



3. FERC erred in its determination that the alternate site of Middletown, MD was less “environmentally advantageous”.
4. FERC erred in its determination that the Middletown site is an inappropriate site for the compressor station.
5. FERC ignored the impact to personal property values the compressor station would have although it acknowledges the potential for properties to be negatively impacted.
6. FERC is mistaken that the “Town of Myersville Mayor & Council state that the Town of Myersville Master Plan designates the compressor station site to be used as a commercial property to generate employment.”.
7. FERC is mistaken in its determination that the proposed property does not have any foreseeable commercial use.
8. FERC ignored the Town of Myersville, MCRC’s, and numerous concerns regarding the impact of low frequency noise from the compressor station.
9. The FERC process is flawed, and in appearance, favor the gas companies.

## II. ARGUMENT

A. FERC was mistaken that the Myersville Compressor Station is “near the town of Myersville”.

FERC appears to be uneducated as to the actual location of the Myersville Compressor Station or has misrepresented its location. In its order FERC refers to the compressor station as being “near the town of Myersville”.<sup>2</sup> The location of the proposed Myersville compressor station is actually within the Town of Myersville and under the jurisdiction of the Town of Myersville Mayor & Council. It appears that FERC either made a ruling notwithstanding its lack of knowledge; or it knowingly misrepresented the facts as to the actual location of the compressor station.

B. FERC erroneously minimizes and ignores the impact area to the residents, business and government entities of the Town of Myersville. FERC ignores the fact that the Myersville compressor station site will impact more residents in a 2 mile radius than the previously proposed Middletown site would impact. Although FERC only looks at a radius of .5 miles, the nature of this compressor will affect residents, businesses and government

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<sup>2</sup> *Dominion Transmission, Inc.*, Order Issuing Certificate, ¶ 4 at p. 2

entities past the .5 mile radius. The entire Town of Myersville is encompassed within a two mile radius of the compressor station. In the event of an emergency the town's evacuation center would be unavailable to the people who may not have family for the financial resources to evacuate to another location. The majority of businesses, including family physician offices, are adjacent to the compressor station site. In the event of an evacuation businesses would be required to close therefore losing income for an undisclosed period of time. Furthermore, physicians would be unavailable to their patients.

- C. FERC erred in its determination that the alternate site of Middletown, MD was less "environmentally advantageous". FERC states that the Myersville location is has an environmental advantage over Middletown because the Myersville location is zoned commercial with a Highway Employment Overlay zone while Middletown is zoned for agricultural or residential use.<sup>3</sup> FERC further basis its determination on the fact that the Myersville site is located next to the waste water treatment plant.

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<sup>3</sup> *Dominion Transmission, Inc.*, Order Issuing Certificate, ¶ 55, at p. 19

FERC erroneously assumes that the Myersville location is industrial in nature. What FERC refers to and industry is a gas station and a tractor sales and repair center. Clearly the waste water treatment plant, gas station and the tractor sales/repair are not of the same caliber “industry” as a natural gas compressor station. In fact, the Town of Myersville currently does not have any area zoned “Industry”.

- D. FERC erred in its determination that the Middletown site is an inappropriate site for the compressor station.

FERC did not give the Middletown location fair consideration. The previous board of Frederick County Commissioners opposed the Middletown site, however FERC has not heard from the current Board on their stand of the Middletown location. FERC states that there no land for sale in Middletown land that is needed to build the station.<sup>4</sup> In fact, Dominion Transmission, Inc. already owns the land at the previously proposed Middletown location. DTI owns over a 130 acre parcel of land. If the compressor station was situated in the middle of the property

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<sup>4</sup> Dominion Transmission, Inc., Order Issuing Certificate, ¶ 108, at p. 34

the compressor station would most likely not be visible from most vantage points.

- E. FERC ignored the impact to personal property values the compressor station would have although it acknowledges the potential for properties to be negatively impacted.

In its Order Issuing Certificate, FERC ignores its own statement that there is the potential for negative impacts to personal property values.<sup>5</sup> FERC abuses its power in determining that the impact will not be sufficient. FERC has no historical data on which it bases its opinion that the impact will not be significant. FERC does not have or did not offer any evidence by which it is making this ruling.

- F. FERC is mistaken that the “Town of Myersville Mayor & Council state that the Town of Myersville Master Plan designates the compressor station site to be used as a commercial property to generate employment.”.

The Town of Myersville Mayor & Council said just the opposite in its ruling against Dominion Transmission, Inc application to the town. In fact, one reason for denying the application as

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<sup>5</sup> Dominion Transmission, Inc., Order Issuing Certificate, ¶ 104, at p. 33

discussed during the hearing by the council members is that the purpose of the Highway Employment Overlay is to generate employment for the local town residents and that the compressor station will do just the opposite. The compressor station will only generate one-to-two employment opportunities after the construction phase.

G. FERC is mistaken in its determination that the proposed property does not have any foreseeable commercial use.

FERC is incorrect in assuming that the proposed property does not have any foreseeable commercial use. In fact, the Master Plan was previously amended at a developer's request. The developer was planning to develop the property that included a hotel and some business offices. The developer ONLY pulled out of the development because of the downturn in the economy. FERC has no knowledge on which it based its opinion of unforeseeable commercial plans.

H. FERC ignored the Town of Myersville, MCRC's, and numerous concerns regarding the impact of low frequency noise from the compressor station.

Although FERC states that the Town of Myersville and MCRC expressed concerns about low frequency noise, it fails to address the issue. Aside from the Town of Myersville and MCRC, numerous individuals expressed the same concerns, and again FERC failed to address them. Numerous medical studies have outlined the detrimental impact to a person's health from low frequency noise. FERC failed to acknowledge the risk from low frequency noise. Furthermore, it is documented that low frequency noise travels further than high frequency noise. FERC fails to address the impact the low frequency noise will have on the residents within the .5 mile radius or beyond.

- I. The FERC process is flawed, and in appearance, favor the gas companies.

The entire FERC process is flawed. The process allows the applicant to complete its own testing, hire its own firms to do the testing, allows it to write the EA. On appearance, the gas companies are favored throughout the entire process.

Individuals are left to try to figure out how the FERC system works and while trying to determine the requirements, they miss important deadlines. FERC allowed Dominion Transmission,



Inc. to delay documents requested through the proper channels, whereby limiting the ability to allow individuals to submit knowledgeable comments, motions, etc. Furthermore FERC had this case listed on the December 20, 2012 Meeting Agenda prompting several individuals to listen the meeting audio, however this case was never discussed. Again, the individuals were not afforded the opportunity to hear actual discussions. This prevents the individuals from having firsthand knowledge in order to use for their Request for Rehearing.

WHEREFORE, for the foregoing reason, Michelle D. Sweet asks FERC to GRANT this rehearing request and DENY the certificate for the Myersville Compressor station.

Respectfully submitted,

/s/ Michelle D. Sweet

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