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New Nexus pipeline great idea, says man who died in 1998

Keith Matheny , Detroit Free Press 11:30 p.m. ET Sept. 12, 2016

A sign of opposition to the proposed Nexus natural gas pipeline was placed by project opponent Jonathan Strong on his property near Medina, Ohio last year. In the foreground is a surveyor's stake marking the proposed route of the pipeline.(Photo: Courtesy of Jonathan Strong)

Glenn England's Aug. 15 letter makes clear that the Risingsun, Ohio, resident is a big supporter of the proposed Nexus pipeline, a multistate, natural gas transmission line that DTE Energy is a major partner in developing.

But there's a slight problem with his letter to the regulatory agency that will decide whether the pipeline gets the go-ahead.

"He's been dead for 18 years," said Mr. England's widow, Mary England. "He died in 1998 at the VA hospital in Ann Arbor."

England's letter is one of several to the Federal Energy Regulatory Commission in support of the Nexus pipeline that an opposing citizens group says it has determined are false or fraudulent — either not sent by the people named in the letter, or sent without their permission. The story was first reported by the Cleveland Plain Dealer and Toledo Blade on Sept. 9.

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The Nexus pipeline would move up to 1.5 billion cubic feet of natural gas per day from Kensington, Ohio, to the MichCon City Gate, a vast gas storage facility in southeast Michigan, and then on into Ontario. DTE is a 50% owner in the proposed line, whose other partners include Enbridge and Spectra Energy — which Enbridge is now seeking to buy.

DTE officials have said the pipeline will provide an affordable means of delivering natural gas from the productive fields of western Pennsylvania and Ohio to Michigan and other markets, particularly as DTE and other utilities transition more and more to natural gas for power generation.

Critics, however, say the project is redundant to other major transmission lines, including the new, interstate Rover pipeline. Some question whether costs from DTE's pipeline project will ultimately fall on electric ratepayers.

"The audacity of these people" who filed the letters, said Jonathan Strong, a resident of Guilford Township in Ohio's Medina County. He's a founding member of the grassroots group Citizens to Reroute Nexus and helped to uncover the letter discrepancies.

Strong said he gets an alert in his e-mail whenever a new filing is made to FERC on the proposed Nexus project.

"All of a sudden, in a day, you'd just get 50 or 60 e-mails in a row, just filling your inbox," he said.

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Several things raised red flags about the sudden pile of letters of support filed in the case, Strong said: They were repetitive, like form letters; all had a printed name, but none were signed; and they all were sent via the mail — none were filed electronically.

Strong said it was "maybe divine intervention" that he and colleagues saw a name from a resident they knew in their local community, "and we thought, 'There's no way he would write what that says.'" They contacted the friend, and he confirmed that he did not send the letter to FERC, or authorize that it be sent.

"That was kind of the thread that started to unravel the sweater," Strong said.

Following up on the submitted letters, he said they found "dozens and dozens" of people who said they didn't send the letters.

"In every single case, it was the same story: 'I never filed that; I don't even know what that is about,'" Strong said.

The letters — 347 of them — were filed by a Houston-based group advocating for the Nexus pipeline and other energy projects, the Consumer Energy Alliance. The group has more than 400,000 individual members nationwide, representing energy providers, businesses and other sectors of the U.S. economy.

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In a Sept. 2 filing with FERC, the alliance disputed the citizen groups' allegations about fraudulent support letters. The letters were generated as a result of automated telephone surveys seeking to gauge support for the Nexus pipeline project, they said. The automated message told recipients that if they participated in the survey they were authorizing Consumer Energy Alliance "to pass that view onto the Commission."

"On behalf of those respondents who indicated their support for the project and authorized CEA to forward that viewpoint to the Commission, CEA then generated the letter for the 347 individuals that were filed," the alliance stated in its filing.

But Strong said a number of people he spoke to said "they couldn't remember taking a call like that" at all. Two others remembered the call, but said they were never told the alliance was going to write a letter to FERC on their behalf, Strong said.

"As a resident of Wood County and a supporter of the Nexus pipeline, I would like to encourage you to approve the Nexus project," the late Glenn England purportedly stated in his letter to FERC secretary Kimberly Bose. "This project will help us create new jobs, generate affordable electricity, protect our environment, and keep energy prices low.

"It is very important to me that the environment be protected, and pipelines have been proven to be the safest, most environmentally friendly way to transport natural gas," the letter added.

Mary England, 80, said she did not participate in a telephone survey related to the pipeline.

"I think it's pretty disgusting," she said. "But then people do all kinds of weird things."

Consumer Energy Alliance President David Holt said his organization has "meticulous records of every phone number that was contacted" as a part of the survey.

"All of the surveys took place over a month ago," he said. "So when these opponents follow up with these people, I can understand they may have forgotten they took a 2-minute survey five or six weeks earlier."

The "flaw in the system," Holt acknowledged, is that the letter of support is tied to whatever name is listed in the phone records — regardless of whoever may have actually taken the survey at the other end of the line.

"We are reviewing our protocols there and fixing that," he said. "This is a method other groups have used in the past. It's widely used."

But it could be problematic from a legal standpoint, said Wylie Christopher, an inspector with the U.S. Postal Inspection Service based in Detroit.

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Without speaking about the FERC letters specifically, Christopher said any situation where a third party is submitting a letter to a government proceeding in someone's name, and that person specifically has not given their permission to do so, "that could be something that would potentially be prosecuted ... under the mail fraud statute." Penalties could include a fine, up to 5 years in prison, or both, he said.

The Inspection Service, however, is not at present investigating the FERC letters, he said.

A DTE spokesman referred the Free Press to a statement by Spectra Energy spokesman Adam Parker.

"Based on (Consumer Energy Alliance's) explanation, it is plain that any erroneous filings were unintended consequences of an imperfect telephonic outreach effort," Parker stated. "As Nexus understands the process that gave rise to those letters, it is possible that there were miscommunications, misunderstandings, or errors based on the method in which some of these statements of support were gathered and conveyed. If that is the case, while inadvertent and unfortunate, they should not obscure the significant and sustained support for the project and the demand for the transportation services and access to natural gas that the project would provide."

Strong said his group isn't opposed to the pipeline, just its route. They want to see it moved from more densely populated communities in Ohio to a slightly longer, more southerly route that would go through primarily agricultural areas. The line would run through Lenawee, Monroe and Washtenaw counties in Michigan before connecting to existing infrastructure.

"FERC tells you it's not a popularity contest, that they don't add up how many letters are for and how many are against," he said. "But it's a subjective process. I would think volumes of people in favor of it would have some sway — it's human nature.

"How many other filings on this document have been falsified? The whole thing is muddied."

Anne Woiwode, conservation chairwoman for the nonprofit environmental group Sierra Club's Michigan Chapter, expressed dismay.

"This attempt by industry to manipulate the regulatory oversight process with the proposed Nexus pipeline is part of a larger issue involving a broken federal pipeline regulatory system that has been rigged in the industry's favor for years," she said.

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