Conflicts of Interest Color, Undermine, and Invalidate FERC Pipeline Decision-Making

There Exists an Employee Revolving Door Between FERC and the Fracking Industry

The revolving door between FERC employees and industry includes agency staff up to the Commissioner level. This revolving door shapes how FERC employees view issues generally, affects the overall mindset of the agency, and creates bias. In 2014, according to press reports there were over forty instances of FERC employees, including its Commissioners, seeking multiple opportunities with grid operators, law firms and utilities that the agency regulates.1

Current FERC employees are able to begin negotiations with the industry for employment while still on the FERC payroll. This clearly enhances the incentive to engage in favorable agency decision-making biased towards the industry and against the public as employees try to advance their chances of securing a more lucrative and powerful position. Examples of conflict arising from this scenario include:

- Former FERC Commissioner Philip Moeller left his post at FERC to work in Washington D.C. as the Senior Vice President of Edison Electric Institute, one of the top lobbying firms for electric utilities,2 and as the Non-Executive Director of Liquefied Natural Gas Limited.3

- Larry Gasteiger, former chief of staff at FERC, left the agency to work as the chief of federal regulatory policy at Public Service Enterprise Group, a major New Jersey utility company.4

- Pat Wood, a former FERC Chairman, became chairman of the board at Dynegy, a natural gas and coal power generating firm.5

- Michael Yuffee, a former attorney-advisor in FERC’s Office of Administrative Law Judges, left the Agency for the law firm representing developers of the Dakota Access oil pipeline, Norton Rose Fulbright LLP.6

- Mason Emnett, deputy director of FERC’s Office of Energy Policy and Innovation, “left

1 Staff Conflicts of Interest Attachment 6, Hannah Northey and Kevin Bogardus, E&E News, Employees Negotiate for Industry Jobs Under Agency’s Eye, April 7, 2015.
3 Staff Conflicts of Interest Attachment 8, LNGL Media Release: Appointment of Third US-Based Non-Executive Director, December 7, 2015.
the agency after almost eight years … to take a position as a senior attorney for NextEra Energy Inc.”

The increased access resulting from the revolving door benefits the industry within the halls of FERC – the only question is what form, and to what degree, this bias manifests itself.

Several documents demonstrate the ease with which former FERC Commissioners, former attorneys, the former Director of Pipeline Certificates, and other former employees arrange meetings with and otherwise access current FERC Commissioners and employees. For example, Former Commissioner Suedeen Kelly frequently and colloquially communicates with current FERC Commissioners on behalf of her client, Spectra Energy, and former Deputy Director of the Office of Energy Projects and former Director of Pipeline Certificates Berne Mosley does the same regarding the Atlantic Coast Pipeline Project.

Self-Interest Compounds Concerns Regarding FERC’s Decision-Making Process
FERC employees, including Commissioners, are known to decide on projects that serve their own financial self-interest.

For example, as reported by Desmog Blog:

During former Commissioner Philip Moeller’s nearly ten-year tenure with FERC, “Moeller’s wife was employed as a lawyer and lobbyist for the Washington, DC-based firm Pillsbury, Winthrop, Shaw & Pittman LLP… the Commission’s counsel repeatedly authorized Moeller to rule on matters concerning companies represented by his wife or others at Pillsbury Winthrop” (emphasis added). While Philip Moeller had secured a waiver from a FERC Ethics Official, the inappropriate bias and self-dealing cannot be said to have been remedied by those steps. One such example of how this benefit played out is as follows: In 2010, Ms. Moeller began lobbying for a company that held agreements to drill for natural gas in Pennsylvania’s Marcellus Shale. Soon thereafter, her husband and the Commission approved a number of new natural gas projects in the Northeast that would carry fracked gas from the Marcellus Shale, such as Spectra’s Texas Eastern Appalachia to Market project and New Jersey-New York Expansion project.

Other examples of self-dealing by FERC officials include:

The hiring of former FERC Outreach Manager of the Office of Energy Projects, Douglas Sipe, by an engineering firm with a $1.8 million stake in the Spectra Energy Pipeline

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7 Staff Conflicts of Interest Attachment 6, Hannah Northey and Kevin Bogardus, E&E News, Employees Negotiate for Industry Jobs Under Agency’s Eye, April 7, 2015.
9 Staff Conflicts of Interest Attachment 12, Commissioner Honorable Enclosures 13-26, emails from August 17, 2015 and September 10, 2015.
10 Staff Conflicts of Interest Attachment 14, DeSmog Blog, Revealed: Ex-FERC Commissioner’s Multiple Rulings Favored Energy Companies His Wife Lobbied For, August 22, 2016.
Mr. Sipe served as the Environmental Project Manager for the project while at FERC.11

Maggie Suter, a FERC official tasked with reviewing the Cove Point and Atlantic Bridge projects, is married to Phil Suter, a paid consultant for a related project, Access Northeast. When Mrs. Suter told her supervisors at FERC of the potential conflict, she was allowed to remain in her role of reviewing the two projects.12

It is clear from these examples that FERC and its employees are not acting as unbiased professionals during the fracking infrastructure approval process, but instead are making licensing and approval decisions based on existing industry relationships and their own personal and/or financial self-interests.

Attachments:
- Staff Conflicts of Interest Attachment 1, DeSmog Blog, *FERC Chairman Used Not-Yet-Published Guidelines to Deny Wrongdoing in Hiring of Contractor for Spectra Pipeline*, October 19, 2016.
- Staff Conflicts of Interest Attachment 3, Letter from Senator Elizabeth Warren to FERC regarding Atlantic Bridge Conflict of Interest, June 9, 2016.
- Staff Conflicts of Interest Attachment 8, LNGL Media Release: Appointment of Third US-Based Non-Executive Director, December 7, 2015.
- Staff Conflicts of Interest Attachment 9, Meeting with Larry Gasteiger, Norman Bay, and Joe

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Kelliher regarding NextEra Energy, July 8, 2015:

Meeting with Larry Gasteiger, Norman Bay, Andy Black, among others, regarding the Association of Oil Pipelines October 22, 2015

Meeting with Norman Bay, Larry Gasteiger, and Suedeen Kelly, among others, regarding the Northeast Energy Direct Project, November 13, 2015

Staff Conflicts of Interest Attachment 10, Meeting with Norman Bay and Mustafa P. Ostrander, among others, regarding Tallgrass Energy meet and greet, January 4, 2016.

Staff Conflicts of Interest Attachment 11, Email from Suedeen Kelly to Andrew Holleman regarding phone call with Commissioner LaFleur, August 3, 2015.

Staff Conflicts of Interest Attachment 12, Commissioner Honorable Enclosures 13-26, emails from August 17, 2015 and September 10, 2015:

Email from webform@ferc.gov to Robert Thormeyer, among others, requesting a meeting between FERC Commissioner Honorable and Berne Mosley, Dominion Consultant, to discuss the Atlantic Coast Pipeline and Supply Header Project, August 17, 2015

Email from Suedeen Kelly to FERC Commissioner Honorable, among others, regarding Northeast Energy Direct pipeline expansion, September 10, 2015

Email from Suedeen Kelly CC’ing Robert Thormeyer regarding meeting Commissioner Honorable, November 5, 2015


Staff Conflicts of Interest Attachment 14, DeSmog Blog, Revealed: Ex-FERC Commissioner’s Multiple Rulings Favored Energy Companies His Wife Lobbyed For, August 22, 2016.


People's Dossier: FERC's Abuses of Power and Law → Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 1, DeSmog Blog, *FERC Chairman Used Not-Yet-Published Guidelines to Deny Wrongdoing in Hiring of Contractor for Spectra Pipeline*, October 19, 2016.
FERC Chairman Used Not-Yet-Published Guidelines to Deny Wrongdoing in Hiring of Contractor for Spectra Pipeline

Responding to an inquiry by two U.S. senators, the chairman of the Federal Energy Regulatory Commission (FERC) cited not-yet-published guidelines in an attempt to deny any missteps by the Commission in its past hiring of a contractor that reviewed a proposed gas pipeline.

As DeSmog first reported, that contractor potentially had a conflict of interest.

In mid July this year, FERC chairman Norman Bay replied in writing to an inquiry by Massachusetts Senators Elizabeth Warren and Ed Markey, who were seeking answers on the hiring of Natural Resource Group (NRG), a third party contractor, to conduct an environmental assessment for Spectra Energy’s Atlantic Bridge natural gas project.

Senators Warren and Markey raised the alarm following revelations by DeSmog about a possible conflict of interest in the early 2015 hiring of NRG, which at the time was already working for PennEast Pipeline, a consortium that includes Spectra.

As DeSmog previously reported, disclosure documents submitted to FERC reveal that when hired to review Spectra’s Atlantic Bridge, NRG did not disclose its work on the PennEast Pipeline.

Bay sought to assure the Senators that FERC followed its own guidelines in the selection, vetting, and eventual hiring of NRG.

Yet, DeSmog has found that Bay based his assertions on specific screening procedures that were published by FERC only in mid August — more than a month after he sent his letter to the Senators. The procedures were detailed in a revised version of a handbook FERC had been using to describe the process by which it screens and hires third party contractors.

A comparison of Bay’s phrasing to a segment of the revised handbook shows they are identical.
FERC Chairman Used Not-Yet-Published Guidelines to Deny Wrong... about:reader?url=http://www.desmogblog.com/2016/10/19/ferc-chai...

On the left, a portion from Chairman Bay’s letter; on the right, a segment from FERC’s new handbook on hiring contractors.

The revised handbook outlines a more rigorous and detailed process in the selection of third party contractors. For instance, the new guidelines require the screening of all candidates for potential conflict of interest by professionals of the General and Administrative Law section — a division within FERC’s legal office — before a final selection is made.

While in reality FERC may have used a similar vetting process in the earlier hiring of NRG for Atlantic Bridge, it is unclear why Bay quoted these new and more detailed guidelines. His letter further suggests that these procedures were applied to the hiring of third party contractors in at least the past five years, which would include the selection of NRG for Spectra Energy’s related project, the Algonquin Incremental Market.

As DeSmog previously reported, at the time it was hired to review the Algonquin Incremental Market on FERC’s behalf, NRG was already working for Spectra on other projects. During the review process, Spectra continued to hire NRG for no less than five other projects.

Bay’s citing of guidelines that had yet to be publicized also raises questions as to why he didn’t inform the senators that FERC was clearly in the midst of re-examining and revising its own guidelines for the hiring of third party contractors.

Senators Warren and Markey have since sent FERC’s Chairman a follow-up letter, seeking further answers on the potential conflict in the Atlantic Bridge project. Bay has yet to respond to that letter, which was sent over two months ago.

In a comment provided to DeSmog, a FERC spokesperson says that Chairman Bay’s letter
reflected existing procedures at FERC, which the revised handbook merely detailed and sharpened.

The FERC spokesperson told DeSmog:

"The Chairman's letter outlined the procedures we were following at the time. The guidance document did come out later, but we were following the procedure in question before the guidance document was revised. When the guidance document was revised, it was made more explicit to reflect what we already were doing."

Yet environmental watchdog groups, which have criticized FERC for consistently approving new gas projects, are still troubled by this latest revelation.

"Chairman Bay's misrepresentations to Senators Warren and Markey speaks to the dire need for serious reform at FERC, which acts as a rubber stamp for the oil and gas industry," says Karina Wilkinson, a Massachusetts Coordinator for Food & Water Watch. "We have opposed Spectra's build-out along the Algonquin line from the outset, and it goes without saying that environmental reviews of the projects should not be conducted by a company with a conflict of interest.

"Residents have the right to be assured that an impartial review is being done," Wilkinson adds. "If pro-industry companies are reviewing the project proposals, then it is just one more way that FERC can guarantee that these pipelines will be approved."

Food and Water Watch, together with a number of other groups and residents affected by Spectra's new projects in the Northeast, have taken legal action against FERC. The coalition has recently filed a Motion for Stay in a DC Court of Appeals, seeking to halt the construction of the Algonquin Incremental Market. In part, they cite the revelations of a possible conflict of interest in hiring NRG to review the project.

*Main image:* [FERC Chairman Norman Bay Credit: Federal Energy Regulatory Commission](http://www.desmogblog.com/2016/10/19/ferc-chai...
People's Dossier: FERC's Abuses of Power and Law → Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 2, DeSmog Blog, Former FERC Official Hired By Company With $1.8 Million Stake in Spectra Energy Pipeline Project He Had Reviewed, June 6, 2016.
Former FERC Official Hired By Company With $1.8 Million Stake In Spectra Energy Pipeline Project He Had Reviewed

An engineering company with a $1.8 million stake in a Spectra Energy natural gas project hired a former top Federal Energy Regulatory Commission (FERC) official who had been managing the environmental review process for the same project.

Douglas Sipe, who served as Outreach Manager in the Office of Energy Projects at FERC, left the Commission in mid 2014 to work for Willbros, a large oil and gas engineering and construction firm based in Houston.

Following a 16-year career at FERC, Sipe was named Willbros’ Vice President of Regulatory & Public Affairs, a newly created position.

Before leaving FERC, Sipe served as the Environmental Project Manager for the pre-filing and early filing review processes of Spectra Energy’s then-proposed Algonquin Incremental Market (AIM) pipeline project.

The project, eventually approved by FERC in March 2015, is a major capacity upgrade for the company’s existing Algonquin Pipeline carrying fracked gas from Pennsylvania through New Jersey and New York and into Connecticut, Rhode Island and Massachusetts.

In the months before leaving FERC, Sipe led the Commission’s team overseeing AIM’s environmental review, met regularly with stakeholders, and conducted public scoping meetings with concerned citizens living near the project.

On hiring Sipe, a Willbros spokesperson said: “Doug brings us critical bandwidth in the areas of regulatory compliance, environmental permitting and stakeholder outreach.”

According to FERC records, Sipe led public meetings on AIM in Cortland, New York, Danbury and Norwich, Connecticut, and Dedham, Massachusetts in September and October 2013, listening to and addressing residents’ concerns over the project. Another
document shows Sipe leading a FERC teleconference meeting on the project in January 2014.

Within five months, Sipe would be working for Willbros, which is one of Spectra's main contractors on Algonquin and its other pipelines.

According to Spectra's financial disclosures to FERC, its subsidiary company constructing AIM, Algonquin Gas Transmission LLC, paid Willbros nearly $1.8 million in 2013 and 2014 alone – the time period when Sipe moved from FERC to Willbros.

From Spectra's subsidiary Algonquin Gas Transmission's report to FERC, showing payment to Willbros for work conducted in 2014

As part of AIM, Willbros designed the upgrade for Spectra’s compressor station in the town of Chaplin, Connecticut.

Documents obtained by DeSmog from the Connecticut Department of Energy and Environmental Protection, show Willbros' work on the station began in early 2013 and lasted throughout 2014.

This shows Sipe served on the project while still at FERC as Willbros, his future employer, was already working on AIM.

From a Spectra Energy application to modify its Chaplin, CT compressor station,
showing contracted work by Willbros throughout 2013

Furthermore, the unit within Willbros contracted by Spectra to design the station – Willbros Professional Services – was the same unit Sipe joined when hired by Willbros.

