

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Maritimes and Northeast Pipeline, LL.C.)

Docket No. RP08- 374-000

**MOTION FOR LEAVE TO INTERVENE, PROTEST AND REQUEST FOR
TECHNICAL CONFERENCE OF THE NEW ENGLAND
POWER GENERATORS ASSOCIATION, INC.**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission's ("Commission" or "FERC") Rules of Practice and Procedure (18 CFR §§ 385.211 and 385.214), and the Commission's May 14, 2008, Combined Notice of Filings #1, the New England Power Generators Association, Inc. ("NEPGA") hereby files this Protest and Intervention in the filing of Maritimes and Northeast Pipeline, L.L.C. ("Maritimes") of its gas quality and interchangeability tariff proposal as part of its FERC Gas Tariff, First Revised Volume No. 1 ("Tariff Filing").

I. COMMUNICATIONS

NEPGA requests that all further correspondence, communications and other documents relating to this matter be served upon the following individuals:

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II. BACKGROUND

A. Description of NEPGA's interest:

NEPGA is the largest trade association representing competitive electric generating companies in New England.¹ NEPGA's member companies own and operate approximately 25,000 megawatts of generating capacity throughout the region (over 80%), with approximately 1,800 megawatts located in Maine, 2,310 megawatts in New Hampshire, and 11,800 megawatts located in Massachusetts. NEPGA's interests are not adequately represented by other parties in this proceeding. NEPGA's member companies have facilities that are end-users of gas delivered by Maritimes and thus will be directly impacted by the Tariff Filing as well as potentially bound or adversely affected by the Commission's actions herein.

The Maritimes system currently runs from the Sable Offshore gas plant at landfall in Goldboro, through Nova Scotia, New Brunswick, Maine, New Hampshire, and Massachusetts. The United States portion of the Maritimes system extends from the U.S.-Canada border near Calais, Maine to an interconnection with Tennessee Gas Pipeline Company in Dracut, Massachusetts, and another interconnection with Algonquin Gas Transmission, LLC in Beverly, Massachusetts. Electrical generation facilities including NEPGA members' units that are reliant on natural gas as a primary or secondary fuel source along this transmission corridor will be directly and unavoidably affected by the limitations set forth in the Tariff Filing on the

¹ The views expressed in this filing do not necessarily represent the positions of each of NEPGA's members. In addition, nothing in this Protest and Intervention should be deemed to waive any rights that NEPGA or any of its members may have to otherwise challenge the administrative, procedural or substantive validity of the filing in any forum.

interchangeability of conventional natural gas sources with new sources of natural gas and imported sources of liquefied natural gas.²

Maine's electricity usage is consistent with regional population distribution, representing nine percent of the population in New England and nine percent of the region's total electricity consumption. However, ISO-NE forecasts Maine's overall electricity demand to grow at a rate of 1.4% annually over the next decade, above the 1.2% rate projected for New England. Similarly, ISO-NE forecasts the state's peak demand, or summertime usage, to grow 1.8% annually over the next decade, slightly above the 1.7% rate projected for the region.

The total capacity of generating plants located in Maine is approximately 3,000 MW. At any given time, however, resources may not operate due to planned or unexpected outages, not clearing in wholesale electricity market, environmental restrictions that limit operation, fuel-supply disruptions, or other reasons. Natural gas is the primary fuel for 45% of the generating capacity in Maine. The total capacity of generating plants located in New Hampshire is approximately 4,000 megawatts, and natural gas is the primary fuel for 28% of the generating capacity in New Hampshire. The total capacity of generating plants located in Massachusetts is approximately 13,000 megawatts, and natural gas is the primary fuel for 44% of the generating capacity in Massachusetts.

NEPGA's generation fleet is largely consistent with the regional fuel mix which is comprised of 40% natural gas. Much of the generation has been either designed or retrofit to include Dry Low NO_x (DLN) technology to accommodate stricter emission limits. While DLN combustors successfully achieved lower emissions, these advancements were achieved at the

² The Natural Gas Association defines interchangeability as the ability to substitute one gaseous fuel for another in a combustion application **without materially changing** the operational safety, efficiency, performance or materially increasing air pollutant emissions. (emphasis added)

expense of lower combustion stability margins. The overall low emissions emphasis and the lower combustion stability margins have made reliable facility operations more challenging for the generator community, and these challenges are compounded by the Tariff Filing.

