

John S. Quarterman  
3338 Country Club Road #L336  
Valdosta, GA 31605  
19 November 2014

VIA ELECTRONIC FILING  
Ms. Kimberly Bose  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Re: Southeast Market Pipelines Project,  
Sabal Trail Transmission, LLC Docket No PFI4-1-000

Dear Ms. Bose,

I ask you and FERC to stop Sabal Trail from telling newspapers things that Spectra Energy's own corporate documents refute, and to start paying attention to multiple requests by county commissions and other affected parties.

According to "Sabal Trail: Eminent domain accusation 'hard to believe'" by Joe Adgie in the Valdosta Times today, 19 November 2014,

'Andrea Grover, director of stakeholder outreach for Sabal Trail, said allegations from homeowners that surveyors threatened eminent domain on their properties was "hard to believe."

Please find attached a two-page letter of 26 November 2013 from Hunton & Williams LLP of Atlanta, representing Sabal Trail, threatening Larry Rodgers with use of Georgia eminent domain law for a pipeline survey. Many other landowners received similar letters.

Does Sabal Trail really not know what its own attorneys are sending to landowners? If Ms. Grover does not know, perhaps you could get Vice President of Stakeholder Outreach Susan Waller or Spectra Energy CEO Greg Ebel to find out what their attorneys are doing.

Similarly, you may want to ask them about this statement in the same newspaper article:

'Grover said that Sabal Trail only works on properties that they are allowed to work on.

"We are only on those properties that we have permission to be there, or have agreements in place to be there," Grover said. "These are things that we instill in our workforce."

Why then, was Sabal Trail sued for criminal trespass in Leesburg, Georgia 10 July 2014 by a landowner in Mitchell County, Georgia? I saw Ms. Grover leading the Sabal Trail team in the courtroom in Leesburg.

Meanwhile, please also find attached a two-page response of 4 December 2014 to Sabal Trail's law firm from Larry Rodgers' attorney, Bill Langdale, spelling out that Georgia eminent domain law does not apply to a pipeline that is of no benefit to Georgia.

In the same newspaper article, Ms. Grover admitted there are no agreements in place now for use of Sabal Trail gas in Georgia:

'Grover also said that those living along the pipeline's route will be able to get natural gas.

"The community can benefit from taking natural gas for their community use when the pipelines are put in service," Grover said. "We would put the local communities and municipalities in contact with our business development group and they can look for locations that are best for gas to come off, what the structure would look like, and timing and all of that, and work to get some agreements in place."

So there are no such agreements in place now. Which, according to attorney Bill Langdale (and the judge in Leesburg), means Georgia eminent domain does not apply. Yet Sabal Trail's law firm sent landowners letters threatening Georgia eminent domain.

Also in the newspaper article there is an erroneous assertion about easements:

‘Grover said that once the pipeline was constructed and the land on the easement was replaced, landowners could do whatever they wanted with the land, including farming of the land.’

Yet landowners cannot grow trees on pipeline rights of way, for example. Please see "Spectra Energy's Encroachment Policy" in Spectra Energy's own Public Official brochure,

[http://www.spectraenergy.com/content/documents/Brochures/Public\\_Official.pdf](http://www.spectraenergy.com/content/documents/Brochures/Public_Official.pdf)

‘Spectra Energy investigates encroachment by non-company individuals in the pipeline right-of-way. These include activities that have been reported by the encroaching party to the state one call service by calling 811, and those activities that are discovered by the company through aerial and/or ground patrol that have not been reported by calling 811. Right-of-Way encroachments include installation of such things as:

- Buildings/Mobile Homes • Fences • Utility Lines
- Pipelines • Roads • Trees’

Why is Sabal Trail telling a newspaper something its own brochure for public officials contradicts?

Finally, Sabal Trail's proposed three-foot top cover is inadequate:

‘For safety reasons, the Federal Energy Regulatory Committee requires three feet of cover for the pipeline, and Grover said that they would negotiate with landowners for different allowances, such as if they needed the pipeline to run deeper than the minimum 36 inch allowance.’

See my submittal 20141117-5040 about the incident just this month in Berrien County, Georgia where a ditch puller broke a SONAT pipeline.

