

ORIGINAL



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YEARS OF  
EXCELLENCE

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March 10, 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 Brookhaven  
Broadwater LNG Project  
FERC Docket Nos. CP06-54-000  
CP06-55-000  
CP06-56-000**

FILED  
OFFICE OF THE  
SECRETARY  
2006 MAR 13 A 11:39  
2006 MAR 13  
FEDERAL ENERGY  
REGULATORY COMMISSION

Dear Ms. Salas:

We represent the Town of Brookhaven 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,  
  
Maureen T. Liccione

MTL/nam

- cc. Kristine L. Delkus (with enclosures)
- Broadwater Energy LLC (with enclosures)
- Bruce Neely, Esq. (with enclosures)
- Hon. Robert Quinlan, Town of Brookhaven (with enclosures)

**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 BROOKHAVEN, 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 Brookhaven, Long Island, New York ("Brookhaven") referred to herein as Brookhaven or the Town by its attorneys, Jaspan Schlesinger Hoffman LLP, hereby petitions the Federal Energy Regulatory Commission ("FERC") for an order granting Brookhaven party status in the above-referenced proceedings. The Town of Brookhaven further seeks a formal hearing on the application 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.  
Jaspan Schlesinger Hoffman LLP  
*Attorneys for the Town of Brookhaven, Long Island, New York*  
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OFFICE OF  
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FEDERAL ENERGY  
REGULATORY COMMISSION

Robert Quinlan, Esq.  
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Town Hall  
One Independence Hill  
Farmingville, New York 11738  
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Brookhaven respectfully submits the following as its grounds for intervention as a party:

1. Petitioner, Brookhaven, is a municipal corporation duly established under the laws of the State of New York.
2. Brookhaven is located in the County of Suffolk, New York on the Long Island's north shore adjoining the Long Island Sound, including Port Jefferson Harbor and Mount Sinai Harbor.
3. Brookhaven encompasses coastline on Long Island Sound as well as the waters and underwater land, all of which are part of the greater Long Island Sound estuary.
4. Brookhaven's jurisdictional limits therefore include both on-shore and off-shore areas affected by the proposed Broadwater Project, which includes the siting, construction and operation of an offshore liquefied natural gas receiving terminal and associated facilities, the Floating Storage and Regasification Unit ("FSRU"), in Long Island Sound and a 22 mile subsea lateral pipeline and related facilities to transport natural gas from the FSRU to an interconnection with the existing Iroquois Gas Transmission System subsea pipeline.

5. Brookhaven is concerned that the Broadwater Project would have a negative effect on the environmental stability and economic viability of Long Island Sound, thereby impacting all residents and visitors to Brookhaven who avail themselves of the Sound's resources for recreational and commercial use.

6. The Town is particularly concerned for the protection of coastal resources of high environmental and recreational value in the Town on Long Island Sound.

7. The Town is charged with the duty to protect the health, safety, general welfare and security of its residents pursuant to New York State Town Law such that these interests are of paramount concern to the Town. The proposed Broadwater Project including the FSRU and the subsea lateral will have environmental, recreational, health, economic, safety and security impacts on the Town and its residents.

8. *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.*

9. The proposed Broadwater Project raises significant legal issues that will impact Brookhaven. Petitioner is responsible for protecting the legal rights of the Town of Brookhaven and its residents.

10. The public interest mandates that Brookhaven 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 upland, coastal and underwater lands and its waters.

11. No disruption of the proceedings will result from Brookhaven being granted party status.

12. Brookhaven's interests will not be adequately represented by any other party to these proceedings.

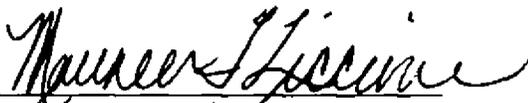
13. Brookhaven's intervention as a party at this point in time will not prejudice any party to these proceedings.

WHEREFORE, the Town of Brookhaven requests that FERC grant its motion to intervene as a party in these proceedings with all rights to participate in these proceedings.

Dated: March 10, 2006  
Garden City, New York

Respectfully submitted,

Jaspan Schlesinger Hoffman LLP

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

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

**Docket Nos. CP06-54-000  
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**Certificate of Service**

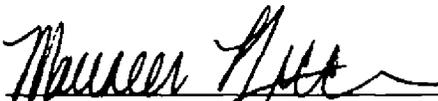
I certify that I have served this day via Federal Express, overnight delivery service, the foregoing document upon the following in the absence of a service list yet provided to these dockets:

Kristine L. Delkus  
Broadwater Pipeline LLC  
450 1<sup>st</sup> Street, SW  
Calgary, Alberta T2P 5H1  
Tel: (403) 920-2161

Broadwater Energy LLC  
30 West Main Street  
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Riverhead, NY 11901

Bruce W. Neely, Esq.  
LaBoeuf, Lamb, Greene & MacRae, LLP  
Attorneys for the Applicant Broadwater Energy LLC  
1875 Connecticut Avenue, NW  
Suite 1200  
Washington, DC 20009  
Tel: (202) 986-8189

Dated: Garden City, NY  
March 10, 2006

  
Maureen T. Liccione, Esq.  
Jaspan Schlesinger Hoffman LLP  
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Long Island, New York*  
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**UNITED STATES OF AMERICA  
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**MOTION TO INTERVENE  
OF THE TOWN OF BROOKHAVEN, NEW YORK**

**JASPAN SCHLESINGER HOFFMAN LLP**  
*Attorneys for TOWN OF BROOKHAVEN, NEW YORK*  
300 Garden City Plaza  
Garden City, New York 11530-3324  
(516) 746-8000

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....

Attorney(s) for

**PLEASE TAKE NOTICE**

\_\_\_\_\_  
Notice of Entry that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on 200\_

\_\_\_\_\_  
Notice of Settlement that an Order of which the within is a true copy will be presented for settlement to the Honorable , one of the judges of the within named Court, at on 200\_ at m.

Dated: