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October 25, 2007

VIA EMAIL AND HAND DELIVERY

Daniel F. Caruso
Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Petition No. 815 – Iroquois Gas Transmission System, L.P. Petition for a Declaratory Ruling that the Connecticut Siting Council has an Advisory Role to the Federal Energy Regulatory Commission Regarding Iroquois' 08/09 Expansion Project in Brookfield, Newtown, and Milford, Connecticut

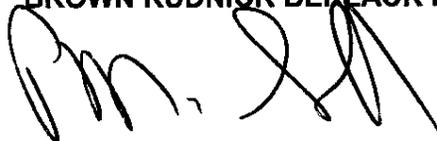
Dear Chairman Caruso:

On behalf of Iroquois Gas Transmission System, L.P., enclosed are an original and twenty (20) copies of Iroquois' Brief.

Please contact me with any questions concerning this filing.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP



Philip M. Small

Enclosures

cc: Francis J. Collins, Esq.
Thomas W. Beecher, Esq.
John Haines, Esq.
Jeffrey A. Bruner, Esq.
Paul W. Diehl, Esq.

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IROQUOIS GAS TRANSMISSION SYSTEM, L.P. : PETITION NO. 815
PETITION FOR A DECLARATORY RULING :
THAT THE CONNECTICUT SITING COUNCIL :
HAS AN ADVISORY ROLE TO THE FEDERAL :
ENERGY REGULATORY COMMISSION :
REGARDING IROQUOIS' 08/09 EXPANSION :
PROJECT IN BROOKFIELD, NEWTOWN, AND :
MILFORD, CONNECTICUT : OCTOBER 25, 2007

BRIEF OF IROQUOIS GAS TRANSMISSION SYSTEM, L.P.

I. INTRODUCTION

In this proceeding, the Connecticut Siting Council (“Council”), its expert consultant, and the Town of Brookfield (“Brookfield”) had the opportunity to thoroughly explore the proposal of Iroquois Gas Transmission System, L.P. (“Iroquois”) to construct, operate and maintain the Connecticut portions of its proposed 08/09 Expansion Project (the “Project”). The Project consists of: (i) 10,310 hp of additional compression and gas cooling at Iroquois’ already-authorized natural gas compressor station in Brookfield¹ (the “Brookfield Compressor Station”); (ii) approximately 1.6 miles of new 36-inch outside diameter pipeline looping and associated above ground facilities in Newtown; and (iii) a new 20,620 horsepower (“hp”) compressor station in Milford (the “Milford Compressor Station”).

Under the Natural Gas Act, 15 U.S.C. § 717 *et seq.*, and the Connecticut Public Utility Environmental Standards Act, Conn. Gen. Stat. § 16-50g *et seq.*, the Council has an advisory

¹ The Brookfield Compressor Station was authorized by the Federal Energy Regulatory Commission (“FERC”) in FERC Docket No. CP02-31-002, *see Millennium Pipeline Company, L.L.C., et al.*, 117 FERC ¶ 61,319 (Dec. 21, 2006), and was the subject of Council Petition Nos. 540, 555, 755, and 755A.

role to the Federal Energy Regulatory Commission (“FERC”) regarding the Connecticut portions of the Project. As the Council stated in its August 8, 2007 Hearing Notice:

The Federal Energy Regulatory Commission (FERC) has exclusive jurisdiction over the proposed project. The purpose of the hearing is to gather evidence regarding the proposed project that will allow the Council to make recommendations to FERC. FERC encourages the applicants to cooperate with agencies, such as the Council, regarding the siting of pipeline facilities, environmental mitigation, and construction procedures. FERC alone will decide whether there is a need for the proposed compressor station and whether this project or another one can best provide that service. FERC has not asked the Council to review those issues.

As to safety, Chairman Caruso further explained in the Council’s opening statement at the hearing of September 12, 2007:

Also, the Council is not the decision-making authority in matters involving the safety of gas pipelines. Matters involving pipeline safety issues are under the exclusive jurisdiction of the United States Department of Transportation Office of Pipeline Safety. Therefore, the comments that will be most helpful to the Council in doing our work is what FERC has left us to do concerning the likely environmental effects of the proposed facility and how such effects might be mitigated.

The Council’s role herein is to make recommendations to FERC concerning the project

Tr. at 5.

