

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

**BROADWATER ENERGY, LLC
BROADWATER PIPELINE LLC
BROADWATER PIPELINE LLC**

**Docket Nos. CP06-54-000
CP06-55-000
CP06-56-000**

**COMMENTS OF THE
COUNTY OF SUFFOLK, NEW YORK
TO FERC'S FEBRUARY 17, 2006 NOTICE OF
APPLICATIONS FOR THE PROPOSED
BROADWATER ENERGY LNG PROJECT**

I. Introduction.

The County of Suffolk, New York ("Suffolk County"), by its attorneys, Farrell Fritz, P.C. submits these comments to the Federal Energy Regulatory Commission ("FERC") in response to FERC's February 17, 2006 Notice of Applications, regarding the proposed liquefied natural gas ("LNG") terminal and associated facilities of Broadwater Energy LLC and Broadwater Pipeline LLC (collectively "Broadwater"). Suffolk County is the easternmost county on Long Island, having a population of 1.5 million residents. Suffolk County urges FERC to deny the license and authorizations requested by Broadwater. Furthermore, Suffolk County requests that FERC hold an evidentiary hearing on this proposed project as there are significant issues of facts about its safety and environmental impacts. These crucial issues cannot be decided on the "paper record" alone especially since much of the data proffered by Broadwater on these issues is not subject to public scrutiny, or is otherwise unavailable.

On February 16, 2006, Suffolk County submitted a motion to intervene as a party in these proceedings as the off-shore and on-shore components of the proposed Broadwater Project lie within Suffolk County's territorial and jurisdictional limits. As noted in the motion to intervene, the safety, health, general welfare and security of Suffolk County's 1.5 million residents are of

paramount interest and concern. The proposed project will have environmental, recreational, health, economic, safety and security impacts on Suffolk County and its residents.

Both branches of Suffolk County's government are on record as opposing the proposed project. The Hon. Steve Levy, Suffolk County Executive, testified at FERC's September 14, 2005 Public Meeting and expressed Suffolk County's strenuous opposition to this project. Mr. Levy also submitted written comments to FERC and to the United States Coast Guard ("Coast Guard"). In addition, the Suffolk County Legislature adopted resolutions expressing Suffolk County's vigorous opposition to the proposed project.

Suffolk County's opposition is founded upon both legal and technical grounds. The proposed Broadwater Project is fraught with serious negative environmental, health, economic and safety risks that cannot be mitigated. Moreover, there are numerous legal impediments which Broadwater cannot overcome, that require rejection and denial of the proposed project. These grounds are more fully discussed herein, but we initially highlight that Suffolk County's territorial borders include all of the waters of Long Island Sound east of Nassau County and north to the Connecticut State border at the midway point in the Long Island Sound. Suffolk County's jurisdiction and control of the waters of Long Island Sound is not pre-empted by any federal or state statute and the Broadwater Project's pervasive invasion of Suffolk County's territory will not be tolerated.

II. Comments on the Proposed Project.

A. Secrecy.

One overriding issue permeates this whole application and prevents Suffolk County and other interested participants from receiving a full and fair opportunity to be heard on the risks

presented by the Broadwater Project. That issue is FERC and the Applicant's refusal to permit access to significant numbers of crucial documents.

FERC and Broadwater have classified all of Resource Report 13, Engineering and Design Material, as "Critical Energy Infrastructure Information" ("CEII"). In fact, Resource Report 13 for all LNG projects are classified as CEII by FERC Order 630 as amended by Order 630-A. FERC states the following in these orders:

"[T]he Commission considers the following gas information to qualify as CEII... 'environmental resource report 13 for LNG facilities.'" ¹

FERC's rationale for designating the engineering and design information for LNG terminals as CEII is based on its assertion that the information "provides more than just location" information about "critical energy infrastructure". ² FERC defines "critical energy infrastructure" to be:

"...proposed or existing infrastructure [that relates to energy transportation and transmission, and that] could be useful to a person in planning an attack on critical infrastructure..." ³

FERC defines "critical infrastructure" as:

"...proposed systems and assets ... the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters." ⁴

Thus, FERC has determined that the engineering and design information about proposed new LNG terminals, such as Broadwater, would be useful to terrorists or saboteurs because incapacity or destruction of an LNG terminal would "negatively" impact public health and safety. **This fact alone shows that the Broadwater project can never be found to be safe or**

1 FERC Order 630, 102 FERC ¶61,190 (Feb 21, 2003) at p. 26 as amended by FERC Order 630-A, 104 FERC ¶61,106 (July 23, 2003) at pp. 13-14.