See the submittal 20141113-5199 by Southern Natural Gas about Sabal Trail's inadequate plans for boring under existing pipelines, as well as far too many pipeline crossings.

And please find attached Resolution Number 2014-R-6 of the Colquitt County, Georgia, Board of Commissioners dated 4 March 2014 and filed with FERC as submission 20140310-5098 of 10 March 2014, which reads in part:

‘NOW, THEREFORE BE IT RESOLVED, that the Colquitt County Board of Commissioners adamantly urge that Sahal Trail Natural Gas Pipeline should make every effort to ensure that the Sabal Trail Natural Gas Pipeline is buried with a minimum of five (5) feet of top cover when traversing agricultural properties to include pasture land, cultivated lands, surface drains, diversions, waterways, open ditches and streams.’

Here is a video of Colquitt County Attorney Lester Castelow informing FERC and Sabal Trail of that resolution at the 5 March 2014 FERC Scoping Meeting in Moultrie, Georgia. He said he had already emailed that resolution to FERC. You can see Sabal Trail's Andrea Grover sitting in the audience listening, and FERC's John Peconom sitting at the front table.

<http://www.l-a-k-e.org/blog/2014/03/videos-moultrie-ferc-scoping-meeting-ferc-2014-03-05.html#Colquitt-County-Commission-resolution-for-pipeline-depth>

Castelow warned about top cover on dirt roads, explicitly mentioning ditches. Where is any acknowledgement by Sabal Trail of this issue, very recently demonstrated by the ditch-digger SONAT pipeline break in Berrien County, Georgia?

Brooks County, Georgia, passed the same resolution in April 2014; see "Brooks urges deep-dug pipeline," by Matthew Woody, Valdosta Daily Times, 20 April 2014. Yet seven months later the Valdosta Daily Times says Sabal Trail told it FERC still is not requiring any more than three feet top cover.

Here is a video of FERC's John Peconom saying at the 5 March 2014 Moultrie FERC Scoping Meeting that in other states FERC has required more than three feet top cover:

<http://www.l-a-k-e.org/blog/2014/03/videos-moultrie-ferc-scoping-meeting-ferc-2014-03-05.html#There-are-changes-that-are-done-to-projects>

Plenty of evidence has been presented to FERC that at least five feet of top cover should be part of any pipeline plan in Georgia.

This letter and all three attachments are integral parts of this filing, and I request FERC post all of them on its ecomment system so all subscribers to docket PF14-1 and the general public can see them. The three attachments, once again, are:

- two-page letter of 26 November 2013 from Hunton & Williams LLP
- two-page response of 4 December 2014 from Bill Langdale
- one-page Resolution Number 2014-R-6 of 4 March 2014 by Colquitt County Commission

I ask FERC to get Sabal Trail to come up to speed on what their own attorneys are doing, to remember what is actually happening on the ground in Georgia, and to stop telling newspapers things that are simply not true.

I ask FERC to remind Sabal Trail of all the previous requests for more than three feet of top cover, and I ask FERC to require at least five feet of top cover as part of any Sabal Trail pipeline plans.

And once again I urge FERC to deny any permit for Sabal Trail's proposed environmentally damaging and hazardous pipeline, which would take significant rights from landowners, and for which no need has ever been demonstrated.

Sincerely,

John S. Quarterman  
229-242-0102  
jsqferc@quarterman.org

Cc: Joe Adgie, joe.adgie@gafnews.com, Reporter, Valdosta Daily Times

Cc: Jim Zachary, zacharyjim@gmail.com, Editor, Valdosta Daily Times



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FILE NO: 69054.56

November 26, 2013

**Via Overnight Delivery and U.S. First Class Mail**

Larry Rodgers Investments, LLC  
3222 Country Club Road  
Valdosta, GA 31605  
Attn: Mr. Larry Rodgers

**Survey Permission Request for Natural Gas Pipeline (the "Pipeline"),  
FERC Docket No. PF14-1-000, located on Tract No. 3219.000, Parcel Id. No. 0099 024  
in Lowndes County, Georgia (the "Property")**

Dear Mr. Rodgers:

