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**UNITED STATES OF AMERICA
BEFORE THE**

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FEDERAL ENERGY REGULATORY COMMISSION

**FEDERAL ENERGY
REGULATORY COMMISSION**

In The Matter Of:	:	Docket Nos.	CP01-384-000
	:		CP01-385-000
Islander East Pipeline Company, L.L.C.	:		CP01-386-000

Iroquois Gas Transmission System, L.P.	:	Docket No.	CP02-52-000
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**ANSWER OF THE KEYSpan DELIVERY
COMPANIES AND KEYSpan UTILITY SERVICES, L.L.C.
IN OPPOSITION TO MOTION TO CONSOLIDATE PROCEEDINGS
AND FOR COMPARATIVE EVIDENTIARY HEARING**

Pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213, the KeySpan Delivery Companies and KeySpan Utility Services, L.L.C. (collectively "KeySpan") hereby submit this answer in opposition to the Motion of Iroquois Gas Transmission System, L.P. ("Iroquois") to consolidate proceedings and for a comparative evidentiary hearing, dated April 8, 2002. As more fully discussed below, granting Iroquois' motion would have a serious adverse impact on the ability of KeySpan to obtain critically needed gas supplies from and after November 1, 2003. Iroquois' motion should be denied summarily. In support of this answer KeySpan states as follows:

(1) Two of the KeySpan Delivery Companies, KeySpan Energy Delivery Long Island and KeySpan Energy Delivery New York have entered into precedent agreements with Islander East Pipeline Company, LLC ("Islander East") for firm transportation service up to a maximum daily quantity that increases from 110,000 dth in the first year of Islander East's operation to 295,000 dth in the fifth year of operation. KeySpan's precedent agreements with Islander East contemplate that

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service on that pipeline will commence on or about November 1, 2003. The affected KeySpan Delivery Companies require the additional gas supplies to be provided by Islander East to ensure that they have sufficient natural gas supplies to reliably serve the needs of their firm customers during the winter of 2003-2004.

(2) The KeySpan Delivery Companies that have entered into precedent agreements with Islander East have public service obligations to provide safe and adequate gas distribution services to consumers in the Boroughs of Brooklyn, Queens and Staten Island in New York City and on Long Island. The affected companies currently serve approximately 1.8 million customers - - most of whom are low load factor residential and small commercial customers who utilize natural gas for such life sustaining uses as heating and cooking. These customers have been termed the Commission's "prime constituency."¹

(3) The affected KeySpan Delivery Companies are not only putative customers of Islander East, they are also Iroquois' largest firm transportation customers. Collectively, KeySpan Energy Delivery New York and KeySpan Energy Delivery Long Island hold contracts with Iroquois for 145,650 dth of firm transportation service. Iroquois is currently the only transmission pipeline that serves Suffolk County, Long Island. This service is provided through a single delivery point located in South Commack, Long Island. The disruption of existing firm service from Iroquois for any significant period potentially could require KeySpan to curtail service to up to approximately 124,000 customers on Eastern Long Island. Such curtailments would have a significant and possibly disastrous impact. With the addition of Islander East as a supplier to Eastern Long Island, KeySpan

¹ *Maryland People's Counsel v. FERC*, 761 F.2d 780, 781 (D.C. Cir. 1985).

believes that the loss of service from either the proposed Islander East system or the existing Iroquois system would not require KeySpan to curtail service to any firm customer. Thus, the construction of Islander East significantly enhances the reliability of the KeySpan Delivery Companies' distribution services.

(4) KeySpan's reliability concerns extend not only to gas distribution but also to the cost and reliability of electric supply. KeySpan Utility Services, LLC is the purchasing agent for fuel used by KeySpan Generation LLC ("KeySpan Generation") to generate up to 4000 megawatts of generating capacity on Long Island. This capacity constitutes most of the generating capacity on Long Island. Iroquois is the single interstate natural gas pipeline currently delivering gas for use in KeySpan's generating plants located in Suffolk County. Local electric reliability rules issued by the New York State Reliability Council require planning for the single failure of any gas pipeline. The expansion of Iroquois to the exclusion of Islander East would significantly complicate and potentially compromise the ability to comply with these reliability standards.