This unit was sold in late 2015 to TRC, another one of Spectra’s main pipeline contractors.

More Question Marks About FERC’s Independence

This case of revolving doors – where a former government regulator goes on to profit from the energy project he was entrusted to review – further highlights the tight relationship between FERC and the industry it regulates, as reported by DeSmog.

Sipe, who earlier this year co-founded the engineering and consulting company MDM Solutions as a subsidiary of MDM Services, declined to provide a comment to DeSmog.

Willbros did not return a request for comment.

A FERC spokesperson said in response: “FERC does not comment on personnel matters. However, all FERC employees have a duty to maintain the highest standards of integrity in government. As part of that duty, all FERC employees are required to notify our Designated Agency Ethics Official for guidance and, if necessary, recusals, if they are seeking outside employment. All FERC staff get training on these and other ethics procedures every year.”

Main image: Federal Energy Regulatory Commission HQ at Washington, DC. Credit: Flickr/Branderguard
Staff Conflicts of Interest Attachment 3, Letter from Senator Elizabeth Warren to FERC regarding Atlantic Bridge Conflict of Interest, June 9, 2016.
June 9, 2016

The Honorable Norman Bay
Chairman
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Dear Chairman Bay:

On May 2, 2016, the Federal Energy Regulatory Commission (FERC) released its Environmental Assessment for Spectra Energy’s Atlantic Bridge project, which would expand the Algonquin Gas Transmission and Maritimes & Northeast Pipeline systems in New England. The document, which concludes that the project “would not constitute a major federal action significantly affecting the quality of the human environment,” was prepared with the assistance of the Natural Resource Group (NRG), a third-party contractor.¹ In recent days, information has come to light suggesting that NRG may be financially connected to Spectra and in violation of FERC’s conflict of interest guidelines. This new information – highlighted by a recent report at DeSmogBlog – raises serious questions about the accuracy and objectivity of the Environmental Assessment that NRG helped to prepare.² To ensure the thoroughness and objectivity of the environmental review process, and to restore public confidence in that process, I urge you to issue an Environmental Impact Statement on the Atlantic Bridge project using only third-party contractors without ties to the natural gas industry.

While NRG was working on preparing the environmental review for the Atlantic Bridge project, it also appears to have been contracting with the PennEast project, a proposed pipeline that would stretch from northeastern Pennsylvania into New Jersey. In its FERC pre-filing request in October of 2014, PennEast lists NRG as a contractor it has been working with for “public outreach and relations,”³ and the names of NRG staff have periodically appeared on PennEast documents in the years since.⁴

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¹ Federal Energy Regulatory Commission, Atlantic Bridge Project Environmental Assessment, May 2016
http://www.desmogblog.com/2016/05/26/revealed-contractors-hired-ferc-review-new-spectra-energy-pipeline-work-spectra-related-project
³ PennEast Pipeline Company, LLC, FERC Docket PF15-1, “Request of PennEast Pipeline Company, LLC for Approval of Pre-Filing Review under PF15-1,” October 7, 2014
⁴ e.g. PennEast, “Stakeholder Contact Report,” November 25, 2015
This relationship is problematic because Spectra is a 10% owner of PennEast, meaning that NRG was employed by a pipeline project partially owned by Spectra at the same time that it was tasked with objectively reviewing a separate Spectra project. In addition, Spectra acquired an ownership stake in the PennEast project to “leverage our existing assets by directly connecting northeast Pennsylvania Marcellus shale production to our Texas Eastern Transmission and Algonquin Gas Transmission systems.” In other words, the PennEast project is physically connected and financially intertwined with the Algonquin pipeline that the Atlantic Bridge project is intended to expand, raising the possibility that NRG could financially benefit from the approval of the Atlantic Bridge project.

By FERC’s standards, this relationship appears to constitute a conflict of interest. FERC’s handbook for third-party contractors states that a conflict of interest exists if a contractor “has an ongoing relationship with the applicant,” or “has a financial or other interest in the outcome of the Commission’s decision.” If a real or perceived conflict of interest exists, the handbook requires contractors to outline a detailed mitigation plan, and prevents FERC from approving a contractor if no such mitigation plan exists. Given that NRG had an ongoing relationship with Spectra via the PennEast project for most of the time it was working on the Atlantic Bridge Environmental Assessment, and that its involvement with the PennEast project could create a financial interest in facilitating the Atlantic Bridge project’s approval, I am concerned that FERC nevertheless agreed to let NRG work on the environmental review.

Even if NRG managed to technically avoid or mitigate a conflict of interest, the company’s myriad ties to the natural gas industry make it difficult to believe that it could objectively evaluate the environmental impacts of the Atlantic Bridge project. NRG’s parent company, Environmental Resources Management (ERM), describes NRG as “provid[ing] high-calibre linear permitting advice... to Oil & Gas pipeline companies,” and NRG itself has boasted about the “thousands of miles of pipeline” it helped get “in the ground for many of North America’s largest energy companies.” NRG is also a member of the Marcellus Shale Coalition, “the primary public face of the natural gas drilling industry,” which has advocated for pipeline

http://www.hopewellwtnwp.org/penn_east/PennEast%20Supplemental-Information-to-FERC-011316.pdf
3 Spectra Energy, PennEast Pipeline Project
http://www.spectraenergy.com/Newsroom/News-Archive/Spectra-Energy-Partners-Becomes-Newest-Member-In-PennEast-Pipeline-Project/
6 ERM, “ERM announces acquisition of Natural Resource Group,” September 30, 2014
https://stateimpact.npr.org/pennsylvania/tag/marcellus-shale-coalition/
expansion in the northeast. FERC has been the target of widespread criticism for its ties with the industries it regulates; its reliance on an environmental consultant with a business model built around helping gas companies construct more pipelines does little to change that perception.

As a result, I request that you respond to the following questions:

1. Did NRG disclose its relationship to Spectra when applying to work on the environmental review of the Atlantic Bridge project?
2. FERC’s handbook requires contractors to outline a detailed mitigation plan if there is a real or perceived conflict of interest.
   a. Did FERC consider that NRG’s relationship with Spectra would create any real or perceived conflicts of interest? If not, why not?
   b. Please outline any steps NRG took to mitigate any real or perceived conflicts of interest and describe why FERC believed these steps were sufficient.
3. In the last five years, how many times has FERC rejected third-party contractors for environmental review due to a conflict of interest?

The revelations about NRG’s ties to Spectra – which were undisclosed in public scoping meetings with FERC and NRG staff – have already caused concern among residents of Massachusetts impacted by the pipeline and cast doubt about the validity of the Environmental Assessment that NRG helped prepare. In order to resolve these concerns, I urge you to issue a full Environmental Impact Statement on the Atlantic Bridge project, making sure that any third-party contractor used by FERC is free from any ties to industry that could create a conflict of interest or call its objectivity into question.

Sincerely,

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator

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12 Hannah Northey and Kevin Bogardus, E&E, “ Employees negotiate for industry jobs under agency’s eye, ” April 7, 2015 http://www.eenews.net/stories/1060016380
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PEOPLE:

Former FERC adviser joins firm representing Dakota Access

Hannah Northey, E&E reporter

Published: Tuesday, October 25, 2016

A former legal adviser at the Federal Energy Regulatory Commission has joined a law firm representing developers of the controversial $3.78 billion Dakota Access oil pipeline triggering protests in North Dakota.

Michael Yuffee. Photo courtesy of Norton Rose Fulbright.

Michael Yuffee has joined Norton Rose Fulbright as a partner in the firm's Washington, D.C., office, where he will focus on regulatory, enforcement, defense, compliance and transactional matters related to energy and commodity markets.

Yuffee has helped a host of energy clients craft regulatory compliance plans and has represented their interests before FERC and the Commodity Futures Trading Commission. He has also served as a partner at the law firms Reed Smith LLP, Fried Frank, Hogan Lovells and McDermott Will & Emery.

Before entering the private sector, Yuffee worked as an attorney-adviser in FERC's Office of Administrative Law Judges and Dispute Resolution. He has a law degree from Washington University School of Law and a bachelor's degree from Boston University.

Norton Rose Fulbright, based in Houston, has been representing developers of the Dakota Access pipeline in recent months against members of the Standing Rock Sioux Tribe attempting to halt the Bakken project (EnergyWire, Sept. 7).

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Another U.S. Regulator Joining Utility Revives Watchdog Concerns

Jonathan Crawford
JonNCrawford
October 20, 2016 — 6:44 PM EDT
Updated on October 21, 2016 — 5:01 AM EDT

The list of people leaving the nation’s chief energy regulator to take jobs with the industry it oversees keeps growing, raising concerns about the agency’s ties to companies.

Larry Gasteiger, chief of staff at the Federal Energy Regulatory Commission -- which decides on everything from utility mergers to multibillion-dollar natural gas pipeline projects -- is joining Public Service Enterprise Group Inc. as its chief of federal regulatory policy, the Newark, New Jersey-based power and gas utility owner said Thursday.

Gasteiger’s move follows that of ex-commissioner Philip Moeller in February to the Edison Electric Institute, a trade group that lobbies for investor-owned utilities. More recently, David Applebaum joined the energy team at Akin Gump Strauss Hauer & Feld LLP in July after six years at the commission where he ended up as director of investigations.

Related: Ex-Regulator Joining Lobby Skirts Revolving-Door Ban, Group Says

“There’s been a very common revolving door between top FERC staff and commissioners with the industry the commission regulates,” Tyson Slocum, a director of energy at consumer advocacy group Public Citizen, said by phone Thursday. “Larry’s move is not unprecedented. It’s part of a larger revolving-door problem.”

20 Years

Gasteiger, who joined the commission in 1997, served as deputy associate general counsel, a director of the office of enforcement, and most recently as Chairman Norman Bay’s chief of staff.

“Larry’s career at FERC spanned close to 20 years and in total, he has 27 years working in federal service -- a tenure that hardly constitutes a revolving door,” Katherine Vossen, a spokeswoman for PSEG, said by e-mail.
A spokeswoman for the commission declined to comment in an e-mail. Gasteiger couldn’t immediately be reached for comment.

Others at the commission have also found employment in the private sector. Jon Wellinghoff, who was chairman from 2009 to 2013, was hired as chief policy officer of SolarCity Corp., the biggest U.S. rooftop installer, in April. And Pat Wood, who served as chairman from 2001 to 2005, is currently chairman of the board of Houston-based power generator Dynegy Inc.

New Chief

Prior to joining the commission, Gasteiger was an attorney at the Commodity Futures Trading Commission. Jamie Simler, director of the agency’s office of energy market regulation, has been tapped to become the chairman’s next chief of staff, Bay told a public meeting in Washington on Thursday.

The commission is an independent agency within the Energy Department responsible for regulating pipelines, liquefied natural gas terminals, hydroelectric dams and wholesale power markets. It also reviews mergers and acquisitions and corporate transactions by electricity companies.
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FERC

Employees negotiate for industry jobs under agency's eye

Hannah Northey and Kevin Bogardus, E&E reporters

Greenwire: Tuesday, April 7, 2015

Employees at the Federal Energy Regulatory Commission have deep ties to the industry they regulate, according to agency documents detailing their job negotiations and stock holdings.

Ethics records throughout 2014 show agency staff seeking employment with grid operators, law firms and utilities that the agency has jurisdiction over and often meets with as it sets new orders and rules. In addition, FERC employees have held stock in or remain part of pension plans from companies that can be affected by the agency's work. Greenwire obtained the 88 ethics documents under the Freedom of Information Act.

The disclosures reflect how FERC, which oversees the interstate transmission of electricity and permitting of gas infrastructure, is regulating an industry that many of its staffers are well-suited for and often courted to work in.


FERC employees' job negotiations were disclosed because they had to give notice to the agency and recuse themselves from matters that could affect their future employers.

Called a "notice of disqualification," the document signed by the agency worker says he or she is "required to disqualify myself from participating personally and substantially in any particular matter that will directly and predictably affect the financial interests" of the company that the employee is talking to for a future job.

Previous employment at a company under FERC's purview can also trigger the requirement for agency staff to file such a notice.

"The purpose of a recusal is to prevent a conflict of interest," a FERC spokeswoman said in an email. "The fact that an employee is recused because he/she previously worked for a prohibited source or is seeking employment with one or is recused for some other reason does not bring into question the impartiality of FERC's work. The purpose of recusal is to ensure impartiality."

Public interest watchdogs, however, warn of closes ties between federal agencies and industries they oversee.

Michael Smallberg, an investigator at the Project on Government Oversight, said many federal employees do everything they can to act in the public's interest, but significant movement between a regulator and entities it regulates can damage public trust by creating the perception that the relationship is too "cozy." That, in turn, can cause the public to question the agency's integrity, he said.

Smallberg raised concerns with a large number of former federal workers moving to trade associations, lobbying shops and powerful, regulated companies -- as opposed to consumer advocacy groups -- that try to weaken government regulations, and questioned whether the ethics offices at federal agencies have time and funding to ensure employees are complying with the rules.

"There are concerns when people are going to work for the industry they used to regulate," he said. "It can mean their decisions as a current official might be biased toward that certain industry, or that they're in a position to provide strategy and context and special information to companies facing enforcement, seeking to influence regulations or interact with [FERC]."

"Even if they didn't intend to curry favor, we worry the revolving door can shape how they view issues or affect the mindset of the agency," Smallberg added.

The FERC spokeswoman said the agency "has a robust ethics program" and that all of its staff undergo annual ethics training.
"The training provides explanations of what issues are likely to arise and where to go for assistance," she said. "Supervisors also are trained to help their staffs understand and follow ethics rules and regulations. Senior staff also file annual financial disclosure forms that are reviewed and approved by [General Administrative Law] staff."

"Here's the list I'm looking at right now"

The documents show intense interest by the private sector in hiring FERC staff, with several employees disclosing job talks with prominent energy companies and law firms.

One FERC employee, whose name was redacted in the document, gave notice that he or she was in negotiations with eight different entities.

"Here's the list I'm looking at right now. Please let me know if you have any questions," the person said in an email under the subject line "Recusal Letters," sent in January 2014.

Among those on that list were National Grid U.S., Northeast Utilities and Edison Mission Energy.

Mason Emnett, the deputy director of FERC's Office of Energy Policy and Innovation, also recused himself, according to the documents. He left the agency after almost eight years last May to take a position as a senior attorney for NextEra Energy Inc. Emnett, who declined to comment on the recusal, has served as a senior attorney of federal regulatory affairs at NextEra since June 2014, according to his LinkedIn profile.

Before joining FERC, he was an associate at the law firm Skadden, Arps, Slate, Meagher & Flom LLP for eight years.

In January, Teresina Stasko, a FERC attorney, recused herself from decisions involving the North American Electric Reliability Corp., where she was seeking employment. Stasko is now the senior counsel and manager of enforcement actions at NERC.

Lauren O'Donnell also filed a recusal, which she wouldn't comment on. She spent 35 years at FERC and was the agency's director of its Division of Gas-Environment and Engineering before joining TRC Companies Inc. as its vice president for oil and gas last July.

Brett White filed a notice with FERC last June when he began negotiating with his new employer.

