

From: Tammy Daly [mailto:tammyldaly@gmail.com]
Sent: Thursday, October 12, 2017 12:43 PM
Subject: Nexus Update

Neighbors,
Two emails below that I'm forwarding. Both give an update on the Nexus Pipeline

----- Forwarded message -----

From: **Paul Gierosky** <plgierosky@gmail.com>
Date: Wed, Oct 11, 2017 at 4:10 PM
Subject: NEXUS UPDATE
To: Paul Gierosky <plgierosky@gmail.com>

Friends:

Today the Federal Energy Regulatory Commission (FERC) issued an Order to Proceed with the construction of the NEXUS pipeline project. By issuing this Order FERC has once again demonstrated 1) its utter contempt for property owners and their Constitutional Rights, 2) blatant disrespect for the rule of law and the Federal Courts judicial process and 3) its administrative procedures are arbitrary and capricious.

1. NEXUS is an export pipeline, owned by a foreign company and is entering the market very poorly underwritten. Only 59% of its capacity has commitments, and much of that comes from end users who just happen to be largely the pipeline's owners. Approximately 90% of its capacity is destined for export.

IN MY OPINION: As an export pipeline, it does not serve a public use or public purpose pursuant to the 5th Amendment to the U.S. Constitution justifying the taking of property. This private project enriches Enbridge, Inc. and DTE Energy Company, its developers, as well as other foreign entities and nations who will ultimately receive the natural gas in the international market.

2. As you already know, on May 12, 2017 sixty-four property owners (Plaintiffs) filed a Complaint in Federal Court of the Northern District of Ohio against the Federal Energy Regulatory Commission and NEXUS Gas Transmission LLC. The Complaint seeks to enjoin FERC from issuing a Certificate for the Nexus pipeline and a Declaration of the legal rights between the Plaintiffs and FERC.

This Complaint is pending before Judge John Adams. FERC and NEXUS responded to our Complaint in Federal Court, yet FERC Commissioners issued the Certificate.

IN MY OPINION: A blatant disrespect of the Federal Courts and the rule of law.

3. Seven organizations including CoRN have filed Requests for Rehearing with FERC. These Rehearing Requests are pending, yet FERC issues this Notice to Proceed without acting on the requests.

IN MY OPINION: FERC's administrative procedures are arbitrarily applied and capricious in nature. The NEXUS Project and the FERC process violates our procedural due process rights because it offers us no meaningful opportunity to contest the taking of our property.

The entire FERC process is an elaborate charade established and sanctioned by Congress, the outcome of which is predetermined. People need to wake up to the fact that property rights and Constitutional Rights are not sacred. Whatever you have that Congress decides they want is no longer yours.

Paul L Gierosky

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email: plgierosky@gmail.com

----- Forwarded message -----

From: **David Mucklow** <davidamucklow@yahoo.com>

Date: Wed, Oct 11, 2017 at 4:56 PM

Subject: Fw: NEXUS UPDATE TO FORWARD

To: David Mucklow <mucklow1000@att.net>, Tammy Daly <tammyldaly@gmail.com>, Paul Gierosky <plgierosky@gmail.com>

FERC has authorized Nexus to begin construction operations. Nexus will start with cutting trees to deprive bats of hibernation areas over Winter. Property owners that have already signed will likely have chain saws in the next few days. They have no recourse (but for 1-800 complaint lines) and have already waived all of their rights. Nexus does not have a right to enter property, which has not consented, without a court order. They have not obtained that court order from the Akron federal court. Nexus has initiated eminent domain in Akron federal court. We will be representing property owners that have not signed in the new federal court case. You must obtain and sign an agreement to authorize us to represent your interests. We will be moving to consolidate the existing federal lawsuit with the new case contending that the taking is un-Constitutional and that Nexus lacks a public use or purpose, being a foreign export pipeline. Judge Adams has not ruled on any issues yet so the door is still open. If the federal court agrees with us, Nexus must negotiate a price (rather than just take the land for appraised values) or move the line. In the coming weeks and months, our community will be under siege with equipment, trucks and construction workers. Answers in court for eminent domain are due within one week of the upcoming Monday or soon thereafter.

David Mucklow at [\(330\) 896-8190](tel:(330)896-8190)