



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

SEP - 5 2007

VIA FAX [(202) 639-7890 AND (617) 626-1240] AND U.S. MAIL

Bruce F. Kiely, Esq.
Baker Botts LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Bruce K. Carlisle, Acting Director
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

Re: Consistency Appeal by Mill River Pipeline, LLC

Dear Messrs. Kiely and Carlisle:

On August 27, 2007, Mill River Pipeline, LLC (Mill River) filed an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act (CZMA). Mill River appeals an objection raised by the Commonwealth of Massachusetts, relative to the proposed construction of two natural gas pipelines in Fall River, Massachusetts.

The Secretary is responsible for deciding appeals filed under the CZMA. NOAA's Office of the General Counsel assists the Secretary in carrying out this responsibility and has been delegated certain responsibilities associated with processing consistency appeals, including establishing briefing schedules.

As a threshold matter, it appears that Mill River did not serve Massachusetts with the consolidated record it filed with the Secretary. If this is correct, Mill River is ordered to serve Massachusetts with an electronic copy of the consolidated record within five working days of the date of this letter. Mill River also shall provide Massachusetts with a hard copy of the consolidated record within ten working days, unless Massachusetts waives receipt of a hard copy. Mill River shall file a certificate of service with this office. The parties are reminded that all submissions must be served on the opposing party as required by 15 C.F.R. § 930.127.

The following briefing schedule will govern this appeal:

September 19, 2007

Massachusetts shall file any objection to the consolidated record submitted by Mill River. Any objection shall identify specific documents either missing from the record or inappropriately



included within the record, together with all arguments supporting the objection. Massachusetts shall provide both Mill River and this office with copies of any additional documents it believes should be included within the consolidated record.

September 26, 2007

Mill River shall file its principal brief and appendix. In addition to all arguments in support of its appeal, Mill River shall address: a) any objections to the record raised by Massachusetts; and b) whether this appeal should be consolidated with a federal consistency appeal filed on the same day by Weaver's Cove Energy, LLC (Weaver's Cove).

October 26, 2007

Massachusetts shall file its principal brief, accompanied by any supplemental appendix, if required.

November 15, 2007

Mill River may file a reply brief, accompanied by any supplemental appendix, if required.

The deadlines listed above will not be continued absent compelling reasons. At the conclusion of this schedule, we will, to the extent necessary: a) resolve any disputes concerning the consolidated record; b) identify any additional information necessary to rule on this appeal; c) decide whether to consolidate the Mill River appeal with the appeal filed on the same day by Weaver's Cove; and d) determine whether to allow supplemental briefs or a hearing.

Parties are directed to briefing and filing requirements contained in regulations published at 15 C.F.R. § 930.127. Questions should be directed in writing to Brett Grosko, NOAA Office of General Counsel for Ocean Services, at brett.grosko@noaa.gov, with a copy to the opposing party.

Sincerely,



Joel La Bissonniere
NOAA Assistant General
Counsel for Ocean Services