalachian energy industry, I have seen the great economic potential of natural gas development in our region. I have also seen the devastation resulting from plummeting natural gas prices due to supply and demand imbalances. Today, our industry is facing massive lay-offs and, in many cases, bankruptcies. Ironically, these threats are not the result of scarce resources, but the result of an overabundance of resources that lack access to existing markets.

CO30-1

The commentor's support for the Project is noted.

Since the shale revolution commenced in 2006, Appalachian natural gas production has increased fifteen fold (from 1.3 bcf/day to well over 20 bcf/day). During that same period, total US gas consumption increased by just 27% (from 59,450 bcf/day to 75,268 bcf/day). In other words, the natural gas industry's success is killing it.

There is currently additional demand for Appalachian natural gas, but that demand cannot be met with existing pipeline infrastructure, which is limited both by geography and capacity. We need major pipelines leading to new markets in areas that have not been historically served. West Virginia desperately needs the Rover Pipeline Project to increase demand and stabilize long term natural gas prices, to eliminate the cycles of "boom and bust" that for many decades have prevented the Appalachian region from sustaining consistent financial growth and development.

During construction, the project itself will be a major economic stimulus for our state and region. Not only will it create 10,000 jobs in West Virginia, Ohio, Michigan, and Pennsylvania, it will also deliver a \$4.3 billion economic stimulus within those states. In the long term, the Rover Pipeline infrastructure will increase our local tax base, which will generate tax revenues for our schools and local governments far into the future.

The Rover Pipeline project will also facilitate exports of US natural gas, which will help our nation improve its chronic balance of trade deficit, a problem which has plagued the US economy for almost 40 years.

And there will be other, less obvious, economic benefits. US manufacturers use natural gas for much more than just heat. Hydrocarbons like ethane gas (think "crackers") are the primary feedstock of manufacturing for virtually everything not

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COMPANIES AND ORGANIZATIONS

CO30 – Denex Petroleum Corporation (cont'd)

20160412-0027 FERC PDF (Unofficial) 04/12/2016

CO30-1
cont'd

made from wood or steel. As these raw material costs decrease, manufacturing margins will increase, making US industries more competitive globally, and increasing domestic employment.

Thank you again for taking the time to hear my thoughts on the incredible benefits engendered by the Rover Pipeline Project. I strongly urge you to approve the project.

R. Dennis Xander
Denex Petroleum
366 Dick Hall Road
Buckhannon, WV, 26201

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Appendix T

COMPANIES AND ORGANIZATIONS

CO31 – The Ohio Manufacturers' Association

Appendix T

4716



**Testimony of Bradley Belden
Regarding the Rover Pipeline Project
Docket Number: CP 15-93-000
Before the
Federal Energy Regulatory Commission
Navarre, Ohio
April 7, 2016**

CO31-1

I appreciate the opportunity to speak with you today about the proposed Rover Pipeline Project. My name is Brad Belden and I am the Director of Support Services with The Belden Brick Company. I am also here in my capacity as the chairman of the Energy Committee of the Ohio Manufacturers' Association (OMA). My testimony is both on behalf of Belden Brick and the OMA.

Belden Brick is headquartered in Canton, OH and operates six manufacturing facilities in Sugarcreek, OH. We employ about 500 people in this area making face brick and pavers.

Access to reliable, affordable energy is a big competitive issue for our company. Our process takes locally mined clay and shale and fires it with natural gas. Combined with electricity the price of energy has a large impact on our bottom line. While we have made many investments to use energy efficiently, natural gas remains as the single largest cost to our production process outside of wages. It has also proven to be the most volatile. Before shale gas increased the domestic supply of natural gas, there were moments where the high price of natural gas threatened our business. The brick industry is still feeling the effects of the recession and the more stable, affordable price of natural gas is one of the main reasons we are able to stay profitable today.

The OMA represents over 1,400 manufacturing companies across the state. Ohio manufacturers produce every product you can think of ranging from automotive components to medical equipment to pizza rolls. In aggregate, Ohio ranks among the top few states for manufacturing. The economic output from manufacturing in 2013 reached \$100 billion up from \$87 billion in 2012. Investments in new production are underway that will drive that figure even higher in subsequent years.

CO31-1

The commentor's support for the Project is noted.

T-510

COMPANIES AND ORGANIZATIONS

CO31 – The Ohio Manufacturers’ Association (cont’d)

CO31-1
cont'd

As for employment, in 2013, Ohio again ranked 3rd nationally in manufacturing employment, with 5.5% of manufacturing jobs nationwide. 663,000 Ohioans are employed in the state's manufacturing sector. Manufacturing leads all industry sectors in payroll (over \$36 billion in 2012) paying an average annual wage of \$55,525. The men and women who work in Ohio manufacturing are among the most skilled and most productive anywhere on the globe.

Manufacturing productivity is a competitive advantage to Ohio's economy. Manufacturers in Ohio excel in both product and process innovation. Investments underway in plants across the state will improve productivity while saving energy, minimizing waste, and reducing environmental emissions.

Ohio competes with other states for manufacturing investment. Energy policy and energy infrastructure are both important considerations when companies make investment decisions.

The OMA believes energy policy can enhance – or hinder – Ohio's ability to attract business investment, stimulate economic growth and spur job creation, especially in manufacturing. State and federal energy policies must (a) ensure access to reliable, economical sources of energy, (b) support the development of a diverse energy resource mix, and (c) conserve energy to preserve our natural resources while lowering cost.

The OMA has a long-standing position of support for a modernized energy infrastructure to maximize energy supplies and stabilize energy pricing and reliability. Additionally, the construction of a natural gas pipeline from the Marcellus and Utica shale formations will increase access to gas as a feedstock. Gas is not just a source of energy – it is also a raw material utilized in many manufacturing processes such as chemicals, polymers and fertilizer. Finally, construction and operation of a pipeline will afford manufacturers from the region with expanded market opportunity to bid to supply needed parts, materials and technologies. These will all serve to protect and grow Ohio manufacturing.

Just as energy policy is important for Ohio's competitiveness, so too is sustainable environmental regulation. Manufacturers understand that fair and reasonable regulations on business must be balanced with responsible stewardship of our natural resources. I have reviewed Rover's draft Environmental Impact Statement and noted the developers' commitment to environmental mitigation. Rover has a plan in place that will minimize disturbances during construction, restore land after construction, and ensure property values remain intact into the future.

The Rover Pipeline stands to benefit manufacturing in Ohio and throughout the Midwest. Therefore, the OMA encourages the Federal Energy Regulatory Commission to approve the Rover Pipeline project.

Thank you.

T-511

Appendix T

COMPANIES AND ORGANIZATIONS

CO32 – Enervest Operating, LLC

Appendix T

T-512

Good evening.

CO32-1

My name is Jim Pritt and I would like to extend my support to the Rover Pipeline Project. As a regulatory manager at EnerVest and a member of the Board of the Independent Oil and Gas Association of West Virginia, I am here to attest that the Rover Pipeline holds great promise for all parties affected, especially American consumers in need of a safe, clean and affordable energy supply.

Upon reviewing the Federal Energy Regulatory Commission's draft Environmental Impact Statement, I now wholeheartedly believe that the Rover Pipeline will be built to the highest engineering standards and with the upmost respect to workers, landowners and others in the community. That is very important to us at EnerVest, one of the 25 largest and most respected oil and gas companies in the U.S. We employ over 1,200 hardworking men and women devoted to providing affordable energy to their fellow Americans.

Moreover, the Rover Project will be a \$4.3 billion investment that creates over 10,000 local construction jobs, including 1,800 to 2,200 here in West Virginia. Pipeline officials have also pledged to manufacture over 75% of the project's materials right here in the United States, further enriching our local and state economies and empowering our workforce. During its first year in operation, the pipeline is going to generate over \$147 million in property taxes for the states it passes through, including \$3.9 million for the state of West Virginia. These are incredible economic advantages long-desired since the 2008 recession.

The Rover Pipeline will make a long-lasting contribution to our nation's pursuit of energy independence. As the world continues to grow more chaotic, it is vital that America achieve new ways to provide for their own energy needs and abandon their dependency on energy imports from unstable regions of the world. The natural gas provided by the Rover Pipeline will provide a steady supply of long-term, low-cost energy, the majority of which will stay right here in the United States for American consumers and businesses to utilize.

As I previously noted, I am a proud board member of the Independent Oil and Gas Association of West Virginia. Founded in 1959, the IOGAWV was formed to promote and protect a strong, competitive and capable independent natural gas and oil producing industry in West Virginia. It is my belief that the Rover Pipeline will do just that and not just for West Virginia, but for every state it passes through. American consumers far and wide deserve the reliable and affordable energy that the Rover Pipeline will provide for years into the future. For all of these reasons, I am happy to support the construction and maintenance of the Rover Pipeline and I encourage my fellow West Virginians to do the same. Thank you.

James Pritt
Enervest Operating, LLC
300 Capitol Street, Suite 200
Charleston, WV 25301

CO32-1

The commentor's support for the Project is noted.

COMPANIES AND ORGANIZATIONS

CO33 – Ohio Hotel and Lodging Association

**FEDERAL ENERGY REGULATORY COMMISSION
NATIONAL ENVIRONMENTAL POLICY ACT REVIEW FOR THE
ROVER PIPELINE PROJECT, PANHANDLE BACKHAUL PROJECT, TRUNKLINE BACKHAUL
PROJECT**

DOCKET No. CP15-93-000; CP15-94-000; CP15-96-000; PF14-14-000

DEIS COMMENT MEETING COMMENT FORM

Check the box to indicate the meeting you attended:

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Barker Memorial Bldg. 214 North 4 th Ave. Paden City, WV. 26159	Harrison Central High School 440 E. Market St. Cadiz, OH 43907	Buckeye Central High School 938 S. Kibler St. New Washington, OH 44854	Fairless High School 11885 Navarre Rd, SW Navarre, OH 44662

Comments can be: (1) left at the sign-in table, (2) mailed to the addresses below, or (3) filed electronically by following the instructions provided below.

Please send two copies referenced to Docket No. CP15-93-000; CP15-94-000; and CP15-96-000 to the addresses below.

For Official Filing:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Another copy:

Gas Branch 4, PJ-11.4
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

To expedite receipt and consideration of your comments, the Commission strongly encourages electronic filing of any comments to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Internet web site at www.ferc.gov under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account, which can be created on-line.

COMMENTS: *(Please print; use and attach an additional sheet if necessary)*

CO33-1 SEE PRINTED COMMENTS PROVIDED WITH THIS FORM.

Commentor's Name and Mailing Address *(Please Print)*

JOSEPH SAVARISE
692 N HIGH ST # 212
COLUMBUS, OH 43215

CO33-1 The commentor's support for the Project is noted.