2 Order 630, Id.

3 18 CFR § 380.13(c)(1).

4 18 CFR § 380.13(c)(2).

in the public interest. At best, the only presumption that can be drawn from the publicly available information is that Broadwater is inherently unsafe, and therefore, it must be concluded that Broadwater is not approvable under any circumstances.⁵ The secrecy problem is not limited to Resource Report 13. FERC has also designated all or parts of several other Resource Reports filed by Broadwater as CEII which further prevents a full and open discussion of the proposed project's safety – and conversely, its serious dangers.

As noted in our initial comments submitted in the pre-filing phase, Suffolk County understands that FERC's CEII designation is intended to keep secret information that could aid terrorists who might choose to attack the facility, a fact, which, *per se*, fully supports Suffolk County's concerns that the proposed project poses serious public dangers and should not be authorized. FERC's wholesale CEII designation effectively prohibits Suffolk County and its residents from evaluating the proposed project that if authorized, will significantly and negatively impact their way of life. Moreover, FERC's underlying assumption that terrorists could somehow be stopped by FERC's CEII designation ignores the fact that the proposed project, if approved, will not be constructed in some "secret undisclosed location" but in the middle of Long Island Sound.

The lack of access to safety, health, environmental, natural resource and engineering documents is unacceptable, especially since the Broadwater Project proposes to utilize untested and unproven technologies. No other floating storage and regasification unit ("FSRU") exists in the world. The tethering mechanism is also wholly untested. Critically, FERC stated in its February 17, 2006 Notice of Applications that:

certain information regarding design standards for the FSRU that was requested by the FERC and U.S. Coast

⁵ The issues raised herein apply not just to the off-shore components but also to any on-shore components of the Broadwater proposal.

Guard during the Pre-Filing Process was not provided in the application. FERC staff and the U.S. Coast Guard are unable to initiate the design/engineering review of the FSRU or complete the Waterway Suitability Assessment process without this information. Consequently, at this time we are unable to project a schedule for review or issuance of the draft environmental impact statement (DEIS). (Emphasis added.)

FERC's statement is remarkable. Not only is FERC preventing Suffolk County from critically evaluating Broadwater's highly speculative technology, but Broadwater is also preventing FERC from conducting this evaluation. The total absence of any scrutiny of crucial elements of the proposed project only heightens Suffolk County's concerns about the inherent safety risks of the proposed project.

Moreover, other federal agencies that have access to the secret information that has been withheld from the public have condemned Broadwater's submissions. For example, the Coast Guard lambasted Broadwater for using weather data from Baltimore, Maryland as supporting data for this Long Island Sound-based proposed project. Similarly, FERC's secrecy designation has infected the proposed project's review by state agencies. For example, in its February 28, 2006 submission to FERC, the New York State Department of Public Service ("NYSDPS") had to designate its criticisms about Broadwater's deficient spill control measures as CEII, making those comments inaccessible to Suffolk County. These examples of project deficiencies demonstrate why Suffolk County and the general public cannot rely upon Broadwater and FERC to properly process this application under FERC's self-imposed cloak of secrecy.

FERC's secrecy also runs afoul of the National Environmental Policy Act ("NEPA"), which mandates that NEPA commenters, (as well as participants in the Coastal Zone Management consistency analysis), are absolutely entitled to evaluate for themselves, and with their own experts, the structural integrity of the proposed LNG storage facility, the likelihood of

its tearing away from its moorings in catastrophic conditions, and the impacts on public health and safety in the event of a “worst case” accident. However, FERC and Broadwater keep secret the facts allowing analysis of these and similar matters, and thereby emasculates the established, open public NEPA process.