B. Procedural History

Maritimes submitted the Tariff Filing initiating this proceeding in large part to accommodate a substantial source of regasified LNG that is anticipated to be injected from the Canaport terminal under construction in Saint John, New Brunswick for commercial operation in late 2008. Repsol Energy North America Corporation (“Repsol”) has contracted for 100% of the capacity in Canaport and has executed a long-term firm service agreement to utilize the capacity created by the Phase IV Project expansion on Maritimes. The Canaport capacity will enable Repsol to have firm send out capacity of one billion cubic feet per day and storage capacity of nearly 10 BCF.³ On April 11, 2008, NEPGA participated in a webcast with Repsol representatives to review the compositional characteristics of the LNG anticipated to be injected at that source.

Maritimes conducted collaborative discussions with stakeholders to discuss the proposed Tariff Filing and solicit comments beginning in September 2007. NEPGA and its members have been actively involved in the collaborative process established by Maritimes. Additionally, NEPGA had a dedicated call with Maritimes representatives on Friday, April 18, 2008, to focus on issues with the proposed tariff changes that are unique to the generation sector and to discuss our concerns relating to fuel quality prior to M&N filing its proposed tariff revisions. On the Maritimes’ collaborative call on April 24, 2008, NEPGA proposed the following revisions to the tariff proposals: (i) reduce the upper Wobbe index range from 1400 to 1390; (ii) provide for a

³ Repsol promotional material.

rate of change consistent with the original equipment manufacturer specs, which should not exceed +/- 2%/minute; and (iii) memorialize the notice of compositional flow change provisions in the tariff so as not to allow for discretion of notice on the part of the pipeline.

NEPGA addressed the New England Conference of Public Utility Commissioners (“NECPUC”) on May 6, 2008, outlining the generation sector’s distinct areas of concern. NECPUC has informed NEPGA that it desires to participate in further discussions and exploration of these serious issues.

Maritimes filed the Tariff Revisions under cover dated May 12, 2008. The Commission issued a Notice of Filing dated May 14, 2008.

C. Summary of Filing:

Despite NEPGA’s involvement in the collaborative process with Maritimes and other stakeholders, the resulting gas quality specifications do not reflect the positions set forth by NEPGA or other members of the generation community and do not adequately address their concerns. NEPGA is generally concerned with the scope of the proposed tariff changes, the resulting gas composition under consideration on the Maritimes system, and the wide and unlimited discretion for Maritimes to accept and deliver gas of virtually any quality that would be provided by Maritimes’ proposed gas quality specification waiver provisions. Changes in natural gas supply and gas composition raise complex operational concerns about how fuel variations could impact electrical generation equipment and what adjustments are needed to accommodate the changes. Ultimately, these fluctuations in the composition of the gas supply may reduce the ability of some generation equipment to perform reliably, efficiently and within prescribed emission limits. The resulting impacts of the changes on downstream end-user generation equipment are largely unknown and require greater flexibility of implementation and

further examination. Therefore, the Commission should suspend Maritimes' proposed tariff changes and establish a technical conference (or series of technical conferences), so as to ensure that any tariff revisions ultimately adopted can be implemented in a manner that maintains the reliability and environmental integrity of the impacted generation fleet. NEPGA commits to continue to work in good faith with Maritimes and other stakeholders to address any resulting issues with timely and accurate information.