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Appendix T

COMPANIES AND ORGANIZATIONS

CO33 – Ohio Hotel and Lodging Association (cont'd)

Appendix T

T-514

April 6, 2016
Testimony of Joseph Savarise, Executive Director
Ohio Hotel & Lodging Association
Regarding the Rover Pipeline Project
DOCKET NO. CP 15-93-00

CO33-1
cont'd

Good evening. Thank you for the opportunity to speak tonight on behalf of the Rover Pipeline Project.

My name is Joe Savarise. I am the Executive Director of the Ohio Hotel & Lodging Association (OHLA). Founded in 1893, OHLA works to help improve Ohio's travel economy and to support economic growth, competitiveness and jobs. Our organization represents the more than 1,400 hotel and lodging properties that do business, make investments, and employ individuals throughout Ohio. More than 35,000 individuals are directly employed in hotel and lodging businesses, representing \$777 million in payroll.

We support this project because of the numerous benefits stemming from construction of the Rover Pipeline for both our members and the economy of the entire region.

Our industry has seen the direct benefit of energy investment in Ohio. We also believe it is important for projects to be implemented safely and responsibly. The draft Environmental Impact Statement demonstrates the large amount of time and effort that has been expended in order to address concerns about environmental impacts and their subsequent mitigation. Our industry recognizes that Rover wants to accomplish construction in an environmentally responsible fashion, with minimal impacts to our waterways, environmental habitats, cultural landmarks, and other natural resources.

Potential impacts matter greatly to our industry. In fact, some of our constituency initially expressed concerns about the value of their properties and how they might be affected by the construction process. We have been encouraged to discover that natural gas pipelines have been found to have no effect on either property values or insurability.

Importantly, the Rover Pipeline is projected to create 10,000 well-paying construction jobs along the pipeline route. With more than 100 hotels in this region alone, our industry and the overall economy will welcome this workforce to the area. These workers will need places to stay and food to eat, and our members stand ready to provide the necessary goods and services to them. Furthermore, all business, including hotels and domestic consumers will ultimately gain access to an even more reliable supply of affordable, domestically-produced natural gas once the Rover Pipeline is constructed.

These are just a few of the ways that the Rover Pipeline Project will benefit our industry and the region. We believe Rover has sufficiently met the Commission's requirements with regard to its environmental impact mitigation plans, and for this reason, encourage FERC to review the project in a timely manner.

Thank you.

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Rover Pipeline, LLC

Docket No. CP15-93-000

ANSWER OF EMENS & WOLPER LAW FIRM, LPA TO ROVER'S MOTION TO
ANSWER AND ANSWER IN OPPOSITION TO MOTION AND COMMENTS

CO34-1

Emens & Wolper Law Firm Co., LPA (“E&W”), on behalf of more than 200 landowners it represents that are directly affected by the above captioned proceeding (“Landowners”), hereby respectfully submits its Answer to Rover Pipeline, LLC’s (“Rover”) “Motion to Answer and Answer in Opposition of Rover Pipeline LLC to Motion and Comments” submitted April 26, 2016¹ (“Rover Answer”). On April 11, 2016, E&W submitted to FERC “Requests for the Federal Energy Regulatory Commission to Amend its Draft Environmental Impact Statement Prior to Issuance of the Final Environmental Impact Statement, and to Include Certain Conditions in its Certificate of Public Convenience And Necessity, if Issued to Rover Pipeline, LLC”² (“Requests”). Rover responded to said Requests in the Rover Answer. Pursuant to

¹ Motion to Answer and Answer in Opposition of Rover Pipeline LLC to Motion and Comments, CP15-93-000 (FERC April 26, 2016).

² Requests for the Federal Energy Regulatory Commission to Amend its Draft Environmental Impact Statement Prior to Issuance of the Final Environmental Impact Statement, and to Include Certain Conditions in its Certificate of Public Convenience And Necessity, if Issued to Rover Pipeline, LLC, CP15-93-000 (FERC April 11, 2016).

CO34-1

The commentor’s statement regarding Rover’s negotiations are noted.

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Appendix T

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

Appendix T

T-516

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CO34-1
cont'd

appropriate Federal Energy Regulatory Commission (“FERC” or “Commission”) Rules of Practice and Procedure,³ E&W hereby answers and responds to the Rover Answer.

Brief Introduction

Currently E&W represents more than 200 Landowners who own more than 20,000 acres of Ohio land that will be impacted by the Rover pipelines project; more than 100 miles of pipelines will cross the properties of these Landowners. None of these Landowners want the pipelines on their properties. E&W, while a small law firm, has nearly 100 years of experience representing landowners and oil and gas industry clients. Rover’s continued approach to treat Ohio landowners with little or no regard and continual attempts to use its overwhelming financial muscle to intimidate and take advantage of Ohio landowners is insulting to landowners.

E&W is requesting that the Commission deny Rover issuance of a Certificate of Public Convenience and Necessity (“CPCN” or “Certificate”). In the alternative, E&W asks the Commission to issue a Final Environmental Impact Statement and CPCN only if the conditions set forth in E&W’s Requests are incorporated.

Response to Rover’s Answer in Opposition

1. While the Rover Answer uses the word “negotiate” 8 times, “negotiations” 13 times, “negotiation” 8 times, “negotiating” 5 times, “negotiated” 7 times, and “good faith” 6 times in conjunction with some form of “negotiate,”⁴ Rover has been abundantly clear in its approach with landowners that they must “take the easement language and the dollars that Rover is offering or Rover will sue you and take your land by eminent domain.” The E&W Requests describes this and more in detail⁵ and, thus, will not be repeated here.⁶ As

³ 18 C.F.R. §§ 385.212, 385.213 (2015).

⁴ See generally Rover Answer.

⁵ See generally Requests.

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

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CO34-1
cont'd stated there, however, on page 37, E&W will be pleased to provide FERC with a detailed timeline of Rover's landowners approaches and inactions.

CO34-2 2. While the Rover Answer complains that the E&W Filing requests conditions in any FERC Certificate that "diverges from Commission regulations and precedent,"⁷ E&W respectfully disagrees with this inaccurate claim and hereby reasserts each and every request for such conditions. E&W's request of the Commission to require Rover to acquire at least 90% of the necessary rights-of-way before giving Rover the right of eminent domain⁸ is based specifically on the Commission's own Policy Statement for Certifying New Natural Gas Pipeline Projects.⁹ Moreover, the E&W other requests are

CO34-2 See responses to letter CO20 regarding the commentator's requested changes to the EIS.

⁶ But see *id.* at 15. The chart below compares the budgeted dollars of the Rover pipelines project with other FERC-reviewed pipelines in Ohio.

Comparison of Rover Budget to Other Ohio FERC Projects				
	Rover	Nexus	Texas Eastern OPEN	Leach XPress
Size of Pipe(s)	Two 42" Pipes	One 36" Pipe	One 30" Pipe	One 36" Pipe
Total Miles of Pipes	713 Miles	255 Miles	76 Miles	126.9 Miles New Pipe
	3,764,640 feet	1,346,400 feet	401,280 feet	670,032 feet
Right-of-Way Acquisition and Damages Budget	\$124,132,949	\$165,733,166	\$29,416,646	\$35,077,855.00
	\$32.97 per foot	\$123.09 per foot	\$73.30 per foot	\$71 per foot
	<u>3.04% of Budget</u>	<u>7.9% of Budget</u>	<u>6.28% of Budget</u>	<u>2.31% of Budget</u>
Contingency Budget	\$259,682,920	\$298,988,168	\$32,009,380	\$227,192,486
	\$68.98 per foot	\$222.06 per foot	\$79.77 per foot	\$330 per foot
	6.36% of Budget	14.3% of Budget	6.83% of Budget	14.97% of Budget
Total Project Budget	\$4,082,221,491	\$2,095,267,444	\$468,487,746	\$1,518,041,748
	\$1,084.35 per foot	\$1,556.20 per foot	\$1,167.48 per foot	\$1,796.93 per foot

Id.

⁷ Rover Answer at 2.

⁸ See Requests at 16, 32.

⁹ Certification of New Interstate Natural Gas Pipeline Facilities, 88 FERC ¶ 61,227 (1999), order on clarification, 90 FERC ¶ 61,128, order on clarification, 92 FERC ¶ 61,094 (2000) (collectively, the "Policy Statement for Certifying New Natural Gas Pipeline Projects").

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

Appendix T

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CO34-2
cont'd

offered in response to the Commission's own request for public comments on the Draft Environmental Impact Statement ("DEIS") and the Commission's findings. While Rover may believe landowners and their concerns are "irrelevant,"¹⁰ the Commission's rules and regulations clearly give landowners a role in the process as it's the landowner's property that has to shoulder the burden of these pipelines if Rover's application is approved.

CO34-3

3. E&W also repeats our requests concerning questionable Rover affiliations as stated on pages 8-10 of the E&W Filing and asserts that recent occurrences in the Utica Shale fields of eastern and southeastern Ohio bolster the information provided previously.¹¹ E&W's concern over the financial viability of Rover and its affiliates is shown in Rover's most recent "Amendment to Application for a Certificate of Public Convenience and Necessity" submitted May 19, 2016 ("Rover Amendment").¹² The Rover Amendment states the following:

Rover Pipeline LLC ("Rover") is a Delaware limited liability company which is indirectly owned sixty-five percent (65%) by ET Rover Pipeline LLC, an affiliate of Energy Transfer Partners, L.P., twenty percent (20%) by AE-Midco Rover, LLC, and fifteen percent (15%) by AE-Midco Rover II, LLC, both affiliates of American Energy Partners, LP.

Equity financing will be through contributions of sixty-five percent (65%) by Energy Transfer Partners, L.P., and thirty-five percent (35%) by American Energy Partners, LP.¹³

As the Wall Street Journal reports on May 18, 2016 in an article titled "American Energy Partners to Shut Down," "American Energy Partners LP, the Oklahoma City oil

CO34-3 See the response to comment CO3-3 regarding the financial stability of the applicants and associated shippers.

¹⁰ Rover Answer at 2 ("As discussed below, many of the issues raised in the Pleadings are not only irrelevant to the ongoing proceedings but also go well beyond the scope of the Commission's jurisdiction and therefore should be disregarded.")

¹¹ See Requests at 8-10.

¹² Amendment to Application for a Certificate of Public Convenience and Necessity, CP15-93-000 (FERC April 26, 2016).

¹³ Rover Amendment at Exhibit L.

