

## **VOICES**

### ***Victory Over InFRACKstructure, Clean Energy inStead***

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August 9, 2018

#### **Contact:**

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### **Nationwide Coalition Calls on Congress to Leave FERC Seat Vacant**

**Washington, D.C.** – 102 organizations urged members of the U.S. Senate to leave departing Federal Energy Regulatory Commission (FERC) Commissioner Robert Powelson’s seat vacant, until Congress has held investigations into FERC’s abuses of power and initiated needed reforms. According to a recent interview, Powelson will be leaving FERC on August 10, 2018.

In August 2017, the nationwide VOICES coalition called on members of the Senate not to restore a quorum at FERC and to use the time to advance the call for hearings into FERC to identify and pursue reforms. With Powelson’s departure, FERC’s balance of power is now split. The letter says, “You now have a second chance when it comes to protecting communities from the Federal Energy Regulatory Commission’s (FERC) abuses of power and law, and from the fracked gas pipelines wreaking so much havoc on communities, environments, and the safety of future generations.”

The VOICES coalition also denounced FERC’s announcement that they would not consider climate impacts of pipeline projects, saying in the letter, “In fact, Commissioners Powelson, Chatterjee, and McIntyre recently announced that FERC will not consider the climate impacts of the pipeline projects they review. There is no reason to think that any Trump Republican appointee will think or act differently. If Commissioner Powelson’s seat is left vacant there will be, at least to some degree, a stop of the FERC Rubber Stamp parade for pipelines. If the seat is filled it is certain that every proposed pipeline that comes before FERC will be quickly and easily approved.”

“With Robert Powelson’s exit, FERC will be unable to approve pipelines where there is a 2 to 2 split among the Commissioners over key issues like climate change and the misuse of eminent domain authority,” **said Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network and leading member of the VOICES coalition.** “And so it is time for members of the U.S. Senate who are concerned about FERC’s failure to consider the climate change impacts of the fracked gas pipelines it is rampantly approving, who are concerned about the Commission’s misuse of the power of eminent domain, and who recognize that the agency has a demonstrated bias in favor of the fossil fuel industry that needs to be addressed, to stand firm against the confirmation of Donald Trump’s replacement for FERC Commissioner Powelson until needed reforms to the agency’s process have been identified and put in place by Congress through Natural Gas Act reform.”

“Commissioner Powelson’s departure comes during the Commission’s examination of its Pipeline Certificate Policy Statement announced earlier this year,” **said Karen Feridun, Founder of Berks Gas Truth.** “A public comment period ended on July 25<sup>th</sup> with no indication that any public hearings would be part of the public

participation process. The VOICES coalition has called on the Commissioners to schedule and personally attend a minimum of six hearings in representative communities across the country. The Commissioners have shielded themselves from hearing directly from the people and witnessing the harm their decisions have done. The Senate can and must support our call for hearings and withhold acting on any nomination the Trump administration puts forth until those hearings have occurred and the Commission's review is complete."

"Robert Powelson retiring from FERC is a victory for the environment and clean energy. From the beginning, he has clear contempt for the public, including smearing anti-pipeline activists. Powelson was a member of the Greater Philadelphia Energy Action Team whose goal is to lobby and promote pipelines and expand the energy industry including refiners. Powelson left FERC because he didn't support Trump's efforts to subsidize coal and nuclear power. Even he couldn't support these irresponsible policies," **said Jeff Tittel, Director of the New Jersey Sierra Club.** "We're hoping that Powelson leaving FERC will result in a stalemate when it comes to the Commission approving unnecessary fossil fuel projects. This is good because the more we can delay approvals the better chance we can stop these destructive projects. If FERC regains a Republican bias, they will once again have the power to approve dangerous pipelines and projects such as final approval for PennEast and the Northeast Expansion Supply Enhancement Project. The more we can delay future Trump nominations to fill Powelson's spot, the longer it will take for FERC to take action on all of the unnecessary and destructive projects."