(5) KeySpan chose to enter into precedent agreements with Islander East to ensure that it would procure new firm capacity in a timely fashion in a manner that would enhance the reliability of its distribution systems. The Iroquois ELI project does not offer the same reliability benefits to KeySpan as Islander East. This fact has been recognized by the Public Service Commission of the State of New York.²

² See "Notice Of Intervention And Comments Of The Public Service Commission Of The State Of New York" dated January 22, 2002 in Docket No. CP02-52-000, which states: "The contingency protection of both the gas and electric systems afforded by a totally separate sound crossing as proposed by Islander East, is protection against total loss of supply if damage were to occur to the Iroquois line upstream of the interconnection to the ELI facilities, either the portions in the sound or upstream of that."

(6) KeySpan has no objection to Iroquois' proposal to attach additional pipeline capacity to KeySpan's distribution system.³ KeySpan believes that all market participants benefit from additional competition among pipeline suppliers. However, KeySpan strenuously objects to Iroquois' effort to engage in shopworn legal maneuvering to attempt to prevent KeySpan from purchasing the firm transportation services that it desires. KeySpan believes that Iroquois' attempt to manufacture legal and procedural impediments to the construction of Islander East is particularly without merit in this case because Iroquois' motion comes nearly a year after Islander East was filed and nearly five months after the Commission issued a preliminary determination of non-environmental issues⁴ that Iroquois now attacks.

(7) Iroquois' April 8, 2002 motion does not represent its first attempt to require the Commission to convene a comparative hearing concerning Islander East and the ELI project. By a motion dated February 19, 2001 in Docket No. CP01-384 *et al.*, Iroquois sought essentially the same relief. In response thereto, the KeySpan Delivery Companies submitted an answer dated March 5, 2002 which set forth numerous reasons why Iroquois' request should be rejected. A copy of that response is attached as Appendix A to this answer. In the interest of brevity, KeySpan will incorporate the arguments in its previous response with this answer.

(8) While Iroquois apparently recognizes that the Commission has narrowly construed the circumstances in which it will require a comparative hearing for two or more pipeline

³ KeySpan does have issues about how that attachment will be effectuated. These issues are currently being negotiated between the parties.

⁴ *Islander East Pipeline Company, L.L.C.*, 97 FERC ¶ 61,363 (2001).

construction projects,⁵ Iroquois nonetheless attempts to shoehorn its presentation within that framework. Iroquois' effort is unavailing for several reasons. First, Iroquois advances the wholly unsupported claim that Islander East and ELI will serve the same markets. With respect to this claim, KeySpan is unaware that any shipper on the proposed Iroquois ELI project has committed to purchasing between 110,000 dth and 295,000 dth of peak day capacity on Iroquois that is absolutely committed to serving customers behind KeySpan's distribution systems for the next 10 years. To the extent that marketers have committed to incremental capacity on Iroquois, such commitments do not bind the marketers to use the capacity to serve KeySpan's end-use markets. Marketers will doubtlessly use any capacity they contract for to serve the markets that will produce the greatest possible profit margins. Such markets may or may not exist behind KeySpan's city gate. On the other hand, for the foreseeable future, KeySpan must ensure that its distribution companies have a sufficient supply of capacity to ensure that the KeySpan Delivery Companies' firm customers' requirements will be met. KeySpan's precedent agreements with Islander East are designed to enable KeySpan to fulfill its obligations. Under these circumstances there is no basis for Iroquois' claims that its ELI project proposes to serve the same market as Islander East.

(9) In addition, Iroquois' representations about the state of the gas market on Eastern Long Island are wholly without foundation. Iroquois' proposed witness, Mr. Rakebrand sponsors a purported market study by DRI-WEFA that contains the following statement "The 6% annual growth rate for Long Island will not be reached." However, having offered this conclusion, DRI-

⁵ Indeed, given the Commission's ruling in *ANR Pipeline Co.*, 78 FERC ¶ 61,326 (1997), it is clear that the burden of establishing the need for a comparative hearing falls on Iroquois and that Iroquois can only meet that burden by demonstrating that the grant of a certificate to Islander East would totally preclude Iroquois from proceeding with its project. Iroquois cannot possibly meet that burden in this case.

WEFA then makes the rather astounding statement that “Detailed historic natural gas consumption data was not readily available for the area of interest Consequently, for their analysis, DRI-WEFA relied on the LDC projections developed in the Merrimack Study for its LDC forecast.” In other words, DRI-WEFA is offering a conclusion that the projections contained in the Merrimack study are overstated that is the product of *no independent analysis* of the data used in the Merrimack Study. Given this lack of analysis, the Commission need not concern itself with Iroquois’ study, particularly since it was filed five months after the Commission has already issued a preliminary determination of non-environmental issues for the Islander East project.

