

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

ALGONQUIN GAS TRANSMISSION, LLC

Docket No. CP14-96-000

**TOWN OF DEDHAM’S OPPOSITION TO ALGONQUIN’S REQUEST FOR
AUTHORIZATION TO COMMENCE CONSTRUCTION**

The Town of Dedham, Massachusetts (“Dedham”) hereby opposes and objects to the “Request for Authorization to Commence Construction of Certain Segments of the West Roxbury Lateral Pipeline” (“Request”), which Algonquin Gas Transmission, LLC (“Algonquin”) filed with the Federal Energy Regulatory Commission (“Commission”) on June 8, 2015. The Request asks the Commission to issue a Notice to Proceed with construction of pipeline segments within the Town, based on the Commission’s Order Issuing Certificate (“Certificate of Approval”) for the Algonquin Incremental Market Project (“Project”). However, the Commission subsequently issued the Order Granting Rehearing for Further Consideration, dated May 1, 2015 (“Rehearing Order”), in response to multiple Requests for Rehearing that were timely filed by Dedham and by other intervenors. Dedham strongly urges that the Commission deny the Request and refrain from issuing any further Notices to Proceed for portions of the Project, until the Commission has considered and acted upon the Requests for Rehearing.

The Rehearing Order states that rehearing is being granted “to afford additional time for consideration of the matters raised or to be raised” in the various Requests for Rehearing. The Commission stated further that the Requests for Rehearing “will be addressed in a future order”, but did not specify or limit the duration of the Commission’s consideration. Meanwhile, as requested by Algonquin, the Commission has issued Notices to Proceed for site preparation activities at the sites of metering and regulation stations. Now, Algonquin is seeking to commence construction of the West Roxbury Lateral pipeline itself. The Commission should not

allow pipeline construction to begin, while the possibility exists that the Commission will decide to reconsider or revoke the Certificate of Approval for the construction.

In its Request for Rehearing, Dedham objected to the Commission's inadequate assessment of both short-term and long-term environmental impacts, as well as the limited scope of alternatives considered during the review process. As Dedham stated, "the Project will impose significant adverse impacts on Dedham during the construction period by disrupting traffic, creating noise, and affecting business operations." Much of the construction within Dedham is scheduled to occur within the next several months. If the Commission allows construction to commence and to continue while the Commission is reviewing the Requests for Rehearing, Dedham will be affected by the Project construction impacts, even if the Commission ultimately decides to reexamine or disapprove the Project. This would be an unfair and unreasonable outcome.

Dedham recognizes that, in order for the Commission to give careful and complete consideration to the Requests for Rehearing, the Commission chose not to impose a deadline for completing this consideration. However, in fairness to the affected communities and individuals, and in order for the review to be meaningful, Algonquin should not be allowed to proceed with construction during this review period.

The Commission's regulations provide, at 18 CFR §385.713(c), that: "Unless otherwise ordered by the Commission, the filing of a request for rehearing does not stay the Commission decision or order." (Emphasis added). The regulation is premised on the further provision, in subsection (d), that the Commission will normally act on a request for rehearing within 30 days (or the request is deemed to be denied). Given the particular circumstances of this matter, in which the Commission has effectively extended the 30-day decision period in order to give full consideration to the submitted Requests for Rehearing, it would be appropriate for the

Commission to exercise its authority by imposing a stay on the issuance of further notices to proceed for the Project, until the Commission determines whether to grant substantively the Requests for Rehearing.

If the Commission decides to grant the Requests for Rehearing and review the Certificate of Approval, presumably the Project would not be able to proceed until the Commission determines whether to re-issue the Certificate of Approval. Likewise, during this period when the Commission is considering whether to undertake that review, the Commission should refrain from issuing any further Notices to Proceed.

WHEREFORE, the Town of Dedham respectfully requests that the Commission deny Algonquin's Request and decline to issue a Notice to Proceed with the construction of the West Roxbury Lateral pipeline, on the basis that the Commission has not yet completed its consideration of the Requests for Rehearing that have been filed by Dedham and other intervenors.

TOWN OF DEDHAM,

By its attorney,

/s/ John J. Goldrosen

John J. Goldrosen (BBO# 634434)

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Date: June 9, 2015

CERTIFICATE OF SERVICE

I, John J. Goldrosen, hereby certify that on the below date, I served copies of the foregoing “Town of Dedham’s Opposition to Algonquin’s Request for Authorization to Commence Construction” by electronic mail upon the parties designated on the service list in this proceeding.

Dated: June 9, 2015

/s/ John J. Goldrosen
John J. Goldrosen

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