"It is not with heavy heart that we say goodbye to Mr. Powelson....the man who called those standing up for community rights, clean water and air and against the out of control natural gas industry 'environmental Jihadists'. With his departure there is a possibility that this rogue agency might actually get reset to perform in a more balanced manner, without the blatant and unethical relationships with staff at corporations they are overseeing, gift giving, party attending and overall corruption in attitude and behavior that has gone on in the recent past. Maybe there will be a place for the Common Human's needs to be taken into consideration as opposed to just simply approving every project that comes to its collective desks," **said Sharon Furlong, co-founder of Bucks Environmental Action.**

"The disruption of climate poses one of the greatest public health threats of our time. Pipelines as the mainstay of fossil fuel infrastructure are major drivers of that change in climate and extreme weather patterns. Rubber-stamping of pipelines without considering the climate impacts is akin to pushing an unnecessary pill and disregarding its serious side effects. The decisions that FERC makes have significant impact on communities and policy makers have a duty to protect the public by holding FERC accountable," **said Pouné Saberi, MD, MPH, Physicians for Social Responsibility.**

"We're at an unprecedented crossroads here, where two of the remaining FERC Commissioners have pushed to streamline the process by completely disregarding any climate effects, and the two others are repeatedly making that case that FERC can no longer deny these impacts of the projects they approve," **said Rosemary Wessel, Program Director, No Fracked Gas in Mass.** "No Fracked Gas in Mass and Berkshire Environmental Action Team have met with the offices of Senator Warren and Markey personally to make the case that this delicate balance needs to remain, and careful attention needs to be paid to all nominees for fill Powelson's seat. We urge everyone to do the same, no matter who your Senators are."

"With the impacts of the climate emergency all around us – forest fires, heat waves, droughts, floods and more – it would be a dangerous abdication for the Senate to confirm any nomination made by climate denier Donald Trump to FERC. Senators who care about climate change must demand hearings and real reform from this agency to prevent the rubber-stamp approval of new pipelines or fossil fuel infrastructure that contribute to global heating," **said Melinda Tuhus, Beyond Extreme Energy.**

“Our group waged lawsuit for over 30 years on behalf of endangered species in the Albany Pine Bush. Projects we support pour millions of federal state and private dollars into restoration. Yet all of this is for naught should climate change continue to escalate,” **said Grace Nichols, Save the Pine Bush.** “We are facing extinction. There is no more important enterprise than the prohibition of fossil fuel infrastructure. Any industrial activity which contributes to the dispossession and/ or death of millions of coastal humans needs to be illegal. FERC needs to be ready for this challenge.”

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**Delaware Riverkeeper Network ~ Berks Gas Truth  
Kingston Greenways Association ~ Genesis Farm ~ Gas Free Seneca  
Seneca Lake Guardian ~ Occupy Bergen County ~ ECHO Action NH: #FossilFree603  
Citizens United for Renewable Energy (CURE) ~ Chesapeake Pipeline Resistance  
Sanford-Oquaga Area Concerned Citizens (S-OACC) ~ NH Pipeline Resistance  
Peace-Youth ~ Aquashicola/Pohopoco Watershed Conservancy  
OVEC-Ohio Valley Environmental Coalition ~ Rochester Defense Against Fracking  
Western North Carolina Renewables Coalition ~ Resist the Pipeline  
Together Hanover ~ No Norfolk MA Gas Pipeline ~ Bucks County CCAP  
Breathe Easy Susquehanna County ~ Jewish Climate Action Network  
Citizens for a Clean Pompton Lakes ~ Veterans Service Corps  
Plan To Save the Planet ~ Food & Water Watch  
Deep Green Resistance New York City  
Stop the Algonquin Pipeline Expansion (SAPE) ~ Milwaukee Riverkeeper  
People for a Healthy Environment  
Council on Intelligent Energy & Conservation Policy  
Safe Energy Rights Group, Inc. ~ DiBianca Associates LLC  
HALT - PennEast (Homeowners Against Land Taking) ~ Esprit Decor LLC  
NYC Grassroots Alliance ~ Protecting Our Waters  
Friends for Environmental Justice ~ Concerned Residents of Oxford  
United for Action ~ Elmirans & Friends Against Fracking  
WILPF-Triangle Chapter ~ Preserve Monroe ~ Friends of the Narrows of Hans Creek  
Physicians for Social Responsibility (PSR) Philadelphia/Pennsylvania  
Chatham Research Group ~ Popular Resistance ~ Bmore Poetry Blog  
Clean Water for North Carolina ~ Virginia Citizens Consumer Council  
Preserve Roanoke/Bent Mountain ~ Protect Our Water Heritage Rights  
Friends of Buckingham ~ Virginia Pipeline Resisters  
Franciscan Response to Fracking  
Nash Stop the Pipeline (Blue Ridge Environmental Defense League)  
Coalition to Protect New York ~ West Virginia Highlands Conservancy  
Beyond Extreme Energy ~ Compressor Free Franklin  
Alliance to Protect the People and the Places We Live (APPPL)  
350Brooklyn ~ Green Party of Pennsylvania  
Sullivan Alliance for Sustainable Development  
Living Rivers & Colorado Riverkeeper ~ Grassroots Environmental Education  
Project CoffeeHouse ~ 350 Triangle ~ Save the Pine Bush  
Morning Glory & Bumble Bee LLC ~ ShaleshockCNY  
Climate Justice Committee of CNY Solidarity Coalition  
STOP the West Roxbury Lateral Pipeline  
Central Jersey Coalition Against Endless War ~ Sane Energy Project**