(10) The only information concerning future gas demand that is presented in the DRI-WEFA analysis is the Energy Information Agency’s forecast for New York, New Jersey and Pennsylvania. This information is used by DRI-WEFA to make a classic apples-to-oranges comparison between data applicable to a tri-state area and data relevant to the Long Island market. Clearly, DRI-WEFA’s Mid-Atlantic data has no bearing on whether Islander East or the ELI project should be built to serve incremental demand on Long Island and in New York City. This data provides no basis for the Commission to revisit its previous conclusion concerning the justification for Islander East.

(11) In sum, while Iroquois’ April 8 motion contains what purports to be new material, claims and allegations, it ultimately fails to provide any real basis for the Commission to establish a comparative hearing on two projects that purport to serve different shippers in different timeframes. The Commission should reject Iroquois’ further belated attempt to derail a competitive alternative by summarily rejecting Iroquois motion.

CONCLUSION

Wherefore, the KeySpan respectfully request the Commission to:

- (1) deny Iroquois' Motion For Consolidation and a Comparative Hearing; and
- (2) grant KeySpan such other and further relief as may be required to protect its interests.

Respectfully submitted,

The KeySpan Delivery Companies
KeySpan Utility Services L.L.C.

By:



Kenneth T. Maloney
Edward B. Myers
Cullen and Dykman, L.L.P.
1101 Fourteenth Street, N.W.
Suite 550
Washington, D.C. 20005
(202) 223-8890

Dated: April 23, 2002

Appendix A

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

In The Matter Of: : **Docket Nos. CP01-384-001**
: **CP01-385-001**
Islander East Pipeline Company, L.L.C. : **CP01-386-001**

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FEDERAL ENERGY REGULATORY COMMISSION

**ANSWER OF THE KEYSpan DELIVERY COMPANIES
TO MOTION FOR LEAVE TO FILE ANSWER AND ANSWER
OF IROQUOIS GAS TRANSMISSION SYSTEM, L.P.**

Pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213, the KeySpan Delivery Companies submit this answer in response to the "Motion for Leave to File Answer and Answer of Iroquois Gas Transmission System, L.P.," filed February 19, 2002 in the above captioned proceeding.¹

I. BACKGROUND

On December 21, 2001, the Commission issued a preliminary determination in support of granting a certificate to Islander East Pipeline Company, L.L.C. ("Islander East") to construct and operate certain new pipeline facilities to transport gas in Connecticut and New York and to lease existing pipeline capacity from Algonquin Gas Transmission Company ("Algonquin").²

¹ Insofar as the instant pleading might be construed as an "answer to an answer," the KeySpan Delivery Companies ask the Commission's leave to file. As prospective customers of the Islander East Project, the KeySpan Delivery Companies offer a unique perspective on the need for and merits of the Islander East proposal which will assist the Commission in its review of Iroquois' February 19 motion and answer. See, *Dynegy Power Marketing v. Southwest Power Pool, Inc.*, 97 FERC ¶ 61,340 at 62,592 (2001); *Northeast Texas Electric Cooperative, Inc., et al.*, 97 FERC ¶ 61,313 at 62,437, n.8 (2001); and *U.S.A. Inc. et al. v. Venice Gathering System, L.L.C.*, 97 FERC ¶ 61,045 at 61,246 (2001).

² *Islander East Pipeline Company, L.L.C. and Algonquin Gas Transmission Company*, 97 FERC ¶ 61,363 (2001).

Among other prospective shippers on Islander East, two of the KeySpan Delivery Companies -- KeySpan Long Island and KeySpan New York -- have executed precedent agreements related to the proposed Islander East facilities. These precedent agreements contemplate that service to these two KeySpan Delivery Companies will commence at a combined level of 110,000 dth/day on November 1, 2003 and will phase-in at increasing levels each succeeding year until the two companies' take levels reach 295,000 dth/day by November 1, 2008.³

The December 21 Order is currently pending rehearing. Four requests for rehearing were timely submitted.⁴ On February 6, 2002, Islander East filed a motion for leave to reply and reply to the pending rehearing requests ("Islander East reply"). Islander East's reply supports the December 21 Order. Although it did not seek rehearing of the December 21 Order, Iroquois submitted its February 19 motion and answer in opposition to the Islander East reply. In its February 19 motion and answer, Iroquois asked the Commission to convene a comparative hearing weighing the merits of the Islander East Project against Iroquois' Eastern Long Island ("ELI") Project pending before the Commission in Docket No. CP02-52-000.

³ *Id.* at (slip op. at 3).