III. PROTEST

NEPGA acknowledges at the outset the benefits of additional sources of natural gas and the increasing role that the broader world market will play in future gas supply in New England given the region's lack of indigenous power plant fuel and its location at the end of the fuel-supply pipeline.⁴ Accordingly, NEPGA supports the diligent efforts of the Commission to facilitate discussions that better enable all stakeholders to fully understand the impacts of variations in fuel supply composition and quality on all end-users and to develop viable solutions. Currently more work remains to be done to enable electrical generation owners to determine with a modicum of certainty that their units can operate under the terms of the Tariff Filing. In furtherance thereof, NEPGA strenuously disagrees with Maritimes claim that the proposed tariff changes are consistent with Commission policy and, in fact, maintains that Maritimes has failed to properly weigh the concerns of the generator community given the Commission's recognition that "selection of interchangeability limits is a fact-intensive exercise, and is not one that lends itself to generic specifications."⁵ Given the Commission's recognition

⁴ See, Policy Statement on Provisions Governing Natural Gas Quality and Interchangeability in Interstate Natural Gas Pipeline Company Tariffs, 115 FERC ¶61,325 (2006).

⁵ *Id.* at 62,162; See also, fn. 32, quoting El Paso Corporation's Pipeline Group's comment, "A policy statement would allow the Commission to tailor its approach to reflect the complexities that each pipeline faces..."

that “regional variation and differing local needs cannot be accommodated with an inflexible generic policy on gas quality interchangeability,”⁶ NEPGA encourages the Commission to suspend the effectiveness of Maritimes’ proposed tariff revisions and establish a technical conference (or a series of conferences) to fully address the following issues that will affect the reliable and efficient operation of electrical generators which depend on Maritimes for natural gas deliveries with which to fuel their generation facilities.

A. *GAS COMPOSITION*

1. Wobbe Index

The Wobbe Index is used to compare the combustion energy output of different composition of fuel gases. If two fuels have identical Wobbe Indices, then for given pressure and valve settings the energy output will also be identical. Maritimes proposes a Wobbe Index range from 1314 to 1400.⁷ Wobbe numbers that exceed the existing original equipment manufacturer specifications of end-user equipment may cause performance issues, potentially resulting in catastrophic equipment failure.

Based on the data provided by Maritimes, the historical average Wobbe Number on the system is approximately 1355.⁸ Maritimes’ provided information showing that the relevant Wobbe Number range for receipts at Baileyville has been 1318.5 to 1395.7, and the range for receipts from PNGTS into the Joint Facilities has been generally lower, from 1316.3 to 1335.3. Furthermore, the historical Wobbe Number average at Baileyville is approximately 1363 and is 1320.4 for receipts into the Joint Facilities from PNGTS. The historical Wobbe Number average

⁶ *Id.* at 62,161.

⁷ Tariff Filing §12(2)(b)

⁸ *See*, Affidavit of J. Robert Boccock at Page 3. The Tariff Filing provides that “[n]o gas delivered hereunder shall have a Wobbe Number at the Point of Receipt below 1314 and no more than 1400...”

at Westbrook is 1347.4. The data also shows that the Wobbe Number at Baileyville has spiked to over 1390 periodically.⁹

A Wobbe Index range of 1314 – 1390 would provide greater protection from a wide swing in fuel variability for Maritime’s sensitive end-users. Furthermore, were the language of the proposed waiver provision of Maritimes’ tariff to expressly limit the pipeline’s ability to waive the gas quality specifications for system receipts only at those times when Maritimes could ensure that it could continue to meet its obligation to meet these specifications at all downstream delivery points (as the Transmittal Letter to Maritimes’ filing suggests is its intent), Maritime on a case-by-case basis could allow higher Wobbe Index cargoes where the Canaport terminal can blend LNG supplies or inject air.

Numerous LNG supply sources exist around the world that already would meet the proposed 1390 Wobbe Index maximum. Sources in Algeria, Egypt, and Trinidad already have Wobbe Index caps less than 1390 and Qatar and Rasgas will have separate trains that are designed specifically for the lower Wobbe Index limits of the United Kingdom, and other sources can be utilized with ethane and propane extraction or blending.¹⁰ NEPGA’s proposed 1390 maximum Wobbe Index appears to be consistent with numerous supply sources that already meet that limit and should be more amenable to the broader collaborative efforts of Maritimes.

⁹ *Id.* at 4..