White currently represents electric utility and natural gas companies at the law firm Wright & Talisman PC before FERC and the federal courts.

Before joining the law firm in October, White worked more than two years at FERC advising the commission on issues critical to the power and gas sector, including federal audits and applications by power marketers for market-based rate authority, according to his LinkedIn profile.

Stocks and conflicts of interest

It isn't just job negotiations that would require FERC employees to file notices with their supervisors. Their stocks could trigger disclosures, too. Agency staff noted that they had holdings in Bank of America Corp., Exelon Corp. and PPL Corp., as well as Berkshire Hathaway Inc.

One FERC staffer was warned that if he or she purchased more shares in JPMorgan Chase & Co. or another prohibited company, the individual would be required to divest from those stocks.

"If you make future purchases of securities that are listed on the prohibited securities list, you will be required to divest those purchases," Charles Beamon, FERC's designated agency ethics official, wrote in a waiver for the employee on prohibited stocks, issued last May.

FERC employees also maintained ties to energy interests -- such as Pepco Holdings Inc., Consolidated Edison Inc. and the Tennessee Valley Authority -- through retirement and pension plans.

"I have an ongoing arrangement with a former employer, Pepco Holdings, Inc., in the form of a defined benefit pension plan," said one agency staffer, noting that "Pepco Holdings, Inc. is regulated by the Commission and regularly participates in Commission proceedings."

That led to the employee recusing him or herself from matters involving Pepco.

"In accordance 18 U.S.C. 208, I will not participate in any particular matter in which Pepco Holdings, Inc. is a party if the matter could result in the dissolution of Pepco Holdings, Inc. or render it unable or unwilling to pay my defined benefit pension."
There were several instances when agency employees gave no reason why they were recusing themselves from interacting with certain companies or groups.

"This is to confirm that I will not participate in any matter at the Federal Energy Regulatory Commission involving Chevron or any affiliates thereof, either as applicant or intervenor," read one document.

Another notice said, "This is to confirm that I will not participate in any particular matter at the Federal Energy Regulatory Commission in which the Environmental Defense Fund is a party or represents a party."

The FERC spokeswoman said agency staff members only have to give notice when a conflict of interest arises, not provide the reason why, in the documents.

"Employees are only required to provide notice to avoid a conflict; frequently, employees have discussed the reason for their recusal with agency ethics staff or it is otherwise known to agency ethics staff even if it is not noted in their formal recusal," she said.

In addition, FERC staffers' names were often blacked out in the documents that Greenwire received under FOIA. The few names that were released were due to those employees ultimately accepting employment from the companies that they were in talks with; others had their names redacted in order to protect their privacy.

'Someone fresh out of FERC is extra valuable'

Former FERC employees, with their understanding of the agency, can be valuable assets for their new employers.

Although many government ethics rules prevent employees from contacting their former colleagues, Smallberg said workers in many cases can join firms and provide "behind-the-scenes" advice to help design lobbying strategies.

FERC could further enhance public confidence by posting their employees' recusals online, Smallberg added.

"Ideally, people shouldn't have to go through FOIA," he said.

But Travis Fisher, who worked as an economist at FERC from June 2006 to May 2013, said he has the impression that the commission took ethics issues very seriously.

Although Fisher never held stocks of companies the agency regulated, he said it was clear to employees that they needed to recuse themselves from specific cases if they did. Fisher said it was a "topic of conversation" at FERC and something workers cared about.

He also said former FERC staffers, with intimate knowledge of the agency's inner workings, are attractive to the private sector, noting that one of his former colleagues now works on FERC compliance issues for Exelon. Fisher now serves as an economist for the Institute for Energy Research, a free-market think tank based in Washington, D.C.

"It's a certain level of expertise, the sweet spot is somewhere in that four-to-five-year mark," he said. Fisher said he, like his former colleagues, gained a keen understanding of which draft orders would compel commissioners and what language would have to be scrapped or rewritten -- valuable insight for utilities seeking to comply with the FERC regulation.

"Your job at FERC was to read those pleadings, from the utility side you're writing those pleadings," Fisher said. "Someone fresh out of FERC is extra valuable because of their knowledge of the politics of the organization."

Click here to read FERC's ethics documents.

Twitter: @HMNorthey | Email: hnorthey@eenews.net

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→ Staff Conflicts of Interest

Ex-Regulator Joining Lobby Skirts Revolving-Door Ban, Group Says

Jonathan Crawford
JonNCrawford
January 12, 2016 — 5:00 AM EST

A former U.S. energy regulator is joining the top trade group for electric utilities, less than four months after leaving his government position in what a watchdog group calls an example of revolving-door politics in Washington.

Philip Moeller, a member of the Federal Energy Regulatory Commission from 2006 until last October, will serve as senior vice president for the Edison Electric Institute, which lobbies for investor-owned utilities, the group said in a statement on Jan. 6. The institute and Moeller said he will abide by ethics rules and avoid lobbying his former employer.

“I’m bound by some agreements that I signed prior to my second term, and I’m obviously going to abide by those, and they are quite limiting in terms of what I can do and who I can talk to,” Moeller, 54, said Monday in an interview.

But the move shows the weakness of President Barack Obama’s executive order requiring presidential appointees to refrain from lobbying the administration after leaving government, Craig Holman, a government affairs lobbyist with Public Citizen, a nonprofit advocacy group that bills itself as the people’s voice in Washington, said.

'Revolving Door’

“The ethics executive order has done a great deal in making the Obama administration the cleanest in recent history, but it has not stopped abuses of the regular revolving door,” Holman said in an e-mail. “Former appointees may conduct strategic advising to other lobbying camps, and consulting to executive agencies, without actually conducting their own lobbying of the executive branch.”

Appointees are also subject to a federal conflict of interest law that prohibits them from lobbying their former agency for two years.

An independent agency within the Department of Energy, FERC regulates elements of the
U.S. electricity, natural gas, oil, and hydropower industries, including the reliability of the electric grid and wholesaling of electricity. It also reviews mergers and acquisitions and corporate transactions by electricity companies, among other things.

‘Diligently Respect’

EEI, whose member companies include Duke Energy Corp., NextEra Energy Inc. and Exelon Corp., said the group is aware of and will abide by restrictions on Moeller’s activities.

“EEI and Phil Moeller are well aware of the restrictions for him to appear before FERC and to meet or appear before the leaders of other federal agencies,” David Owens, EEI’s executive vice president for business operations and regulatory affairs, said in an e-mailed statement. “EEI and Phil will diligently respect those restrictions.”

Moeller was nominated as a Republican commissioner to the five-person FERC by President George W. Bush in 2006 and renominated by President Barack Obama in 2010. He’ll direct the energy delivery, retail energy services and state regulatory outreach activities at EEI, the group said in its statement.

William Scherman, who leads the energy, regulation and litigation practice at Gibson, Dunn & Crutcher LLP in Washington, said in an e-mail that blocking former government executives from taking jobs in the private sector could backfire.

“More restrictive post-employment rules that would effectively ban former public officials from pursuing their private-sector career goals would hurt the government’s ability to attract those talented people willing to do government service,” Scherman said.

A spokeswoman for FERC declined to comment in an e-mail on Jan. 8. The White House declined to comment.

Alliant, LNG

“I think they’re wrong” Moeller said of the critics. “One of the things I tried to do was not only solve problems but bring people together and I would expect that will be a hallmark of the administration as well.”

LIVE TV

AUD 00ller worked in the Washington offices of Alliant Energy Corp.
and Calpine Corp., and was an energy adviser to Slade Gorton, a Republican who served three terms as a U.S. senator from Washington state ending in 2001.

After departing his FERC post on Oct. 30, Moeller joined Australian-based Liquefied Natural Gas Ltd., a developer of mid-scale LNG projects, as a non-executive director, according to a statement from the company.

“This is a well-trod path from regulator to industry, and it’s a well-compensated pathway,” Tyson Slocum, a director of energy at Public Citizen, said in an interview. “It’s disappointing that we continue to allow a system in which powerful special interests can pay good money for former regulators.”
People's Dossier: FERC's Abuses of Power and Law
Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 8, LNGL Media Release: Appointment of Third US-Based Non-Executive Director, December 7, 2015.
ASX/MEDIA RELEASE

7 DECEMBER 2015

APPOINTMENT OF THIRD US-BASED NON-EXECUTIVE DIRECTOR

Liquefied Natural Gas Limited (ASX: LNG; OTC ADR: LNGLY) (LNGL or the Company) is pleased to announce the appointment of Philip D Moeller as a Non-Executive Director of LNGL with effect from 7 December 2015. Philip is the Company’s third US-based Non-Executive Director following the appointments of Paul Cavicchi in October 2014 and Mike Steuert in February 2015.

Former Commissioner Philip Moeller left the Federal Energy Regulatory Commission (FERC) in October 2015 as the second-longest serving member in the history of FERC. He left office as the only person in the federal government in a Senate-confirmed position who was nominated by both President George W. Bush and President Barack Obama.

While serving on the Commission he focused on policies that encourage the construction of additional electric transmission and interstate natural gas infrastructure and policies promoting well-functioning wholesale markets. He was a national leader in promoting improved coordination between the electric industry and the natural gas industries as the United States moves toward burning significantly more natural gas to meet electricity demand.

Prior to serving on the Commission he headed the Washington office of Alliant Energy, worked in the Washington office of Calpine Corporation, and served on the Washington, D.C. staff of Senator Slade Gorton from his home state of Washington. Previously he was the staff coordinator of the Washington State Senate Energy, Utilities and Telecommunications Committee in Olympia, Washington.

Phil was born in Chicago and raised on a ranch near Spokane, Washington. He is a graduate of Stanford University in Stanford, California.

LNGL Chairman Richard Beresford said “We are honoured to have someone of Philip’s recent energy regulatory and US Government background join the LNGL Board. His experience and knowledge of US Government policy and interaction with other key Government Departments will be very important in achieving the Company’s growth ambitions. Being based in Washington DC will also enable him to interact regularly with our corporate and project teams in Houston.”
Staff Conflicts of Interest Attachment 9, Meeting with Larry Gasteiger, Norman Bay, and Joe Kelliher regarding NextEra Energy, July 8, 2015.
Subject: Meeting Penn East Pipeline Kim Pizzingrilli
Location: ECR
Start: Mon 7/6/2015 3:00 PM
End: Mon 7/6/2015 3:30 PM
Recurrence: (none)
Organizer: Norman Bay
Categories: Blue Category

PURPOSE:

Update on the proposed PennEast Pipeline project.

PARTICIPANTS:
Bradley Hall will be attending along with Alisa Harris and Peter Terranova from UGI

ORGANIZATION INFO:

UGI Energy Services, LLC is the marketing, midstream and power generation subsidiary of UGI Corporation. In 1985, UGI Corporation established the tradename, GASMARK, as one of the first marketers to sell natural gas to business users in the deregulated marketplace. In 1995, UGI Energy Services was formed as a separate company to pursue the opportunities created by federal and state deregulation of electricity and natural gas commodity supply markets, direct access and customer choice. UGI Energy Services is now an integrated energy marketing and asset-based company operating throughout the Northeast and Mid-Atlantic regions. UGI Energy Services markets natural gas, electricity and liquid fuels, now under the trade name UGI EnergyLink, to approximately 43,000 commercial, industrial, institutional, government, and residential customers in nine states as well as the District of Columbia. Additionally, UGI Energy Services buys and sells energy commodities at the wholesale level and owns and operates a variety of electric generation assets in Pennsylvania as well as a variety of midstream natural gas assets that support the storage, transportation and delivery of natural gas.

CONTACT:

Kim Pizzingrilli
Government Relations Professional

409 North Second Street
Suite # 500
Harrisburg, PA 17101-1357
717 237 4842 (o)
717 991 3168 (c)
Subject: Meeting with FPL/NextEra - Joe Keliher

Start: Wed 7/8/2015 2:00 PM
End: Wed 7/8/2015 3:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Norman Bay
Required Attendees: Larry Gasteiger

Categories: Blue Category

PURPOSE:
Meeting with NextEraEnergy, Joe Kelliher regarding pipeline issues.

PARTICIPANTS:
Joseph T. Kelliher
Executive Vice President,
Federal Regulatory Affairs
NextEra Energy

ORGANIZATION INFO:
NextEra Energy, Inc. (NYSE: NEE) is a leading clean energy company with consolidated revenues of approximately $17.0 billion, approximately 44,900 megawatts of generating capacity, which includes megawatts associated with noncontrolling interests related to NextEra Energy Partners, LP (NYSE: NEP), and approximately 13,800 employees in 27 states and Canada as of year-end 2014. Headquartered in Juno Beach, Fla., NextEra Energy's principal subsidiaries are Florida Power & Light Company, which serves approximately 4.7 million customer accounts in Florida and is one of the largest rate-regulated electric utilities in the United States, and NextEra Energy Resources, LLC, which, together with its affiliated entities, is the world’s largest generator of renewable energy from the wind and sun. Through its subsidiaries, NextEra Energy generates clean, emissions-free electricity from eight commercial nuclear power units in Florida, New Hampshire, Iowa and Wisconsin. NextEra Energy has been recognized often by third parties for its efforts in sustainability, corporate responsibility, ethics and compliance, and diversity, and has been ranked in the top 10 worldwide for innovativeness and community responsibility as part of Fortune's 2015 list of "World's Most Admired Companies." For more information about NextEra Energy companies, visit these websites:

CONTACT:
Subject: Meeting with Dominion
Location: ECR

Start: Tue 9/15/2015 10:00 AM
End: Tue 9/15/2015 10:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Norman Bay
Required Attendees: Larry Gasteiger; Robert Kennedy

Categories: Blue Category

PURPOSE: The purpose of the meeting is for representatives of Dominion, along with representatives of Duke Energy and Piedmont Natural Gas, to discuss Dominion's Atlantic Coast Pipeline (ACP) Project which is expected to be formally filed with FERC as a certificate application very soon. Dominion's ACP Project is currently availing itself of the Commission's Pre-Filing Process in Docket No. PF15-5 et al.

PARTICIPANTS:
Paul D. Koonce -- Chief Executive Officer of Dominion's Energy Infrastructure Group

Machelle Grim -- Director, Gas Regulation at Dominion

Swati Daji -- Senior Vice President for Fuels & Systems Optimization for Duke Energy

Joe McCallister -- Director, Natural Gas, Oil and Emissions in the Fuels & Systems Optimization Department for Duke Energy

Franklin H. Yoho -- Senior Vice President and Chief Commercial Officer at Piedmont Natural Gas

Bill Williams, Vice President - Sales and Delivery Services for Piedmont Natural Gas

ORGANIZATION INFO:

CONTACT: Berne Mosley bernemosley@yahoo.com
Benjamin Williams

Subject: Meeting with MA Senate President Stan Rosenberg
Location: ECR
Start: Wed 9/30/2015 1:00 PM
End: Wed 9/30/2015 1:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Norman Bay
Required Attendees: Larry Gasteiger; Robert Kennedy; Ann Miles
Optional Attendees: Leonard Tao (leonard.tao@ferc.gov); Andrea Spring
Categories: Blue Category

PURPOSE: To discuss the proposed Tennessee Gas Company/Kinder Morgan Pipeline Northeast Direct Project PF14-22-000 and the general issue of gas pipelines in Massachusetts and New England. The Senator is hosting a comment session in his district on Sept. 10th to gather additional public input to provide to FERC as part of the scoping processes, and he plans to submit a transcript of that comment session to FERC on this visit. He is meeting with Commissioner LaFleur prior to our meeting.