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

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- CO34-3 cont'd and gas company founded by the late shale pioneer Aubrey McClendon, plans to shut itself down this summer.¹⁴ We also repeat our concerns about the relationships of shipper affiliated companies which we understand to be prohibited by FERC.¹⁵
- CO34-4 4. E&W specifically disagrees with the statement in the Rover Answer that “there is no credible evidence in the record that the Rover Project will materially affect the value of Ohio landowner’ land” as such has already been provided.¹⁶ Assertions by a pipeline-industry-friendly foundation report should not convince either the Commissioners, nor the FERC staff, otherwise.
- CO34-5 5. A major reason that Rover has not yet offered fair compensation to Ohio landowners and acquired even 40% of the necessary easements it needs for this project (despite over one and one-half years of claiming to “negotiate”)¹⁷ may be because Rover does not understand that by demanding an easement from landowners, Rover is trying to *take* the land, not “use” the land as stated several times in the Rover Answer. Several landowners have requested annual rental for the “use” of their land by Rover for its pipelines, but this request has been vehemently denied.¹⁸ If Rover is now proposing to just “use” the landowner’s land and pay rent to the landowner each time the pipeline is used, like a tenant that pays rent to a landlord, then E&W believes progress could be made to enter leases with landowners that contain such language.

¹⁴ Bradley Olson, American Energy Partners to Shut Down, THE WALL STREET JOURNAL (May 18, 2016, 9:27 P.M.) (available at <http://www.wsj.com/articles/american-energy-partners-to-shut-down-1463618417>).

¹⁵ See Requests at 9-10.

¹⁶ Rover Answer at 4.

¹⁷ See Requests at 11.

¹⁸ Transcript of Hamler, Ohio FERC Public Meeting for Comments, Rob Rettig, 10-13, No. CP15-93-000, (Mar. 21, 2016) (“If Rover and others are convinced that one hundred percent productivity is the expectation, I would suggest commitment to a long-term compensation agreement based upon this easily measured productivity.”).

CO34-4 See response to comment CO14-4 regarding property values.

CO34-5 The commentor’s request that Rover pay landowners rent for use of the property is noted. See response to comment CO11-1 regarding landowner negotiations.

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

Appendix T

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CO34-6

6. The Rover Answer language in Section C.1)¹⁹ contains blatant errors. The last sentence of the first paragraph of C.1) (i.e. “Rover has consistently attempted to negotiate easements with landowners in good faith and will continue to do so.”) is wrong. And the last sentence of the third paragraph is also wrong. It recites:

The parties were to meet in Houston in February of 2016, but E&W instead sent another broad settlement proposal to Rover indicating that its settlement position remains substantially unchanged and unrealistic.²⁰

The facts are that Rover was refusing to communicate, so E&W requested a meeting with Rover and offered to travel to Houston to meet with Rover in its offices. Then two partners of E&W did travel to Houston, Texas, and met with seven Rover personnel on February 2, 2016 in Rover’s Houston offices, where an unsuccessful attempt to negotiate easement terms occurred.

The Rover Answer description of a November, 2015 meeting is also inaccurate. At the November 2015 meeting, E&W and Rover were discussing drainage tile and the repair of it. E&W was asking Rover to change its stance and have Rover pay for any drainage tile repair costs, even though it had not received an executed easement from the landowner. E&W describes the issue with this approach in its E&W Requests filing.²¹ E&W and Rover discussed landowners entering into a right of entry agreement with Rover so Rover could start drainage tile repair, which was, and still is, acceptable to E&W and Landowners. Rather, Rover decided it wanted the right of entry agreement to allow Rover the right to start pipeline construction on the landowner’s property without easement language agreed to or compensation paid to the landowner. That was obviously unacceptable to E&W Landowners.

¹⁹ Rover Answer at 10.

²⁰ *Id.* at 11.

²¹ See *generally* Requests (reviewing various drain tile issues throughout the filing).

CO34-6

See response to comment CO11-1 regarding easement negotiations. See response to comment CO14-3 regarding drain tiles.

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

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CO34-7

7. The Rover Answer indicates that Rover either does not understand or does not care about the importance to Ohio landowners and their land of drain tile issues, especially regarding pre-construction drain tile issues. Since drain tile concerns and requests have been fully described in the E&W Requests this response will not recite again what has already been written and requested. However, E&W does reiterate and incorporate herein what E&W has previously written and does repeat here the requests made therein. E&W also thinks it is important to note that the restrictions and limitations imposed by Rover on the “consultant” Rover employed (i.e. Land Stewards) are inconsistent with what landowners were promised by Rover in writing in October 2014,²² and have prevented the “consultant” from being able to perform the necessary services needed regarding drain tile.

Conclusion

Emens & Wolper requests, on behalf of more than 200 Landowners, for the reasons in this Answer and in E&W Requests, that the Commission deny Rover a Certificate, or include in any such Certificate the conditions and requirements set forth in E&W’s April 11, 2016 Filing.

Respectively submitted,

/s/ J. Richard Emens

J. Richard Emens

Craig J. Wilson

Emens & Wolper Law Firm Co., LPA

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Columbus, Ohio 43219

Telephone: 614-414-0888

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cwilson@emenswolperlaw.com

Counsel for Landowners

²² Letter of Land Stewards, LLC sent by Rover to various Landowners (Oct. 16, 2016).

CO34-7

See response to comment CO14-3 regarding drain tile plans.

T-521

Appendix T

COMPANIES AND ORGANIZATIONS

CO34 – Emens and Wolper Law Firm (cont'd)

Appendix T

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CERTIFICATE OF SERVICE

CO34-7
cont'd

I hereby certify that I have served the document “ANSWER OF EMENS & WOLPER LAW FIRM, LPA TO ROVER’S MOTION TO ANSWER AND ANSWER IN OPPOSITION TO MOTION AND COMMENTS” under FERC docket CP15-93-000 upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 2nd day of June, 2016.

/s/ J. Richard Emens

J. Richard Emens

Craig J. Wilson

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Counsel for Landowners

T-522

INDIVIDUALS

IND1 – Amalie Lipstreu

20160222-5134 FERC PDF (Unofficial) 2/22/2016 2:31:56 PM

Amalie Lipstreu, Columbus, OH.
Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Rover Pipeline LLC
Docket No. CP15-93-000

Dear Ms. Bose:

IND1-1 The Ohio Ecological Food and Farm Association submitted written comments to the Federal Energy Regulatory Commission and Kelly Allen, Regulatory Affairs Manager for the ET Rover project on December 15th and 16th of 2015 and again on February 8th, 2016 regarding an organic farm on the Rover route and suggested mitigation measures for organic farms.

The previous draft EIS directed ET to identify organic and specialty crop producers along the route and any mitigation measures for those farms. That was not done in the previous draft EIS and despite repeated notification, has not been done in FERC EIS 0267D released February 22nd. We hope that this oversight will be rectified soon. Mr. Yoder is reaching out in good faith with both FERC and the ET Company and those efforts have met with silence.

Ohio is in the top ten of states nationally in the number of organic farms. The organic sector is growing at approximately ten percent each year and is a critical part of the solution to feed a growing population, sequester carbon to offset climate change impacts such as those created by the energy sector and provide many other health and environmental benefits.

IND1-2 The environmental and economic impacts of the ET Rover pipeline to Mr. Yoder's organic, rotational grazing dairy will be significant. Loss of organic certification for a small organic dairy would mean economic ruin. Please do not let his farm and any other - as yet unidentified organic farms- be permanently removed from organic certification and be put out of business due to oversight and inattention.

IND1-3 Also, please know that we will continue to give this matter the full attention it deserves until organic farms are identified as directed and either rerouting or organic agriculture impact mitigation planning is implemented.

Thank you,
Amalie Lipstreu
Policy Program Coordinator
Ohio Ecological Food and Farm Association

IND1-1 Table 4.8.5-2 has been updated to include Mr. Yoder's organic farm. Additionally, section 4.8.5.1 has been updated to include additional discussion of impacts on organic farm land and mitigation.

IND1-2 Section 4.8.5.1 has been updated to include additional discussion of impacts on organic farm land and mitigation.

IND1-3 The commentor's statement regarding organic farms is noted.

INDIVIDUALS

IND2 – Charles N. Steele, Ph.D.

Appendix T

T-524

Date: 02/10/16

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C. 20426

RE: Rover Pipeline LLC
FERC Docket No. CP 15-93-000
Letter to the File

Dear Ms. Bose;

IND 2-1

I write this letter in support of the proposed Rover Pipeline Project. I urge the Federal Energy Regulatory Commission to undertake a timely review and action on the project.

As an economist with roots in this region who has studied the issue extensively, it is my opinion that new proposed natural gas pipeline projects — including the Rover Pipeline — are in the best interest of Michigan and Ohio agricultural producers.

My colleague, Gary Wolfram, Ph.D., and I recently authored a white paper that looks in depth at the interrelationship between proposed pipeline infrastructure projects in Michigan and their economic impacts on agriculture in Michigan, Ohio, and the eastern Midwest.

Our findings indicated that new natural gas pipelines would offer substantial benefits to agricultural producers in Ohio, Michigan, and the Midwest in general, with minimal downsides.

For any farm operation, cost control is essential to economic viability. Energy is a major component of farm production expenditures, accounting for over 30 percent of costs. For example, in the case of organic farms, where temperature and climate is essential, natural gas could be a clean, reliable source of heat and humidity control. This would allow tomatoes to flourish within their greenhouses and cows to produce more milk on dairy farms.

Natural gas is important for all aspects of agriculture, and when completed, the Rover Pipeline Project will provide stable, safe, and low-cost access to natural gas for farmers and consumers in Ohio. This project in particular could help reduce agricultural production costs for farm operations, provide stable prices for electricity, and lower prices for fertilizer and pesticides. In turn, this would strengthen the profitability and competitiveness of agriculture in the entire region.

Given the importance of natural gas to agriculture operations, proposed pipelines deserve timely review and approval. Rover Pipeline's design construction, and operation plans are ready. Farmers, and the region at large, stand to benefit greatly from this project, and the Commission should move forward with the approval process.

Sincerely,
Charles N. Steele, Ph.D.
Economist, Hillsdale Policy Group
Associate Professor of Economics, Hillsdale College

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IND2-1

The commentor's statements in support of the proposed Projects are noted.

INDIVIDUALS

IND3 – Rachel Garrison

20160226-4002 FERC PDF (Unofficial) 02/26/2016

IND3-1 I am not a commenter on the FERC Docket on CP15-93 but I follow most of the pipeline and compression projects on the docket and wanted to bring a possible discrepancy to your attention. On both the pre-file and the 7c Application, Energy Transfer proposes a project of 711 miles of pipeline.

However, on page 24 of the Draft EIS released by FERC, the text describes the Energy Transfer Rover Project consisting of 510.7 miles of pipeline ROW; page 54 of the EIS provides the details on this mileage. On page 100, under Pipeline System Alternatives, there is discussion about Rover reaching an agreement with Vector during the FERC pre-filing process to remove 110 miles of pipeline from the original project description. This would reduce the original pre-file proposal to 601 linear miles. Also, if this change did occur during the pre-filing process, Energy Transfer didn't reflect it in their 7c Application as that document references 711 miles.

Further, today FERC issued the Section 7 consultation letter to the USFWS and FERC again refers to a project description of 713 miles of new pipeline in Pennsylvania, West Virginia, Ohio and Michigan which doesn't match the 510.7 miles in the Draft EIS.