¹⁰ Methods of managing natural gas interchangeability are addressed in the White Paper on Natural Gas Interchangeability and Non-Combustion End Use, NGC+ Interchangeability Work Group, Appendix E, February 28, 2005,.

2. Rate of Change

A major concern voiced by NEPGA operators is that rapid transient changes in fuel heating value may adversely affect their gas turbines. Pipeline gas composition changes due to an LNG "slug" (*i.e.* change greater than +/- 2%/minute) may result in operational disruptions to gas turbines. Based upon communication and correspondence with turbine manufacturers, NEPGA is not confident of the commercial availability or viability of vendor installed auto-tuning equipment as a generally applicable remedy that could adequately address compatibility issues affecting the entire gas turbine fleet.¹¹ While GE and Siemens have both announced that they have equipment available to allow for automatic re-tuning, GE and Siemens must evaluate each specific unit to determine what retrofits are required and whether they are available. Certain generators on the Maritimes system have already been told by their manufacturer that retrofits are not available for their particular units or will not be available in the near term.

While NEPGA acknowledges Maritime's adherence to the Commission delineated generic policies in developing the Tariff Filing, Maritimes has failed to properly consider the inherent flexibilities specifically set forth in that policy to accommodate regional and technological limitations. Notably, Maritimes has acknowledged that "[t]he electric generators on Maritimes' system are potentially the most sensitive to changes in the Wobbe Number. Large variability may cause combustion issues in some turbines as well as emissions issues."¹²

The Interchangeability White Paper that the Commission recommended in its Policy Statement recognized the limits of the DLN combustion technology and recommended that

¹¹ See also, *AES Ocean Express LLC v. Florida Gas Transmission Company*, 119 FERC ¶ 61,075, at P 130 (2007), *on reh'g*, 121 FERC ¶ 61,267 (2007); “

¹² Affidavit of John R. Hand, Page 4.

issues related to DLN technology be addressed in adopting gas interchangeability standards as follows:

While adopting a wide national range for key specifications such as the Wobbe Number is important for supply flexibility, **acceptable interchangeability ranges for specific regions or market areas may be more restrictive as a consequence of historical compositions and corresponding end use settings.**¹³

Thus, the NGC+ Work Group expressly acknowledged that its interim recommendations would need to be modified to address the historical supply and end-use characteristics of specific regions, and that additional research on gas interchangeability issues related to DLN turbines would need to be conducted.¹⁴

Fluctuations in composition beyond the limits that a generator is tuned to receive, particularly if it occurs over a short period of time, are likely to reduce the ability of some equipment to perform as intended by the OEM specifications.¹⁵ Maritimes has proposed to alter its Informational Posting website in an effort to provide notice to the electric generators so that they may “take any steps that are necessary in a timely manner to account for changes in gas quality.”¹⁶ However, this remedy oversimplifies both the problems created by transient gas composition and the solutions. The solution requires manual tuning of the generator to be performed by a subject matter expert (“SME”) who analyzes the operational behavior of the turbine combustion system at various levels of generation. Manual retuning is a complicated

¹³ White Paper on Natural Gas Interchangeability and Non-Combustion End Use, NGC+ Interchangeability Work Group, February 28, 2005, Page 22. (emphasis added)

¹⁴ “Additional research must be conducted to define the compositional limits of natural gas to support development of longer-term interchangeability guidelines of lower emission and high efficiency combustion designs.” *Id.* at 22.

¹⁵ *Id.* 19-20

¹⁶ Tariff Filing FERC cover letter, May 12, 2008 at 9.

process that can take hours or days and cannot be performed in advance of the gas supply entering the turbine because the tuning must take place using the new gas supply.

As a part of the manual tuning process the SME analyzes the individual dynamics and emissions of a unit, the SME then adjusts the tuning parameters and observes the behavior of the specific turbine combustion system. The SME continues tuning and observing operation at various generation levels until satisfied that the machine is performing within an acceptable level of permitted emissions levels at all operating points. Therefore, given the complexity of manually re-tuning a turbine it will be difficult to maintain proper engine operating stability and emissions control if a generator experiences a widely varying gas quality such as that proposed by Maritimes.