PARTICIPANTS:
- Stan Rosenberg, Massachusetts Senate President (D-Amherst)
  Senator Stan Rosenberg was unanimously elected by his colleagues to be the 93rd President of the Massachusetts Senate on January 7, 2015. Since his first election, Senator Rosenberg has remained deeply committed to improving the lives of the people of Massachusetts.
  
  A 1977 graduate of UMass Amherst, where he earned a B.A. in Community Development & Arts Management, Rosenberg began his work in public service as an aide to former State Senator and longtime Congressman John Olver. He was first elected to the Massachusetts House of Representatives in 1987.
  
  Rosenberg was then elected to the Senate in 1991, where he has been entrusted by his colleagues time and again with leadership positions such as Majority Leader, President Pro Tempore, and Chair of the Senate Committee on Ways and Means.
  
  To fellow residents of the Pioneer Valley, Stan is known as an accessible, responsive leader and champion of affordable and world-class education, fair taxation, government transparency, and environmental protection. He played a key role in the passage of many groundbreaking bills guaranteeing equality before the law in the Commonwealth. Stan was a chief strategist behind the passage of a 2000 bill aimed at curtailing racial profiling, and after the Supreme Judicial Court legalized same-sex marriage in 2003, he was a key leader in the fight on Beacon Hill to preserve that newly won right.
  
  Stan has been a consistent advocate for increasing access to government and participation in our democracy. As chair of the Election Laws Committee, he co-authored the 1993 “Motor Voter” law, an overhaul of our election laws to modernize our system and boost voter turnout. He was twice tasked with redrawing the Commonwealth’s political boundaries as Senate Chair of the Joint Committee on Redistricting. Under Stan’s leadership, the new
boundaries were enthusiastically accepted, unlike in many states which found themselves mired in costly lawsuits. Stan was lauded for the exceptionally transparent process in 2010-11, resulting in the creation of new minority-majority districts that better reflect the changing demographics of the Commonwealth.

Stan’s attention is never far from economic policies and job creation. As Chair of the Senate Committee on Ways & Means, he passed a long-overdue wage hike for the Commonwealth’s lowest-paid human service workers. Stan played a key role on the Dairy Revitalization Task Force, which began efforts to strengthen our dairy industry and assist Western Massachusetts farmers. In 2009, at the height of the “great recession”, Stan coauthored a comprehensive package of fiscal relief for our cities and towns. As chief architect of the 2011 law establishing expanded gaming, Stan ensured we learned from the successes and failures of other states by conducting impartial research and writing a law that guaranteed local participation.

To his neighbors, Stan is a humble and hardworking man who shares their progressive values and possesses a strong moral compass towards what is fair and right. He can often be found at church suppers, community meetings, farmers’ markets, and pie auctions across the Pioneer Valley and North Quabbin. In his spare time he enjoys gardening, reading, traveling, languages, and cooking – especially his “famous” tomato sauce. He lives in Amherst with his partner Bryon Hefner.

- **Daniel “DJ” Napolitano**, External Affairs Liaison, Office of Senate President Stan Rosenberg
  DJ is an Assumption College alum who joins Team Rosenberg from Everett, where he was an elected city councilor before deciding against running for the city’s new unicameral government. DJ was a field organizer in Steve Grossman’s successful 2010 bid for treasurer, later serving as director of constituent services for Congressman John Tierney and political director for Sal DiDomenico’s successful 2010 run for State Senate. During Grossman’s 2014 campaign for governor, DJ served as his statewide political director.

**CONTACT:** DJ Napolitano, Liaison for External Affairs, Office of Senate President Stan Rosenberg, 617-722-1500
Purpose: The Association of Oil Pipe Lines (AOPL) requests a meeting with Chairman Bay to discuss a potential proposal that we would like to submit in Docket No. RM15-19-000, concerning the Petition for Rulemaking filed by shipper groups requesting the Commission to issue a Notice of Proposed Rulemaking to modify certain oil pipeline reporting requirements related to Page 700 of the FERC Form No. 6. AOPL’s proposal would be submitted in Reply Comments to be filed at the Commission on October 30, and we would appreciate the opportunity to discuss the proposal with Chairman Bay in advance. Chairman Bay attended part of the July 30 technical conference convened in this proceeding.

Participants:

- **Andy Black, President and CEO, AOPL**
  Andrew J. Black is President and CEO of the Association of Oil Pipe Lines (AOPL), a trade association in Washington, D.C., whose membership is owners and operators of energy liquids pipelines. Liquids pipelines transport the crude oil, refined products and natural gas liquids that American consumers and workers use every day to lead their lives and fuel their jobs. AOPL promotes the safe, reliable, and efficient transportation of energy liquids by pipelines, educates the public about the vital role oil pipelines serve in the daily lives of Americans, and advocates for the interests of its members. He leads outreach to Congress, the U.S. Department of Transportation, the Federal Energy Regulatory Commission (FERC), other government agencies, trade associations, and key stakeholder groups. Andy has testified before Congressional committees and State Legislatures on behalf of AOPL and its members, and discusses pipeline issues regularly with members of the media. He participates in industry discussions about performance improvement, manages the talented AOPL staff, and reports to the AOPL Board of Directors. Andy previously served as Director of Federal Government Relations for the El Paso Corporation, a natural gas pipeline, producer, and LNG terminal operator. Prior to that, he was Director of the Office of External Affairs for the Federal Energy Regulatory Commission (FERC). He spent a combined thirteen years on Capitol Hill as a staff member of the House Committee on Energy and Commerce and for Congressman Joe Barton. He also spent time directing an association of government relations firms in state and national capitols. Andy has earned the Certified Association Executive (CAE) credential from the American Society of Association Executives (ASAE), and completed the Institute of Organization Management (IOM) program of the U.S. Chamber of Commerce Foundation. Mr. Black has a B.S. in Economics from Texas Christian University and an M.B.A. from the University of Maryland. Raised in Texas, he lives in Brambleton, Virginia, with his wife and elementary school age daughter and son.

- **Steve Kramer, Senior Vice President, General Counsel, and Corporate Secretary, AOPL**
  Steven M. Kramer joined AOPL as General Counsel and Secretary in October 2008. He is AOPL’s chief legal officer responsible for legal issues affecting AOPL and its members. He represents AOPL on a variety of legal, regulatory and policy matters before government agencies and courts, works on issues with AOPL committees
and teams, makes presentations to and participates regularly in meetings with AOPL member executive leadership and the AOPL Board of Directors, and ensures that Association activities and operations comply with applicable law. Mr. Kramer has more than 25 years of experience in the energy field, including in the oil pipeline, natural gas and electric power industries. He has worked as an attorney-advisor at the Federal Energy Regulatory Commission, and has represented clients on a wide range of energy regulatory, policy, strategic, and transactional matters. Prior to joining AOPL, Mr. Kramer was in private law practice with the international law firm Milbank, Tweed, Hadley and McCloy LLP. During the course of his career, he has worked on such diverse matters as cost-based, market-based, index-based, formula and incentive rates, oil pipeline, natural gas pipeline and electric utility tariffs, restructuring of the natural gas and electric power industries, pipeline safety, legislative development and strategy, development and financing of natural gas and electric infrastructure projects, energy transactions, the formation of independent electric transmission companies, and domestic and cross-border mergers and acquisitions. Mr. Kramer earned an undergraduate degree in business from the University of Maryland and his law degree from the University of Richmond. He has served as an officer, on the Board of Directors and on various committees of the Energy Bar Association, as well as on the Board of Directors of the Charitable Foundation of the Energy Bar Association. Mr. Kramer has also published many articles and made numerous presentations on energy issues.

ORGANIZATION INFO: The Association of Oil Pipe Lines ("AOPL") represents the interests of owners and operators of America’s liquid pipelines. Liquid pipelines bring crude oil to the nation’s refineries and important petroleum products to our communities, including all grades of gasoline, diesel, jet fuel, home heating oil, kerosene, propane, and biofuels. AOPL members also transport carbon dioxide to oil and natural gas fields, where it can be used efficiently to enhance production.

CONTACT: Steve Kramer, skramer@aopl.org, 202-292-4502
PURPOSE: To discuss the application for construction and operation of the Northeast Energy Direct Project (NED). NED is being developed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, to upgrade natural gas pipeline infrastructure in Pennsylvania, New York, Massachusetts, New Hampshire and Connecticut. TGP expects to file the application with FERC later this month.

PARTICIPANTS:
- Curt Moffatt, Deputy General Counsel, Kinder Morgan
- Suedeen Kelly

ORGANIZATION INFO: Kinder Morgan is the largest energy infrastructure company in North America. It owns an interest in or operates approximately 84,000 miles of pipelines and approximately 165 terminals. Its pipelines transport natural gas, refined petroleum products, crude oil, carbon dioxide (CO₂) and more. It also stores or handles a variety of products and materials at its terminals such as gasoline, jet fuel, ethanol, coal, petroleum coke and steel.

CONTACT: Suedeen Kelly, skelly@akingump.com, 202-887-4526

WELCOME TO ATTEND OR SEND SOMEONE IN PLACE:
- Ann Miles
**Benjamin Williams**

**Subject:** Meet & Greet with MA Energy Sec. Beaton  
**Location:** 11A

**Start:** Thu 12/10/2015 4:30 PM  
**End:** Thu 12/10/2015 5:00 PM

**Recurrence:** (none)  
**Meeting Status:** Meeting organizer

**Organizer:** Norman Bay  
**Required Attendees:** Larry Gasteiger  
**Optional Attendees:** Robert Kennedy

**Categories:** Blue Category

**PURPOSE:** Meet & Greet with Massachusetts Secretary of Energy and Environmental Affairs Matthew Beaton and Undersecretary Ned Bartlett. They have been advised that we cannot discuss any pending gas pipelines or other contested matters.

**PARTICIPANTS:**

- **Matthew Beaton, Secretary of Energy and Environmental Affairs, State of Massachusetts**  
  Prior to his appointment to the cabinet post at Energy and Environmental Affairs, Secretary Beaton served as a State Representative for the Eleventh Worcester district. Elected in 2011, he was a member of the committees on Ways and Means; Environment, Natural Resources and Agriculture; and Ethics. In the private sector, Secretary Beaton has worked as an environmental engineer and sustainability consultant. He is the former owner of Beaton Kane Construction, a green building and energy efficiency consulting company that focuses on building energy efficient homes. Beaton earned an undergraduate degree in biotechnology from Worcester Polytechnic Institute and a master's degree in energy and environmental analysis from Boston University. Secretary Beaton and his wife, Laura, live in Shrewsbury with their two young children.

- **Ned Bartlett, Undersecretary of Energy and Environmental Affairs, State of Massachusetts**  
  Ned Bartlett previously served as a Partner at Bowditch & Dewey, LLP where he maintained a diverse environmental, energy and transportation practice. Prior to private practice, Ned served as an attorney in a number of environmental and state agencies, and as Special Assistant Attorney General for the Office of the Attorney General of Massachusetts. Ned brings a wealth of private and public sector experience to the Executive Office of Energy and Environmental Affairs.

**ORGANIZATION INFO:** Secretary Matthew A. Beaton oversees the Commonwealth's six environmental, natural resource and energy regulatory agencies. Massachusetts is the first state in the nation to combine energy and environmental agencies under one Cabinet secretary. Its commitment to protecting the environment now recognizes the importance of energy efficiency; making renewable energy a reality, and reducing dependence on fossil fuels; diversifying energy sources; and leading the country in energy technology innovation.
Benjamin Williams

Subject: Meeting with TallGrass - Meet & Greet

Start: Mon 1/4/2016 2:00 PM
End: Mon 1/4/2016 2:30 PM

Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Norman Bay
Categories: Blue Category

PURPOSE: Meet & Greet

Tallgrass System Map2.pdf

PARTICIPANTS:
• Bill Moler, COO & Executive Vice President, Tallgrass Energy
  W.R. (Bill) Moler is the Chief Operating Officer and Executive Vice President of Tallgrass Energy. Tallgrass Energy is a family of companies formed to own, operate, acquire, and develop midstream energy assets in North America. The Tallgrass Energy family is comprised of Tallgrass Energy Partners, LP, a publicly traded master limited partnership (NYSE: TEP), and Tallgrass Development, LP. Through those two holding companies, Tallgrass Energy provides natural gas transportation and storage services for customers in the Rocky Mountain and Midwest regions of the United States through its natural gas pipelines and processing assets, which include Tallgrass Interstate Gas Transmission, Trailblazer Pipeline Company, and Rockies Express Pipeline. Tallgrass Energy also owns and operates the Tallgrass Pony Express Pipeline which transports crude oil from points in Wyoming (and soon, Colorado) to Cushing, Oklahoma. For more information, please visit http://www.tallgrassenergy.com.
  From 2004 until his departure in October 2012, Mr. Moler served in various capacities with Inergy, L.P. and its affiliates, most recently as Senior Vice President and Chief Operating Officer of Inergy Midstream, L.P. and President and Chief Operating Officer—Natural Gas Midstream Operations of Inergy, L.P. Prior to joining Inergy, L.P., Mr. Moler was with Westport Resources Corporation from 2002 to 2004, where he served as both General Manager of Marketing and Transportation Services and General Manager of Westport Field Services, LLC. Prior to Westport, Mr. Moler served in various leadership positions at Kinder Morgan, Inc. from 1988 to 2002. Mr. Moler earned a Bachelor of Science degree in Mechanical Engineering from Texas Tech University in 1988. Mr. Moler serves as the President for the National Parkinson Foundation, Heartland Chapter and is a member of its Board.

• David J. Haag, Vice President of Regulatory Affairs, Tallgrass Energy
  Mr. Haag has worked in the natural gas pipeline business for 18 years, with over 10 years of direct experience in managing rate and regulatory affairs for various interstate natural gas companies. Mr. Haag has been employed in his current position of Vice President, Regulatory for Tallgrass Energy since November 2014. In this role he is responsible for defining, leading and executing the Company’s regulatory strategies including certificate, tariff, and rate and cost of service matters. Prior to joining Tallgrass Energy, Mr. Haag was employed from 2011 through 2014 as Director of Rates for Boardwalk Pipeline Partners, L.P. based in Houston, TX. From 2005 through 2011, Mr. Haag served as Manager, Rates and Regulatory Affairs at Portland Natural Gas Transmission System, where he managed the
preparation and filing of two back to back Natural Gas Act ("NGA") Section 4 FERC rate cases and provided testimony on a number of complex rate and regulatory matters involving cost of service issues, rate levelization, and pipeline transportation values. Prior to his role at Portland Natural Gas Transmission System, Mr. Haag was employed in a variety of positions of increasing responsibility with the TransCanada Corporation beginning in 1997. Mr. Haag graduated with honors from the University of Calgary (Canada) in 1998, receiving a B.A. in Economics with a Minor in Management. Since 2013, Mr. Haag has instructed a seminar course in Pipeline Ratemaking for the Center for Public Utilities at New Mexico State University.