The record of this proceeding demonstrates that the construction, operation, and maintenance of the Project by Iroquois will not have a substantial adverse environmental effect in the State of Connecticut. Specifically, on the issues of safety and air emissions – the primary issues raised by officials and residents of the Town of Brookfield and Council staff – Iroquois demonstrated unequivocally that the Project will not pose a credible risk to students or staff of the Whisconier Middle School (the “School”) or to nearby residents. Likewise, the record

establishes that other environmental impacts of the Project such as air emissions, noise, and visual impacts will be minimal. Therefore, Iroquois respectfully requests that the Council in its comments to FERC acknowledge the Project's lack of a substantial adverse environmental effect.

II. BACKGROUND

Iroquois constructed, owns, and operates an existing 411-mile interstate natural gas pipeline extending from the New York-Canadian border at Waddington, New York through western Connecticut to Long Island and the Bronx, New York (the "Iroquois Pipeline") pursuant to certificates of public convenience and necessity ("Certificates") issued by FERC. The Connecticut portion of the Iroquois Pipeline was initially approved by the Council in Docket No. 134 in 1990.

Iroquois is proposing to modify the Iroquois Pipeline to construct and operate its 08/09 Expansion Project in New York and Connecticut to deliver up to 200,000 dekatherms per day of firm natural gas service to the New York City and Long Island markets. On March 9, 2007, Iroquois requested that FERC commence a National Environmental Policy Act pre-filing review of the Project. This request was approved by FERC on March 23, 2007.

On May 24, 2007, Iroquois filed with the Council certain background information concerning the Project and, consistent with the consultation process most recently used in Petition No. 755A, Iroquois notified the Council that it would continue to file detailed information with the Council to enable the Council to make recommendations to FERC and Iroquois regarding siting, environmental mitigation measures and construction procedures.

Shortly thereafter, on May 30, 2007, Iroquois filed its Petition for Declaratory Ruling with the Council, formally initiating Petition No. 815. As part of its consultation process with the Council, Iroquois subsequently filed with the Council copies of other relevant FERC filings concerning the Project, including: (i) the Response of Iroquois Gas Transmission System, L.P. to Scoping Comments on July 18, 2007; and (ii) Iroquois' draft environmental resource reports and associated appendices on July 20, 2007. Iroquois also responded to 25 written interrogatories from the Council concerning the Project and provided six late-filed exhibits. On October 1, 2007, Iroquois filed with the Council Volumes I, II and III of Iroquois' application to FERC for a Certificate.

In this proceeding, the Council, the Town, and Iroquois created a full record from which the Council can develop its comments to FERC. This record demonstrates unequivocally that the Project will not have a substantial adverse environmental effect. Therefore, based on the Council's and FERC's prior reviews as well as the record evidence in this proceeding, Iroquois respectfully submits that the Council (i) determine that the Project does not have a substantial adverse environmental effect in the State of Connecticut, and (ii) recommend that FERC issue the Certificate requested by Iroquois.

Because the issues of safety and air emissions in Brookfield were the primary focus of this proceeding, including both the public and evidentiary hearings, this Brief will focus on these two issues.

III. DISCUSSION

A. The Brookfield Compressor Station Does Not Pose a Credible Safety Risk to the School or Nearby Residents.

The siting of a new compressor station at Brookfield has already been thoroughly reviewed by the Council in Petition Nos. 540, 555, 755, and 755A. The addition of a second compressor station at Brookfield does not affect FERC's or the Council's analyses or conclusions with respect to these issue, and Iroquois' 08/09 Expansion Project will include the same measures to minimize impacts and assure safety and security of the operations at the additional compressor station.

Iroquois' Brookfield and Milford Compressor Stations and associate facilities will be designed, constructed, operated, and maintained in strict accordance with the safety regulations of the United States Department of Transportation Office of Pipeline Safety ("US DOT") codified at 49 C.F.R. Part 192. Iroquois Resource Report 11; Iroquois Responses to Q-CSC-5, Q-CSC-8, and Late-Filed Exhibit ("LFE") No. 6. Indeed, Iroquois' facilities will be designed and constructed to meet or exceed the DOT safety standards in many respects. Iroquois Responses to Q-CSC-5, Q-CSC-8, and LFE No. 6.