IND3-2 The only way I can come up with an explanation is maybe most documents are referring to actual physical linear distance for the total pipeline being installed while the Draft EIS is discussing the ROW distance since you must be counting the installation of the 2 – 42" pipelines along Mainline A and B as one ROW? However, if I assume you are counting both Mainline A and B as one ROW, then the linear distance math still doesn't add up. On page 54 of the Draft EIS, if you add 219.8 miles of laterals, plus 190.9 miles of Mainline A, plus 183.6 miles of Mainline B (installed adjacent to Mainline A), plus the Market Segment of 100.0 miles, one gets a total of 694.3 which is not the 711 miles referenced in the Application or the 713 miles referenced in the USFWS letter. Also, if 110 miles was removed from the originally proposed 711 miles during the pre-filing process, why do we still end up with 694 miles of linear distance in the Draft EIS versus 601?

I just thought I would ask the questions as several people have commented to me about the discrepancies in reviewing the documents for this project; maybe some clarification in the EIS is needed if there is a distinction between linear pipeline distance proposed in the 7c Application versus the ROW distance (based on impacts analysis) being analyzed in the EIS due to the joint ROW for Mainline A and B??

Rachel Garrison

IND3-1 The numbers reported in the draft EIS are correct. During pre-filing, Rover planned to meet its Project objective with 820.8 miles of pipeline within 618.7 miles of right-of-way. However, based on the agreement later reached between Rover and Vector during pre-filing (as described in section 3.2.2), Rover determined that approximately 110 miles of the originally proposed Project was no longer needed. As a result, Rover's application proposed 710.8 miles of pipe within 510.7 miles of right-of-way. In June 2015, Rover filed a supplement to its application, which included adoption of several minor variations for the Project modifying the totals to 712.9 miles of pipeline within 510.7 miles of right-of-way.

IND3-2 As stated in Section 2.0, page 2-1 of the EIS, the Rover Project would consist of 219.8 miles of supply lateral rights-of-way, which includes 18.6 miles of dual 42-inch-pipeline, 190.9 miles of Mainline A, 183.6 miles of Mainline B, and 100 miles of the Market Segment. This totals the 712.9 miles referenced in the FWS letter. Additionally, as stated in IND3-1, during pre-filing Rover proposed 820.8 miles of pipe. After issuance of the draft EIS, Rover submitted additional route variations. These changes have been reflected in the final EIS.

INDIVIDUALS

IND4 – Chris Beebe

Appendix T

20160229-5110 FERC PDF (Unofficial) 2/28/2016 1:16:29 PM

IND4-1

Chris Beebe, EAST SPARTA, OH.

I have numerous concerns regarding the Rover pipeline but one that concerns me above others is the transmission of water through the competed pipeline trench. Rover representatives have expressed that they will not agree to utilize trench blockers in the construction of the pipeline. The route of the pipeline across our property traverses a steep hill. Without trench blockers, after completion of the project, water will follow the pipe through the (former) trench instead of dispersing as it naturally would before the pipeline. This has implications for the watershed and plant life around the pipeline and the hill. Minimum pipeline construction standards should include trench blockers in order to ensure the environment around the pipeline will not be harmed.

IND4-1

As stated in its Plan, Rover has committed to using trench breakers and slope breakers during construction. Additionally, during construction, our third-party compliance monitors would also inspect installed erosion control devices to confirm that Rover is adhering to all measures outlined in its Plans and Procedures.

T-526

INDIVIDUALS

IND5 – David Daniel & Jeanne Littlefield Daniel Trust

20160229-5357 FERC PDF (Unofficial) 2/29/2016 3:33:41 PM

David Daniel/Jeanne Littlefield Daniel Trust, Brownstown Twp., MI.
Dear FERC Staff,

IND5-1 We are requesting that FERC analysts review the following comments that this Trust previously filed to Docket CP15-93: Accession #20150221-5136, #20150428-5010, #20150708-5181, & #20150710-5007. These comments articulate specific concerns regarding our tract, (MI-WA-0043.000) that are inadequately addressed in the Draft EIS. Appendix I-1 still refers to a "county drain" that does not exist. The existence of a perennial stream on our land is still not acknowledged. We are requesting that FERC provide us directly, or file to this docket, all data, e.g. field surveys, aerial photos, topographic maps, alignment sheets, construction drawings, etc., used in arriving at it's conclusion regarding our land.

IND5-2 We need to know that FERC, ROVER, and The Jeanne Littlefield Daniel Trust are all looking at the same data. At this point FERC's assessment of this project remains ambiguous. We feel we are entitled to timely clarification of the status of Rover's intentions so as not to be denied sufficient time and opportunity to comment further on the draft EIS prior to the deadline. Thank you for your consideration.

IND5-3

IND5-1 All comments filed to the docket were reviewed and considered in the draft EIS. Surveyed wetlands and waterbodies within the construction right-of-way are listed in appendix M and appendix L of the EIS, respectively.

IND5-2 All available field surveys, alignment sheets, and topographic maps have been filed to the docket by Rover in its application and in its subsequent supplemental filings. After publication of the draft EIS, Rover filed updated survey results and alignment sheets, including updated information on the commentor's parcel. Rover has identified a forested wetland and a stream that would be crossed by the Project on the commentor's parcel. Rover would be required to cross the wetland and stream using appropriate wetland and waterbody crossing methods as described in its Procedures. Rover's EIs and the FERC's third-party compliance monitors would ensure that waterbody crossing procedures are followed.

IND5-3 The commentor's statement regarding our assessment is noted.

T-527

Appendix T

INDIVIDUALS

IND6 – Sherry Miller

Appendix T

T-528

20160301-5261 FERC PDF (Unofficial) 3/1/2016 2:19:02 PM

Sherry L Miller, Sherrodsville, OH.
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Docket #CP-15-93-000

Dr. Ms. Bose,

- IND6-1 Yesterday we received yet another harassing letter from Rover. Since FERC has issued Rover's DEIS they feel that is the green light to start pushing and bullying the landowners again. In this letter, Rover says that there are no significant environmental impacts from preventing the Rover Pipeline Project from moving forward. That is not how I understood the parts of the DEIS that I read.
- IND6-2
- IND6-3 In Appendix I-1 on Mainlines A and B our property is listed for a "Minor" Route Deviation. We do want this pipeline rerouted but we would not consider it a "minor" deviation. We think this pipeline should be rerouted at least 1 mile away from our home so we can live a safe distance in case it explodes. Right now the route is 150' from our home.
- IND6-4 The entire area that our home sits on is on an abandoned mine. The ground has already been stripped, digging it all up, boring under St Rt 39 and disturbing this land to put these two huge pipelines in worries us. To avoid this abandoned mine (from ODNr website Mine API Number: 340198002002) Rover would have to move their route at least 1 mile from our home to untouched ground and that's what we feel they should have to do before this project gets FERC approval. We bought our land knowing about the abandoned mine we would be building on, we took our chances and that was a choice we had. We do not have a choice about this pipeline.
- IND6-5 Rover tells us two 42" pipelines are going through our backyard, they will not change the route and tough luck. They keep telling us if we do not sign their easement they will take our land from us in federal court and we will be left with nothing.
- IND6-6 Besides the Mine and being so close to our home, there are more concerns about Rovers route in our area that I have commented about several times. They are:
- IND6-7 *Our water well is within 150' of their workspace, Rover has never addressed this issue either.
- IND6-8 *We have several drainage and flooding issues with our property and the property beside us that the pipeline will be routed through. This ground needs to be left alone to drain the way nature made it to drain.
- IND6-9 *There is a plugged oil/gas well on the property next to us in Rovers route. (Well 20717). What will happen when Rover hits this while digging? Its about 25' from our garage.
- IND6-10

- IND6-1 The commentor's statements regarding bullying by Rover are noted.
- IND6-2 The commentor is correct in that the letter provided by Rover is misleading. The draft EIS did not state that there would be no significant environmental impacts associated with the proposed Projects. Section 5.1 indicates that some significant and adverse impacts would occur during both construction and operation of the Projects, but that these impacts would be reduced to acceptable levels given applicable laws and regulations, the mitigating measures discussed in the EIS, and our recommendations.
- IND6-3 As discussed in appendix I and tables 3.4.3-1 and 3.4.3-3, Rover has stated that it would avoid the chicken coop and has committed to avoid impacts on the pet graveyard by installing an air bridge over the area as described in Rover's April 2015 filing. Impacts on agricultural lands would be temporary and would be restored to pre-construction conditions through implementation of the procedures in Rover's AIMP and its Plan. Additionally, the FERC recommended in the draft EIS that Rover reevaluate the route through the property as the landowners concerns did not appear to be addressed. Given Rover's commitment to avoid the pet graveyard, as well as its reduction in workspace on the property that would limit tree clearing to the extent practicable, we conclude that no other variation is necessary.
- IND6-4 See the response to comment LA3-1 regarding pipeline safety.
- IND6-5 Section 4.1.5 of the EIS discusses impacts and mitigation for construction and operation of the Project within 0.25 mile of active and inactive mines.
- IND6-6 The commentor's statement about relocating the pipeline further from the mine is noted.
- IND6-7 See the response to comment CO11-1 regarding landowner compensation and eminent domain.
- IND6-8 Sections 4.1.5 and 4.3.1.5 of the EIS discusses monitoring and testing of water wells within 150 feet of the proposed workspaces. Table 4.3.1-4 lists all known wells within 150 feet of the Rover Project. Rover has committed to pre-construction and post-construction monitoring for yield and water quality for all wells within 150 feet of the Project.
- IND6-9 The potential for flooding and related impacts resulting from the Projects and also upon the pipeline itself following construction, are discussed in sections 4.1.3 and 4.3.3.
- IND6-10 Section 4.1.5 of the EIS discusses mitigation measures for construction of the Project within 100 feet of existing gas wells.

INDIVIDUALS

IND6 – Sherry Miller (cont'd)

20160301-5261 FERC PDF (Unofficial) 3/1/2016 2:19:02 PM

IND6-11 | *Rover purchased Parcel #25-0000884.009 in Orange Twp, Carroll County, right across the street from us. This parcel has an old family cemetery on it (The Belknap Family). Rovers current pipeline route is going right through that cemetery. Where are they putting the human remains? Is that why they purchased this entire parcel, so they could lay this pipe in the graves of someone's loved ones without notifying the public? There used to be headstones there where these people were buried, the headstones just disappeared. This is very disturbing and I can't believe this would be permitted.

IND6-12 | FERC should not allow private companies take peoples property for their own financial gain. If I see a car I really want parked in someones driveway would I be allowed to go knock on their door and tell them Im giving them \$5 for their car that isn't for sale because I want it and I could make a lot of money on it? Would they be forced to sell their car to me for \$5? I don't think so, and I don't think Rover should be allowed to do this either. This is our home, our life we built together, its not right that Rover could be allowed to come take pieces of it and put our family at risk to fill their bank accounts.