- **Mustafa P. Ostrander, Assistant General Counsel and Chief Compliance Officer, Tallgrass Energy**
  Mr. Ostrander provides counsel on federal regulatory, commercial, and compliance matters. He leads the company’s efforts to comply with the statutes, regulations, and policies of the Federal Energy Regulatory Commission. In addition, Mr. Ostrander manages Tallgrass Energy’s government relations initiatives before federal and state policymakers. Mr. Ostrander has been with Tallgrass Energy since January 2013, soon after the company’s founding. Prior to joining Tallgrass Energy, Mr. Ostrander was an associate at several international law firms in Washington, DC, including Hogan Lovells US LLP and McDermott Will & Emery LLP, where he advised leading energy and commodity market participants in regulatory and transactional matters involving natural gas, electricity, crude oil, benchmark interest rates, and agricultural products. From 2006 to 2008, Mr. Ostrander served as an attorney-advisor with FERC’s Office of Enforcement, Division of Investigations. In this role, he led numerous non-public investigations of suspected gas and electric market misconduct. Mr. Ostrander began his legal career as an associate in the Washington, DC office of Van Ness Feldman LLP, where he provided regulatory counsel to several of the leading interstate pipeline groups. Mr. Ostrander earned his juris doctorate from the Tulane University School of Law in 2004 and his Bachelor of Arts degree in economics (with concentrations in finance and international relations) from Bucknell University in 2000.

**ORGANIZATION INFO:** Tallgrass Energy is a family of companies formed to own, operate, acquire and develop midstream energy assets in North America. The Tallgrass Energy family is comprised of Tallgrass Energy Partners, LP, a publicly traded master limited partnership (NYSE: TEP), and Tallgrass Development, LP. Through those two holding companies, they currently provide natural gas transportation and storage services for customers in the Rocky Mountain and Midwest regions of the United States through their pipelines and natural gas processing assets.

**CONTACT:** Mustafa Ostrander, mustafa.ostrander@tallgrassenergylp.com, 303-763-3378

**WELCOME TO ATTEND OR SEND SOMEONE IN PLACE:**
People's Dossier: FERC's Abuses of Power and Law

→ Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 10, Meeting with Norman Bay and Mustafa P. Ostrander, among others, regarding Tallgrass Energy meet and greet, January 4, 2016.
Meeting with Energy Projects Consulting – 07/15/15 @ 3:00 pm

Attending:
1. TBD (3)

From Commissioner Clark's Office:
1. Robin Meidhof, Legal and Policy Advisor to Commissioner Clark
2. John Miller, Technical and Policy Advisor to Commissioner Clark
3. Jason Feuerstein, Technical and Policy Advisor to Commissioner Clark
4. Commissioner Tony Clark

Purpose: Would like to discuss the ongoing status of Magnum’s Western Energy Hub (Docket No. CP10-22-000). The development of the FERC piece is facing challenges, and Magnum has already received one extension of time.
Meeting with PenEast Pipeline – 9/8/15 @ 2:30 pm

Attending:
1. Alisa Harris
2. Peter Terranova
3. Brad Hall
4. Kim Pizzingrilli

From Commissioner Clark’s Office:
1. Jason Feuerstein, Technical and Policy Advisor to Commissioner Clark
2. John Miller, Technical and Policy Advisor to Commissioner Clark
3. Commissioner Tony Clark

Purpose: PenEast Pipeline would like to provide the Commissioner with an update on the status of the proposed pipeline.
Meeting with Dominion – 9/15/15 @ 12:00 pm

Attending:
1. Diane Leopold – President
2. Swati Daji -- Senior Vice President for Fuels & Systems Optimization for Duke Energy
3. Joe McCallister -- Director, Natural Gas, Oil and Emissions in the Fuels & Systems Optimization Department for Duke Energy
4. Franklin H. Yoho -- Senior Vice President and Chief Commercial Officer at Piedmont Natural Gas
5. Bill Williams, Vice President - Sales and Delivery Services for Piedmont Natural Gas

From Commissioner Clark’s Office:
1. John Miller – Technical and Policy Advisor to Commissioner Clark
2. Jason Feuerstein – Technical and Policy Advisor to Commissioner Clark
3. Commissioner Tony Clark

Purpose: The purpose of the meeting is for representatives of Dominion, along with representatives of Duke Energy and Piedmont Natural Gas, to discuss Dominion’s Atlantic Coast Pipeline (ACP) Project which is expected to be formally filed with FERC as a certificate application very soon. Dominion’s ACP Project is currently availing itself of the Commission’s Pre-Filing Process in Docket No. PF15-5 et al.
Meeting with Tallgrass Energy Partners – 01/5/16 @ 10:00 am

Attending:
1. Bill Moler, COO & EVP
2. David Haag, VP of Regulatory Affairs
3. Mustafa Ostrander, Assistant GC & Chief Compliance Officer

From Commissioner Clark’s Office:
1. Robin Meidhof – Legal and Policy Advisor to Commissioner Clark
2. Commissioner Tony Clark

Purpose: Tallgrass would like to introduce the company and provide an update on its latest achievements and objectives.
Staff Conflicts of Interest Attachment 11, Email from Suedeen Kelly to Andrew Holleman regarding phone call with Commissioner LaFleur, August 3, 2015.
Andrew Holleman

Subject: PennEast Pipeline w/ Kim Pizzingrilli of BIPC
Location: 11C-1

Start: Mon 7/6/2015 2:00 PM
End: Mon 7/6/2015 2:30 PM

Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Cheryl LaFleur
Required Attendees: CL Calendar; Andrew Weinstein
Categories: Orange category

Thank you Andrew. July 6 at 2:00 pm works on our end. I am traveling now but as soon as I am near my computer, I will forward additional details and bios. Thank you for you assistance!

Sent from my iPhone

On Jun 16, 2015, at 10:38 AM, Andrew Holleman <Andrew.Holleman@ferc.gov> wrote:

Hi Kim,

I received your meeting request and wanted to get back to you as soon as possible. The afternoon of July 6th looks like it will work best for Commissioner La Fleur. Would 2 pm work?

Also, please send over a brief description of the topics/issues you want to cover and bios for anyone attending the meeting. Thanks!

My contact info is below if you need anything in the meantime.

-Andrew

Name: Kim Pizzingrilli
Title: Government Relations Professional
Company/Organization: Buchanan Ingersoll & Rooney
Phone Number: 717-237-4842
Web Address:
Email: kim.pizzingrilli@bipc.com

Purpose of Meeting (Detailed Description): To provide an update to Commissioner La Fleur on the proposed PennEast pipeline project (this project is currently in the pre-filing stage at FERC)
Is this matter before the Commission? Yes
Proposed Date for Meeting: July 6 afternoon or July 7 morning
Alternate Date for Meeting:
Estimate of the Number of people attending: 3

Andrew Holleman
Confidential Assistant to Commissioner Cheryl LaFleur
Federal Energy Regulatory Commission
Office: (202)502-8565
Andrew.Holleman@ferc.gov
Great. We’ll see her at 4:00PM in Hart 506.

Can you send me the names of who will be joining her and a contact number for someone traveling with her? As I’m new to the conversation, can you also let me know what the meeting will likely touch on for issues to discuss?

Thanks

Jen

From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Monday, July 20, 2015 10:03 AM
To: MacLellan, Jennifer (Shaheen) <jennifer_macelllan@shaheen.senate.gov>
Cc: Marshall, Ariel (Shaheen) <Ariel_Marshall@shaheen.senate.gov>; Diznoff, Robert (SBC) <Robert_Diznoff@sbc.senate.gov>
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hey Jen – I saw that Meaghan was out. The annual Electric Infrastructure Security Summit is going on at the Capitol tomorrow where Commissioner LaFleur is speaking at 2pm, so she can walk over and be at your office for a meeting at 4pm.

Andrew
202.502.8565

From: Andrew Holleman
Sent: Monday, July 20, 2015 8:44 AM
To: ‘D’Arcy, Meaghan (Shaheen)’
Cc: Marshall, Ariel (Shaheen); Diznoff, Robert (SBC); MacLellan, Jennifer (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hi Meaghan – I’ll check and get back with you this morning. Thanks.

From: D’Arcy, Meaghan (Shaheen) [mailto:Meaghan_D’Arcy@shaheen.senate.gov]
Sent: Friday, July 17, 2015 3:50 PM
Hi Andrew – we’ve just had a hearing pop up for Wednesday afternoon. Any chance we could do this on Tuesday at 4pm?

Thanks!

From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Monday, July 06, 2015 12:04 PM
To: D'Arcy, Meaghan (Shaheen)
Cc: Diznoff, Robert (Shaheen); Marshall, Ariel (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hey Meaghan – 4 pm on the 22nd works. Let me know if anything changes between now and then. Thanks again.

From: D'Arcy, Meaghan (Shaheen) [mailto:Meaghan_D'Arcy@shaheen.senate.gov]
Sent: Monday, July 06, 2015 11:59 AM
To: Andrew Holleman
Cc: Diznoff, Robert (Shaheen); Marshall, Ariel (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hi Andrew – could we plan on Wednesday the 22nd at 4pm? I’ll have to confirm closer to the date when we get our hearing schedule, but I just want to pencil something in to get it on the books.

Let me know if that timing works on your end.

Thanks!

From: MacLellan, Jennifer (Shaheen)
Sent: Monday, July 06, 2015 11:55 AM
To: Andrew Holleman
Cc: Diznoff, Robert (Shaheen); D'Arcy, Meaghan (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hi Andrew,

Looping in the Senator’s new director of scheduling as I’ve transitioned to a new role in the office. Meg will be in touch about the Senator’s availability.

Best,

Jen

From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Monday, July 06, 2015 11:53 AM
To: MacLellan, Jennifer (Shaheen)
Cc: Diznoff, Robert (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hey Jen,
Checking back in to see if Senator Shaheen would have some time to meet with Commissioner LaFleur this month. My boss is out next week, but has time open on the 22nd, 23rd, and 24th. Would the Senator happen to have anything open then? I know your boss is busy, and I’m happy to accommodate Commissioner LaFleur’s schedule to hers. Let me know if anything works. Thanks!

Andrew
202 502 8565

From: MacLellan, Jennifer (Shaheen) [mailto: Jennifer MacLellan@shaheen.senate.gov]
Sent: Monday, June 08, 2015 1:09 PM
To: Andrew Holleman
Cc: Diznoff, Robert (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Thanks, Andrew.

Thanks for reaching out. I’m not usually able to speak to the Senator’s schedule until a week or two head of time due to the ever-changing nature of the Senate schedule. Would you be able to check back in at the beginning of July and we’ll see about getting something locked in?

Thanks

Jen

From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Friday, June 05, 2015 1:59 PM
To: MacLellan, Jennifer (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen

Hi Jen,

I don’t believe we’ve met either, but I used to work for Senator Landrieu and am now Commissioner Cheryl LaFleur’s assistant at FERC. As I told Robert in the email below, last time your boss and mine spoke Senator Shaheen mentioned she wanted to speak more about energy issues in New Hampshire with Commissioner LaFleur.

I know August recess is right around the corner and that your boss will probably be gone, so I wanted to reach out to you now to set up something in July. Days that I have open right now are: July 8th, 10th, 23rd, 24th, 29th, 30th, and 31st. Obviously, willing to work around Senator Shaheen’s schedule, so please let me know if she would be opening to Commissioner LaFleur coming in.

Thanks!

Andrew Holleman
Confidential Assistant to Commissioner Cheryl LaFleur
Federal Energy Regulatory Commission
Office: (202) 502-8565
Andrew.Holleman@ferc.gov

From: Diznoff, Robert (Shaheen) [mailto: Robert Diznoff@shaheen.senate.gov]
Sent: Friday, June 05, 2015 10:48 AM
To: Andrew Holleman
Cc: Scheduler (Shaheen)
Subject: RE: Commissioner LaFleur Meeting with Sen. Shaheen
Hi Andrew,

Thanks for the note. Congrats on the new job.

I am adding to this email the Senator’s scheduler, Jen. She can help identify the Senator’s availability for a meeting with the Commissioner over the next few weeks.

Best,

Robert

From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Friday, June 05, 2015 9:42 AM
To: Diznoff, Robert (Shaheen)
Subject: Commissioner LaFleur Meeting with Sen. Shaheen

Robert,

I don’t think we’ve met yet, but I’m Commissioner LaFleur’s new assistant. She mentioned to me that last time she and Senator Shaheen spoke, Sen. Shaheen said that they should talk more thoroughly about what’s going on energy-wise in New Hampshire. I haven’t met the Senator’s scheduler yet either and only had your contact info, so would you mind making the connection so that I can fill out a meeting request? Looking forward to working with your office in the future.

Thanks!

Andrew Holleman
Confidential Assistant to Commissioner Cheryl LaFleur
Federal Energy Regulatory Commission
Office: (202)502-8565
Andrew.Holleman@ferc.gov
Andrew Holleman

From: Kelly, Suedeen <skelly@akingump.com>
Sent: Monday, August 03, 2015 5:56 PM
To: Andrew Holleman
Subject: Re: Call Tomorrow, Tuesday, at 1:30?

I will. Thank you, Andrew.

Sent from my iPhone

On Aug 3, 2015, at 5:18 PM, Andrew Holleman <Andrew.Holleman@ferc.gov> wrote:

1:30pm works for tomorrow. Would you mind calling our office at (202)502-8961 then?

---

Dear Andrew,
I was wondering if Commissioner LaFleur would have a few minutes to talk with me about the structure of EDC contracts for gas capacity?
Thank you, Suedeen

Sent from my iPhone

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
The purpose of the meeting is to discuss the proposed Tennessee Gas Company/Kinder Morgan Pipeline Northeast Direct Project PF14-22-000 and the general issue of gas pipelines in Massachusetts and New England. The Senator is hosting a comment session in his district on Sept. 10th to gather additional public input to provide to FERC as part of the scoping process and he plans to submit a transcript of that comment session to FERC on this visit. At this point, he will be accompanied only by a staff person, Daniel Napolitano.

Let's schedule the meeting for noon then.

Please let me know what additional information you need from us and anything we might need to know regarding logistics.

Thank you,
Judy

-----Original Message-----
From: Andrew Holleman [mailto:Andrew.Holleman@ferc.gov]
Sent: Thursday, August 20, 2015 9:09 AM
To: Laster, Judith (SEN)
Subject: RE: Massachusetts Senate President meeting with Commissioner LeFleur

Sounds good. 12pm, 3pm, or 3:30pm would work on our end.

-----Original Message-----
From: Laster, Judith (SEN) [mailto:Judith.Laster@masenate.gov]
Sent: Wednesday, August 19, 2015 9:04 PM
To: Andrew Holleman
Subject: RE: Massachusetts Senate President meeting with Commissioner LeFleur

On the 30th he is free any time after 11:30 am.

Thanks,
Judy
Commissioner LaFleur is booked up on the 28th. Please just let me know what time on the afternoon of the 30th is good for him and I’ll move things around to make it work. Thanks.

