

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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April 27, 2012

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Texas Eastern Transmission, LP and Algonquin Gas Transmission, LLC  
Docket No. CP11-56, Request to place on Commission's May meeting agenda

Dear Ms. Bose:

On December 20, 2010, Texas Eastern Transmission, LP and Algonquin Gas Transmission, LLC (collectively, the "Applicants") filed an application for a Certificate of Public Convenience and Necessity ("Certificate") with the Federal Energy Regulatory Commission (the "Commission" or "FERC") under Sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations in the matter referenced above. The Applicants requested a Certificate for the New Jersey – New York Expansion Project (the "Project"). The New York Public Service Commission ("NYPSC") respectfully requests that FERC place this matter on its agenda for the Commission's meeting scheduled for May 17, 2012 for the purpose of deciding whether to grant a Certificate to the Project.

The Project has been extensively reviewed by the Commission and those participating in the formal process. Prior to the formal application, the Applicants entered into a pre-filing process in April 2010. Upon review of the submissions in the docket, it appears the Applicants have been responsive throughout the review process, and have provided FERC with requested information in a timely manner. NYPSC is unaware of any substantial or unreasonable delay caused by the Applicants through the review process. The Applicants requested the Commission to take final action by early April 2012, which at the time of filing seemed to provide a reasonable period for review for this particular Project.

During the review process, FERC released a revised schedule, extending the time for the environmental review of the Project. On January 13, 2012, NYPSC wrote a letter to the Commission requesting that FERC reconsider the revised schedule, and to reach a final decision on this matter no later than April, 2012. The letter noted the public benefits, including creating jobs, generating tax revenue, saving rate payers energy costs, and reducing carbon emissions. Moreover, the Project enhances reliability in a congested market area. NYPSC wrote that any delay would prevent the realization of these benefits during the winter months when they are most needed.

On March 16, 2012, FERC Staff filed a final environmental impact statement ("EIS") for the Project, and assessed the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). FERC Staff notes some adverse environmental impacts likely to occur with the approval of the project, but provide detailed mitigation measures which would reduce the impacts to less-than-significant levels. With the completion of the EIS, the Project may be placed before the Commission for final review and decision.

As stated in the NYPSC's January letter, the timing of the Project is imperative. If the Project does not receive its final review and decision at the May meeting, the schedule will have to change. Alterations in the Project schedule do not simply prevent the realization of the many benefits noted by a few months, but the rate payers will lose the projected benefits of the Project during the winter. In the northeast, the potential impact could be dramatic. Any delay is not simply a short adjustment of time, but the prevention to realize numerous and quantifiable benefits to a congested area during peak season.

NYPSC agrees with the Commission's intent to ensure a thorough review of the Project. However, noting the thorough review vetted in this matter, and further recognizing the potential dramatic impact of the loss of a winter season, the NYPSC respectfully requests that the Commission place this matter on its May meeting agenda and take final action on a certificate of public convenience and necessity no later than May, 2012.

Respectfully submitted,



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**cc: Jeff Wright (FERC)  
Lauren O'Donnell (FERC)  
Jim Martin (FERC)  
Kara Harris (FERC)  
All Parties**