

RE: PENNEAST PIPELINE PROJECT DOCKET CP15-558-001

December 7, 2017

Commissioner Cheryl LaFleur
Commissioner Robert F. Powelson
Commissioner Richard Glick
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
Re: Docket CP15-558-000 - Proposed PennEast Pipeline Project

Dear FERC Commissioners and FERC staff:

FERC's web page on ethics states:

*"Every citizen must have complete confidence in the integrity of the Federal Energy Regulatory Commission; otherwise, our ability to act in the public interest will be compromised. Therefore, each FERC employee must demonstrate ethical conduct by complying with all relevant Federal statutes and rules, including those set forth in the Commission's and the Office of Government Ethics' regulations. Each employee is responsible for knowing the ethics rules and for behaving ethically. Ignorance is no defense."*¹

I completely agree. FERC has jurisdiction over electrical rates and hydro projects and a host of other responsibilities, as well as having the ability to grant federal eminent domain powers to private companies through the issuance of a Certificate of Public Convenience and Necessity. In addition, in layman's terms FERC often acts as a court of law, with the FERC dockets being used as the primary vehicle of laying out evidence, and FERC commissioners acting as judges and juries in its proceedings on Notional Orders - orders requiring a quorum of FERC commissioners to vote on.

This is heady stuff, and requires commissioners and staff show no taint of bias or irresponsibility, and who have proven their meddle to the general public, to Congress, and to the Administration and Courts. FERC commissioners have extraordinary powers under the law, and with that power comes an equal amount of responsibility.

FERC is also intended to be a non-political agency². By law it must have three commissioners of the current president's party, and two from the opposing party, and FERC has lived up to this history of being largely apolitical and bipartisan in its decisions.

Current Chairman Chatterjee has shattered the general public's trust in him and his office. Chairman Chatterjee has an open Facebook page. On that page, he has pictures of himself at the FERC podium,

¹ <https://www.ferc.gov/ethics.asp>

² <https://www.ferc.gov/students/ferc/history.asp>



Figure 1 - Neil Chatterjee's web page

under the FERC seal and next to the flag of the United States of America, holding a gavel over his name plate declaring him Chairman of FERC³. See Figure 1.

Mr. Chatterjee's page contains a mix of personal content along with commentary on matters before FERC. He is caught ridiculing a protestor, James Cromwell, who has substantive comments about the Valley Lateral Project that FERC is deciding (FERC docket CP16-17).

Given the discussion of FERC matters on the page, along with a picture of Chairman Chatterjee at the FERC podium with a gavel under the FERC seal, it is reasonable to deduce that Mr. Chatterjee is speaking in his official capacity as Chairman of FERC.

EE News reported on this story of Chatterjee's mocking of a FERC protestor⁴. The lede for the story states:

"Federal Energy Regulatory Commission Chairman Neil Chatterjee used his personal Facebook page this weekend to taunt actor James Cromwell, who protested FERC's handling of a pipeline project at the commission's meeting in Washington last month".

"Come at me bro!" Chatterjee **wrote** above a screenshot of the actor's post criticizing FERC's pipeline decision."

Mr. Chatterjee is seen on the post to egg-on his friends, to the extent of even thanking a friend who "trolled" Cromwell's facebook page on Mr. Chatterjee's behalf.

³ Neil Chatterjee Facebook page at <https://www.facebook.com/neil.chatterjee.9>

⁴ "FERC Chairman Chatterjee to James Cromwell: 'Come at me bro!'" <https://www.eenews.net/stories/1060068023>

"Chatterjee, a former aide to Senate Majority Leader Mitch McConnell (R-Ky.), also "liked" several comments on his "come at me bro" post, and he thanked a commenter who said he "may have trolled" Cromwell's Facebook page.