Apparently FERC has made a policy choice to extend CEII treatment to all proposed LNG projects on the ground that “a patient terrorist” could collect CEII type information during the NEPA/permitting process and use it later, assuming that the project as proposed was eventually built.⁶ However, the “patient terrorist” hypothesis hardly justifies undermining long-established public NEPA processes. Moreover, FERC’s CEII designation clashes fatally with state agency procedures, which must be public and unclassified.

Suffolk County recognizes that one or more of its attorneys or employees could apply and may be granted access to the CEII information, but those persons must sign an onerous non-disclosure agreement (NDA). That procedure does not address Suffolk County’s concern as the information obtained via an NDA can not be publicly used or referenced in briefs or arguments or in review proceedings. Each NDA signatory is at risk of severe civil and criminal penalties in the event that the CEII becomes public, even inadvertently.⁷ Moreover, gaining access to CEII implicates the NDA signatory in the secrecy process and further undermines long-standing NEPA policies and public confidence.

Suffolk County cannot fully evaluate and critically comment upon the proposed project when documents directly dealing with safety concerns, environmental and natural resource impacts and engineering issues of the project are withheld from public scrutiny. Indeed, recent headlines about port security problems and inadequate federal responses to natural disasters

6 Order 630, at ¶ 35.

7 FERC Order 662 (June 21, 2005) at ¶ 23 emphasizes that criminal and civil penalties can be imposed where CEII is released in violation of a non-disclosure agreement.

demonstrate that Suffolk County and its residents cannot rely upon federal government promises that safety concerns are being properly evaluated when the evaluations are being conducted in secret. In sum, Suffolk County and its residents have no assurance that the risks associated with this proposed project are properly being assessed.

B. Safety.

To authorize an LNG terminal under §3 of the Natural Gas Act (NGA), FERC must find that the project is safe and “in the public interest.” *See* 15 USCA § 717b(a). To authorize a pipeline, FERC must determine whether to issue a certificate of “public convenience and necessity” under 15 USCA § 717f (c), which is also a public interest test.⁸ Safety is a necessary component of FERC’s required findings under the NGA. *See* § 3A of the NGA as amended by the Energy Policy Act of 2005 and 18 CFR § 380.12(m) requiring submission and analysis of safety data for proposed new LNG facilities. FERC cannot issue the necessary findings as the applicant’s submissions are fatally deficient.

Similarly, the New York State Department of State (“NYSDOS”) is a vital part of this process and it must find that the proposed Broadwater project is consistent with the Long Island Sound Coastal Zone Management Plan (LIS CMP) in order for the project to be approved. The LIS CMP provides at Policy 13.4 that “**LNG facilities must be safely sited and operated.**”(Emphasis added.) Unless NYSDOS is able to make a complete investigation and make an informed decision, it cannot determine on the public record that Broadwater will be safely sited and operated. Under such circumstances, it may not find that the project is “consistent” with the LIS CMP, and FERC would not be able to authorize the project.⁹ As much

⁸ FERC, as guardian of the public interest, must determine in every proceeding whether the certificate applied for is in the public interest or whether that interest calls for some other disposition. *See Panhandle Eastern Pipe Line Co. v FPC*, 386 F.2d 607, 610 (3d Cir. 1967); *Ecee, Inc. v. FPC*, 526 F.2d 1270 (5th Cir. 1976).

⁹ *See* 16 USCA § 1456(c)(3)(A).

of the safety data proffered in support of the project by the applicant is being withheld from the public record, NYSDOS cannot make these findings and therefore cannot approve the project.¹⁰

The Broadwater Project presents a myriad of serious safety hazards. These include fire hazards that will overwhelm the region's ability to handle such disasters in light of the billions of cubic feet of LNG that will be contained in the floating storage unit and in the tankers. This is particularly of concern as Broadwater is relying upon local volunteer fire departments as the first responders in any fire emergency. None of these local volunteer fire departments have the equipment or training to be able to rapidly respond to the catastrophic fires associated with this proposed project.