Hello Andrew,

The Senate President is available on Sept. 28th - as early in the morning as possible. The latest possible meeting time for him is 11 a.m. He needs to be back at the State House in Boston by mid-afternoon to meet with the Governor. If that does not work then 9/30 in the afternoon is good too.

Thanks,
Judy Laster

Sounds good!

Will do. I hope to get back to you this afternoon.

Thanks for your help.
Judy

Hello Andrew,
Unfortunately, 12:30 will not work. If you could give me options or a block of time in the afternoon on the 29th that would be helpful as well as options on the 30th.

Thanks,
Judy Laster

From: Andrew Holleman [Andrew.Holleman@ferc.gov]
Sent: Wednesday, August 19, 2015 10:06 AM
To: Laster, Judith (SEN)
Subject: RE: Massachusetts Senate President meeting with Commissioner LeFleur

Thanks, Judy. Would 12:30pm on the 29th work?

From: Laster, Judith (SEN) [mailto:Judith.Laster@masenate.gov]
Sent: Tuesday, August 18, 2015 5:50 PM
To: Andrew Holleman
Subject: Massachusetts Senate President meeting with Commissioner LeFleur

Hello Andrew,

It was nice to speak with you earlier today. As of right now, it appears that the best day for Senator President Stan Rosenberg to meet with Commissioner LeFleur would be early afternoon on Tuesday Sept. 29th. If that date and timeframe still works, please let me know so I can include the Senator's scheduler in this discussion.

Thank you,

Judy Laster
Energy Counsel
Office of Senator Stanley C. Rosenberg
State House, Room 332
Boston, MA 02133
(617) 722-1500
cell (617) 347-0316
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Kinder Morgan's &quot;Power Serve&quot; / Suedeen</th>
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<tr>
<td><strong>Location:</strong></td>
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<td><strong>Start:</strong></td>
<td>Fri 10/9/2015 2:30 PM</td>
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<td><strong>Organizer:</strong></td>
<td>Cheryl LaFleur</td>
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<td><strong>Required Attendees:</strong></td>
<td>CL Calendar; Andrew Weinstein</td>
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<tr>
<td><strong>Categories:</strong></td>
<td>Red Category, Orange category</td>
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Dear Andrew,

I am writing to confirm a meeting with Commissioner La Fleur on Friday, Oct. 9th at 2:30 pm to discuss Kinder Morgan’s new firm transportation service offering (called “Power Serve”) specifically designed for electric generators.

Thank you,
Suedeen

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The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
Subject: Columbia Pipeline Group  
Location: 11C-1  
Start: Wed 10/28/2015 11:00 AM  
End: Wed 10/28/2015 11:30 AM  
Recurrence: (none)  
Meeting Status: Meeting organizer  
Organizer: Cheryl LaFleur  
Required Attendees: CL Calendar, [REDACTION MADE PURSUANT TO EXEMPTION 6] Andrew Weinstein  
Categories: Orange category  

Original request:

Name: Vanessa Lazalde  
Title: Executive Assistant  
Company / Organization: Columbia Pipeline Group  
Phone Number: 713-386-3741  
Web Address: https://www.cpg.com/  
Email: vlazalde@cpg.com  

Purpose of Meeting (Detailed Description): We split from our parent company NiSource Inc in July 2015 and are now Columbia Pipeline Group. With that split our management team has changed so we would like to come and introduce our new leadership team. Attending this meeting would be our President - Glen Kettering, CCO - Stan Chapman, and SVP&GC - Robert Smith. We will also be requesting meetings with the Chairman and other Commissioners.  
Is this matter before the Commission? No  
Proposed Date for Meeting: October 27 - 28, 2015  
Alternate Date for Meeting: October 29 - 30, 2015  
Estimate of the Number of people attending: 4  

Vanessa V. Lazalde  
Executive Admin Assistant  
Columbia Pipeline Group  
P: 713-386-3741 | C: 713-542-9677 | F: 713-386-3710  
Email: vlazalde@cpg.com
Subject: Columbia Pipeline Group
Location: 11C-1

Start: Wed 10/28/2015 11:00 AM
End: Wed 10/28/2015 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Cheryl LaFleur

Required Attendees: CL Calendar, Becky Robinson, Andrew Weinstein

Categories: Orange category

Original request:

Name: Vanessa Lazalde
Title: Executive Assistant
Company / Organization: Columbia Pipeline Group
Phone Number: 713-386-3741
Web Address: https://www.cpg.com/
Email: vlazalde@cpg.com

Purpose of Meeting (Detailed Description): We split from our parent company NiSource Inc in July 2015 and are now Columbia Pipeline Group. With that split our management team has changed so we would like to come and introduce our new leadership team. Attending this meeting would be our President - Glen Kettering, CCO - Stan Chapman, and SVP&GC - Robert Smith. We will also be requesting meetings with the Chairman and other Commissioners.

Is this matter before the Commission? No

Proposed Date for Meeting: October 27 - 28, 2015
Alternate Date for Meeting: October 29 - 30, 2015
Estimate of the Number of people attending: 4

Vanessa V. Lazalde
Executive Admin Assistant
Columbia Pipeline Group
P: 713-386-3741 | C: 713-542-9677 | F: 713-386-3710
Email: vlazalde@cpg.com
Andrew Holleman

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<th>Subject:</th>
<th>Spectra / Bill Yardley</th>
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<td>CL Calendar; Andrew Weinstein</td>
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From: Tillman, Steven E [mailto:SETillman@spectraenergy.com]
Sent: Tuesday, October 20, 2015 3:40 PM
To: Andrew Holleman
Subject: Meeting request

Andrew, I hope your summer’s been well.

The president of our US transmission pipelines, Bill Yardley, will be in DC on October 28th and is very interested in meeting with Commissioner LaFleur.

As you likely know, Spectra Energy is one of the largest providers of natural gas to the New England region and has been very active in developing new projects to serve the region’s growing needs. In addition, SE has been very active in the NE electric reliability efforts of FERC and the region.

As such, Bill would like to meet with Commissioner LaFleur to provide a brief update and status of our efforts as well as his perspective on various market conditions and current development issues.

I’ve attached Bill’s bio for your information and am glad to provide any further information you may need.

Looking forward to hearing from you and best,

Steve

Steve Tillman
Director Federal Government Affairs
Spectra Energy
20 F
Dear Andrew,

I am writing to follow up on my voicemail of earlier today. I am hoping that the Commissioner has some time on Friday, November 13th to meet with me and Curt Moffatt, Deputy General Counsel of Kinder Morgan, who will be in town that day, to discuss the application for construction and operation of the Northeast Energy Direct Project. NED is being developed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, to upgrade natural gas pipeline infrastructure in Pennsylvania, New York, Massachusetts, New Hampshire and Connecticut. TGP expects to file the application with FERC later this month.

Thank you very much,
Suedeen

Suedeen G. Kelly
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: +1 202.887.4526 | Internal: 24526
Fax: +1 202.887.4288 | Mobile: +1 202.641.6591 | skelly@akingump.com | akingump.com | gkg
**Andrew Holleman**

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</table>

Name: Mustafa P. Ostrander  
Title: Asst General Counsel & Chief Compliance Officer  
Company / Organization: Tallgrass Energy Partners, LP  
Phone Number: 303-763-3378  
Web Address: [www.tallgrassenergy.com](http://www.tallgrassenergy.com)  
Email: mustafa.ostrander@tallgrassenergylp.com

**Purpose of Meeting (Detailed Description):** The purpose of this meeting is for Tallgrass Energy executives to meet Commissioner LaFleur and her legal and policy advisors in order to introduce the company and to provide an update on its latest achievements and objectives. Tallgrass Energy owns and operates three FERC-jurisdictional natural gas pipelines, which include Tallgrass Interstate Gas Transmission, LLC, Trailblazer Pipeline Company LLC, and Rockies Express Pipeline Company LLC. The company also owns and operates Tallgrass Pony Express Pipeline, LLC, which is a crude oil pipeline subject to the FERC's ICA jurisdiction. Tallgrass Energy’s corporate headquarters are located outside of Kansas City, KS, and the company’s operations center is located in the Denver metro area.

Is this matter before the Commission? No  
Proposed Date for Meeting: December 17, 2015  
Alternate Date for Meeting: December 18, 2015  
Estimate of the Number of people attending: 3-4
People's Dossier: FERC's Abuses of Power and Law
→ Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 12,
Commissioner Honorable Enclosures 13-26, emails from August 17, 2015 and September 10, 2015.
Name: Kim Pizzingrilli
Title: Government Relations
Company/Organization: Buchanan Ingersoll & Rooney
Phone Number: 717-237-4842
Web Address: 
Email: kim.pizzingrilli@bipc.com
Purpose of Meeting (Detailed Description): PennEast Pipeline would like to provide the Commissioner with an update on the status of the proposed pipeline. (Attendees: Alisa Harris, Peter Terranova, Brad Hall and Kim Pizzingrilli)
Is this matter before the Commission? Yes
Proposed Date for Meeting: 9/8/15
Alternate Date for Meeting: 9/14/15
Estimate of the Number of people attending: 4
Robert Thormeyer

From: webform@ferc.gov
Sent: Monday, August 17, 2015 2:10 PM
To: SE Web Team; Diane Bernier; Robert Thormeyer; Sakishia Simms
Subject: bernemosley@yahoo.com - Request for a Meeting with Commissioner Colette D. Honorable

Name: Berne Mosley
Title: Consultant to Dominion
Company/Organization: Dominion
Phone Number: 703-850-8779
Web Address: www.dom.com/corporate
Email: bernemosley@yahoo.com

Purpose of Meeting (Detailed Description): Representatives of Dominion would like to meet with the Commissioner during the week of the September open meeting to discuss two inter-related projects currently in the Pre-Filing Process at FERC. The Atlantic Coast Pipeline (ACP) Project would involve the construction and operation of 562 miles of variable diameter natural gas pipeline in West Virginia, Virginia, and North Carolina. The Supply Header Project would involve the construction and operation of approximately 38.7 miles of pipeline loop and the modification of existing compression facilities in Pennsylvania and West Virginia. Together, these projects would be capable of delivering 1.5 billion cubic feet of natural gas per day to seven planned distribution points in West Virginia, Virginia, and North Carolina. Also in attendance will be representatives from the other owners of ACP and customers of these projects. As noted above, both of these filings are in the Pre-Filing Process, so there are no ex parte concerns associated with this requested meeting.

Is this matter before the Commission? No
Proposed Date for Meeting: September 15, 16 or 17
Alternate Date for Meeting: September 14 or 18
Estimate of the Number of people attending: 6
Good Morning Robert,

Rep. Watson Coleman would like to request a meeting with Commissioner Honorable to discuss the proposed PennEast pipeline. I have attached a letter with this request. We have also sent a the original hard version of the letter to your office via USPS.

Please let me know if you have any questions. To work on details/timing of this meeting, please contact myself of the Congresswoman's scheduler Jaimee Gilmartin at jaimee.gilmartin@mail.house.gov.

Best,

Michael

---

Michael D. Reed
Legislative Director
Congresswoman Bonnie Watson Coleman (NJ-12)
128 Cannon House Office Building
Washington, D.C. 20515
202-225-5801 (office)
6-7298 (direct)
reed@mail.house.gov
August 26, 2015

The Honorable Collette D. Honorable Commissioner
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear Commissioner Honorable:

I am writing to request a meeting with you to discuss the planned PennEast Pipeline Project (Docket Number PF15-1-000). This pipeline is currently proposed to terminate in Pennington, New Jersey, and run through several other neighborhoods and communities in my district, as well as along the Delaware River in both New Jersey and Pennsylvania. This pipeline has elicited a significant level of public concern from impacted communities in both states.

As you may know, I have previously written to FERC to express my opposition to the PennEast pipeline as it is currently proposed, both in my prior capacity as a member of the New Jersey General Assembly, and most recently as a member of Congress. In my letter dated June 19, 2015, I conveyed several concerns that my constituents and I share regarding the environmental dangers of the PennEast line to sensitive water and forest resources, as well as the seeming lack of consideration of PennEast in concert with other proposed pipelines in the region. I received a response from Chairman Bay dated July 16, 2015. Unfortunately, Chairman Bay’s response has not alleviated my outstanding concerns.

I look forward to discussing this issue further with you. It is my understanding that you are scheduled to meet with industry leaders at the New Jersey Energy Coalition meeting in West Trenton on September 24, and that FERC is prohibited from discussing pending applications after they have been filed. As such it is my strong hope to meet with you the week of September 8 in advance of both your September 24 meeting and the filing of the PennEast application.

To schedule this meeting, or if you have any questions, please contact Michael Reed in my office at (202) 225-5801 or via email at reed@mail.house.gov. Thank you for your attention to this important matter.

Respectfully,

Bonnie Watson Coleman

BONNIE WATSON COLEMAN
Member of Congress
Hello Mr. Thormeyer. My name is Lloyd Ritter, I'm a DC based consultant to the Stonybrook Millstone Watershed Association in New Jersey. We have a meeting set with FERC Commissioner Moeller next Tuesday at 11am. We'd also like to very briefly visit Commissioner Honorable, or her most senior staff to discuss the PennEast Pipeline.

As I understand Kari Osmond, who works on the Hill for Rep. Coleman, had already put in such a request some days back. I'm emailing as well to see if we can close the loop and might be able to lock something in, either on the 8th which is ideal or another day soon.

I can get you any and all other particulars you may require upon request.

Thanks in advance.

Best regards,
Lloyd Ritter
Green Capitol LLC
202-215-5512
Subject: Stonybrook Millstone Watershed Association--PennEast mtg
Location: Executive Director's Conference Room
Start: Tue 9/8/2015 11:30 AM
End: Tue 9/8/2015 12:00 PM
Recurrence: (none)
Organizer: Colette D. Honorable

Alison Mitchell, Policy Director
NJ Conservation Foundation

Lloyd Ritter, Director, Green Capitol LLC (DC based) Green Capitol is a boutique "green" policy consultancy that works on agriculture, energy and environment issues.

Jim Waltman, Executive Director
Stonybrook-Millstone Watershed Association (NJ) This is an environmental protection organization

Michael Pisauro Jr, Esq, Policy Director Stony Brook Millstone Watershed Association (NJ)

Tom Gilbert, Campaign Director
NJ Conservation Foundation
PennEast Pipeline would like to provide the Commissioner with an update on the status of the proposed pipeline.

Attendees: Alisa Harris, Peter Terranova, Brad Hall and Kim Pizzigrilli
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<tr>
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<td><strong>Location:</strong></td>
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<td><strong>Start:</strong></td>
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<td><strong>Organizer:</strong></td>
<td>Colette D. Honorable</td>
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Car leaves FERC (P2 West) at 9:40 a.m.

Rep. Bonnie Watson Coleman’s office is at 126 Cannon House Office Building
Dear Colette,

I wanted to personally let you know about the new gas-electric coordination transportation product that Kinder Morgan announced yesterday. It is a firm pipeline transportation service that will provide the types of service features requested by electric generators doing business in competitive wholesale markets, including quick-start ability, specific hour-by-hour gas flow rights, flexible storage benefits, and safe and reliable service. The product is called PowerServe™ Firm Service.

