

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 375 Session of
2008

INTRODUCED BY DINNIMAN, PILEGGI, RAFFERTY, C. WILLIAMS, WAUGH,
TARTAGLIONE, STOUT, STACK, O'PAKE, MUSTO, MELLOW, LOGAN,
LAVALLE, KITCHEN, KASUNIC, FONTANA, FOLMER, FERLO, ERICKSON,
COSTA, BRUBAKER, BOSCOLA AND ARMSTRONG, SEPTEMBER 18, 2008

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS
AMENDED, SEPTEMBER 23, 2008

A RESOLUTION

1 Opposing certain Federal rules and procedures governing the
2 regulation of the interstate transportation of natural gas
3 and memorializing the Congress of the United States to repeal
4 or modify certain provisions of the Natural Gas Policy Act of
5 1978.

6 WHEREAS, The Natural Gas Policy Act (NGPA) of 1978 created
7 the Federal Energy Regulatory Commission (FERC) to oversee the
8 natural gas market; and

9 WHEREAS, The United States Supreme Court has ruled that state
10 regulatory agencies, such as the Pennsylvania Public Utility
11 Commission, have no authority over interstate gas pipelines; and

12 WHEREAS, The NGPA also continued the authority of natural gas
13 companies to acquire private and public property through eminent
14 domain; and

15 WHEREAS, These various Federal public policy decisions and
16 rulings have resulted in a proliferation of interstate natural
17 gas pipelines over which state and local governments have no
18 authority; and

1 ~~WHEREAS, The FERC natural gas certification process preempts~~ <—
2 ~~what once were fundamental powers of state and local governments~~
3 ~~and violates the Commonwealth of Pennsylvania's tradition of~~
4 ~~local land use decisions; and~~

5 ~~WHEREAS, The FERC natural gas certification process~~
6 ~~eliminates the roles of State and local agencies established for~~
7 ~~the express purpose of protecting the Commonwealth of~~
8 ~~Pennsylvania's economic, natural, historical, cultural and~~
9 ~~recreational resources; and~~

10 ~~WHEREAS, The FERC natural gas certification process reviews~~
11 ~~certification applications without properly considering the~~
12 ~~number of existing and proposed gas pipelines in a particular~~
13 ~~area; and~~

14 WHEREAS, The FERC natural gas certification process does not
15 properly protect the Commonwealth of Pennsylvania's natural
16 resources; and

17 WHEREAS, The FERC natural gas certification process also
18 fails to properly take into account the interests and values of
19 property owners; and

20 WHEREAS, Some property owners state that they were not
21 properly notified of a project in their neighborhood, and the
22 Natural Gas Policy Act of 1978 does not statutorily require that
23 FERC hold a public hearing in the locality affected by a
24 proposed gas pipeline; and <—

25 ~~WHEREAS, The Commonwealth of Pennsylvania faces similar~~
26 ~~Federal authority and public comment issues from the proposed~~
27 ~~National Interest Electric Transmission Corridor; therefore be~~
28 it

29 RESOLVED, That the Senate of Pennsylvania recognize fully the
30 energy and environmental challenges facing the Commonwealth of

1 Pennsylvania in general and the United States in particular; and
2 be it further

3 RESOLVED, That the Senate believe that the demand for energy
4 continues to be a concern nationwide and that an effective
5 national energy policy must include increased emphasis on
6 conservation, renewable energy, demand-side management, AS WELL <—
7 AS INCREASED PRODUCTION, and an emphasis on siting power
8 generation near demand; and be it further

9 RESOLVED, That the Senate recognize that an effective energy
10 policy must be addressed nationally but should reflect
11 traditional State and local authority over environmental and
12 energy matters; and be it further

13 RESOLVED, That the Senate urge the members of the
14 Pennsylvania Congressional Delegation to support legislation to
15 amend section 7(e) of the Natural Gas Policy Act of 1978 to
16 require that the Federal Energy Regulatory Commission hold a
17 public hearing in localities prior to authorization if so
18 requested; and be it further

19 RESOLVED, That the Senate urge the members of the
20 Pennsylvania Congressional Delegation to further amend the
21 Natural Gas Policy Act of 1978 so as to preserve the fundamental
22 rights of the Commonwealth of Pennsylvania and its local
23 governments and its citizens to determine the future of land-use
24 policies; and be it further

25 RESOLVED, That copies of this resolution be transmitted to
26 the presiding officers of each house of Congress and to each
27 member of Congress from Pennsylvania.