**Kingwood Citizens Against the Pipeline ~ Stop NY Fracked Gas Pipeline  
Preserve Giles County ~ Community Advocates for Sustainable Energy  
Tidewaters Gateway Partnership Inc. ~ Howard County (MD) Climate Action  
Responsible Drilling Alliance (RDA) ~ No Eastern Shore Pipeline  
Bucks Environmental Action ~ 198 methods ~ 350 Columbia  
Diné Citizens Against Ruining our Environment ~ NH Pipeline Health Study Group  
Sustainable Medina County ~ New York Climate Action Group  
Coalition Against the Rockaway Pipeline  
Coalition Against Pilgrim Pipeline New Jersey ~ Preserve Montgomery County VA  
Lehigh-Pocono Committee of Concern/LEPOCO Peace Center  
Bucks County Sierra Club ~ Transition Town Media ~ StopNED  
Union County (NJ) Peace Council ~ Common Ground Community Trust  
Lebanon Pipeline Awareness ~ Save Carbon County**

August 9, 2018

Dear Senators,

You now have a second chance when it comes to protecting communities from the Federal Energy Regulatory Commission's (FERC) abuses of power and law, and from the fracked gas pipelines wreaking so much havoc on communities, environments and the safety of future generations. With Commissioner Powelson's resignation a little bit of balance has been restored to FERC – no longer is there a solid 3 to 2 majority in support of every pipeline brought before the Commissioners – Commissioners Glick and LeFleur now have the chance to take a meaningful stance on projects regarding climate change, need, tolling orders and the misuse of eminent domain. And so, we, the undersigned, urge you to take a stand against Trump's newest FERC Commissioner nominee until there have been congressional hearings investigating FERC's abuses and needed reforms to the Natural Gas Act that will protect communities, the environment and our climate have been identified.

Almost exactly one year ago, representatives of our VOICES coalition (a national coalition of over 245 community groups from across the nation facing the threats and harms of FERC) visited with you to discuss the many abuses of power perpetrated by FERC on communities and our environment. We provided you a Dossier well documenting these abuses, which have taken place over many years. We shared testimony of 65 people from across the country given at a People's Hearing held at the National Press Club, to which you were invited but refused to attend. The testimony spoke to the abuses and harms these families experienced at the hands of the FERC pipeline review process. And we appealed to you to take the opportunity provided by a lack of a quorum at FERC to conduct the investigation into FERC we'd called for in a letter to all members of Congress more than a year earlier and several times thereafter. Our request: advance the call for hearings into FERC's abuses of power and law in order to identify and pursue needed reforms. Whether Republican or Democrat, we pleaded with you to stand up and speak out for all the people in need of your protection and help.

You didn't listen.

The Senate Environmental Resources and Energy Committee approved Trump's first two nominees almost as quickly as they were brought forth. In the last moments before heading off for August recess, there was a rushed, and completely unchallenged, vote to confirm them to the Federal Energy Regulatory Commission and thereby restore the quorum. No Senator stood up in opposition.

Between that fateful day, August 4, 2017, and today, on the order of 27 new pipeline and pipeline expansion projects have been approved. Thousands of properties have been, and are being, taken by eminent domain—thousands of acres of forests, streams, wetlands, ecosystems, as well as countless species are being irreparably devastated.