Also, Kinder Morgan’s Tennessee Gas Pipeline Company L.L.C. (TGP) just posted an Open Season for PowerServe™ on its proposed Northeast Energy Direct pipeline expansion project (NED). It is targeted to electric distribution companies and generators located in New York and New England. I have attached the cover letter to the tariff posting that TGP is sending to all potentially interested entities. The Open Season for PowerServe™ is being undertaken to build out the TGP pipeline to meet three goals: 1) provide more gas to New England and New York and alleviate the exceptionally high electricity costs paid by New Englanders and New Yorkers, 2) enhance the reliability of the region’s electric generation providers, and 3) obtain the financial credit support needed to proceed with additional capital expenditures for pipeline expansion. Electric distribution and generation company participation in the Open Season would build on the approximately 560,000 Dth/d of anchoring contractual commitments already made to date by New England’s local gas companies on behalf of their current and prospective gas customers.

I am going to call your office later this week to see if you would be available to discuss this development with me and Kinder Morgan.

Thanks very much,
Suedeen

Suedeen G. Kelly
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: +1 202.887.4526 | Internal: 24526
Fax: +1 202.887.4288 | Mobile: +1 202.641.6591 | skelly@akingump.com | akingump.com | Bio

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
Northeast Energy Direct

Open Season for PowerServe™ Firm Service

The Northeast Energy Direct Project ("NED") is designed to supply a critical energy resource - domestically produced, abundant and clean natural gas - through the extension of a pipeline operated by Tennessee Gas Pipeline Company, L.L.C. ("TGP"), a Northeast energy provider for over 60 years.

TGP’s NED Market Path segment has secured binding commitments for approximately 560,000 Dth/d, primarily from New England’s local gas companies (LDCs), which serve home heating, commercial and industrial uses. As a result of these anchor commitments, TGP’s board of directors has authorized the company to proceed with the NED Market Path segment, subject to further regulatory approvals.

Now, TGP is advancing ongoing efforts to serve electric distribution companies (EDCs) and power generators.

Due in large part to the lack of sufficient natural gas pipeline capacity, New Englanders pay the highest electricity costs in the lower 48 states, which harms consumers, makes businesses less competitive, and limits economic development.

During 2012-2014, TGP transported 52% of the total gas consumed by New England’s natural gas-fired power generation market. With NED in service, TGP will be able to supply the vast majority of all New England’s gas-fired generators as well as select generation assets in New York.

TGP’s PowerServe Firm Service offering is the natural gas supply product intended to provide safe, reliable, flexible, and efficient service - helping to alleviate the Northeast’s exceptionally high wholesale electric costs and enhance electric reliability.

PowerServe Firm Service at a Glance

- Offers up to 740,000 Dth/d of enhanced flexible firm gas transportation and storage service.
- Uniquely provides EDC’s and power generators the ability to leverage NED’s scale - up to 1.3 Bcf/d - in ways that best serve New England and New York consumers.
- Provides industry-leading operational flexibilities such as guaranteed quick-start capability, specific hourly flow rights, flexible gas inventory management and customized contractual terms.
- Takes advantage of the unmatched high connectivity and proximity of the TGP system to various electric power generation load centers in the New England and New York areas, including TGP’s post-NED ability to supply all other natural gas pipelines in New England.

For more information on NED, please visit: http://northeastenergyfuture.com/

###
Representatives of Dominion would like to meet with the Commissioner to discuss two inter-related projects currently in the Pre-Filing Process at FERC. The Atlantic Coast Pipeline (ACP) Project would involve the construction and operation of 562 miles of variable diameter natural gas pipeline in West Virginia, Virginia, and North Carolina. The Supply Header Project would involve the construction and operation of approximately 38.7 miles of pipeline loop and the modification of existing compression facilities in Pennsylvania and West Virginia. Together, these projects would be capable of delivering 1.5 billion cubic feet of natural gas per day to seven planned distribution points in West Virginia, Virginia, and North Carolina. Also in attendance will be representatives from the other owners of ACP and customers of these projects. As noted above, both of these filings are in the Pre-Filing Process, so there are no ex parte concerns associated with this requested meeting.

Attendees:
Paul D. Koonce -- Chief Executive Officer of Dominion's Energy Infrastructure Group

Machelle Grim -- Director, Gas Regulation at Dominion

Swati Daji -- Senior Vice President for Fuels & Systems Optimization for Duke Energy

Joe McCallister -- Director, Natural Gas, Oil and Emissions in the Fuels & Systems Optimization Department for Duke Energy

Franklin H. Yoho -- Senior Vice President and Chief Commercial Officer at Piedmont Natural Gas

Bill Williams, Vice President - Sales and Delivery Services for Piedmont Natural Gas
Dear Rob,

Would the Commissioner be available on Friday, October 23rd, to meet with Kim Watson? She is Kinder Morgan's President of East Region Pipelines. The purpose of the meeting is to brief the Commissioner on the Northeast Direct Pipeline Project (Tennessee Gas Pipeline's project; TGP is a Kinder Morgan pipeline that goes into New England) before we file the application for it (in mid-November). Also at the meeting would be Curt Moffatt, Deputy General Counsel for KM, and me.

Thank you,
Suedeen

Sent from my iPhone

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
Dear [Redacted],

Attending the meeting with Commissioner Honorable on Thursday, November 12th at 4:00 pm will be me and Curt Moffatt, Deputy General Counsel of Kinder Morgan. I have attached Curt’s bio.

Thank you—
Sue

---

Can you send bios and a list of attendees to [Redacted] before the meeting?

Thank you.
Rob

OK, Rob. How about 4 pm? I should be able to make that.

Thank you, Sue

Hi Sue, 

4:15pm is a little late for us, though she could probably do 3:30 or 4pm for 30 minutes.
Thanks.

Rob

From: Kelly, Suedeen [mailto:skelly@akingump.com]
Sent: Tuesday, November 03, 2015 5:27 PM
To: Robert Thormeyer
Subject: RE: meeting

Thank you, Rob.

From: Robert Thormeyer [mailto:Robert.Thormeyer@ferc.gov]
Sent: Tuesday, November 03, 2015 5:27 PM
To: Kelly, Suedeen
Subject: RE: meeting

Hi Suedeen,

Hopefully I'll be able to get back with you tomorrow.

Rob

From: Kelly, Suedeen [mailto:skelly@akingump.com]
Sent: Tuesday, November 03, 2015 4:52 PM
To: Robert Thormeyer
Subject: RE: meeting

Hi, Rob. I spoke with Colette a little while ago, and she warned me that the 13th might not work. Curt will be here on the 12th, although I won't get back from my meeting in Florida until 3:15 pm on the 12th (at DCA). Might the Commissioner be available at the end of the day on the 12th—say 4:15 or so? That way I could join the meeting.

Thanks very much,
Suedeen

From: Robert Thormeyer [mailto:Robert.Thormeyer@ferc.gov]
Sent: Tuesday, November 03, 2015 4:34 PM
To: Kelly, Suedeen
Subject: meeting

Suedeen,

We’re still checking on Nov. 13, but I’m wondering if you have any other dates that might work for you so we have a few options.

Thanks.

Rob

Rob Thormeyer
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<th><strong>Robert Thormeyer</strong></th>
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The purpose of the meeting is to brief the Commissioner on the Northeast Direct Pipeline Project (Tennessee Gas Pipeline's project; TGP is a Kinder Morgan pipeline that goes into New England)
Robert Thormeyer

From: Naim Jonathan Peress <jperess@edf.org>
Sent: Tuesday, December 15, 2015 10:28 AM
To: Robert Thormeyer
Cc: Colette D. Honorable; Delia Barrack
Subject: EDF Meeting Request

Robert, Per our earlier conversation, I spoke with Commissioner Honorable a few weeks back and made plans for a meeting, which we are hoping you can assist in scheduling. The topic will be gas/electric coordination and natural gas wholesale market design. We have a substantial data set analyzing pipeline utilization and market need elements, and would like to schedule an hour, if possible. My colleagues Mark Brownstein and Elgie Holstein will also attend, and I am copying our program coordinator, Delia Barrack to help us schedule. We plan to schedule meetings with the other Commissioners around the time and date that works best for your office. Thus going out as far as early March is fine for us and we have time the first week of March. Please let us know. Thanks. -Jonathan

N. Jonathan Peress
Air Policy Director
US Climate and Energy

Environmental Defense Fund
18 Tremont Street Suite 850
Boston, MA 02108
T 617 406 1838
C 603 443 2719
njperess@edf.org
edf.org

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.
The topic will be gas/electric coordination and natural gas wholesale market design. We have a substantial data set analyzing pipeline utilization and market need elements, and would like to schedule an hour, if possible. My colleagues Mark Brownstein and Elgie Holstein will also attend.

Attendees: N. Jonathan Peress, Mark Brownstein, Elgie Holstein

Dial in from your phone:
From an Internal phone 6888
From within local Wash, DC area 202-502-6888
From outside Local Wash, DC area 1-877-857-1347

Meeting ID: 7324
People's Dossier: FERC's Abuses of Power and Law

→ Staff Conflicts of Interest


Phil Suter, the spouse of Maggie Suter, an official at the Federal Energy Regulatory Commission (FERC) who led the review for two gas pipeline projects by Spectra Energy, is a paid consultant on a related Spectra project.

Experts on ethics in government regulatory bodies told DeSmog this case raises serious red flags, amounting to what appears to be a conflict of interest.

“Suter should have, at the least, disclosed to FERC the conflict, and recused herself from these projects,” says Neil Gordon, an investigator at the Project on Government Oversight, a watchdog group monitoring money in politics.

Maggie Suter informed FERC about CH-IV’s work in both projects. In response, FERC removed her from the role of Project Manager in the Cove Point LNG project, but allowed her to remain on the reviewing team in a more limited role. FERC did not require Maggie Suter to recuse herself from reviewing the Atlantic Bridge project.*

Suter and the Spectra Pipeline Environmental Reviews

Beginning in 2013, Spectra proposed three projects to upgrade its existing Algonquin Pipeline in the Northeast U.S. — Algonquin Incremental Market (AIM), Atlantic Bridge, and Access Northeast. While FERC has already approved AIM, which is currently under construction, Atlantic Bridge and Access Northeast are still pending approval.

FERC’s Maggie Suter served as Environmental Project Manager for both AIM and Atlantic Bridge, where she led the environmental review for the two projects. An environmental engineer by training, Suter is a 12-year veteran of FERC.

Project managers play a crucial part in the review process of proposed pipelines, overseeing FERC staff assigned to assess the project’s impacts, coordinating the work of third-party contractors assisting the commission in the review, and serving as lead author of the final environmental reports. Reports benefitting the pipeline company are usually the first step in the ultimate approval of the project.

Yet a DeSmog investigation has found that at the same time, Phil Suter, Maggie Suter’s husband, has been working as a consultant for the Access Northeast pipeline project. Phil Suter is an
employee of CH-IV International, a liquefied natural gas (LNG) engineering and consulting firm advising Access Northeast on its LNG component. According to his LinkedIn profile, Phil Suter worked at FERC until mid 2012.

Documents filed at FERC show that Phil Suter has been consulting for the Access Northeast project since at least January 11, 2015 – that is, before FERC published its final Environmental Impact Statement on AIM, which Maggie Suter signed as the lead author.

This also means that when FERC assigned Maggie Suter to serve as project manager for Atlantic Bridge in late February 2015, Phil Suter was already working on Spectra’s Access Northeast project. As in AIM’s final report, Maggie Suter signed off as lead author on Atlantic Bridge’s environmental assessment.

Final environmental reports on both projects concluded they will not significantly impact the environment.

- 2 -

My staff has reviewed the proposals submitted for the selection of a third-party contractor to assist us in preparing the National Environmental Policy Act documentation. We have selected Natural Resource Group (NRG) as the third-party contractor to work under the direct supervision and control of the Commission staff. I request that you proceed with executing a contract with NRG so work may begin as soon as possible.

If you have any questions, please contact the Office of Energy Projects’ Environmental Project Manager for your project, Maggie Suter at (202) 502-6463.

Sincerely,

Jeff C. Wright
Director
Office of Energy Projects

Source: From FERC’s letter to Spectra, announcing Maggie Suter as Environmental Project Manager for Atlantic Bridge.
While Spectra claims the three upgrade projects are independent of one another, opponents point to their interconnectedness. A broad coalition including such organizations as Delaware Riverkeeper and Food and Water Watch have taken FERC to court precisely on these charges. Not only are the three projects upgrades to the very same pipeline, environmental groups point out, but their proposals and review timeframes also overlap at certain points.

Moreover, some aspects of Access Northeast are in fact contingent on the approval of Atlantic Bridge. For instance, Access Northeast plans to upgrade a compressor station in the town of Weymouth, Massachusetts. The construction of that has yet to be approved as part of Atlantic Bridge.

Opponents charge that FERC inappropriately allowed Spectra to segment the three projects, effectively preventing a more thorough review of their cumulative environmental and health impacts.

APPENDIX T
LIST OF PREPARERS

Federal Energy Regulatory Commission

Suter, Magdalene – Environmental Project Manager, Executive Summary, Proposed Actions, Alternatives, Land Use, Socioeconomics, Air Quality and Noise, Reliability and Safety, Cumulative Impacts
B.S., Environmental Systems Engineering, 2004, Pennsylvania State University

Kochhar, Medha – Deputy Project Manager, Alternatives, Land Use
Ph.D., Plant Ecology, 1974, North Carolina State University
M.S., Botany, 1968, B.I.T.S., Pilani, India
B.S., Biology and Chemistry, 1966, University of Delhi

Howard, Eric – Cultural Resources
M.A., Anthropology, 1997, University of Tennessee
B.A., Anthropology, 1992, University of Tennessee

Source: From FERC’s final Environmental Impact Statement for Spectra’s AIM, showing Maggie Suter as lead author.

Possible Conflict in Dominion Cove Point LNG

A review of historical documents at FERC suggests CH-IV and Phil Suter worked as consultants to a company in another project Maggie Suter was reviewing. While she served as Deputy
Project Manager for Dominion’s Cove Point LNG export terminal in 2014, CH-IV worked as Dominion’s consultant.

While CH-IV consulted Dominion during the review period, documents attest to Phil Suter’s personal involvement as part of a CH-IV team working on Cove Point LNG shortly after FERC approved the project in September 2014.

**Experts See Red Flags**

Experts on ethics in regulatory agencies point to the potential for a conflict of interest in these cases. Dr. Craig Holman, a government affairs lobbyist for the organization Public Citizen, says that FERC’s project manager should probably have recused herself from the projects involving her husband.

“This case seems to invoke 18 U.S. Code § 208, the law which spells out the conditions under which a conflict of interest exists for employees in the executive branch of government. The law encompasses not merely the possible financial gain of the individual government employee involved, but also his or her immediate family. If there is a potential for a pecuniary benefit from the review, she should have recused herself.”

According to Holman, one main reason the law includes immediate family members is to reduce the incentive for industry to hire spouses or kin as a way to bias the government official.