This law firm represents Sabal Trail Transmission, LLC ("Sabal Trail") regarding the Pipeline and its request to perform certain civil, environmental and cultural resource surveys on the Property. Sabal Trail previously has notified you of its legal right and need to enter the Property and received your consent to do so. Although you have recently rescinded your consent to the surveys, we respectfully request that you reconsider your position. The purpose of this letter is to notify you that Sabal Trail intends to enter upon your Property, as authorized by Georgia law, and conduct the necessary surveys and examination of your Property as described in the company's earlier communications with you. These survey activities are necessary to provide information needed for the Federal Energy Regulatory Commission's National Environmental Policy Act review of the Sabal Trail Pipeline project in Docket No. PF14-1-000.

Natural gas pipeline companies such as Sabal Trail are expressly granted eminent domain rights under Georgia law. We direct you to O.C.G.A. § 22-3-88, which provides, "The power of eminent domain may be exercised by persons who are or may be engaged in constructing or operating pipelines for the transportation or distribution of natural or artificial gas and by persons who are or may be engaged in furnishing natural or artificial gas for heating, lighting, or power purposes in the State of Georgia." Furthermore, Georgia courts recognize that an entity vested with eminent domain authority has the right to enter private property to survey and inspect the property to determine its suitability for a proposed project. *See Oglethorpe Power v. Goss*, 253 Ga. 644, 322 S.E.2d 887 (1985); *see also Walker v. City*

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Larry Rodgers Investments, LLC

November 26, 2013

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*of Warner Robins*, 262 Ga. 551, 422 S.E.2d 555 (1992); *Ware v. Henry County Water & Sewerage Authority*, 258 Ga. App. 778, 575 S.E.2d 654 (2002). However, please understand that this entry for surveys IS NOT A TAKING OF ANY INTEREST IN YOUR PROPERTY; it is limited solely for the purpose of accessing your Property for the survey activities previously described in Sabal Trail's communications.

Sabal Trail anticipates conducting the surveys during the month of December. A company representative will attempt to notify you again several days in advance of the survey activity.

If you have any questions or concerns about this matter, please call me at (404) 888-4117 or my associate Brooke F. Voelzke at (404) 888-4171.

Sincerely,



Matthew J. Calvert

cc: Brooke F. Voelzke, Esq.

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IN REPLY PLEASE  
REFER TO FILE

December 4, 2013

*Via Overnight Delivery and U.S. First Class Mail*

Matthew J. Calvert, Esq.  
Hunton & Williams, LLP  
Suite 4100  
600 Peachtree Street, NE  
Atlanta, Georgia 30308-2216

RE: Larry Rodgers Investments, LLC's Response to Sabal Trail Transmission, LLC's ("Sabal Trail") November 26, 2013 Survey Permission Request for Natural Gas Pipeline (the "Pipeline"), FERC Docket No. PF14-1-000, located on Tract No. 3219.000, Parcel Id. No. 0099 024 in Lowndes County, Georgia (the "Property")

Dear Mr. Calvert,

The undersigned and this law firm represent Larry Rodgers Investments, LLC ("Rodgers Investments"). We are in receipt of Sabal Trail's November 26, 2013 letter referenced above (the "Request") requesting to perform certain civil, environmental and cultural resource surveys on the Property. Rodgers Investments respectfully denies Sabal Trail's request to enter the Property for the reasons set forth below.

Thank you for pointing us to O.C.G.A. § 22-3-88 which addresses the eminent domain rights of pipeline companies. We agree that the cases you cite in your letter provide the general rule of law with respect to survey rights of an entity vested with eminent domain authority. However, we disagree that the cases are on point in this matter. None of the cases cited (Oglethorpe Power Corporation v. Goss, 253 Ga. 644 (1984), Walker, et. al v. City of Warner Robins, 262 Ga. 551 (1992), and Ware v. Henry County Water and Sewerage Authority, 258 Ga. App. 778 (2002)) pertain to pipeline companies, which are governed specifically by O.C.G.A. § 22-3-80, et seq. In fact the legislature has specifically stated that "there are certain problems and characteristics indigenous to such pipelines which require the enactment and implementation of special procedures and restrictions on petroleum pipelines and related facilities as a condition of the grant of the power of eminent domain to petroleum pipeline companies." O.C.G.A. § 22-3-80.

