

**Congress of the United States**  
**Washington, DC 20515**

February 14, 2018

Kevin J. McIntyre  
Chairman  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Dear Chairman McIntyre:

In light of the recent January order by the Federal Energy Regulatory Commission (FERC) instructing Rover Pipeline LLC to cease drilling under the Tuscarawas River in Ohio, we write again to request additional information from FERC regarding construction activity by Rover Pipeline and parent company Energy Transfer Partners (ETP) (collectively “Rover”).

On July 27, 2017, we wrote then-Acting Chairman Cheryl LaFleur expressing serious concerns about Rover management issues.<sup>1</sup> Among other concerns, we noted Rover’s troubling environmental record, which includes seven industrial spills during the construction of the \$4.2 billion natural gas pipeline through Ohio, Pennsylvania, West Virginia, and Michigan.<sup>2</sup> One of these spills reportedly occurred while Rover was working on a Tuscarawas River crossing and resulted in two million gallons of drilling fluid seeping into nearby wetlands.<sup>3</sup>

Rover commenced horizontal directional drilling (HDD) on another crossing of the Tuscarawas River on December 28, 2017; however, on January 24, 2018, FERC issued a memorandum instructing Rover to cease HDD operations.<sup>4</sup> According to FERC’s memorandum, “no approach to date has been completely successful” at resolving the loss of drilling fluid and “the difficult geology at the crossing warrants investigation into other approaches.”<sup>5</sup> While FERC authorized Rover to re-commence HDD operations on February 6,<sup>6</sup> we remain concerned

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<sup>1</sup> Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, and Senator Maria Cantwell, Ranking Member, Senate Committee on Energy and Natural Resources, to FERC Acting Chairman Cheryl LaFleur (Jul. 27, 2017).

<sup>2</sup> *The company behind the Dakota Access Pipeline has another big problem in Ohio*, Bloomberg (Jun. 22, 2017).

<sup>3</sup> *Rover developer defends methods in response to FERC stop-work order*, E&E News (Jan. 30, 2018).

<sup>4</sup> Letter from Terry Turpin, Director, FERC Office of Energy Projects, to Chris Sonneborn, Senior Vice President, Engineering, Rover Pipeline LLC (Jan. 24, 2018).

<sup>5</sup> *Id.*

<sup>6</sup> *U.S. FERC allows ETP Rover natgas pipe to recommence Ohio drill*, Reuters (Feb. 6, 2018).

with Rover's apparent lack of urgency in addressing repeated environmental concerns during the construction of this pipeline.

In addition, then-Chairman Chatterjee's letter dated September 1, 2017, in reply to our previous letter described the civil penalty authority in Section 22 of the Natural Gas Act (NGA). He also wrote that "[t]he extent to which a project proponent has demonstrated a pattern of willful or significant violations in the past is a factor that can be considered by the Commission in determining whether the applicant, with respect to a new project, 'is willing and able ... to conform to the provisions of the Act and the requirements ... of the Commission thereunder'."<sup>7</sup> In light of the ongoing problems with Rover, we request information on:

1. any cases in which FERC has evaluated a potential pattern of past willful or significant violations in reviewing a pipeline certificate application under the NGA; and
2. any incidents since the enactment of the current statutory civil penalty levels in which FERC imposed a civil penalty based in part on the willful or significant nature of a violation.

Our committees have a longstanding interest in ensuring that drilling activities minimize environmental risk and that regulated entities are operating in full compliance with all applicable statutes, regulations, and permits. In order to more fully understand these issues, we request a briefing from FERC staff on any environmental risks associated with this project as referenced in FERC's January 24 memorandum and the other information requested above.

We appreciate your prompt response in scheduling this briefing no later than February 28, 2018. If you have any questions, please do not hesitate to contact Jon Monger or Rick Kessler of the House Energy and Commerce Committee at 202-225-3641 or Scott McKee or Spencer Gray of the Senate Energy and Natural Resources Committee Staff at 202-224-4971.

Sincerely,



Frank Pallone, Jr.  
Ranking Member  
House Committee on Energy  
and Commerce



Maria Cantwell  
Ranking Member  
Senate Committee on Energy  
and Natural Resources

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<sup>7</sup> Letter from Neil Chatterjee, FERC Chairman, to Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce (Sept. 1, 2017).