As they did in prior Council hearings involving Brookfield, at the September 5, 2007 public hearing, Brookfield officials and residents expressed concerns regarding the safety of the Project and, in particular, risks to students at the School and to nearby residents. These concerns were thoroughly examined and addressed in the prior proceedings before the Council and FERC. In the prior proceedings, both the Council and FERC concluded that: (i) a safety incident involving off-Site personal injury or property damage is extremely unlikely, and (ii) even in the

so-called “worse case scenario” – a scenario which is neither realistic or credible – the Project will not pose a safety hazard to the students or staff of the School or to nearby residents. See Petition No. 755A, Findings of Fact Nos. 113-114; Petition No. 755A, Opinion and Recommendations, at 4; Supplemental Final Environmental Impact Statement, FERC Docket No. CP02-31-002. Thus, the relevant issue with respect to the Brookfield site is the incremental risk that may arise from the addition of a second compressor station. As the record in this proceeding demonstrates, the addition of a second compressor unit at the Brookfield Compressor Station does not alter this conclusion.

Iroquois filed with the Council its May 2007 Addendum to the Hazard Identification Analysis for Brookfield Compressor Station (“Hazard Analysis”), prepared by Kiefner and Associates, Inc. (“Kiefner”). Iroquois Exhibit 3.a. The May 2007 Addendum addressed changes to Iroquois’ April 2006 Hazard Analysis that would be expected as a result of the addition of a second compressor unit at Brookfield. The May 2007 Addendum concluded that:

the Potential Impact Radius (PIR) estimated in the original study [the April 2006 Hazard Analysis] would not increase even with two compressor units for a number of reasons, not least of which is the fact that the PIR is limited by the amount of fuel feeding a fire, and this in turn is limited by the diameter and operating pressure of the pipe, parameters which will not change with the addition of a second unit.

May 2007 Addendum at 1.

As both the April 2006 Hazard Analysis and the May 2007 Addendum demonstrated, the PIR for a full-bore rupture of the Iroquois Pipeline – “[w]hile not a credible scenario” – would be 624 feet from the center of the compressor building using the US DOT radiant heat flux threshold of 5,000 Btu/hr-ft². Id. at 6. The Council’s expert consultant, van Zelm Heywood &

Shadford, Inc. (“VZHS”), agreed with this conclusion. VZHS Response to Interrogatory CSC-001.

The second compressor unit to be constructed at Brookfield as part of the Project will be located further from the School than the already-authorized Brookfield Compressor Station. The edge of the School property is approximately 2,000 feet or more from the center of the proposed compressor building, and the closing school building in approximately 2,250 feet or more from the center of the proposed compressor building. Iroquois Resource Report 8, at 8-22.

As the May 2007 Addendum further stated:

The second unit will be located somewhat farther from the public school and church located on Whisconier Road than the original unit. Therefore, the effect felt at the school yard or building would be less than would be the case with the first unit. Therefore, even in the event of a “worst case” scenario, the original finding that there would be no consequences incurred at the public school or the church was found to remain the case even with the addition of the second unit.

May 2007 Addendum at 1 (emphasis added). Again, this conclusion was supported by the Council’s expert consultant. See VZHS Responses to Interrogatories CSC-001, CSC-002, and CSC-003 (“[T]he PIR . . . would not impinge on the Whisconier Middle School.”).

B. The Project Will Not Cause Adverse Health or Environmental Air Quality Impacts at the School.

Iroquois also demonstrated that there would be no adverse health or environmental air quality impacts associated with the Project. In LFE Nos. 2 and 3, Iroquois modeled predicted ground-level air quality concentrations at the School and the effect of increased stack height on those concentrations using the Connecticut Department of Environmental Protection’s PTMTPA screening model – a model that conservatively assumes each receptor is directly downwind from the modeled emissions source. Iroquois then compared those modeled concentrations to

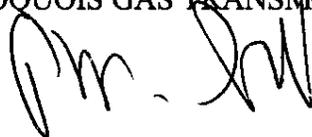
concentrations to their corresponding National Ambient Air Quality Standard (“NAAQS”) – i.e., levels the United States Environmental Protection Agency has found are adequate to protect human health and the environment, including sensitive populations such as the elderly and the young. These modeling results demonstrated that the predicted ground-level air quality concentrations at the School for each pollutant are small fractions of the corresponding NAAQS, and that changes in stack height above the proposed 50-foot stack had little if any effect on modeled air quality impacts at the School. LFE Nos. 2 and 3.

IV. CONCLUSION

For the reasons stated herein, Iroquois respectfully requests that the Council (i) determine that the proposed Project will not have a significant adverse environmental effect in the State of Connecticut.

Respectfully submitted,

IROQUOIS GAS TRANSMISSION SYSTEM, L.P.

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