The Project on Government Oversight’s Neil Gordon agrees. Gordon, who researches government contracts, says this case further highlights the problems with the revolving door phenomenon, in which government officials move on to work for the industry they had regulated.

“With Phil Suter moving immediately from FERC to a private firm consulting energy companies regulated by FERC, the chances of his wife finding herself in conflict naturally increase,” said Gordon.

When reached for comment, Maggie Suter referred DeSmog to FERC’s Office of External Affairs. DeSmog asked FERC why Maggie Suter was assigned to Atlantic Bridge and why she did not recuse herself from AIM’s review once her husband began working for Access Northeast.

A FERC spokesperson said in response: “It is FERC’s policy to not comment on personnel matters. All ethics issues at FERC are presented to the Designated Agency Ethics Officer for a determination and any required corrective action.”

The spokesperson did not say whether any “required corrective action” was pursued in this case.

As DeSmog previously reported, former FERC Commissioner Philip Moeller regularly received waivers from FERC’s legal division allowing him to rule on decisions involving energy
companies that his wife, lobbyist Elizabeth Moeller, represented. Moeller was on the commission when it approved Spectra’s AIM upgrade.

DeSmog also first revealed the potential conflict of interest involving AIM and Atlantic Bridge’s third party contractor. While reviewing these Spectra projects on FERC’s behalf, Natural Resource Group (NRG), was hired by PennEast Pipeline LLC, a consortium of which Spectra is a member.

Both Phil Suter and Spectra Energy were contacted for comment, but neither responded to DeSmog before this article was published.

*Editor’s Note January 16, 2017: Based on additional information provided by FERC and other sources subsequent to the publication of this article, we have updated the story to clarify the relationships between the projects described and the Suters’ respective roles pertaining to them.

The partners in Access Northeast divided responsibility for the LNG component of the project such that Algonquin Gas Transmission, LLC (a wholly owned subsidiary of Spectra Energy) will own the new LNG storage facility while the electric utility Eversource will operate and maintain the facility. In a document submitted to FERC, Access Northeast stated that CH-IV had been contracted by both these partners for the project: while Eversource hired CH-IV to develop the front end engineering design of the facility, CH-IV will serve as Spectra’s Engineer in the engineering, procurement, and construction phase of the project.

DeSmog also spoke with the two experts quoted in the original story to share with them the updated information; each stands by his original statement.

Craig Holman stated the central point he made in his original quote remains unchanged: Maggie Suter had been in a potential conflict of interest in both the Cove Point LNG and Atlantic Bridge projects. Holman added that it seems like she indeed made the right move by notifying her superiors of these potential conflicts. At the same time, it was her superiors at FERC who apparently made the wrong decisions by allowing her to remain on the team reviewing Cove Point, and by allowing her to lead the review of Atlantic Bridge while her husband was working for Spectra’s related project, Access Northeast. (DeSmog originally asked FERC if Maggie Suter informed her supervisors of the conflict, but FERC chose not to respond to that question.)*
People's Dossier: FERC's Abuses of Power and Law

Staff Conflicts of Interest

Staff Conflicts of Interest Attachment 14, DeSmog Blog, Revealed: Ex-FERC Commissioner’s Multiple Rulings Favored Energy Companies His Wife Lobbied For, August 22, 2016.
Revealed: Ex-FERC Commissioner’s Multiple Rulings Favored Energy Companies His Wife Lobbied For

By Itai Vardi • Monday, August 22, 2016 - 04:00

Numerous rulings by a former Commissioner of the Federal Energy Regulatory Commission (FERC) favored energy companies his lobbyist wife worked for at the time, a DeSmog investigation can reveal.

Philip Moeller left FERC in late 2015 after nearly ten years on the Commission.

Throughout his entire tenure, Moeller’s wife, Elizabeth Moeller, was employed as a lawyer and lobbyist for the Washington DC-based firm Pillsbury, Winthrop, Shaw & Pittman LLP (Pillsbury Winthrop).

According to internal FERC documents obtained by DeSmog, the Commission’s counsel repeatedly authorized Moeller to rule on matters concerning companies represented by his wife or others at Pillsbury Winthrop.

Elizabeth Moeller’s Timely Move to Pillsbury Winthrop

A month before Moeller was nominated by President George W. Bush to FERC in March 2006, Elizabeth Moeller, a veteran Capitol Hill lobbyist, moved from the firm of Squire Patton to Pillsbury Winthrop.

One of her first clients at the new firm was Puget Sound Energy (PSE), a FERC-regulated utility providing electricity and gas to more than a million customers in the Northwest.

According to congressional disclosure documents, Elizabeth Moeller had consistently lobbied for PSE from April 2006 to April 2014 on various issues relating to climate change, energy policy, and taxation. During the same time span, Commissioner Moeller sat on many FERC rulings involving PSE, where he ruled in favor of the company.

In 2007, Moeller and the Commission approved the upgrade and expansion of a PSE storage facility.

A year later, they approved PSE’s merger with a consortium led by the investment firm Macquarie.
Soon after, Moeller was involved in approving PSE’s purchase of Sumas Pipeline Company’s natural gas import facility in Whatcom County, Washington.

In 2011, FERC approved PSE’s rate increase. Two years later, Moeller approved PSE’s new service agreements with Morgan Stanley Capital.

**FERC Allows Moeller to Sit on Rulings**

When first nominated to FERC, Moeller disclosed to the Commission the conflict relating to his wife’s work.

In a letter to FERC’s Designated Agency Ethics Official, Moeller stated he would “not participate personally and substantially, if confirmed, in any particular matter that will have a direct and predictable effect on my spouse’s employment interest in Pillsbury Winthrop Shaw Pittman.”

Office of Government Ethics [rules](#) strictly forbid public officials from working on matters where they have a personal financial stake, unless authorized in writing by the agency’s Ethics Official.

In addition, my spouse is employed as a non-equity partner by Pillsbury Winthrop Shaw Pittman and receives a fixed annual salary from the firm. I will not participate personally and substantially, if confirmed, in any particular matter that will have a direct and predictable effect on my spouse’s employment interest in Pillsbury Winthrop Shaw Pittman. Moreover, I will not participate in any particular matter involving specific parties in which Pillsbury Winthrop Shaw Pittman or any one of my spouse’s clients represents a party, unless I am authorized to participate pursuant to the procedures in 5 C.F.R. § 2635.502.

Sincerely,

Philip D. Moeller

Excerpt from Commissioner Moeller disclosure statement, March 2006
Internal FERC memoranda show the Commission’s legal staff repeatedly authorized Moeller to participate in rulings involving companies represented by Pillsbury Winthrop.

In February 2007, only months after his appointment to FERC, Moeller asked the Commission's Ethics Official for a blanket waiver to participate in matters involving companies represented by his wife or Pillsbury Winthrop. The waiver was on the condition that neither Elizabeth Moeller or Pillsbury Winthrop was participating directly in the issue before the commission.

The official granted the waiver, arguing “[I] believe it is highly unlikely your Commission decisions in matters that involve your wife’s or Pillsbury’s clients, when represented by other counsel, would have any affect on the financial interests of either your wife or of Pillsbury.”

The Ethics Official also cited Moeller’s unique role in the regulatory process. “As a result, your role cannot be performed by another Commission employee and you should not be recused unnecessarily.”

Soon after, in early 2008, Moeller asked FERC’s counsel to participate in several rulings concerning PSE.

Even though Elizabeth Moeller was already lobbying for PSE at the time, FERC allowed him to participate after verifying that neither she nor her firm was directly participating in the specific matters before the Commission concerning PSE.

FERC’s counsel wrote, “in my view, these matters will not have any direct and predictable effect on the Moeller’s finances.”

In one of the rulings concerning PSE, Moeller stated: “Transparency in the Commission's process is necessary in light of our significant enforcement authority.”

In late 2009 Moeller asked FERC for a waiver to participate in pending settlement rulings relating to California’s energy crisis of 2000-2001, where one of the parties in the matter, Chevron, was being represented by Pillsbury Winthrop.

Oddly, at the time Moeller told FERC’s counsel he was unaware his wife had become an equity partner at Pillsbury Winthrop 11 months earlier. This means Elizabeth Moeller automatically benefited financially with every increase in her firm’s total income.

Still, FERC granted him the waiver to participate in the settlements, saying: “Mrs. Moeller stands to benefit only in an indirect and attenuated way from the resolution of the Settlements.”

The Commission also cited the need to maintain a quorum of commissioners in such matters.
2. **Elizabeth Moeller’s Financial Interest in the Settlements**

Mrs. Moeller’s interest in the Settlements, as a partner at Pillsbury, seems minimal. According to Ms. Quinn Baraco, Pillsbury’s Director of Partner Compensation Accounting, the firm has over 300 partners. Moreover, Mrs. Moeller’s ownership interest in the firm is [redacted], and she does not work involving Chevron. Although it is difficult to speculate as to a dollar amount Moeller might receive from the firm’s representation of Chevron, I believe that it considerably [redacted] of the firm’s compensation. I believe that Mrs. Moeller stands to benefit only in an [redacted] way from the resolution of the Settlements.

B. **Nature and Importance of the Employee’s Role**

As a Commissioner, you have a central role in the Settlements. The Commission is the primary decision-making body in the enforcement and administration of the Natural Gas Act and the Federal Power Act. As a Commissioner, you are responsible for making decisions that affect the regulation of natural gas and electric power industries.

*From a 2009 internal FERC memorandum, authorizing Commissioner Moeller to rule on matters involving companies represented by Pillsbury Winthrop*

In 2012, Moeller was again authorized to rule in similar settlements involving Chevron. FERC’s counsel reasoned that “Mrs. Moeller does not work on matters involving Chevron, and has recently been ‘walled off’ from any profits received from the firm’s FERC’s practice.”

**Elizabeth Moeller's Fracking and Coal Clients**

Yet during these years Elizabeth Moeller represented other energy clients, of which there’s no evidence her husband asked for waivers to his obligated recusal.

In 2010, Elizabeth Moeller began lobbying for Mitsui Oil Exploration shortly after the company purchased agreements to drill for natural gas in Pennsylvania’s Marcellus Shale.

Soon afterwards, Moeller and the Commission approved a number of new natural gas projects in the Northeast carrying fracked gas from the Marcellus Shale. These include Spectra Energy’s Texas Eastern Appalachia to Market project and New Jersey-New York Expansion project.

During her husband’s tenure as FERC Commissioner, Elizabeth Moeller also lobbied for Laurus Energy, which develops underground coal gasification. Apart from her lobbying activities, she serves on the Board of Directors of General Synfuels International (GSI), an oil shale gasification company.
DeSmog could not find evidence of any instance where Moeller recused himself from rulings involving his wife’s clients.

A FERC spokesperson declined to comment and referred DeSmog to former Commissioner Moeller.

DeSmog was unable to contact Moeller directly but Brian Reil, a spokesperson at Edison Electric Institute, where Moeller currently works, said: “Mr. Moeller followed the law with an abundance of caution and in accordance and consultation with FERC’s ethics office. Regarding Liquefied Natural Gas Ltd., Mr. Moeller was only approached after he announced he was leaving FERC and was then recused on issues involving the company during his remaining time at FERC.”

DeSmog also requested comment from Elizabeth Moeller, but got no response.

**Philip Moeller’s Own Revolving Doors**

Moeller himself embodies the revolving door phenomenon, where public servants move seamlessly to and from the private sector, potentially blurring their allegiances and interests.

In the years before his nomination to FERC, he worked as lobbyist for Alliant Energy and Calpine Corporation.

Moeller also chaired the Federal Affairs Executive Committee for Edison Electric Institute, a national utilities trade and lobbying group.

Soon after leaving FERC in October 2015, Moeller went back to work for the industry he had until recently regulated.

Within three months of his departure, Moeller rejoined Edison Electric Institute, this time as Senior Vice President of Energy Delivery and Chief Customer Solutions Officer.

**Moeller Joins LNG Company Board – Lobbied for by his Old Colleague**

Moeller then joined the Board of Directors of Liquified Natural Gas Ltd., an Australian company developing several LNG export terminals worldwide.

Liquified Natural Gas Ltd is currently awaiting FERC’s approval for its Magnolia LNG, a large terminal in Lake Charles, Louisiana. Liquified Natural Gas Ltd’s subsidiary for the project, Magnolia LNG, began its FERC review process in 2013, when Moeller still served as Commissioner.

The company has hired the firm K&L Gates to both manage its FERC application, and provide lobbying services.
One of Magnolia’s lobbyists from K&L Gates is Moeller’s ex-boss and longtime friend, former US-Senator Slade Gorton. Moeller worked as Gorton’s Energy Advisor when the former served in the Senate.

Lobbying disclosure documents show K&L Gates registered specifically to lobby on Magnolia LNG’s behalf to “[L]icense application with Federal Energy Regulatory Commission,” and that the entities it lobbied included FERC. Gorton himself lobbied on Magnolia LNG’s behalf in early 2015, while Moeller still served at FERC.

Within less than a year, Moeller would switch sides and join the Board of Magnolia LNG’s parent company.

Slade Gorton told DeSmog that although his firm K&L Gates listed him as a lobbyist for Magnolia LNG, he has “absolutely no memory of ever lobbying for LNG Ltd on any subject.”

As to his current relationship with Philip Moeller, Gorton, says he was “an outstanding member of my Senate staff whom I am delighted to see once or twice a year.”

In another project, Liquified Natural Gas Ltd recently announced it will connect its planned Bear Head LNG terminal in Canada’s Novia Scotia to a Spectra Energy pipeline in the Northeast US.

Spectra’s recent major upgrade to its New England pipeline – Algonquin Incremental Market (AIM) – was approved by Moeller and the Commission in March 2015.

As DeSmog first reported, the environmental review processes for Spectra's new natural gas projects in the region is mired with alleged conflicts of interest.

The contractor hired by FERC to assess the impacts of the company's AIM and Atlantic Bridge projects - Natural Resource Group (NRG) - was already working directly for Spectra on related pipelines, suggesting it had a financial interest in approving the projects it was called upon to review independently.

*Main image: Former FERC Commissioner, Philip Moeller. Source: Flickr/FERC*
Pat Wood, III

Mr. Wood currently serves as our Board’s non executive Chairman. Mr. Wood brings significant strategic and operational management experience to the Board. Mr. Wood holds a Bachelor of Science in Civil Engineering and a Juris Doctor degree, and has demonstrated strong leadership skills through nearly ten years of regulatory leadership in the energy sector. Mr. Wood brings a unique perspective from and extensive knowledge with regard to the energy regulatory process and energy policy development at the government level, his years of service as a director of other public and private companies, and his energy infrastructure development expertise.

Mr. Wood is serving as the Board’s non executive Chairman and has served as a principal of Wood3 Resources, an energy infrastructure developer, since July 2005. From 2001 until July 2005, Mr. Wood served as chairman of the Federal Energy Regulatory Commission. From 1995 until 2001, he chaired the Public Utility Commission of Texas. Prior to 1995, Mr. Wood was an attorney with Baker & Botts, a global law firm, and an associate project engineer with Arco Indonesia, an oil and gas company, in Jakarta. Mr. Wood currently serves on the public boards of directors of Quanta Services Inc., SunPower Corp. and Memorial Resources Development.