There are three types of fire hazards, pool fires, jet fires and flash fires associated with LNG. Pool fires are believed to be the most likely problem, but the other two types cannot be ruled out. Pool fires involve releases of the LNG from the floating storage unit or the tankers which rapidly vaporize and ignite, placing into jeopardy the entire stored material. There is no assurance that this fireball will remain at the 9 mile off-shore location as the tethering mechanism can become compromised, resulting in a wandering floating fireball, subject to the control of waves, tides and winds found in Long Island Sound. The Long Island Sound is home to many major gas, oil and nuclear power plants, a nuclear submarine base, commercial shipping ports, and a myriad of other commercial and industrial activities. The horrors that can be inflicted by this out-of-control floating fireball are beyond description.

Moreover, since the LNG tankers will be moving around in the waters, they could be virtually anywhere in the Long Island Sound during such pool fires. Although Broadwater asserts that jet fires and flash fires are less likely to occur, it must be remembered that this is untested

¹⁰ There are other agency approvals that require a full, fair and open assessment of the project's safety. See Suffolk County's initial and supplemental comments submitted as part of the pre-filing phase.

technology and Broadwater's assertions are hardly sufficient to exclude a thorough evaluation of all three types of fire hazards. In addition, the proposed project will require thermal exclusion zones, pursuant to 49 CFS §193, further spreading out the impacts of the proposed project and further increasing the restricted area that will become unavailable to other users of the Long Island Sound.

In addition, the physical characteristics of LNG present significant safety risks. LNG is a hazardous liquid because it is a cryogenic material. LNG's extremely low temperature (-259° F) can crack steel and metal components of the FSRU, resulting in catastrophic spills of most or all of the LNG stored in this vessel. Similar catastrophic impacts are presented by losses of LNG from the supply tankers. This will have devastating impacts on Suffolk County and its residents. Thus, a comprehensive analysis must include the simultaneous catastrophic loss of LNG from both supply tankers and the floating storage unit occurring at the same time. The latter assessment must take into account the fact that the simultaneous losses may be temporal in nature but occur in different parts of the Long Island Sound. The assessed impacts must consider the population density surrounding the Long Island Sound, both in Long Island and Connecticut, as well as the impacts that the diverse weather patterns found in this region would have in carrying these catastrophic events to on-shore locations.

The proposed project also has significant adverse impacts on energy supplies. If the project is built as proposed, it will influence the flow of natural gas in the entire region. The existing patterns of pipeline activity will be altered by the proposed project, but no thought has been given to alternative supplies for the region if the floating storage unit suffers a catastrophic loss, is unable to be refilled because of weather-related conditions or due to other disruptions in supplies, or simply malfunctions.

Long Island Sound is also used by hundreds of thousands of people for recreational boating. In addition, thousands of commercial boating operations already regularly use the Long Island Sound for fishing and for cross-Sound transportation. All of these users will be adversely impacted by the floating storage unit and frequent refill tanker traffic. The area of the Long Island Sound gobbled up by the proposed project and the closing of the broader area is simply unacceptable.

In this regard, the State of New York and Suffolk County hold the lands under water and the water itself in public trust for the people of the State. To locate the Broadwater Project as planned and to periodically refill it violates the well-established Public Trust Doctrine as consistently articulated and applied by the New York Courts.

The impacts to the proposed project posed by weather conditions in the Long Island Sound have been downplayed or ignored by Broadwater. Suffolk County is quite concerned about these water-based and land-based impacts from hurricanes, storms, blizzards, nor'easters and other common Long Island Sound weather events. Given the damage incurred by sturdy offshore rigs from Hurricanes Katrina and Rita, it is imperative that weather-related impacts to Broadwater's fragile tethering device be appropriately evaluated with models generated on the basis of Long Island data, not Baltimore data and in the context of the potential ramification from an LNG "event" (i.e., exposure of the tethering device to extreme cold and heat.).