⁴ The rehearing requests were filed by the Connecticut Attorney General; the Town of Branford, *et al.*; the Southern Connecticut Gas Company and Connecticut Natural Gas Corporation; and the Central Pine Barrens Joint Planning and Policy Commission.

II. SUMMARY OF POSITION

The KeySpan Delivery Companies oppose Iroquois' motion for leave to file answer and answer.⁵ First, Iroquois' reliance on *Ashbacker Radio Corp. v. FCC* ("*Ashbacker*")⁶ is misplaced. Iroquois wrongly contends that the Commission is obliged to hold a comparative hearing weighing the merits of the Islander East Project against the merits of the Iroquois ELI Project. The *Ashbacker* doctrine does not apply because Iroquois' proposed ELI Project is not mutually exclusive of the Islander East Project. Second, a comparative hearing is inconsistent with the Commission's *1999 Policy Statement* which supports certification where there is no subsidization or significant adverse impacts associated with a proposed project.⁷ Third, a comparative hearing would likely delay completion of the Islander East Project beyond the projected in-service date to the substantial detriment of shippers like the KeySpan Delivery Companies which are relying on the facilities coming on-line on a timely basis. Finally, any such delay also would impair the progress that the Commission has made in expediting its certificate review procedures in recent years in order to meet the growing demand for natural gas.

⁵ As a matter of law, the Commission also should not grant Iroquois' motion for leave to file its answer because the answer constitutes a collateral attack on, and untimely request for rehearing of, the December 21 Order, *i.e.* it raises arguments that could have been raised by a timely application for rehearing. Since Iroquois did not file an application for rehearing and because the Commission does not have authority to waive the statutory 30 day deadline on rehearing requests contained in Section 19 of the Natural Gas Act, 15 U.S.C. 717r, the motion for leave to file should be denied and the pleading should be rejected. *See, Tennessee Gas Pipeline Company v. FERC*, 871 F.2d 1099 (D.C. Cir. 1989).

⁶ 326 U.S. 327 (1945).

⁷ *See, Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227; *Order Clarifying Statement of Policy*, 90 FERC ¶ 61,128; and *Order Further Clarifying Statement of Policy*, 92 FERC ¶ 61,094 (2000) ("*1999 Policy Statement*").

III. ANSWER

1. **The *Ashbacker* Doctrine Does Not Apply To These Proceedings.**

The *Ashbacker* doctrine requires a comparative hearing where two or more projects are mutually exclusive. Mutual exclusivity does not exist merely because two pipelines may run roughly parallel routes or may compete against one another.⁸ The Commission has held and the courts have affirmed that where two pipelines run roughly parallel routes but are not necessarily dependent upon the same gas reserves or upon serving the same customers, the *Ashbacker* doctrine does not apply.⁹ Such is the case with respect to the Islander East and Iroquois ELI Projects, and nothing that Iroquois alleges in its February 19 answer supports a different conclusion.

First, the customer support for the two projects is completely different. The KeySpan Delivery Companies, in particular, elected to become shippers on Islander East, but not on the Iroquois ELI Project. Other shippers, presumably with different supply requirements, chose the Iroquois ELI Project. Whatever their reasons, the fact that there is apparent market support for both projects belies Iroquois' argument of mutual exclusivity.

Second, a principal reason that the KeySpan Delivery Companies chose Islander East over the Iroquois ELI Project is the fact that Islander East creates the opportunity for KeySpan to tap supplies of gas reserves throughout the Northeast pipeline grid,¹⁰ including new gas supplies

⁸ *ANR Pipeline Co.*, 78 FERC ¶ 61,326 at 62,405 (1997), *affirmed ANR Pipeline Co. v. FERC*, 205 F.3d 403 (D.C. Cir. 2000).

⁹ *Id.*

¹⁰ 97 FERC at 62,691.

from offshore Nova Scotia.¹¹ The Iroquois ELI Project does not appear to offer the same supply diversity.¹²

Third, the different in-service dates of the two projects differentiate their relative abilities to meet market demands. The Islander East Project is projected to begin service on November 1, 2003.¹³ The Iroquois ELI Project is not projected to commence service until one full year later, on November 1, 2004.¹⁴ The earlier in-service date for the Islander East Project will meet the needs of the KeySpan Delivery Companies for new sources of supply, whereas the Iroquois ELI Project will not. The Iroquois ELI Project is planned apparently to meet the later-in-time market needs of the shippers that signed precedent agreements with Iroquois.¹⁵

Fourth, as a matter of reliability as well as competition, expansion of the Iroquois system alone into eastern Long Island would mean that KeySpan's retail customers on Eastern Long Island would be dependent on a single pipeline for transportation of gas. The Islander East Project, on the other hand, will enhance the reliability and competitiveness of gas transportation service by introducing a second pipeline into the Long Island market. This fact further supports the conclusion that the Islander East Project and the Iroquois ELI Project are significantly different and certainly not mutually exclusive.

