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FEDERAL ENERGY
REGULATORY COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Midwestern Gas Transmission Company) Docket No. CP05-372-000

**ANSWER OF MIDWESTERN GAS TRANSMISSION COMPANY
IN OPPOSITION TO THE REQUEST FOR EXTENSION OF TIME
TO FILE COMMENTS TO ENVIRONMENTAL ASSESSMENT**

Pursuant to Rule 213 of the Federal Energy Regulatory Commission's ("Commission" or "FERC") Rules of Practice and Procedure, 18 C.F.R. § 385.213, Midwestern Gas Transmission Company ("Midwestern") hereby submits this answer in opposition to the "Motion for Extension of Time to File Comments in Response to Environmental Assessment," ("Motion") filed by Sumner-Trousdale Oppose Pipeline ("STOP") on November 18, 2005, in the above-referenced docket. As shown below, the requested extension of time is unwarranted and prejudicial, and therefore, should be denied. In support, Midwestern states the following.

I. STATEMENT OF ISSUES¹

In accordance with the Commission's Rule 203(a)(7), 18 C.F.R. § 385.203(a)(7), Midwestern states that this answer presents the following issue:

Whether an extension of time to file comments to the environmental assessment ("EA") issued in this proceeding should be granted. Midwestern takes the position that

¹ Midwestern notes that Order No. 663 clearly states that any issues not enumerated in a separate "Statement of Issues" section with representative Commission and court precedent which a party is relying shall be deemed to have been waived. *See Revision of Rules of Practice and Procedure Regarding Issue Identification*, 112 FERC ¶ 61,297, at P 7 (2005). Midwestern notes that STOP's Motion does not include a "Statement of Issues." To the extent the issues raised in the Motion have not been waived, Midwestern provides its answer in opposition.

STOP has failed to show good cause exists for such an extension of the comment period. An extension of the comment period is unwarranted and prejudicial and should, therefore, be denied. Midwestern relies on these equitable and legal grounds, as well as Rule 2008, in urging denial of STOP's motion.

II. BACKGROUND

On October 20, 2005, the Commission issued an EA on the construction of natural gas pipeline facilities associated with Midwestern's "Eastern Extension Project" proposed in the referenced docket. The Commission required comments on the EA to be received on or before November 21, 2005.²

On November 18, 2005 – one business day before the comment deadline -- STOP moved for a two-month extension of the comment deadline. See Motion at 1. STOP claimed that "the number of issues...[and] complexity of information" contained in the EA precluded STOP from timely reviewing and commenting on the EA.

III. ANSWER

Midwestern has made clear from the start that the Eastern Extension Project is a time-sensitive application. In order to meet the specific needs of Piedmont Natural Gas Company, Midwestern must construct and place the Eastern Extension Project in-service by November 1, 2006. Based on this schedule, Midwestern requested that the Commission issue a final certificate order in this proceeding no later than November 30, 2005.

² See "Notice of Availability of the Environmental Assessment for the Proposed MGT Eastern Extension Project," Docket No. CP05-372-000 at 2 (issued October 20, 2005) ("EA Notice").

Obviously, STOP's requested extension to the current EA comment period would preclude issuance of the certificate order by the requested November 30, 2005 date. Midwestern suspects that that is precisely the intent and purpose of STOP's motion. In this regard, it bears noting that the EA was issued on October 20, 2005, and reasonably provided interested parties thirty days to file comments. STOP concedes that it has been an interested party that has "actively participated" in this proceeding from the start (including, Midwestern would note, in the NEPA pre-filing process in which significant environmental data was provided) and has assembled "a team of experts to examine the [Eastern Extension Project] and prepare an initial evaluation." Motion at 1. Given that Midwestern was able to complete its review of the EA by the established deadline -- including an evaluation of all technical details and related compliance conditions -- it is inconceivable that STOP's "team of experts" could not complete their review in a timely fashion.

Other factors further undercut STOP's "complexity" assertions. In particular, the EA concludes that the Eastern Extension Project, with appropriate mitigation, will "not constitute a major federal action significantly affecting the quality of the human environment."³ This finding, reflecting in part the relatively small size and scale of the project, does not square with STOP's "complexity of issues" characterization or the asserted need for additional time.

Indeed, despite its extensive preparation and attention to this proceeding, STOP has waited until the very last business day before seeking an extension. This eleventh-hour ruse is extremely prejudicial to Midwestern and represents a transparent attempt by

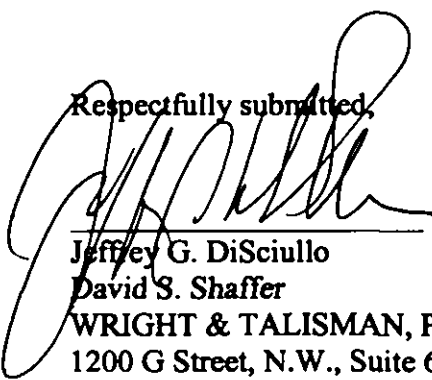
³ See EA Notice at 1.

STOP to delay the Commission's processing of Midwestern's application without regard to the public benefits associated with the project. Midwestern has dedicated significant time and resources in prosecuting its application, and the Commission should not lend credence to STOP's last-minute efforts to delay or derail it.

Finally, Midwestern notes that a considerable record has been developed in this proceeding concerning routing and landowner issues. The EA does not introduce any issues that could not have been previously raised or anticipated. In short, no credible justification has been presented to warrant an extension of time.

III. CONCLUSION

Based on the foregoing, STOP has failed to show that good cause exists to extend the comment period for the EA until January 16, 2006. STOP's Motion should be denied.

Respectfully submitted,


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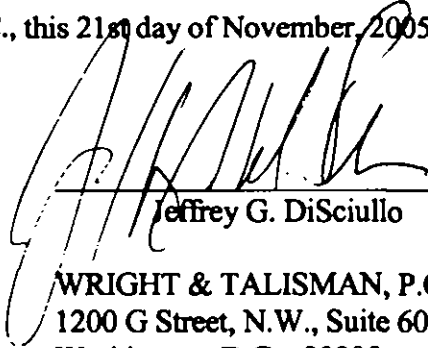
November 21, 2005

Midwest/mgt answer opposing extension of time for ea comments

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 21st day of November, 2005.



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