Broadwater has failed to provide any analysis showing how the FSRU would survive catastrophic winds, waves and high water caused by natural disasters. The brief information on hurricanes and earthquakes in Resource Reports 6 and 11 is self-serving and unsupported by facts. The public interest demands disclosure of all of the facts concerning the FSRU's ability to withstand natural hazards.

Tsunami or tidal wave events are not even mentioned, notwithstanding that earthquake or volcanic activity in the mid-Atlantic are predicted to generate tidal waves that could threaten the East coast of North America, including Long Island Sound and the FSRU.¹¹ There is no way that Broadwater can be declared safe and in the public interest given the potential consequences of an accident involving separation of the FSRU from its mooring in a hurricane, high water event or earthquake. Yet the consequences of such real world events are not even discussed by Broadwater.

C. Use of the Waters Of and Lands Under the Long Island Sound.

Broadwater proposes to anchor its massive floating storage unit and 25-mile pipeline into the seabed of the Long Island Sound. The land in which Broadwater proposes to construct its anchoring device is owned by the State of New York. The water in which the FSRU and tethering device float is within the jurisdiction of Suffolk County. Broadwater states that it will obtain an easement from the New York State Offices of General Services (“NYSOGS”) for the anchoring device but ignores its obligation to seek a similar easement from Suffolk County to utilize Suffolk County’s waters. As described previously, the public trust doctrine is implicated at the State and County levels and it effectively forbids the granting of an easement or other permission for this facility in Long Island Sound by the State or Suffolk County.

The easement Broadwater needs from NYSOGS requires an act of the New York State Legislature. Even if Broadwater is somehow able to convince the State to grant the easement, a complete and thorough review under the New York State Environmental Quality Review Act (“SEQRA”) is mandated prior to the easement’s issuance as the State would be acting in its proprietary capacity. SEQRA review differs from the FERC process in several ways, but most

¹¹ NOAA’s National Data Center has tsunami information. Go to <http://www.ngdc.noaa.gov/seg/hazard/tsu.shtml>. See also <http://www.huttoncommentaries.com/ECNews/GntWavesHitAtlantic.html>.

importantly to this application, **SEQRA requires that all information used to support an action must be made publicly available.** Furthermore, easements applicable to public trust lands are severely restricted and these restrictions will have economic and safety impacts to the proposed project, yet are not discussed by the applicant.

Even if Broadwater is able to obtain a State-granted easement for the anchoring device and pipeline, Broadwater still needs an easement from Suffolk County to use its waters. That easement will not be granted as the Suffolk County Executive and the Suffolk County Legislature are on record as strenuously opposing this project. Broadwater may argue that no easement from Suffolk County is required. Broadwater would be wrong. Suffolk County's jurisdiction over the waters of Long Island Sound was codified in 1881.¹² To put it bluntly, Long Island Sound is *mare nostra* and Suffolk County will not allow its police powers and sovereignty to be obliterated by a private commercial use of its waterway. The Public Trust Doctrine forbids it.

D. Environmental Impacts.

Suffolk County is very concerned about the proposed project's adverse impacts on a unique natural resource, the Long Island Sound. That body of water is a federally designated Estuary of Significance for which there has been a Comprehensive Conservation and Management Plan ("CCMP") developed. This Plan is being implemented by federal, state and local government officials. In addition, the Long Island Coastal Zone Management Plan, along with a whole host of other Coastal Zone Revitalization Plans, including local waterfront revitalization zones, were implemented precisely to preserve open space, encourage recreational uses, minimize adverse development and non-water dependent development, preserve historical resources, enhance scenic resources, minimize loss of life and natural resources, manage

¹² See Chapter 695 of the Laws of 1881.

navigational channels, improve and protect water quality by prohibiting discharges, limit development of public trust lands, protect the health of marine resources, and minimize adverse impacts from fuel storage facilities. These noble and laudable policies are all consistent with the purpose of the Public Trust Doctrine and are all immediately threatened by the proposed project.