Sherry Miller

IND6-11 | Rover has stated that the Project would not impact or cross the cemetery identified by the commentor. Additionally, if human remains are discovered during construction of the Project, Rover would follow the measures outlined in its *Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains*. These procedures state that "Rover will treat any human remains encountered during the Rover Project in a manner guided by the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and by the relevant state laws and guidelines."

IND6-12 | Comment noted. See the response to CO11-1 regarding eminent domain.

INDIVIDUALS

IND7 – Frank Zaski

Appendix I

20160303-5024 FERC PDF (Unofficial) 3/3/2016 10:46:29 AM

Frank Zaski, Franklin, MI.
AUBREY MCCLENDON's American Energy Partners spun off TRAVERSE Midstream Partners, a 35% Rover owner, and ASCENT Resources, a major Rover producer/shipper. Mr. McClendon maintained major stakes in both companies. <http://marcellusdrilling.com/2015/06/mcclendons-new-empire-continues-to-separate-and-leave/>

With the death of Mr. McClendon, it is important for FERC to INVESTIGATE its impact on the required financial levels of both companies. (Just inquiring with Rover is not enough.) There is evidence these companies are in deep financial trouble and may not be able to comply with commitments to Rover.

Ascent was downgraded last year to Moody's LOWEST Caa2 "probable default" rating. <http://marcellusdrilling.com/2015/08/moodys-downgrades-ascent-resources-credit-profile-to-basement/>

A large source of funding for Mr. McClendon's gas deals has also dried up. The private-equity fund Energy & Minerals Group told investors on March 2 it will stop entering new deals. <http://www.reuters.com/article/us-chesapeake-energy-mcclendon-emg-idUSKCN0W425D>

IND7-1

Most Utica/Marcellus producers are in financial trouble with unsustainable debt loads. Many have declared CHAPTER 11. Plus, it appears that Ascent and most Rover shippers/producers do not meet even Rover's minimum creditworthiness criteria for long-term unsecured debt securities of at least BBB- by Standard & Poor's and at least Baa3 by Moody's. <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14013866>

Recall, Rover is a PRODUCER DRIVEN pipeline with considerable reliance on producers for volumes and finances. Bankrupt producers can result in cancelled contracts and pipeline projects.

FERC, it is necessary to investigate the finances of the many Rover producers and shippers nearing default. Many 15 -20 year contracts Rover needs may be in jeopardy. Default of a 35% Rover owner and a number of shippers would greatly impact the financial and volume commitments necessary to proceed with Rover construction.

FERC has to stay on top of this situation in order to look after the Public Benefit.

IND7-1

See the responses to comments CO3-3 and CO3-6 regarding Project need and financing.

T-530

INDIVIDUALS

IND8 – Jeff Johnson

20160307-5009 FERC PDF (Unofficial) 3/6/2016 12:20:44 PM

Jeff Johnson, Spring Lake, MI.
Energy Transfer Rover Pipeline

To whom it may concern:

IND8-1 | The public benefit to be derived from a 150' pipeline easement through woods, farmlands, wetlands and residential areas cannot possibly balance the actual and potential adverse consequences of this unnecessary and destructive project. This is overbuilding to accommodate a need that does not exist.

IND8-2 | In addition to the obvious damage to be inflicted on woods, farmlands, wetlands and residential areas, particularly odious is the use of eminent domain for the sole benefit of gas producers' excess.

IND8-3 | I urge the Commission to revisit their draft EIS, to fully consider the negative impacts of this project on landowners and the environment, and to reject the license proposal for this pipeline.

Thank you.

Respectfully,

Jeff Johnson

IND8-1 | See the response to comment CO3-6 regarding Project need.

IND8-2 | See the response to comment CO11-1 regarding eminent domain.

IND8-3 | The commentor's opposition to the Project is noted.

T-531

Appendix T

INDIVIDUALS

IND9 – Frank Zaski

Appendix I

20160308-5007 FERC PDF (Unofficial) 3/7/2016 9:09:55 PM

Frank Zaski, Franklin, MI.

The Rover EIS uses very DATED electric and gas demand statistics and forecasts for MICHIGAN (at least one is 9+ years old). FERC and Rover usage of these dated statistics greatly overstates the need for natural gas in Michigan.

The following are the most recent energy statistics from the Michigan Public Service Commission (MPSC) and the two major Michigan utilities which account for 90% of sales. These statistics are needed to update the Rover EIS and to be provided to FERC Commissioners for their decision process. This is necessary to avoid an erroneous decision. To summarize these reports:

GAS DEMAND IN MICHIGAN IS DECLINING AND IS PREDICTED TO DECLINE MORE IN THE FUTURE

DECLINING NATURAL GAS DEMAND IN MICHIGAN

Total demand for natural gas in Michigan is lower this decade thru 2015 than in the last decade (2000s). This decline has occurred in all categories - Residential, Commercial and Industrial - except for electric generation.

However, in spite of low gas prices and greater use, ELECTRIC GENERATION ACCOUNTED FOR ONLY 21% OF ALL GAS CONSUMED IN MICHIGAN (2015). Residential accounted for 38%, Commercial 20% and Industrial 19%.
http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SMI_a.htm

IND9-1

GAS DEMAND IS PREDICTED TO CONTINUE TO DECLINE

DTE, the largest utility in Michigan, forecasts a decline in natural gas sales for all rate classes due to efficiencies (12/2015).
<https://efile.mpsc.state.mi.us/efile/docs/17999/0015.pdf>
Consumers Energy also forecasts lower natural gas sales.
<https://efile.mpsc.state.mi.us/efile/docs/17943/0001.pdf>

ELECTRIC SALES CONTINUE TO DECLINE IN MICHIGAN - AND INTO THE FUTURE

2015 electric sales in Michigan were the lowest in 10 years for all rate categories.
<https://www.eia.gov/electricity/data/browser/>

DTE AND CONSUMERS ENERGY PREDICT LOWER ELECTRIC SALES

Per a recent DTE rate case, electric "sales are expected to be 46,371 GWh in 2026. This represents a 0.2% AVERAGE ANNUAL DECREASE IN SALES from 2014." "Industrial sales are expected to DECREASE 0.4% annually, on average, through 2026."

P34 <http://efile.mpsc.state.mi.us/efile/docs/18014/0002.pdf>
Consumers Energy also predicts declining electric sales (Exhibit A-10 (HMM-3) <https://efile.mpsc.state.mi.us/efile/docs/17735/0003.pdf>

IND9-1

See the response to comment CO3-6 regarding need for the Project.

T-532

INDIVIDUALS

IND9 – Frank Zaski (cont'd)

20160308-5007 FERC PDF (Unofficial) 3/7/2016 9:09:55 PM

IND9-1
cont'd

ENERGY EFFICIENCY PROGRAMS ARE LOWERING ELECTRIC AND GAS DEMAND IN MICHIGAN

Per the most recent MESC report, "Collectively, the providers met a combined average of 141 percent of their electric energy savings targets and 130 percent of their natural gas energy savings targets - one percent of retail sales for electric providers, and 0.75 percent of retail sales for gas providers."

"EO programs across the state accounted for electric savings totaling over 1.4 million MWh and natural gas savings totaling over 4.86 million Mcf for program year 2014. Those numbers equate to approximately 172,500 households' annual electric usage, and around 57,000 households' annual natural gas usage."

http://www.michigan.gov/documents/mpsc/2015_Energy_Optimization_Report_501548_7.pdf

RENEWABLE ENERGY ACCOUNTS FOR 10% OF MICHIGAN ELECTRIC GENERATION

"Michigan's 2015 estimated renewable energy percentage will exceed the 10 percent of retail sales requirement." http://www.michigan.gov/documents/mpsc/PA_295_Renewable_Energy_Report_2-12-16_514511_7.pdf?20160212112723

FERC Commissioners must consider that there will not be major growth in natural gas demand in Michigan. Overall, it is expected that gas sales in Michigan will actually decline with efficiency and renewables offsetting increases in gas used to generate electricity. Recall, electricity accounts for only 20% of Michigan's total gas use.

These recent statistics indicate Rover is not needed in Michigan. Please use the correct numbers.

T-533

Appendix T

INDIVIDUALS

IND10 – Thomas and Caryn Dyer

Appendix T

T-534

ORIGINAL

February 25, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Re: Docket No. CP15-93-000
Tract No. OH-WA-100.000, Wayne County, Ohio

Dear Ms. Bose:

IND10-1 I am writing to renew my objection to Rover Pipeline's proposed route across my property. I own 118.05 acres located in Plain Township, Wayne County, Ohio, which Rover is proposed to traverse across.

IND10-2 Rover is proposing to route its pipelines across the northeast corner of my property. Rover will be impacting both my tillable acreage (my income source) and drainage system on the property.

IND10-3 I have expressed to Rover on multiple occasions that if Rover slightly modifies its pipeline route to north by about 100', my property would not be impacted by this project and one less landowner is affected. Despite my previous requests, Rover has never provided an explanation as to why it cannot route its pipeline where I have proposed.

I respectfully request FERC to require Rover to seriously consider this alternative minor route change.

Sincerely,

Thomas & Caryn Dyer

IND10-4 We are also concerned about the amount of noise the dual compressor station will have on our quality of life. We live about 3/4 to 1 mile west of the location for that compressor station and believe a less populated area should be found for the location.

IND10-5

*Sincerely,
Tom Dyer*

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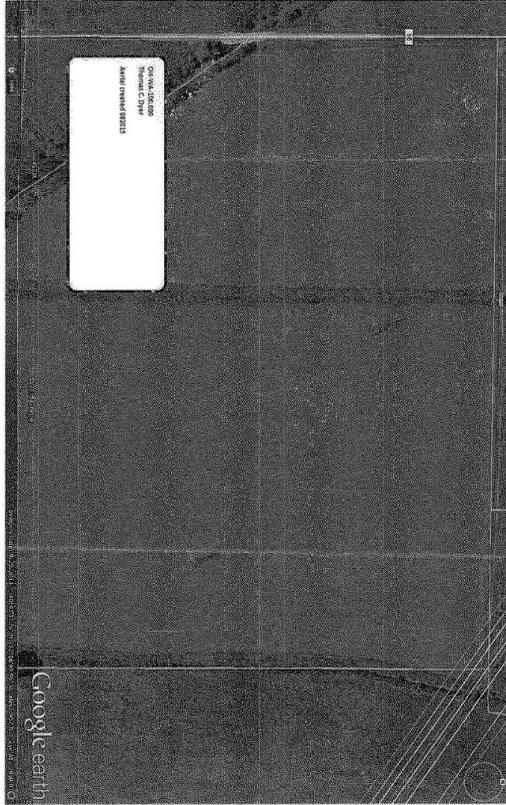
- IND10-1 The commentors' opposition to the Project is noted.
- IND10-2 See the response to CO9-1 regarding agricultural land. See the response to CO9-2 regarding drain tiles.
- IND10-3 We have evaluated the commentors' requested alternative for the pipeline route on this parcel. See our analysis and conclusions in table 3.4.3-3 of the EIS. Based on our analysis, we determined that the proposed route is acceptable and we are not recommending a reroute through this parcel.
- IND10-4 Section 4.11.2.3 of the EIS demonstrates that the Mainline Compressor Station 2 in Wayne County, Ohio would contribute noise levels below our 55 dBA L_{dn} criteria at NSAs (which is based on EPA studies as a noise level to prevent indoor or outdoor activity interference). Further, the increase in noise over ambient conditions would be undetectable at the nearest NSAs.
- IND10-5 Given the limited noise impacts associated with the Mainline Compressor Station 2, as discussed in section 4.11.2.3, we conclude that relocating the compressor station site to an alternate location would not offer a significant environmental advantage.