¹¹ Islander East Application at 5.

¹² See, Iroquois ELI Project Application at 9.

¹³ Islander East Application at 2.

¹⁴ Iroquois ELI Project Application at 3.

¹⁵ While Iroquois indicates in footnote 7, page 6, of its February 19 Answer, that it is willing to adjust its schedule to meet the time frame required by the Islander East shippers, it is not at all clear that this could be accomplished.

Fifth, Iroquois' concern that Islander East will be an economic competitor of the ELI Project is not a basis for a comparative hearing. As the Commission has recognized in other proceedings, economic competition between pipelines is a potential benefit to customers, not an adverse consequence within the meaning of the *1999 Policy Statement*.¹⁶ Such competition does not furnish a basis for holding a comparative hearing.

Finally, environmental considerations do not warrant a comparative hearing. Iroquois has not submitted any meaningful evidence to support its supposition that only one of the two projects can be built. Nor has Iroquois demonstrated that the Iroquois ELI Project is an acceptable alternative to Islander East from the standpoint of Islander East's shippers, including the KeySpan Delivery Companies. The existence of roughly parallel routes is simply not by itself a basis for establishing a comparative hearing.¹⁷ Furthermore, in the environmental phase of the Islander East proceeding, all interested persons will have an opportunity to recommend a route for the Islander East Project that best complies with the National Environmental Policy Act¹⁸ ("NEPA"). Similarly, in the proceeding in which the Iroquois ELI Project is under consideration, parties will have an opportunity to recommend an appropriate route for that project. While NEPA clearly requires the Commission to evaluate alternative routes, it clearly does not require the Commission to require shippers to accept an alternative project that will not fulfill their needs.

Iroquois' claims thus do not support the need for an *Ashbacker* comparative hearing.

¹⁶ See, *Guardian Pipeline, L.L.C.*, 94 FERC ¶ 61,269 (2001)(order supporting the certification of a pipeline in part because it would enable consumers "to enjoy the full benefits of pipeline-to-pipeline competition for the first time." 94 FERC at 61,936).

¹⁷ See, *ANR Pipeline Co.*, *supra*, note 8.

¹⁸ 42 U.S.C. § 4321, *et seq.*

2. Requiring A Comparative Hearing Is Not Supported By The Commission's Market-Oriented Policies Favoring Certification Where Existing Shippers Will Not Be Required To Subsidize The Proposed Project.

The Commission's *1999 Policy Statement*¹⁹ establishes a threshold determination in certificate proceedings that existing shippers will not be required to subsidize a proposed project. Once that threshold determination is made, the Commission's policy is to determine the benefits and possible adverse consequences of the project and to assess whether any adverse consequences can be minimized.

In the December 21 Order, the Commission followed its policy statement and ruled that any certificate issued herein will be appropriately conditioned so that Islander East and Algonquin meet the threshold determination.²⁰ The Commission also fully addressed the relative benefits and possible adverse consequences of the Islander East Project and concluded that, subject to environmental review, certification is required by the public convenience and necessity.²¹

Iroquois' contention in its February 19 motion and answer that the certification of the Islander East Project should be submitted to a comparative hearing is not supported by the *1999 Policy Statement*. The *1999 Policy Statement* is designed to permit the Commission to review and preliminarily approve certificate applications on the basis of a showing of market support and the absence of significant unavoidable adverse impacts. The *1999 Policy Statement* does not contemplate a comparative hearing where, as here, two potential pipeline competitors have set forth

¹⁹ *Supra*, note 7.

²⁰ 97 FERC at 62,689-690. Algonquin is an applicant in Docket No. CP01-387 wherein it seeks a certificate to construct the facilities that will be leased to Islander East.

²¹ 97 FERC at 62,699.

independent shipper support for their respective projects. For this reason alone, Iroquois' request for a comparative hearing should be rejected.

3. If The Commission Instituted A Comparative Hearing, The Islander East Project Would Be Delayed Beyond The Projected In-Service Date To The Detriment Of Shippers Like The KeySpan Delivery Companies Which Are Relying On The Facilities Coming On-Line On A Timely Basis.