Further, the Long Island Sound is one of twenty-eight federally-designated estuaries of national significance and hundreds of millions of dollars in public funds have been expended to restore and enhance it. It is also located in one of the most populated regions of the nation - between Long Island and Connecticut - and the proposed project would require significant security exclusion zones and would eliminate significant portions of the Long Island Sound to recreational and commercial boaters on a regular basis at a minimum every other day.

Broadwater admits that its proposed location is within “an area of aesthetic, environmental and economic value to many people.” It also admits that the proposed project will have both short-term and long-term impacts, during all phases of the project - construction, operation, dismantling and removal. These admitted impacts include, among other things, the following concerns:

- (1) significant sediment disturbances;
- (2) extensive interference with marine species, some of which are classified as threatened or endangered under federal and state law;
- (3) extensive disturbances of essential fish habitat, including impacts to several significant fisheries with both commercial and recreational import to residents of Suffolk County and the surrounding communities;
- (4) water quality impacts both during construction and operation, including discharges of process water, ballast, and sewage;

- (5) thermal discharges; and
- (6) air emissions.

There are also a myriad of other impacts to Long Island Sound. The proposed technology, an enormous floating storage unit anchored to a tether in the middle of Long Island Sound, is unproven technology, and no other similar type of massive floating storage unit has ever been constructed and operated in the world. The proposed project will involve the storage of 350,000 cubic meters of LNG which equates to 8 billion cubic feet of gasified natural gas anchored right in the middle of a highly utilized body of water used for a nuclear submarine base, nuclear and fossil fuel power plants, commercial transportation, commercial and recreational fishing and boating, among other uses. Thus, this untested technology and its engineering details must be subject to heightened scrutiny.

In addition, the storage unit is to be refilled by frequent shipments of LNG that are made via large tanker ships. Broadwater states that these refill shipments will occur every two days and will take 12 to 18 hours to unload. As part of Broadwater's proposed safety precautions, each LNG delivery requires a virtual shut down of Long Island Sound. Thus, out of every 48 hours, 18 will be required to unload and the Long Island Sound will be shut down for these periods. Each shipment will be met by armed Coast Guard ships that will escort the tankers to the floating storage unit. During these frequent deliveries, other recreational and commercial uses of Long Island Sound will be stopped. In other words, Broadwater concedes that the Sound will be virtually closed for 18 out of every 48 hours or 37% of the time. This is in addition to the permanent exclusion zone required around the LNG floating storage unit, which will be off-limits 100% of the time. The continuous disruption posed by these shipments is violative of the Public Trust Doctrine and will be disastrous to Long Island's economic, recreational and safety

interests and is a flagrant violation of the Public Trust Doctrine. It is simply insufficient and unacceptable for the applicant to take an ostrich-like position and state that such interruptions will be without impact. It defies credulity.

In addition, the construction and operation of the facility involves frequent tanker shipments that will interfere with important fisheries located in the Long Island Sound. For example, the Long Island Sound lobster industry is just beginning to recover from a catastrophic decrease in population, believed in part to be caused by low oxygen levels in Long Island Sound. The Broadwater project includes construction of the tethering mechanism and installation of 25 miles of pipeline and will involve extensive dredging and disturbance of the seabed, precisely in the environment in which lobsters, clams and other benthic organisms reside and reproduce. The proponent admits these activities will cause hypoxic conditions, a condition which is fatal to these vital fisheries. It is also fatal to other marine resources found in the Long Island Sound. Remarkably, the applicant has provided little assessment of the impacts to threatened and endangered species that utilize the Long Island Sound or to the impact on the recreational and commercial fishing and shell fish industries in Suffolk County and Connecticut.

Moreover, the project involves construction of a 25-mile pipeline connecting the Broadwater floating facility to the Iroquois Pipeline. That pipeline will be installed into the seabed extending the zone of adverse impacts well beyond the floating storage unit locale well into Long Island Sound. Significantly, very little information is provided by Broadwater about ancillary on-shore structures that are necessary to service the off-shore components.

