

**From:** Tammy Daly [mailto:tammyldaly@gmail.com]  
**Sent:** Monday, August 07, 2017 9:32 AM  
**Subject:** Fwd: Update on Complaint in Federal Court

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

From: **Paul Gierosky** <[plgierosky@gmail.com](mailto:plgierosky@gmail.com)>  
Date: Sun, Aug 6, 2017 at 6:00 PM  
Subject: Update on Complaint in Federal Court  
To: Paul Gierosky <[plgierosky@gmail.com](mailto:plgierosky@gmail.com)>

### Activities for the Week

The court held a conference call with counsel on Monday (7/31). The topic was whether this case could be settled by adopting our City of Green Alternate Route (COGAR) proposal.

Our attorneys stated that we would be willing to discuss dismissing our lawsuit in exchange for moving the pipeline.

FERC counsel said they had no authority to discuss moving the pipeline. Jim Hughes, attorney for Nexus said his client may not want to move the line because it would cost millions of dollars to do so.

The magistrate apparently instructed Mr. Hughes to talk to his client and gave Nexus until the end of business Friday August 4th to respond.

Friday afternoon Nexus through its attorneys replied that its position regarding the City of Green Alternate Route had not changed. They claim that they have given thoughtful consideration to the City of Green Alternate Route, and so had the FERC staff. Nexus still does not believe that the alternative results in a preferable route, whether from an environmental or safety perspective. Further, despite having no customers in Northeastern Ohio (NEO) which is already well-served by natural gas supplies and infrastructure, and where there is little opportunity to add customers, now or in the future, Nexus asserts the COGAR is a commercially unsound option and therefore does not see an avenue for settlement in this case.

As we all know, Nexus has only one small customer in all of Ohio and that is in Sandusky County on the original Nexus route beyond the western end of the COGAR. Yet, Nexus is anxious to build under these conditions because as we all know it is an export pipeline. Thus almost any route through Ohio that eventually connects to Vector in MI should be commercially sound because it would meet the overall project objective delivering gas to MI and CANADA. So please explain, why is COGAR commercially unsound?

I will leave you to draw your own conclusion as to why Nexus does not see an avenue for settlement in this case, as for my comment it is:

Over the past three years I have come to learn we have elected officials in Congress and Columbus who do not represent us, laws that do not protect us and government agencies that do not work for us, that is why we are in Federal Court asking a judge to stick-up for us.

### FERC Quorum Reestablished

On Thursday of this past week the Senate betrayed the public's trust when it approved two nominees for FERC Commissioner. The Court is aware of this development.

Communities across our nation threatened by FERC actions have been urging the senate and the house to hold hearings into FERC's abuse of its power, of the law, and of the eminent domain authority it conveys. CoRN has been involved in providing evidence and documentation of these abuses. I personally have met with the staff of members of Congress including those of Senators Brown and Portman and communicated our concerns. And yet, while no member of the Senate has seen fit to champion such investigations on behalf of the public, they found the time to restore a quorum at FERC so these many abuses can continue. This was a cheap maneuver that was as much an abuse of power as any we have been trying to stop.

So what will the Court do and when will it happen?

### My Personal Feelings

I suspect that the court may be willing to impose a stay as early as this week. However, the action of the Senate Thursday evening may complicate matters. FERC has argued that they have exclusive authority to decide our fate. A quorum at FERC does not help us.

I believe there is only one correct answer to our Complaint. Pray that it is realized.

*Paul L Gierosky*

mobile: [216-469-5206](tel:216-469-5206)

email: [plgierosky@gmail.com](mailto:plgierosky@gmail.com)