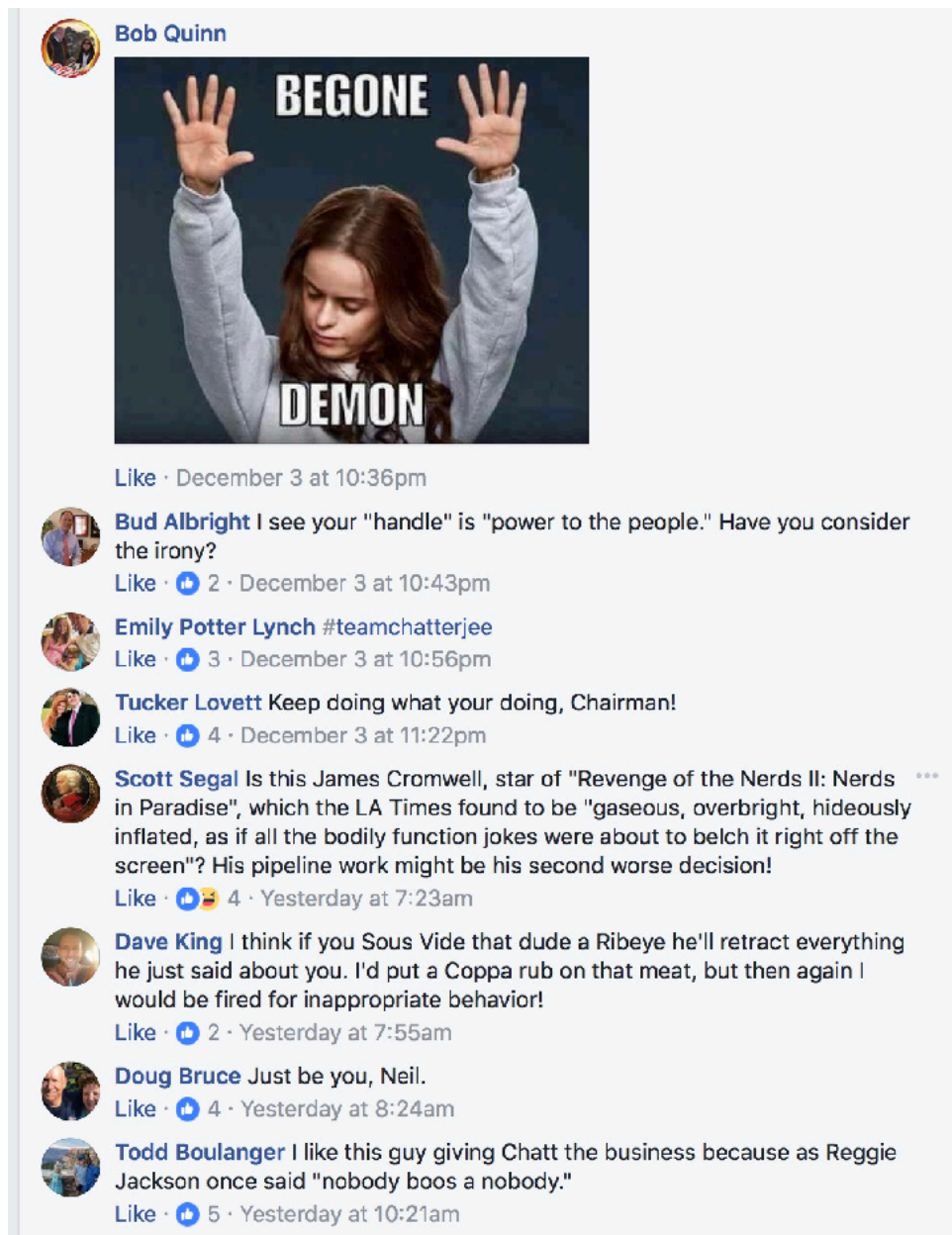


Figure 2 - Rude

Chatterjee said: "I saw! Thank you!"⁵

⁵ ibid



Figure 3 - Extremely rude

The posts which Chatterjee “liked” included “memes” running from the mildly rude to down right offensive - see figures 2-4.



Figure 3 - Downright offensive

By “liking” these images and snarky comments, Chairman Chatterjee shows beyond a shadow of a doubt that he is not an impartial arbiter, and cannot be trusted to make fair and impartial rulings before FERC. In this case, the background of James Cromwell being an actor seems to carry far more weight with Mr. Chatterjee than the substance of Mr. Cromwell’s words and protests on a matter before FERC.

EE News notes:

“One commentor wrote: “Chairman Neil Chatterjee keep up the fantastic job. #MAGA,” citing President Trump’s calls to “Make America Great Again.”

In another recent EE news article announcing that Kevin McIntyre will be sworn into FERC today, they state:

*"An immediate question is whether McIntyre will back away from the overtly political leadership style exhibited by Chatterjee, and in particular how he will lead the agency in its response to Energy Secretary Rick Perry's directive that the commission, by Monday, respond to a proposal to subsidize some baseload coal and nuclear power plants."*⁶

It is clear to the general public and the energy industry that Mr. Chatterjee is bringing political into FERC, and violating its basic governing rules and makeup to turn it into a bipartisan instrument of the current Administration.

Mr. Chatterjee's wife also chimes in the Facebook posts, taunting Mr. Cromwell and asking her to stop "trolling" her husband.

I submit to you that this behavior is unbecoming of a FERC commissioner; and that as Chairman, this behavior is truly beyond the pale. I am impacted landowner and intervenor on docket CP15-558, the PennEast pipeline project, and now it appears that in addition to arguing before FERC, I also need to argue before Mr. Chatterjee's wife and energy industry friends as well to make my case against the project.

I wasn't aware that those individuals were duly elected to help decide FERC policy, but apparently Mr. Chatterjee believes so. He also heartily approves of actively tracking down protestors and "trolling" their social media pages.

Mr. Chatterjee has since kept his Facebook page open, but has started deleting content. On Wednesday he deleted three posts mentioned in the EE News article, including a question on whether he may run for office in Kentucky in the near future.

It is clear that Mr. Chatterjee is unfit to hold the office of FERC Commissioner or Chairman. It is clear that Mr. Chatterjee has broken FERC ethics rules by engaging the public on matters before the commission directly outside of the FERC dockets. And that he has broken rules of common decency and fair government by showing that he thinks it's OK to publicly humiliate people who disagree with him, and to consider a person's incidental background above their substantive comments before FERC.

Based on this, I hereby ask that Mr. Chatterjee be removed from his position as FERC Commissioner. I further ask that all orders Mr. Chatterjee has signed be reconsidered given his now proven bias. And I ask that the Commission review its own internal record on PennEast, and guarantee to myself and all intervenors that there is no taint of Mr. Chatterjee's bias on any of the materials and potential outcomes on that pending FERC order.

Sincerely yours,

Michael Spille
Impacted Landowner CP15-558
Intervenor CP15-558

⁶ "FERC: New boss should finally arrive today" <https://www.eenews.net/energywire/2017/12/07/stories/1060068301>