Other environmental issues include light pollution, which would adversely impact fish and birds. In addition, LNG's primary component is methane, and its release to the atmosphere is associated with global warming.

In sum, the proposed project's environmental impacts are massive intrusions into Long Island Sound, its sea-bed and its shores and will adversely affect Suffolk County and its residents. These environmental impacts alone are unacceptable.

E. Terrorism.

It cannot be emphasized strongly enough that this proposed project, if built, will be a target for terrorism, not just the floating storage unit but also the refill tankers. While the proposal includes an exclusion zone, recent history from the Persian Gulf has shown us that such zones are insufficient barriers to prevent terrorist attacks on floating vessels. Moreover, the sources of the LNG cited to by Broadwater, and thus, the sources of the refill tankers, in fact increase the level of the threat as the LNG is expected to be shipped into Long Island Sound from Iran, Algeria, and Malaysia, among other countries. The mere fact that armed escorts are needed to escort the refill tankers to the floating storage unit emphasizes the terrorism and safety issue. What more needs to be said.

F. Danger Inherent In LNG Facilities.

The history of problems at other more traditional LNG facilities demonstrates the inherent risks associated with these types of facilities. While Broadwater asserts that there have been a limited number of accidents at land-based LNG facilities, Broadwater ignores the fact that when accidents have occurred at such facilities, they have been catastrophic in nature, with extensive loss of life. Moreover, Broadwater has given no thought to the longitudinal increase in such dangers posed by such accidents occurring at a floating LNG facility in the middle of Long Island Sound.

III. Conclusion.

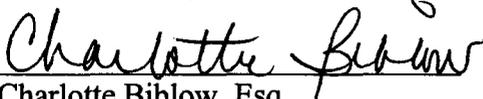
There is tremendous public anxiety about Broadwater, especially skepticism and doubt as to its safety, environmental impacts, and impairment of Long Island Sound as a public resource and public trusts lands. This is clearly shown by the near-universally negative comments of thousands of Suffolk County citizens, in addition to citizens in Nassau County and Connecticut submitted to FERC. Given this degree of public concern, neither FERC, nor NYSDOS, nor NYSOGS can properly or lawfully make determinations that the project is in the public interest or that it is safe unless the basis for their determinations are fully disclosed and publicly explained. The thousands of citizens who are frightened, anxious and concerned about Broadwater are entitled to full disclosure of any FERC determination to authorize the Project, especially with regard to the basis for any determination of public safety. This public fear is hardly assuaged by empty assurances from Broadwater in light of submittals from the Coast Guard and NYSDPS, among others, that stress serious information gaps in Broadwater's applications and supporting documentation.

Suffolk County is cognizant of the fact that reliable sources of energy are necessary for the citizens of this country. That does not mean that any and every project involving supplying natural gas must be blindly approved as requested by an applicant. The Broadwater Project presents too many adverse impacts and inherent risks that cannot be mitigated. Based on these comments, as well as those suggested by County Executive Levy, members of the Suffolk County Legislature, numerous elected officials and members of the public, FERC must reject the proposed project and deny Broadwater the license and authorization it seeks.

Dated: Uniondale, New York
March 9, 2006

Respectfully submitted,

FARRELL FRITZ, P.C.

By: 
Charlotte Biblow, Esq.
John M. Armentano, Esq.
Attorneys for the County of Suffolk
1320 Reckson Plaza
Uniondale, New York 11556-1320
(516) 227-0700
cbiblow@farrellfritz.com
jamentano@farrellfritz.com

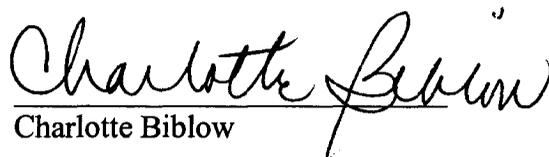
Of Counsel:

G.S. Peter Bergen, Esq.
27 Pine Street
Port Washington, New York 11050
pbergen@optonline.net

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Uniondale, New York, this 9th day of March, 2006.


Charlotte Biblow

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