While efforts are being undertaken by industry participants to remedy interchangeability issues, much work remains to be done. Appendix H of the NGC+ White Paper outlines an extensive list of research issues. Among them is Section H.2, which notes that DLN turbines are particularly susceptible to changing gas quality, stating:

... additional research is needed to understand the magnitude of compositional changes that impact turbine operations and emissions coupled with the time rate of change impacts on operability of these machines. While the White Paper suggests that a Wobbe variation of +/- 4% of the historical adjustment gas will meet the needs of turbine operators, some [original equipment manufacturers] have expressed some reservations to these limits as being too broad to control emissions and meet current fuel specification guarantees.

NEPGA has not received any further information from operators, vendors or fuel suppliers that would indicate that any issues have been resolved. NEPGA reiterates its desire to accommodate broader fuel markets; however, at this time we are unable to assure the reliability or efficiency of the generating fleet operating within the range of possible fuel composition, and the potential rates of change, under the proposed Tariff Filing.

3. Waiver Provisions

NEPGA has concerns about the broad waiver language that is included in the Tariff Filing. Through the revisions contained in the Tariff Filing Maritimes seeks to modify its existing waiver provision to enable the pipeline to accept supplies that would typically be beyond the limits allowed by the proposed Tariff, recognizing that any customer who exercises its option to receive gas after having been notified of the shipment may receive gas that does not conform to Maritimes quality specifications.¹⁷ However, this provision fails to consider the severe implications to other users when one customer elects to accept gas whose composition is outside the Tariff specifications. In particular, generators may have to shut down their operations if the gas does not meet the original equipment manufacturers specifications, with potentially dangerous implications to the bulk power system. Such a provision is not truly a viable option for generators as it is inconsistent with existing regulations that have been promulgated to accommodate the current electricity market conditions, future projections for maintaining reliability given projected electric load growth and the impact of environmental initiatives on the supply mix.

Accordingly, Maritimes should adequately evaluate the requirements of the existing regulatory structure as it pertains to the broader energy markets to provide an appropriate balance within the Tariff Filing to meet the diverse needs of all end-users. Under existing law several federal agencies regulate and oversee the energy markets, including the Commission. Additionally, Regional Transmission Organizations (“RTOs”) and Independent System Operators (“ISOs”) administer, subject to Commission-approved tariffs, the markets that enable generator participants to engage in a wide range of energy trading activities that are ultimately

¹⁷ Tariff Filing, §12.5.

aimed at maintaining the reliability of the bulk power system in the most economically efficient manner. Finally, The North American Electric Reliability Council and its Regional Reliability Councils maintain mandatory compliance standards, as approved by FERC that further ensure generator reliability. The Energy Policy Act of 2005 gave FERC significant new responsibilities and granted it significant new authority to discharge these responsibilities by modifying the Federal Power Act, the Natural Gas Act, and the Public Utility Regulatory Policies Act of 1978 and leading the way for specific initiatives aimed at maintaining the highest standards of reliability.

Of particular relevance to this proceeding is an investigation that FERC initiated in October 2006.¹⁸ FERC sought to examine whether scheduling mechanisms of the ISO/RTOs needed to be revised to ensure that gas-fired generators could obtain gas when their generation is needed for reliability. In the order instituting the investigation, FERC specifically pointed to practices that ISO-New England had adopted as providing reasonable coordination between commodity markets "to ensure that gas-fired generators can obtain gas when necessary for reliability."¹⁹

There are recently implemented market mechanisms in ISO-NE that compensate and penalize generators based upon their availability. On June 16, 2006, FERC approved a contested settlement agreement within NEPOOL establishing a forward capacity market ("FCM") to provide a market mechanism to support the development of sufficient future electricity generating capacity in New England. The FCM functions through the operation of forward capacity auctions in which electricity suppliers will purchase forward capacity from existing or

¹⁸ Order Instituting Inquiries into Gas-Electric Coordination Issues, 117 FERC ¶61,094 (2006).

