



EARTHWORKS

June 11, 2010

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17105

Dear Ms. Chiavetta,

On behalf of EARTHWORKS Oil and Gas Accountability Project (OGAP), thank you for the opportunity to comment on the impacts of Marcellus Shale Development on public safety (PUC Case docketed at I-2010-2163461), in advance of the Public Utility Commission's June 16 *en banc* hearing on this issue.

Founded in 1999, OGAP's mission is to work with communities to protect their homes and the environment from the impacts of oil and gas development. To this end, we build coalitions among diverse constituencies, are a resource for citizens and communities, and promote policy change. We have been involved in such activities in more than 20 states (including in the Marcellus Shale region) and play a key role in ensuring the fair treatment of landowners and protection of environmental quality.

Yesterday was National Pipeline Safety Day. Just this past week, two pipeline explosions in Texas caused injuries and fatalities. These events—together with the crisis in the Gulf of Mexico, the June 4 blowout of a well in Clearfield County, PA, and the June 7 explosion of a West Virginia drilling operation—are stark reminders of the safety concerns inherent in all stages of gas and oil development, and the need for strong regulation and monitoring. It is therefore critical for the Public Utility Commission to maintain jurisdiction, including inspection rights, over pipelines across the state.

As a public entity, the PUC has responsibility to all residents across Pennsylvania, including in Class 1 areas. PUC's recent statement that it would not seek inspection rights over gathering pipelines in these areas ignores the fact that much of the pipeline infrastructure required for Marcellus Shale gas development will be in rural areas. Lack of PUC oversight could increase the risk that problems such as leaks and erosion occur and in turn impact water quality, which falls under PUC's jurisdiction. In addition, denying rural residents the oversight powers of a public utility is a matter of unequal protection.

Existing regulations for pipelines are outdated. The complex and widespread infrastructure involved in Marcellus Shale gas development, from roads to transmission lines, requires a full assessment before decisions on pipelines are made.

Finally, PUC should retain jurisdiction over pipelines (which will serve as interstate transmission lines). Ceding this control to private companies would open the door to eminent domain by private entities over the land and rights of Pennsylvania residents.

Thank you for your time and consideration. Please contact me with any questions.

Sincerely,

Nadia Steinzor
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