INDIVIDUALS

IND10 – Thomas and Caryn Dyer (cont'd)

IND10-5

EXHIBIT A
ROVER'S PROPOSED ROUTE



T-535

Appendix T

INDIVIDUALS

IND11 – Russell Taylor

Appendix T

20160308-0062 FERC PDF (Unofficial) 03/07/2016

ORIGINAL

TO: FERC DOCKET NUMBER CP-15-93

IND11-1

HELLO, I AM WRITING TO YOU MY COMMENTS & CONCERNS ABOUT THE ET ROVER PIPELINE CONSTRUCTION WHICH WILL AFFECT MY PROPERTY AND SEPTIC SYSTEM, BECAUSE THEY WANT TO USE MY PROPERTY FOR WORK RIGHT-OF-WAY. I WROTE TO ROVER ALMOST ONE YEAR AGO AND REQUESTED A MEETING WITH A REPRESENTATIVE TO SEE IF THE RIGHT-OF-WAY COULD BE CHANGED. ROVER NEVER CONTACTED ME, SO I AM WRITING TO YOU TO SEE IF WE CAN GET ROVER TO CHANGE THE WORK RIGHT-OF-WAY TO THE SOUTHSIDE OF THE PIPELINE IN A SMALL AREA. THIS SHOULD ELIMINATE ROVER BEING ON MY PROPERTY AT ALL AND SAVE DAMAGE AND COST TO MY LAND & SEPTIC SYSTEM. YOU MAY CONTACT ME AT:

IND11-2

1-740-968-4708
1-740-433-5451

Russell Taylor
43060 MAJOR RD.
FLUSHING OH, 43977

THANK YOU

Russell Taylor

DATE: 3-3-16

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REGULATORY COMMISSION

IND11-1

As discussed in section 4.3.1.7 of the EIS, Rover would avoid impacts on septic systems where possible. If impacts could not be avoided, Rover has stated it would work with the landowners to repair or relocate the existing septic system.

IND11-2

Our analysis and conclusions for the requested route variation are provide in table 3.4.3-3 of the EIS. Based on our analysis, we determined that the proposed route is acceptable and we are not recommending a reroute through this parcel.

T-536

INDIVIDUALS

IND12 – Henry Roth

20160309-5005 FERC PDF (Unofficial) 3/8/2016 7:31:50 PM

IND12-1 Henry Roth, Wheeling, WV.
"Where an excess of power prevails, property of no sort is duly
respected. No man is safe in his opinions, his faculties, or his
possessions." James Madison

IND12-1 The comment is noted.

T-537

Appendix T

INDIVIDUALS

IND13 – Joseph and Patricia Padovan

Appendix T

20160311-0006 FERC PDF (Unofficial) 03/10/2016

To: Kimberly D. Bose, Secretary Federal Energy Regulatory Commission

888 First Street NE, Room 1A

Washington DC 20426

From: Joseph and Patricia Padovan 47935 Center Ridge Road

Joseph Padovan

Beallsville, Ohio 43716-9517

Patricia Padovan

Tel: 740 923 7926 or 330 668 1923

Subject: Suggested Rover Safety and Long Term Life Expectancy Improvements to Sherwood Leg Crossings at MP 48.5 Sunfish Creek and MP 51 Piney Fork Creek

Re: Federal Energy Regulatory Commission Draft Environmental Impact Statement: Rover Pipeline Project; Panhandle and Trunkline Backhaul Projects; Docket Nos. CP15-93-000 CP15-94-000 CP15-96-000

Dear Kimberly,

Date 3/7/2016

IND13-1

The above noted report is an expansive document that covers a wide range of pipeline related environmental impact issues. Being a property owner on the eastern side of the **Sherwood Leg** of the **Rover line** between **MP 48.5** and **MP 51**, the enclosed comments will be focused mainly on local issues.

On its way north, the **Sherwood Leg** crosses **Sunfish Creek** at **MP 48.5** and **Piney Fork Creek** at **MP 51**. These crossings are respectively southwest and northwest of our property. The southern portion of **Piney Fork** runs through the western area of our property. From the **Federal Energy Regulatory Commission** report, it appears that both crossings will be via open trenches. This is somewhat troubling given that both creeks have historically had multiple very violent flood stages that produced significant damage. This includes numerous creek generated landslides on the riparian sides of **CR 29** and **T 802** along with significant damage to multiple bridges and bank zones as well as flooding. **Piney Fork Creek** has recently taken out the northeastern abutment of the bridge on **T 152**, a bridge capable of handling 60 ton truck loads (though not rated that high). The abutment had to be entirely rebuilt out of concrete supported by a rebar lattice work and

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IND13-1

Rover would be required to follow its Procedures for all waterbody crossings. This would include erosion and sediment control devices during construction and complete open-cut crossings within 24 hours in minor waterbodies and within 48 hours in intermediate waterbodies. Once construction is completed, Rover would be required to restore the banks to pre-construction contours and stabilize the banks to minimize erosion. With adherence to these procedures, impacts from open-cut crossings would be minimized.

T-538

INDIVIDUALS

IND13 – Joseph and Patricia Padovan (cont'd)

20160311-0006 FERC PDF (Unofficial) 03/10/2016

IND13-1
cont'd

covered in corrugated steel. Flooding and flow action of **Sunfish Creek** recently caused extensive damage to **Cameron** and its access bridge off **SR 78**. This caused many creek side repairs along with the construction of a replacement bridge. Both creeks build up very high heads and concomitantly fast flow rates that scour their bottoms. This leads to constant down stream flow of a hierarchy of variously sized debris, namely, bank run gravel to 2-3 foot sized boulders, full trees, uprooted tree trunks etc. Much of the rock debris is from bottom side pullouts.

IND13-2

Additionally, as both creeks swell above their banks, their shorelines are eroded leading to the pullout of many variously sized trees. These are typically carried downstream leading to further damage. The worst consequence of debris flow is the generation of entanglements under low overhead bridges that induce yet further flooding through damming action. This has happened on Sunfish Creek at the old Cameron Bridge leading to town flooding and at the **T 152** Bridge over Piney Fork Creek that lead to full valley flooding. This is not an environment for the open trench format, unless very deep. Even laid deeper, it still is very iffy over the long haul. Rather, an **HDD (horizontal direct drilling) crossing** should be employed at locations **MP 48.5** (Sunfish crossing) and **MP 51** (Piney Fork crossing). With sufficient overhead depth, the **HDD crossings** should be adequately safe over the expected life of the **Sherwood leg**. Note, at the **MP 48.5** crossing, the north side stream bank provides sufficient space for **HDD** equipment. At the **MP 51** crossing, the south hillside bank should provide sufficient **HDD** equipment access.

IND13-3

As a final point, **Piney Fork Creek** joins the **Sunfish Creek** that later flows into the **Ohio River** at **Clarington** as a substantial tributary. During flash flood events, the volume of water and entrained debris is very significant. In this context, any in stream and/ or bankside problems/leaks within the **MP 48.5** and **MP 51 Sherwood leg** crossings will have significant collateral effects far downstream. Given their remoteness, it will be hard to rush the proper equipment to aid the repair process. In this context, an **HDD crossing** should be the best long term choice. Having watched the **Private Domain Blue Racer/Ace** pipeline installation of a multiple **HDD crossing** of **Piney Fork** and **Sunfish Creeks**, the **MP 48.5** and **MP 51** crossings will have far straighter and much shorter drilling trajectories.

IND13-2

As Rover would be required to follow the measures in its Procedures for crossing and restoration of the creeks, we conclude that a open-cut crossing would likely limit any increase in debris flow downstream.

IND13-3

Given workspace requirements, geotechnical conditions, constraints, and overall construction feasibility, it is not always feasible or practicable to use the HDD crossing method. See response to comment IND13-1 regarding mitigation measures to limit impacts to the creeks.

T-539

Appendix T

INDIVIDUALS

IND14 – Louis H. Bedford, III

Appendix T

20160314-5002 FERC PDF (Unofficial) 3/12/2016 6:19:06 PM

Louis H Bedford, III, Plain City, OH.

IND14-1

I am commenting on my 109 acre farm located at 50189 Run Rd., Beallsville, Ohio 43716 in Sunsbury township, Monroe county Ohio. I want to comment about the ET Rover, Leach Express and another pipeline proposed by Spectra Texas Eastern Pipeline co. that is scheduled to come through my farm property. All three of these properties are large diameter interstate pipelines that will come across my farm in various planned locations. We already have three large interstate Spectra Texas Eastern pipelines that cross our farm that were installed in the 1940's. So we will have three more big interstate pipelines coming through in addition to the three big pipelines already there. I have seen some of these pipelines proposing to criss-cross out farm. It is absolutely imperative for me to have these three new pipelines be installed side by side stacked against each other. As it stands now these three pipelines are going all over the far,. I won't have a useable farm left. Furthermore, if we keep these three new pipelines all in one area and lined up side by side, my family and I will be safer as these huge lines will be farther away from our house and I will have a chance to survive explosions. And there have been pipeline explosions in the area, as recently as a year ago. Please please please please please make sure these three new pipelines are built side by side by side with the three pipelines already in the ground on our farm. This is only fair. Please don't completely destroy our farm and endanger our safety any more than six pipelines on the farm will already do. This farm has been in my wife's family and now my family since 1880. I don't want to stop progress, but please don't destroy our land and the farm that means so much to us. My cell phone number is 614-507-1472 if you need more information. Thank you.

IND14-2

IND14-3

IND14-4

IND14-1

The commentor's statement regarding the existing pipelines as well as the multiple pipelines across his property is noted.

IND14-2

As discussed in section 2.2.1.1 and table 2.2.1-1, 24 percent of Rover's pipeline rights-of-way would be collocated or adjacent to existing rights-of-way. As proposed in Rover's application and supplements, the Seneca Lateral would be collocated/adjacent to existing rights-of-way on the commentor's parcel. Rover's proposed route would be adjacent to and offset by 40 feet from the existing Texas Eastern Pipelines. Additionally, as currently proposed, the Leach XPress pipeline also appears that it would be collocated with the existing rights-of-way across this property.