The KeySpan Delivery Companies are relying on the timely commencement of service by Islander East in order to meet the growing market demand of retail and electric generation load in their service territories. As the KeySpan Delivery Companies stated in their Motion to Intervene and Request for Expedited Approval, filed July 13, 2001 in these proceedings:

“Construction of the Islander East pipeline system will create vitally needed firm capacity capable of serving the ever-growing demand for natural gas by both traditional local distribution markets and critically needed new electric generation facilities. Annual demand in the KeySpan Delivery Companies' combined Long Island and New York City service territories is projected to grow at an annual average rate of approximately 3.2 percent over the next three years. In the KeySpan Delivery Companies' Long Island service territory alone, annual demand is projected to grow at an average rate of approximately 5.9 percent during this period. This increase in demand will largely be created by high priority, low load factor residential and small commercial customers -- the Commission's prime constituency. The incremental capacity created by the Islander East project will enable the KeySpan Delivery Companies to serve their growing markets reliably, particularly on the eastern end of Long Island where the need for new pipeline capacity is particularly acute. Given the KeySpan Delivery Companies' current growth pattern, a new pipeline into eastern Long Island is needed to alleviate constraints at existing delivery points and along the KeySpan transmission system.”

July 13 Motion at 5-6 (footnotes omitted).

If the Commission were to initiate a comparative hearing, the likely result is that the construction of and service from Islander East will be delayed. Any such delay is unwarranted, as

discussed above and would unreasonably prevent KeySpan from accessing critically needed gas supplies on Eastern Long Island.

4. Any Delay In The Construction Of The Islander East Project Would Undermine The Progress That The Commission Has Made In Recent Years In Expediting The Review Of Natural Gas Pipeline Projects.

The Commission has made significant headway in recent years in expediting its procedures for reviewing pipeline project applications.²² In the current environment, where new projects must proceed without subsidies, the financial and shipper markets determine whether a project is built. The progress in pipeline construction in turn has enhanced pipeline on pipeline competition.

The KeySpan Delivery Companies support this progress and, in particular, fully endorse the Commission's policy of placing greater emphasis on the market support for a project. Iroquois, by requesting a comparative hearing where none is warranted would undermine this progress by unduly delaying construction of the Islander East Project even though there is clear market support for that project. Such delay, as discussed above, is to the detriment of the customers who need the Islander East system. Unwarranted delay also could result in a constraint on gas transmission capacity in the Long Island market. In addition, any such delay would represent a significant step backward relative to the progress that the Commission has made in expediting its certificate review procedures. The Commission should not sacrifice the progress that it has made

²² According to a Commission Staff discussion paper entitled "Energy Infrastructure And FERC's Natural Gas Pipeline Certification Program," dated January 30, 2002, the Commission certificated 11.7 Bcf/day of additional pipeline capacity, comprising of 3,267 miles of gas pipeline, in Year 2001.

in expediting its review of certificate applications only to assist Iroquois at this late stage in the instant proceeding.

IV. CONCLUSION

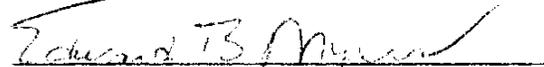
Wherefore, the KeySpan Delivery Companies respectfully request the Commission to:

- (1) grant, as necessary, the KeySpan Delivery Companies' leave to answer Iroquois' February 19 answer;
- (2) deny Iroquois' Motion For Leave To File Answer and reject Iroquois' answer in its entirety; and
- (3) if the Commission does not reject Iroquois' pleading, deny the request of Iroquois therein for a comparative hearing.

Respectfully submitted,

The KeySpan Delivery Companies

By:



Kenneth T. Maloney
Edward B. Myers
Cullen and Dykman, L.L.P.
1101 Fourteenth Street, N.W.
Suite 550
Washington, D.C. 20005
(202) 223-8890

Dated: March 5, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties to this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D.C. this 5th day of March, 2002

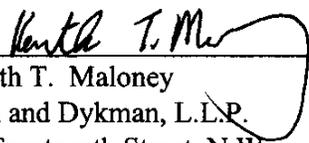


Edward B. Myers
Cullen and Dykman, L.L.P.
1101 Fourteenth Street, N.W.
Suite 550
Washington, D.C. 20005
(202) 223-8890

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties to this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D.C. this 23rd day of April, 2002



Kenneth T. Maloney
Cullen and Dykman, L.L.P.
1101 Fourteenth Street, N.W.
Suite 550
Washington, D.C. 20005
(202) 223-8890