¹⁹ Order Terminating Section 206 Proceedings, 120 FERC ¶61,206 (2007).

new capacity resources. In order to maintain the reliability of the bulk power system ISO-NE requires strict accountability from market participants. Under the ISO-NE FCM, capacity resources that are unavailable in operating reserve shortage events are assessed a substantial penalty equal to five-percent of the resource's annual capacity revenues per event.

New England's Locational Forward Reserve Market ("LFRM") also provides a structure for the region to efficiently value the operating reserve capability that is necessary to reliably operate the system, and place specific obligations on providers of reserve services. Just as with the FCM, the LFRM places substantial penalties on resources that are called on to activate in response to a system need but fail to do so.

NEPGA is also concerned about waiver provisions allowing gas transients that could create CO₂ emission violations of certain environmental initiatives.²⁰ The Interchangeability White Paper states that varying natural gas composition beyond acceptable limits for combustion turbines "can result in increased emissions, reduced reliability/availability, and decreased parts life."

Recent environmental initiatives affecting electric generation will require most generating facilities to purchase allowances for every ton of CO₂ emitted from that facility. An emissions allowance is a authorization to emit a certain amount of a pollutant, such as one ton, over a specified period (*e.g.*, one season, one year, three years). Increased carbon content within the fuel could alter a generators allowance requirements, thereby altering the marginal cost and supply/demand dynamic of the allowance market as well as the energy market. The carbon content of pipeline natural gas typically can vary between 70% and 75% by weight, and

²⁰ Maritimes has proposed to post the following: Maritimes-US is waiving its carbon dioxide limitation set forth in Section 12.3(c) of its General Terms and Conditions for gas received into the system from Maritimes & Northeast Pipeline Limited Partnership, provided the gas does not adversely impact Maritimes-US' physical facilities or system operations.

consequently this variation can have a much greater impact on CO₂ emissions than the potential increase associated with a 0.025% increase in the allowable CO₂ gas content of natural gas. The carbon content in natural gas can easily vary more than 40 times the amount of a 0.025% increase in the CO₂ gas content on a weight basis.

NEPGA is further concerned about fuel supplies that enter the system pursuant to waiver provisions that contain heightened sulfur content.²¹ Natural gases will often have trace amounts of naturally occurring sulfur, as well as additive sulfur compounds, as odorants, injected into the fuel for safety purposes. However, significant amounts of sulfur can be extremely corrosive, thereby resulting in maintenance and performance issues in gas turbines. The total sulfur content in the natural gas must be restricted since the sulfur products have a tendency to condense as acids in the exhaust of the gas turbine.

Additionally, heightened sulfur content can create excess emissions and air permit violations. Sulfur burns mostly to sulfur dioxide, but 5%-10% oxidizes to sulfur trioxide. The latter can result in sulfate formation, and may be counted as particulate matter regulated by certain air permits. The remainder will be discharged as sulfur dioxide. To limit these discharges, some localities may restrict the allowable concentration of sulfur in the fuel.²²

Based upon extensive communications with Repsol, NEPGA does not anticipate that the LNG supplies from Canaport will be problematic to facility emissions; however, we remain concerned about natural gas supplies from other sources, including from the Deep Panuke field located southeast of Nova Scotia. Given the absence of compliance options offered by some proposed environmental programs, and the unavailability of back-end emission control

²¹ NEPGA is supportive with §12.3(f) of the Tariff Filing limiting gas composition to two grains sulfur.

²² *Specification for Fuel Gases for Combustion in Heavy-Duty Gas Turbines*, GE Energy, April 2007. Page 18.

technologies for CO₂, many units that are essential for electric reliability could be forced to curtail operations or shut down completely if the fuel source is beyond their ability to accommodate the fuel, which could have substantial reliability and cost impacts on the electric system.