IND14-3

See the response to LA3-1 regarding safety of the Project.

IND14-4

See the response to CO9-1 regarding impacts on agricultural land.

T-540

INDIVIDUALS

IND15 – Robin Morse

20160314-5003 FERC PDF (Unofficial) 3/12/2016 9:51:01 PM

IND15-1 Robin morse, Gaines, MI.
Is this pipeline going to affect my property at 8300 Whitney rd. Gaines
, mi. 48436? If so when?

IND15-1 The proposed pipeline route would not affect the property noted
by the commentor.

T-541

Appendix T

INDIVIDUALS

IND16 – Sheila and Stan Bittinger

Appendix I

T-542

20160314-5005 FERC PDF (Unofficial) 3/13/2016 10:47:37 AM

sheila bittinger, cadiz, OH.
FERC
888FirstStreet,N.E.,
Washington DC 20426

ATTN: Decision Makers
Docket No. CP15-93

IND16-1 This land is your land this land is my land, "or is it"?
IND16-1 This letter is in regards to pipelines in Harrison Co. I do not want the pipeline on my property what so ever. From day one of meeting the representative of ET Rover we were threaten with "eminent domain". We were told they just want to look. Now I believe they want to take about 1/3 of my property that I will no longer be able to do anything with yet I will continue to pay taxes on that property. We have already suffered property damage caused by an ET Rover employee, as a result of their malice. And they deny the malice.
IND16-2 I am pleading with you to deny the ET Rover Company out of TX the ability to inflict eminent domain on any property owner. This is the USA and a private company should never be able to inflict imamate domain. In no way does a pipeline line help anyone but the owner of the pipeline. It does not help me or you or the average American. In fact the price of natural gas has increased since the Marcelas Shale started. Not sure how more gas to sell makes it more expensive but it has. And they state the fact of cheap natural gas for America.
IND16-3 We bought our property in 1989 and have worked hard to make it what we wanted to be. I myself have planted over 1500 trees and now they want to destroy what we have worked so hard to create. The street I live on has not been paved since 1998. We bought this property for several reasons one being a paved road. When we moved here we brought our small business and hired at the time some of the local high school graduates which still work for us today. So we are not only land owners but we also have a business. We worked hard for what we have. We own our property, we pay the taxes our property, and it's our property. If the shoe was on the other foot what would you want. Our kids and grandkids have and are starting memories here. We fish and hike and live and work and maintain our property. We have hand prints in the concrete and growth charts on the wall in the kitchen. We don't want to move. My kids were planning on building homes on this property, now what do they do.
IND16-4 I will ask again, Please don't give ET Rover the power of eminent domain. There are military service men fighting for ours and others freedom. Don't let that be all in vain.
IND16-5 There are American's fighting for our freedom everyday, don't make it in vane.
IND16-6
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Sheila & Stan Bittinger
81331 Hines Rd
Cadiz OH 43907
740-942-3412

- IND16-1 The commentors' opposition to the Project is noted.
- IND16-2 See the response to CO11-1 regarding eminent domain. As discussed in the EIS, most uses of land encumbered by the easement would be permissible after restoration is completed.
- IND16-3 The commentors' statement regarding property damage is noted.
- IND16-4 The commentors' opposition to the Project is noted.
- IND16-5 The price of fuel oil and natural gas are dependent on many factors, and prediction of future prices is neither feasible nor within the scope of this EIS.
- IND16-6 Recreational activities such as hiking and fishing would be able to continue during operation of the Project. Temporary disruption of these activities may occur during construction. Compensation for tree removal would be included as part of easement negotiations with Rover.
- IND16-7 See the response to CO11-1 regarding eminent domain.

INDIVIDUALS

IND17 – Kim Hartle

20160311-0037 FERC PDF (Unofficial) 03/11/2016

ORIGINAL

Date

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C., 20426

RE: Rover Pipeline, LLC
FERC Docket No. CP 15-93-000
Letter to the File

Dear Ms. Bose;

It's no secret that America's infrastructure needs improvement. It's also no secret that skilled workers here in Michigan need access to more jobs.

The Rover Pipeline will help meet those needs while also providing access to clean, affordable natural gas. That's hard to argue with.

The Federal Energy Regulatory Commission has an opportunity to green light this project that will create between 1,000 and 1,500 jobs for Michigan workers. The sooner construction begins, the sooner those laborers and their families will feel the benefits.

Those workers will put their paychecks to work right here in their own communities, helping to propel economic growth for countless other businesses.

In addition, the Rover Pipeline will provide nearly \$1 billion to workers and companies in the United States. 76 percent of the tools and supplies needed for construction will be manufactured right here at home.

For the jobs, economic benefits, and energy independence the Rover Pipeline will support, FERC should approve it now.

Sincerely,

Kim Hartle

Address:

*370 County Line Rd
Rosebud, AR
72137*

FILED
SECRETARY OF THE
COMMISSION
2016 MAR 11 P 2:39
FEDERAL ENERGY
REGULATORY COMMISSION

IND17-1

IND17-1

The commentor's support of the Project is noted.

T-543

Appendix T

INDIVIDUALS

IND18 – Jean Barbe

Appendix T

20160317-0032 FERC PDF (Unofficial) 03/17/2016

 ORIGINAL

Date *March 8th, 2016*

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C., 20426

FILED
SECRETARY OF THE
COMMISSION
2016 MAR 17 A 11:34
FEDERAL ENERGY
REGULATORY COMMISSION

RE: Rover Pipeline, LLC
FERC Docket No. CP 15-93-000
Letter to the File

Dear Ms. Bose;

I am writing to ask for FERC approval of the Rover Natural Gas Pipeline. It is an important project that will not only supply Michigan families and businesses with fuel, but also provide much-needed construction and manufacturing employment for Michigan workers.

I am a union worker. I respect Rover's pledge to use both union labor and American-made materials whenever possible in the building of the pipeline. Union workers are thoroughly trained in modern pipeline construction techniques, and the use of U.S. pipe, fittings, and other materials ensures the highest quality components. The combination of union labor and American materials will make Rover functional, dependable, and safe.

Rover will support as many as 1,500 Michigan jobs. On behalf of my fellow Michigan union members I ask you to approve this pipeline as quickly as possible.

Sincerely,

Jean Barbe

Address:

*2536 Buccaneer Drive
Marrero, La 70072*

IND18-1

IND18-1

The commentor's support of the Project is noted.

T-544

INDIVIDUALS

IND19 – Thomas H. Von Deyles

20160318-5046 FERC PDF (Unofficial) 3/18/2016 11:13:09 AM

Thomas H Von Deylen, Napoleon, OH.

To Whom it May Concern:

My name is Tom Von Deylen. I am from Henry County, Napoleon, Ohio. With the presumed imminent approval of the ETRover pipeline through my county, I wanted to make a comment about the construction process and the role of FERC in that process. The pipeline is crossing some of the most productive farm ground in Ohio as well as in the United States. I have been told that Henry County, Ohio has the most farm drainage per total acreage of any county in the United States. While I do not have documentation to prove that fact, I am aware that nearly every acre of tillable farm ground in Henry County has underground drainage. It is impossible to estimate the value of this drainage to each land owner. In some cases, the pipeline is separating acreage from the natural fall of the drainage. Because of this, it is extremely important to each landowner/farmer that the repair and/or rerouting of any drainage tile be completed properly. Therefore, it is crucial to the landowners in Henry County, as well as all other farm land owners across the State of Ohio that have farm drainage that ETRover be held to their word considering the proper reconstructing of farm drainage. At a hearing in Defiance, Ohio, in July of 2014, a FERC representative told me that all provisions of any FERC approval would have to be met before any gas could be transferred through this pipeline. I would hope that FERC includes the requirement for land owner approval in any farm drainage reconstruction in the permit and holds ETRover to that promise rather than forcing land owners to seek legal action to force ETRover to pay for any corrective construction. When considering the approval of this permit, I would like to mention that a small underground pipe was installed in the same general area of my county in the late 1950's. The effect of that pipeline can still be seen on overhead photos of crops over 50 years later. This much larger line will affect the land much more significantly than that smaller line. It will not affect it for one year. It will not affect it for three years. It will affect that land for generations. The land owners must be treated fairly and FERC can be the first line in that protection by demanding that ETRover satisfy these land owners.

IND19-1

IND19-1

See the response to comment CO9-2 regarding drain tiles.

IND19-2

IND19-2

See the response to comment CO9-1 regarding crop productivity and monitoring.

T-545

Appendix T

INDIVIDUALS

IND20 – Rob Rettig

Appendix T

T-546

20160321-5084 FERC PDF (Unofficial) 3/21/2016 10:53:30 AM

IND20-1	<p>Rob Rettig, Napoleon, OH. Hello. My name is Rob Rettig. I am a farmer from Henry County. I want to thank you for the opportunity to speak on behalf of the farmers affected along the Rover pipeline route. The proposed pipeline runs through three of my family's farms and four others that we have been entrusted to operate for three other families and a church.</p> <p>My formal education is in economics and I am a local school board member. Therefore I can understand and appreciate the potential positive impact of the proposed pipeline. However, as a citizen of a country which honors and respects an individual's property rights, I would expect that those who sacrifice for a for profit entity would be honorably treated and properly compensated.</p>	IND20-1	See the response to comment CO11-1 regarding landowner compensation.
IND20-2	<p>The farms that we operate which lie in the path of the proposed Rover pipeline are extremely productive. We grow fresh market green beans which are distributed all over North America. We also grow popcorn for brand names Orville Redenbacher and Pop Weaver which are distributed throughout the world. Our yields and quality are among the very best for those commodities. We appreciate the various forms of infrastructure which contribute to our economy. We as farmers very much appreciate and value the quality of the natural resources entrusted to our care. It is difficult to imagine such an invasive process as the installation of these pipelines would not have a negative impact on the quality and market value of these resources.</p>	IND20-2	As discussed in section 4.8.4, with implementation of Rover's CMPs and our recommendations we conclude that impacts on agricultural land would be short-term and temporary.
IND20-3	<p>We have repeatedly been told that there is an expectation that the soil productivity will return to normal after three years. Our past experience with invasive activities in these clay based lakebed soils would indicate otherwise. Experience also would indicate that the long term damage to soil structure will largely be predicated by soil and weather conditions at time of installation. We will be able to objectively measure productivity in perpetuity with our geo-referenced spatial equipment. If Rover and others are convinced that 100% productivity is the expectation, I would suggest commitment to a long-term compensation agreement based upon this easily measured productivity should be welcomed.</p>	IND20-3	See the response to comment CO9-1 regarding restoration of agricultural land and crop productivity.
IND20-4	<p>It alarmingly appears that Rover is using as its' baseline for negotiations an eminent domain case that is both dated and based on less productive and differently structured soils. Other pipeline projects have budgeted three times the amount of Rover per foot for procurement of access rights. Access right procurement is a minute portion of Rover's overall budget.</p>	IND20-4	See the response to comment CO11-1 regarding landowner compensation and eminent domain.
IND20-5	<p>We have also been discouraged by Rover's reluctance to accept the drainage remediation plans as recommended by its' agent Land Steward's and our local contractors. If these remediation efforts are handled incorrectly, the cost to an individual landowner could be tens of thousands of dollars on an annual basis. Of course an oft overlooked item is the fact that we landowners and landowner representatives have invested hundreds of hours of individual time and hundreds of miles of travel to meetings that of course would have been otherwise invested.</p>	IND20-5	See the response to comment CO9-2 regarding drain tiles.