In that regard, our review of the law suggests that one of these "special procedures" requires pipeline companies to obtain a Certificate of Public Convenience and Necessity, pursuant to O.C.G.A. § 22-3-82(c), prior to conducting the type of surveys you describe in your Request. Until

Matthew J. Calvert, Esq.  
December 4, 2013  
Page 2.

such Certificate is furnished and the notice requirements of O.C.G.A. § 22-3-82(a) are complied with, our client is unwilling to consider this Request. Accordingly, any unauthorized entry by Sabal Trail will be treated as trespass by our client.

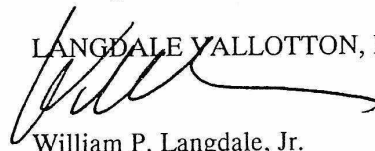
Additionally, we seriously question whether O.C.G.A. § 22-3-88 allows for Sabal Trail to exercise eminent domain rights upon the Property, or any property in the State of Georgia for that matter. The code section would appear to require Sabal Trail to actually furnish the natural gas in the State of Georgia as a condition of exercising eminent domain rights in Georgia. As Sabal Trail's proposed use does not appear to furnish any natural gas in the State of Georgia, it is not authorized to exercise eminent domain rights pursuant to O.C.G.A. § 22-3-88. Therefore, even if Sabal Trail obtains and furnishes my client with a Certificate of Public Convenience and Necessity, it is our opinion, based on information we currently have, that Sabal Trail would not have the right to exercise eminent domain, and any entry on our client's Property would be an unauthorized entry.

If there have been additional communications between the parties or other pertinent information that we are not aware of, please advise us at your earliest convenience, and we will be happy to review and evaluate any additional documents or information relevant to the matters discussed herein.

Please give me a call at your earliest convenience so that we may schedule a time to discuss, and hopefully resolve these issues. I look forward to your reply.

Best regards,

LANGDALE VALLOTTON, LLP



William P. Langdale, Jr.

cc: Brooke F. Voelzke, Esq.

## RESOLUTION

### COLQUITT COUNTY BOARD OF COMMISSIONERS

#### SABAL TRAIL NATURAL GAS PIPELINE

WHEREAS, Sabal Trail Natural Gas Pipeline proposes to construct a natural gas transmission pipeline that will bisect a large portion of Colquitt County, Georgia; and,

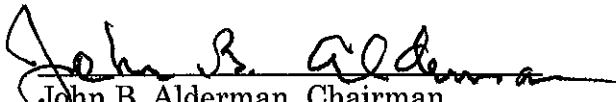
WHEREAS, Colquitt County, Georgia is the largest agricultural production county in the State of Georgia with numerous farms and agricultural infrastructure throughout the county and in the proposed path of the Sabal Trail Natural Gas Pipeline; and,

WHEREAS, there remains many concerns among area agricultural growers regarding the depth of the pipeline in agricultural areas.

NOW, THEREFORE BE IT RESOLVED, that the Colquitt County Board of Commissioners *adamantly urge* that Sabal Trail Natural Gas Pipeline should make every effort to ensure that the Sabal Trail Natural Gas Pipeline is buried with a minimum of five (5) feet of top cover when traversing agricultural properties to include pasture land, cultivated lands, surface drains, diversions, waterways, open ditches and streams.

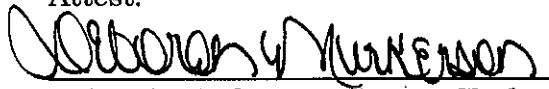
BE IT FURTHER RESOLVED, that the Sabal Trail Natural Gas Pipeline obtain required permits from the Colquitt County Roads and Bridges Department prior to crossing any county roads or public access.

This 4th day of March, 2014.

  
John B. Alderman, Chairman  
Colquitt County Board of Commissioners  
Colquitt County, Georgia

(Seal)

Attest:

  
Deborah Murkerson, County Clerk  
Colquitt County, Georgia



Document Content(s)

Commission Resolution.PDF.....1-1