It is time, Senator, to stand up and do what you can to make it right. The balance of power at FERC has shifted with the resignation of FERC Commissioner Powelson. FERC Commissioners Glick and LeFleur are speaking up against rubber stamp approval of pipelines, citing misuse of eminent domain authority, the need to evaluate climate changing emissions, and the abuse of a legal loophole (called a tolling order) that is undermining the rights of people to get their day in court before their property rights are taken and irreplaceable ecosystems destroyed. Donald Trump's next nominee is certain to be a climate change denier, and one totally in league with the pipeline and associated fossil fuel industries. In fact, Commissioners Powelson, Chatterjee, and McIntyre recently announced that FERC will not consider the climate impacts of the pipeline projects they review, as required by NEPA, a year-old federal court decision, and good conscience. There is no reason to think that any Trump Republican appointee will think or act differently.

If Commissioner Powelson's seat is left vacant there will be, at least to some degree, a stop of the FERC Rubber Stamp parade for pipelines. If the seat is filled, it is certain that every proposed pipeline that comes before FERC will be quickly and easily approved. We urge you to do your duty and protect future generations from the devastation of climate change -- take a stand against Trump's newest FERC Commissioner nominee and in so doing, let the people, through Commissioners Glick and LeFleur, have at least some semblance of a voice at FERC.

In addition, use our Dossier to bring to light and high profile the many abuses of FERC -- its misuse of tolling orders to rob people of their legal right to meaningful access to the courts, its efforts to undermine and usurp state authority, its ever growing efforts to shut people out of the public comment process, its continuing use of third party consultants that have professional relationships with the very pipeline companies and pipeline projects they are supposed to be objectively reviewing for FERC, the conflicts of interest held by FERC Commissioners and staff who frequently have financial and/or professional ties with the companies they are supposed to be objectively regulating, FERC's announced intent to ignore the climate changing impacts of its decisions, its stated plan to ignore decisions handed down by federal court justices, and more. And once the hearing is over, use the inevitable evidence you will secure from the testimony you hear to stand firm against the nominee and take every action to oppose their confirmation as FERC Commissioner.

You made a mistake last time around - you tried to look reasonable knowing you were dealing with an unreasonable President and unreasonable senate colleagues -- if you do it again it won't be a mistake, it will be a knowing sacrifice of communities and future generations for your own personal and or political gain.

Respectfully,

Maya van Rossum, Delaware Riverkeeper Network  
Karen Feridun, Berks Gas Truth  
Tari Pantaleo, Kingston Greenways Association  
Miriam MacGillis, Genesis Farm  
Yvonne Taylor, Gas Free Seneca

Joseph Campbell, Seneca Lake Guardian  
Sally Jane Gellert, Occupy Bergen County  
Stephanie Scherr, ECHO Action NH: #FossilFree603  
Georgina Shanley, Citizens United for Renewable Energy (CURE)  
Kimberly Williams, Chesapeake Pipeline Resistance  
Gail Musante, Sanford-Oquaga Area Concerned Citizens (S-OACC)  
Sue Durling, NH Pipeline Resistance  
Martina Venini, Peace-Youth  
James Vogt, Aquashicola/Pohopoco Watershed Conservancy  
Vivian Stockman, OVEC-Ohio Valley Environmental Coalition  
Toby Stover, Rochester Defense Against Fracking  
Carolyn Anderson, Western North Carolina Renewables Coalition  
James Michel, Resist the Pipeline  
Christiane Riederer, Together Hanover  
Angela Wilcox, No Norfolk MA Gas Pipeline  
Arianne Elinich, Bucks County CCAP  
Rebecca Roter, Breathe Easy Susquehanna County  
Rabbi Katy Allen, Jewish Climate Action Network  
Lisa Riggiola, Citizens For A Clean Pompton Lakes  
Richard H. Allan III, Veterans Service Corps  
Glenn Sanders, Plan To Save the Planet  
Scott Edwards, Food & Water Watch  
Michael Bucci, Deep Green Resistance New York City  
Susan McDonnell, Stop the Algonquin Pipeline Expansion (SAPE)  
Cheryl Nenn, Milwaukee Riverkeeper  
Doug Couchon, People for a Healthy Environment  
Michel Lee, Council on Intelligent Energy & Conservation Policy  
Nancy Vann, Safe Energy Rights Group, Inc.  
Vincent DiBianca, DiBianca Associates LLC  
Jacqueline Evans, HALT - PennEast (Homeowners Against Land Taking)  
Patricia Oceanak, Esprit Decor LLC  
Susan Spieler, NYC Grassroots Alliance  
Iris Marie Bloom, Protecting Our Waters  
Elaine Tanner, Friends For Environmental Justice  
Trellan Smith, Concerned Residents of Oxford  
Edith Kantrowitz, United for Action  
Doug Couchon, Elmira & Friends Against Fracking  
Lib Hutchby, WILPF-Triangle Chapter  
Roseanna Sacco, Preserve Monroe  
Maury Johnson, Friends of the Narrows of Hans Creek  
Tammy Murphy, Physicians for Social Responsibility (PSR) Philadelphia/Pennsylvania  
Martha Girolami, Chatham Research Group  
Kevin Zeese, Popular Resistance  
Andrew Hinz, Bmore Poetry Blog  
Hope Taylor, Clean Water for North Carolina  
Irene Leech, Virginia Citizens Consumer Council  
Roberta Bondurant, Preserve Roanoke/Bent Mountain  
Roberta Bondurant, Protect Our Water Heritage Rights  
Chad Oba, Friends of Buckingham  
Stacy Lovelace, Virginia Pipeline Resisters  
Ruth A Adams, Franciscan Response to Fracking