INDIVIDUALS

IND20 – Rob Rettig (cont'd)

20160321-5084 FERC PDF (Unofficial) 3/21/2016 10:53:30 AM

IND20-6

I understand that routing requests might be difficult or impossible. However we have a request that has been denied that would, at least at face value, not seem unreasonable and would save Rover thousands of dollars of remediation costs. It is asking that Rover alter the route by 84 feet at either end of a half mile section. This would result in the pipeline running exactly parallel to the existing tile lines and would eliminate the need for collector mains. This parcel is OH-HEN-49.000.

Thank you again for considering my concerns. I would again cordially invite each and every one of you to visit our farm. We would relish the opportunity to share the details of our practices as well as the sources and reasons for our concerns. You have been receptive to expressed concerns in the past, and for that we are extremely grateful. Thank you again.

IND20-6

Rover filed two minor route variations in April 2016, including one for the commentor's parcel. We believe that the route variation addresses the commentor's concerns.

T-547

Appendix T

INDIVIDUALS

IND21 – Anthony A. Lause

Appendix T

20160321-5090 FERC PDF (Unofficial) 3/21/2016 12:02:11 PM

Anthony A Lause, LinnCreek, MO.
FERC
Rover Pipeline
Docket CP15-9300

Dear FERC,

I have many concerns about the Rover pipeline that is being considered to be placed on my farm in Wood County, Ohio on parcel K40-409-340000007004 or Rover Tract #OH-WO-073.000.

IND21-1

1) My property value will be decreased because the usage will now only be limited to agricultural. I was planning on retiring to the farm and building a new home there. This pipeline will now make that impossible.

IND21-1

See the response to comment CO9-3 regarding insurance, property value, and mortgages.

IND21-2

2) What will my liability of an accident from the pipeline inside and outside of their easement? Will I be forced to pay additional insurance premiums forever against something I have no control over? My tile system runs into the Maumee river watershed that feeds into Lake Erie. What will be my liability with EPA if something spills into this watershed during or after construction? This is not in Rover easement but they will have a big impact on this. In the past, the Crossroads pipeline did have a leak that released oil into our drainage system that polluted our ditch. This does happen!

IND21-2

As discussed in section 2.3 of the EIS, Rover would implement its Spill Procedures during construction and operation to prevent and if necessary contain and clean up accidental spills. Any spills resulting from construction or operation of the Project would be the responsibility of Rover.

IND21-3

3) I have many agricultural concerns. Back in the 60's a different pipeline company (currently Crossroads Pipeline) installed an oil pipeline that Rover is paralleling to the North side. This pipeline was installed over 50 years ago and even today you can see aerial photos of the line where the soil has not recovered and yields have never been the same as before. I have over 40 strings of sub surface drainage tile that will be impacted. These were all installed after the Crossroads Pipeline was installed. These will all be cut and will have to be modified. My soil type is a Hoytville clay that is a very tight soil with slow drainage and is very susceptible to compaction. On paper, it says that it will work as good as before but you know that the drainage system will never be same. A few years after the pipeline is installed, I will need to add some new lines to take care of problems that were not resolved. Will I have recourse for Rover to reimburse me for this additional trouble and expense.

IND21-3

See the response to comment CO9-1 regarding restoration of agricultural land. See the response to comment CO9-2 regarding restoration of drainage tiles.

IND21-4

4) During construction, their easement will be 10.55 acres of my 38.68. During the one-two years of construction, my farm operation on the other 28 acres will be drastically impacted. Normally I would have end rows on 660 feet. During construction this will be 1,998.9 feet, that is 3 times what I should have. This will increase my input costs (my expense to grow a crop) and will decrease the amount of Income (yield) I receive from the area Rover is not impacting. This will also increase the compaction outside of their easement. I have not seen this addressed!

IND21-4

Compensation for loss of crop productivity, including areas indirectly impacted, would be part of the negotiations between the landowner and Rover.

IND21-5

5) Along with my subsurface tile system, I also have a surface waterway that I reconstructed a few years ago with considerable expense. With soil mounds and heavy equipment, I have a concern that this waterway

IND21-5

As discussed in Rover's AIMP, Rover would be required to restore all land to its original contours to ensure all surface drainage is returned to pre-construction conditions. If surface drainage problems develop, Rover would be required to appropriate mitigation within 120 days of notification by the landowner.

T-548

INDIVIDUALS

IND21 – Anthony A. Lause (cont'd)

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IND21-5
cont'd

will again have to be reworked outside of the easement to function properly in the future. I may take 5 years or more to evaluate what needs to be done.

IND21-6

6) My brother has a farm just to the south of me that is the same drainage system. I Rover fails to maintain my system effectively; my brother will also be affected with problems.
7) I also have 1.2 acres of Conservation Reserve Program that lies to the North. This has been an effective water runoff protector for the Maumee River watershed that runs into Lake Erie. It supports local wildlife i.e. native birds, deer and small game. With the construction of the pipeline this nesting area will be effected.

IND21-7

Thank you for giving me the opportunity to respond to your DEIS.

Sincerely,

Anthony A Lause
28 Sylvan Hills Rd
Linn Creek, Mo 65052

IND21-6

See the response to comment CO9-2 regarding drain tiles.

IND21-7

Section 4.8 of the EIS describes potential impacts on lands owned or managed by federal, state, or local agencies; planned developments; and discusses compliance with special governmental programs such as the Conservation Reserve Enhancement Program.

T-549

Appendix T

INDIVIDUALS

IND22 – Sheila Bittinger

Appendix I

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sheila bittinger, cadiz, OH.
FERC

- IND22-1 I am concerned about the Rover Pipeline due to the fact that I will have 2- 42" bombs in my back yard that could blow the top of the mountain I live on off at any time. Should I decide to move which I would try to do I will have a hard time selling my property for the value I want because who wants 2 bombs in the back yard also who wants to buy property that Rover has control of and I or the new owner can no longer do anything with yet will still pay property tax on. I would walk away from a purchase of a home that has 2 bombs in the back yard," in a second". The property they want of mine is what I consider to be prime property. It would be almost all the flat property because I live on the top of the mountain. My children were planning on building homes on this property. It is easier to build a house on level ground the on the side of a mountain. You need to consider how you would feel if it happened to you and a greedy lying company who has threated you from day one and damaged property. I have told them to stay off my property or I will shoot them. I still feel that way. I am not sure what will happen if this goes through and FERC decision makers need to be aware of all the property owners that are pissed. I think you need to pay attention to us and empty your pockets of ROVER money. How would you like me coming to your property and putting land mines in 1 third of it and giving you nothing? Answer that PLEASE.
- IND22-2
- IND22-3
- IND22-4 I am concerned about my well water and my 2 ponds that are stocked with fish. Can you tell me for absolute certainty that I am safe and my well water and ponds are safe? Answer that PLEASE. Are they going to get and keep some kind of insurance for the property owners in case of explosion? Do you know what kind of damage 2- 42" gas pipelines would do if it exploded. Would it blow up a mile of property or a block or what? Please answer that. You should know all these answers considering you are the ones making the decision for us. This is not for the betterment of the country you can ship gas by train or truck just as easily as by pipeline but pipeline is cheaper and the Gas Company can make more money faster. I don't care about what they want especially since they want my property. I am asking you to expect everything from them in the way of what is right. I am asking you to put yourself in my shoes and consider my concerns and the fact that this is scary and dangerous and you are asking me to deal with it and letting Rover and the Gas Company stomp all over my rights to make billions and walk away from any problems. I asked my friends would they purchase a house for full value that had 2 bombs in the back yard and all of them said absolutely not. They said they wouldn't even look at a home with a pipeline near it.
- IND22-5
- IND22-6
- IND22-7
- IND22-8 I know that my tax bracket will change because if I can't make hay I won't get the tax break that I get for farming.
- IND22-9 I have also never timbered my property and one reason is that certain birds need a certain height tree. The neighbors around me have timbered 2 or 3 times since I moved here. Put the pipeline on their property. There is other property around me that would welcome the money and accept the risk. NOT ME. I have planted over 1500 trees with about 1300 being on my property. I care about the future of my kids and grandkids and the Earth.

- IND22-1 See the response to comment LA3-1 regarding pipeline safety.
- IND22-2 See the response to comment CO9-3 regarding property values.
- IND22-3 The commentor's statements are noted.
- IND22-4 See the response to comment CO16-4 regarding water wells within 150 feet of the Project.
- IND22-5 See the response to LA3-1 regarding pipeline safety. Section 4.12.1 of the EIS has been updated to identify the potential impact radius for each pipeline. The potential impact radius is the area, as defined by the DOT regulations, within which the potential failure of a pipeline could have significant impact on people or property. This area is based on the pipeline's maximum allowable operating pressure and the diameter of the pipeline. The largest area would be for the 42-inch diameter pipelines and would be about 1,100 feet. However, the likelihood of an incident is very low.
- IND22-6 See the response to comment CO19-41 regarding transport by truck or train.
- IND22-7 The commentor's statement regarding property value is noted.
- IND22-8 All agricultural activities would be allowed to continue once construction is complete. See section 4.8.4 of the EIS regarding a discussion on agricultural impacts and restoration. As such, we do not believe the commentor would experience a long-term impact on their ability to make hay.
- IND22-9 Impacts and mitigation for forested lands are discussed in sections 4.5 and 4.8.

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INDIVIDUALS

IND22 – Sheila Bittinger (cont'd)

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IND22-9
cont'd

I don't want to move. We have memories here. I have the grandkids height chart on the wall in my kitchen here and they look forward to being measured on their birthdays. I have my kids hand prints in the concrete outside right after we build the house in 1989. My son's tree house in the woods the ponds they love to fish at. This is A LOT to ask and it shouldn't come cheap for those who want it and those who accept it. NOT ME!!

IND22-10

It is stuff like this that makes people turn against the government. That is where I am right now.
I am asking you to absolutely know the risk and understand the property owner. I am asking you to pay attention to the property owner and the dread we feel and the concern we feel to live a healthy life. I am asking you to side with the property owner and make Rover and the Gas Company that Rover is building the pipeline for do everything in their power to keep the property owner safe and pay any and all compensation required. They can afford it and they should do the right thing and so should you. Pay attention to us!! That is what is right.

IND22-10 The commentor's opposition to the Project is noted.

T-551

Appendix T