



DAVID A. MUCKLOW

ATTORNEY AT LAW
919 E. TURKEYFOOT LAKE ROAD
SUITE B
AKRON, OH 44312
PHONE: (330) 896-8190
FAX: (330) 896-8201
davidamucklow@yahoo.com

November 25, 2016

COMMENTS BEFORE THE PEOPLE'S HEARING

Dear Congress:

I am David Mucklow, attorney for CoRN (the Coalition to Reroute Nexus) in Akron, Ohio, for the past two years against the Nexus Project. Having thirty years experience in the legal profession, I immediately became concerned when I was told by FERC that not a single pipeline has been denied, which by the way is not true. CoRN's position has been unique to move 90 miles of the route away from Summit County, Ohio, the 3d most dense county in Ohio. During this time, I observed and learned of the horribly unfair process designed to strip property owners of their rights. Eight hundred years ago, free men and property owners established rights under the Magna Carta requiring due process of law, a jury of your peers, and payment for takings. I am sorry to report that these rights are in serious jeopardy under the NGA (Natural Gas Act). For example, FERC is required to comply with NEPA (National Environmental Policy Act), laws governing environmental review of the pipeline siting process. FERC routinely ignores NEPA, ignores court precedent such as the River Keepers case, and lacks specific guidelines under the Administrative Procedures Act. For example, safety, the blast radius, and the human environment is very much a concern under NEPA but has been systematically ignored, deferring all safety issues to PHMSA, under illegal agreements. Consequently, FERC allows pipelines to be sited within a few feet of homes, schools, businesses and churches. The only requirement is that pipelines be buried one foot deeper with thicker steel. These guidelines were written decades ago when pipelines had lower pressure. Thicker steel actually makes pipelines more brittle. FERC's process does not provide for actual hearings, comments and motions are ignored, and the Applicant is allowed to conduct sham sales meetings, disguised as informational meetings under FERC's guise. In many cases property owners are not notified that they are being targeted in a timely manner, are not notified of their legal rights, and afforded due process of law. Although

the Applicant is protected by one sided public records rules, which are designed to prevent stakeholders from reviewing critical documents in a timely manner, no public defender exists to defend property owners or communities. Once a certificate is issued, the Applicant can file for eminent domain in federal court, where federal rules have outlawed the right to a jury trial. The Supreme Court has outlawed collateral attack of FERC proceedings, leaving stakeholders with a narrow path of appeal only after construction on the pipeline has already started. The entire process from start to finish is an elaborate hoax designed to take and use property without full compensation or due process of law. Foreign companies are allowed to take private property for the benefit of private use and corporate gain. The Fifth Amendment is under attack, and is being eroded into obscurity just as the Tenth Amendment has been.

It is imperative that we band together, organize under one banner, and fight to protect our rights. We must educate, lobby, raise money, assert legal issues, and protest at every possible opportunity until the job is done. Not only are our futures at stake, but the planet itself is in jeopardy.

Respectfully,

David A. Mucklow