



Since 1946

JASPAN SCHLESINGER HOFFMAN LLP

ATTORNEYS AT LAW

1946 - 2006

60

YEARS OF EXCELLENCE

John C. Farrell
Associate
516-393-8297
jfarrell@jshllp.com

300 GARDEN CITY PLAZA • GARDEN CITY, NEW YORK 11530
TELEPHONE 516.746.8000 • FAX 516.393.8282
www.jshllp.com

DELAWARE OFFICE
913 North Market Street
Wilmington, DE 19801
Telephone 302.351.8000
Fax 302.351.8010

November 22, 2006

BY FEDERAL EXPRESS

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Re: *Motion to Intervene*
Town of East Hampton
Broadwater LNG Project
FERC Docket Nos. CP06-54-000
CP06-55-000
CP06-56-000

Dear Ms. Salas:

We represent the Town of East Hampton in Suffolk County, Long Island, New York (the "Town"). Please find enclosed respectfully submitted one original and fifteen (15) hard copies of the Town's Motion to Intervene and request for formal evidentiary hearings in all of the above-referenced proceedings pending before the Federal Energy Regulatory Commission ("FERC") filed electronically today pursuant to 18 CFR 385.2000(a)(1)(iii). We request FERC please acknowledge receipt of the enclosed by date stamping an extra copy of the Town's Motion to Intervene request for hearings, and returning it to me in the enclosed self-addressed stamped envelope.

Your cooperation and attention to this matter is appreciated.

Respectfully Submitted,

s/John C. Farrell
JOHN C. FARRELL

JCF/
cc. Kristine L. Delkus (with enclosures)
 Broadwater Energy LLC (with enclosures)
 Bruce Neely, Esq. (with enclosures)
 Laura Molinari, Esq. Town of East Hampton

D#522563F#048569

**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**

**MOTION TO INTERVENE
OF THE TOWN OF EAST HAMPTON, NEW YORK**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. §385.214, the Town of East Hampton, Long Island, New York (referred to herein as "East Hampton" or the "Town") by its attorneys, Jaspán Schlesinger Hoffman LLP, hereby petitions the Federal Energy Regulatory Commission ("FERC") for an order granting East Hampton party status in the above-referenced proceedings. The Town of East Hampton further seeks a formal evidentiary hearing on the referenced applications pursuant to 18 C.F.R. §157.10(a)(1).

The persons to whom communications regarding this motion should be addressed and upon whom service of all pleadings or other documents in these proceedings should be made are:

Maureen T. Liccione, Esq. and Michael E. White, Esq.
Jaspán Schlesinger Hoffman LLP
Attorneys for the Town of East Hampton, Long Island, New York
300 Garden City Plaza
Garden City, New York 11530
Tel: (516) 746-8000
Fax: (516) 393-8282
Email: mliccione@jshllp.com
mwhite@jshllp.com

Laura Molinari, Esq.
Town Attorney
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937
Tel: (631) 324-8787
Fax: (631) 329-5371

East Hampton respectfully submits the following as its grounds for intervention as a party:

1. Petitioner, East Hampton, is a municipal corporation duly established under the laws of the State of New York.

2. East Hampton is the easternmost town in the County of Suffolk, New York on Long Island's south shore adjoining the Atlantic Ocean, Gardiner's Bay and Montauk Channel.

3. East Hampton's coastline adjoins the Atlantic Ocean to the south and east as well as the waters of Montauk Channel to the east and Gardiner's Bay to the north.

4. East Hampton's jurisdictional limits, therefore, include areas that will be impacted by the operation of the offshore liquefied natural gas receiving terminal and associated facilities, collectively the Floating Storage and Regasification Unit ("FSRU"), known as the Broadwater Project.

5. Specifically, as set forth in the September 21, 2006 "U.S. Coast Guard Captain of the Port Long Island Sound Waterways Suitability Report for the Proposed Broadwater Liquefied Natural Gas Facility," ("Waterways Suitability Report") East Hampton and its waterways will be impacted by the LNG carrier routes which would serve the proposed Broadwater facilities in Long Island Sound.