W. Marvin Winstead, Jr., Nash Stop the Pipeline (Blue Ridge Environmental Defense League)  
Doug Couchon, Coalition to Protect New York  
Larry Thomas, West Virginia Highlands Conservancy  
Ted Glick, Beyond Extreme Energy  
Donald Hebbard, Compressor Free Franklin  
Steven Norris, Alliance to Protect the People and the Places We Live (APPPL)  
Sara Gronim, 350Brooklyn  
Sheri Miller, Green Party of Pennsylvania  
Linda Reik, Sullivan Alliance for Sustainable Development  
John Weisheit, Living Rivers & Colorado Riverkeeper  
Patti Wood, Grassroots Environmental Education  
Barbara Jarmoska, Project CoffeeHouse  
Karen Bearden, 350 Triangle  
Grace Nichols, Save the Pine Bush  
Vita Wallace, Morning Glory & Bumble Bee LLC  
Sharon Osika-Michales, ShaleshockCNY  
Katherine Burns, Climate Justice Committee of CNY Solidarity Coalition  
Nancy Wilson, STOP the West Roxbury Lateral Pipeline  
Sid Madison, Central Jersey Coalition Against Endless War  
Kim Fraczek, Sane Energy Project  
Deborah Kratzer, Kingwood Citizens Against the Pipeline  
Becky Meier, Stop NY Fracked Gas Pipeline  
Richard Shingles, Preserve Giles County  
Bob Connors, Community Advocates for Sustainable Energy  
Richard McNutt, Tidewaters Gateway Partnership Inc.  
Elisabeth Hoffman, Howard County (MD) Climate Action  
Robert Cross, Responsible Drilling Alliance, (RDA)  
Cristi, No Eastern Shore Pipeline  
David Meiser, Bucks Environmental Action  
Drew Hudson, 198 methods  
Andrew Hudson, 350 Columbia  
Carol Davis, Diné Citizens Against Ruining our Environment  
Beverly Edwards, NH Pipeline Health Study Group  
Kathie Jones, Sustainable Medina County  
Judith Canepa, New York Climate Action Group  
Judith Canepa, Coalition Against the Rockaway Pipeline  
Ken Dolsky, Coalition Against Pilgrim Pipeline New Jersey  
Lynda Majors, Preserve Montgomery County VA  
Nancy Tate, Lehigh-Pocono Committee of Concern/LEPOCO Peace Center  
Sharon Furlong, Bucks County Sierra Club  
Sari Steuber, Transition Town Media  
Cathy Kristofferson, StopNED  
Diane Beeny, Union County (NJ) Peace Council  
Elaine Cimino, Common Ground Community Trust  
Ann Pinca, Lebanon Pipeline Awareness  
Linda Christman, Save Carbon County