These electricity market mechanisms and environmental initiatives were designed and implemented to provide the necessary market signals to incent private investment in efficient resources that would increase reliability and environmental performance. As a result, existing generator availability in New England has increased from 81% to 89% and new power plant construction has added 10,000 megawatts to the New England bulk power system.²³ Likewise, these new facilities have led to decreased carbon dioxide emissions by 7.5%, nitrogen oxide emissions by 44%, and sulfur dioxide emissions by 65%.²⁴ Despite these improvements, generator unavailability is not an option in a cost-conscious market with a declining reserve margin of 10.4%. NEPGA remains concerned that interruptions in compatible natural gas will interfere with the efficient operation of the affected electric generating units and ultimately lessen the reliability of the New England bulk power system.

Although Maritimes has suggested that it would not waive quality specifications for gas receipts into its system unless those receipts can be blended to ensure that deliveries at all points on its system would be compliant with all specifications, the precise language of its tariff does not explicitly provide that assurance. Rather, Section 12.5(a) of its proposed language requires customer acknowledgement that customers may not be delivered compliant gas during periods of receipt specification waiver, and Section 12.5(b) simply provides that waiver will be granted

²³ Regional Electricity Outlook, ISO New England, Page 6. (2007)

²⁴ *Id.*

when deliveries can be made to be compliant once - and if - blending occurs. These provisions appear to provide Maritimes the latitude to waive receipt specifications even when such waiver will result in deliveries on its system also not being compliant with quality specifications. Maritimes should not be allowed discretion to waive its specifications when doing so will result in delivery of gas that is both damaging to and dangerous for the turbines of electric generators on its system. Rather, waivers should be allowed only when Maritimes can ensure that deliveries of its common stream to all system delivery points will strictly comply with the quality specifications of its tariff, and its tariff should be revised to so provide.

4. Information Exchange

In compliance with the Federal Power Act, FERC issued Order No. 698 that requires gas-fired power plant operators and pipelines to establish procedures to communicate material changes in circumstances that may affect hourly flow rates.²⁵ This, of course, is uniquely important to ISO-NE because the region is so highly dependent on natural gas for the generation of electricity. Maritimes has proposed to maintain information pursuant to North American Energy Standards Board (“NAESB”) requirements, plus provide hourly average chromatograph data for selected chromatographs and additional NAESB requirements per any future Commission directive. While this protocol is acceptable to NEPGA, we have requested that the gas quality and rate of change information protocol be embedded in the tariff so as to remove any discretion on the part of the pipeline operator in the information it routinely provides.

IV. MOTION TO INTERVENE

NEPGA is the largest trade association representing competitive electric generating companies in New England. NEPGA’s member companies represent approximately 25,000

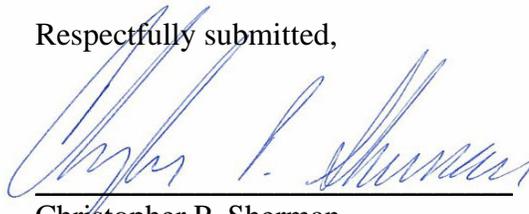
²⁵ FERC issued a final order in Docket No. RM96-1-027 (Order 698) on June 25, 2007.

megawatts of generating capacity throughout New England. NEPGA's mission is to promote sound energy policies which will further economic development, jobs, and balanced environmental policy. As active end-users on the Maritimes system, NEPGA's member companies have substantial and direct interests in the outcome of these proceedings, and those interests cannot be adequately represented by any other party in the proceeding. NEPGA hereby timely moves to intervene in accordance with the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.214 (2007).

V. CONCLUSION

WHEREFORE, NEPGA hereby respectfully requests that the Commission grant its timely Petition to Intervene as submitted herein, suspend the effectiveness of Maritimes' proposed tariff changes for the full five-month statutory suspension period and establish a technical conference to fully address the issues set forth more fully above.

Respectfully submitted,



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Dated: May 27, 2008

**UNITED STATES OF AMERICA
BEFORE THE
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Maritimes and Northeast Pipeline, LL.C.)

Docket No. RP08- 374-000

CERTIFICATE OF SERVICE

Pursuant to Rule 2010(h), of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day served a copy of the foregoing document on all persons designated on the official service list compiled by the Secretary in this proceeding.

Dated at Boston, Massachusetts on this 27th day of May, 2008.

Respectfully submitted,



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