6. According to the Waterways Suitability Report, one of the routes proposed for the LNG carriers to access the proposed Broadwater facilities is to pass north through Montauk Channel from the Montauk Point Pilot Station on their way to the facility in Long Island Sound. In other words, tankers will pass within 8.9 miles of Montauk Point, the easternmost point of East Hampton.

7. As noted in the Waterways Suitability Report this particular area has a very high boat traffic density consisting of ferries between Montauk and Block Island and Montauk and New London, recreational boats, commercial fishing boats as well as military and Coast Guard vehicles.

8. Furthermore, in the event of an accident involving a spill the coastal lands of East Hampton and its residents will be negatively impacted by contamination. In addition, contamination of the local waters will severely impact tourism and recreational activities in the Town which are vital to the local economy.

9. Finally, there are several commercial fishing operations that could be adversely affected by the operation of the LNG carriers, which are protected by large security and buffer zones designed to prevent an accident and/ or an attack. Forcing these vessels out of this area will also have a negative impact on the surrounding economies.

10. East Hampton is concerned that the proposed routes for the LNG carriers for the Broadwater Project would have a negative effect on the environmental stability and economic viability of Montauk Channel, Block Island Sound and Gardiner's Bay, thereby impacting all residents and visitors to East Hampton that avail themselves of the resources of these areas for recreational and commercial use.

11. East Hampton is particularly concerned for the protection of coastal resources of high environmental, commercial and recreational value in the waters surrounding the Town.

12. The safety, health, general welfare and security of its residents are of paramount interest to East Hampton. The proposed Broadwater Project and, specifically, the proposed LNG carrier routes, will have environmental, recreational, health, economic, safety and security impacts on the Town and its residents.

13. Human, animal, avian and marine life will be impacted by the construction and operation of the proposed Broadwater Project. The waters and lands under the jurisdiction of the Town and other economic, cultural and natural resources of the Town will be impacted by the proposed Broadwater Project. All of these resources are held in public trust for the citizens of the Town.

14. The proposed Broadwater Project raises significant legal issues that will impact East Hampton. East Hampton is responsible for protecting the legal rights of the Town and its residents.

15. The public interest mandates that East Hampton be granted an order to intervene as a party in these proceedings, as the proposed Broadwater Project will have significant short term and long term impacts upon the Town, its residents, its coastal and underwater lands and its waters.

16. Pursuant to §385.214 (b)(3), East Hampton acknowledges that this motion to intervene has been filed beyond the time to do so as set forth in the Notice. However, there is good cause for the delay in filing. East Hampton only recently became aware of the Waterways Suitability Report, dated September 21, 2006, which shows that tankers

carrying liquefied natural gas will be passing through Montauk Channel within approximately 8.9 miles of the coastline of the Town. As soon as East Hampton became aware of this situation it contacted outside counsel to file a motion to intervene. Had the LNG carrier routes been disclosed to the Town at an earlier time, the Town would have made its interest in the project known.

17. No disruption of the proceedings will result from East Hampton being granted party status.

18. East Hampton's interests will not be adequately represented by any other party to these proceedings.

19. East Hampton's intervention as a party at this point in time will not prejudice any party to these proceedings.

WHEREFORE, the Town of East Hampton requests that FERC grant its motion to intervene as a party in these proceedings with all rights to participate in these proceedings and specifically requests that FERC hold formal evidentiary hearings on these applications.

Dated: November 22, 2006
Garden City, New York

Respectfully submitted,

Jaspan Schlesinger Hoffman LLP

By: s/John C. Farrell
John C. Farrell
Maureen T. Liccione
Michael E. White
Attorneys for the Town of East Hampton, New York
300 Garden City Plaza
Garden City, New York 11530
Tel: (516) 746-8000
Fax: (516) 393-8282

Submission Contents

Cover Letter to Magalie R. Salas Forwarding Motion to Intervene on Behalf of Town of East Hampton CoverLetterEHampton.pdf.....	1-1
Motion to Intervene of the Town of East Hampton, New York EHamptonMIntervene.pdf.....	2-6