



ENERGY TRANSFER

Kelcy Warren
Chairman and Chief Executive Officer
8111 Westchester Drive, Suite 600
Dallas, TX 75225

July 31, 2017

The Honorable Maria Cantwell
United States Senate
Washington, DC 20510

The Honorable Frank Pallone
U.S. House of Representatives
Washington, DC 20515

Dear Ms. Cantwell and Mr. Pallone:

I read with considerable surprise your letter to the Federal Energy Regulatory Commission alleging “troubling incidents” during construction of the Rover Pipeline and suggesting that Energy Transfer Partners be subjected to an unprecedented, extrajudicial investigation. I believe that when you know the facts, which we would happily have shared, you will conclude that your request is unnecessary.

Rover is a 713-mile long pipeline linking Michigan, Ohio, Pennsylvania and West Virginia. In order to avoid waterways, highways and other sensitive areas during construction, Rover uses a technology known as Horizontal Directional Drilling, or HDD. As its name suggests, this technology involves drilling down, then horizontally across to pass beneath sensitive features. A non-toxic slurry of naturally occurring bentonite clay and water is used to lubricate the bore hole and help drill through the ground. It is neither uncommon nor unexpected for that non-toxic slurry to migrate through naturally occurring cracks and crevices, and on occasion it will even rise to the surface. These are known as “inadvertent returns.” The certificate of public necessity and convenience issued by the FERC anticipates that inadvertent returns will occur and establishes plans for their mitigation and remediation.

A handful of inadvertent returns have occurred during the construction of Rover, and Rover has worked in cooperation with the appropriate regulatory authorities to mitigate them. The largest of these inadvertent returns, which you appear to reference in your letter, occurred at the Tuscarawas River. Your letter asserts, citing a series of trade press reports, that “at least two million gallons of drilling fluid from the project spilled onto 500,000 acres of pristine wetlands.”

Simply stated, this assertion is not substantiated by the facts.

While the matter is still being evaluated by highly specialized engineering firms, we are quite confident that the volume of the inadvertent return is significantly less than the two million gallons you suggest. Further, the area impacted was limited to 6.5 acres, not the 500,000 acres suggested by your letter.

You also cite the Commission's June 13, 2017 notice of *alleged* violations regarding the deconstruction of a potentially historic structure. At the outset, it must be noted that the structure was not on the National Register of Historic Places. While it met the eligibility criteria for such a listing the same can be said of tens of thousands of other properties. The structure was not on the pipeline right of way, nor was it in the footprint of the project. Indeed, it was Energy Transfer that brought this matter to the attention of the Commission, which leaves us baffled as to how it can be alleged that we provided false or misleading information. That notwithstanding, we have settled the issue with the Ohio Historic Preservation Office, and we remain actively engaged with the Commission in efforts to resolve its concerns.

If you have any further questions regarding this project I hope you will contact the company directly as we are only too happy to share the facts. In the meantime, I trust you will agree that the sort of investigation you have proposed is both unprecedented and unnecessary.

Sincerely,


Kelcy Warren