

FPL admits Florida needs no new electricity, so why should Sabal Trail get eminent domain?

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Hahira, GA, September 6th 2016 -- Two Georgia brothers are stuck with paying almost ten times as much in Sabal Trail's legal fees as they spent defending their property against that invading fracked methane pipeline, even though FPL apparently admitted this year that all three of its 2013 excuses for that pipeline are no longer valid. Two federal agencies and numerous state agencies issued permits based on those excuses. Sabal Trail used those permits to get eminent domain, including to drill under rivers in Florida, Georgia, and Alabama and through the fragile limestone containing our drinking water in the Floridan Aquifer. It is time for this unnecessary, destructive, and hazardous boondoggle to be shut down and its \$3 billion in FPL ratepayer money to be used for solar power in the Sunshine State.

James Bell, [one of the brothers stuck with having to pay Sabal Trail attorney fees](#), says:

"First and foremost, this is a multi-billion dollar company that is for profit. In my personal opinion I don't see how a private for-profit company should be allowed eminent domain. I don't understand that. That makes no sense to me. I might could understand it if it was for the greater good of the country but this is not. And it is certainly not the federal government or the state government building some road or highway."



Florida Power & Light claimed a third natural gas pipeline was "*necessary to meet the growing electricity needs of the state's residents and businesses*", in its July 26th 2013 [announcement that Spectra Energy of Houston, Texas had won the bidding for the Sabal Trail natural gas pipeline](#). FPL's 2013 [Ten Year Plan](#) filed with the Florida Public Service Commission projected 13% growth in electricity demand. Even that didn't make sense: a third natural gas pipeline would be a far larger than 50% increase.

From the outset Sabal Trail looked no different from the corporate profit grab we're seeing in North Dakota where Enbridge [is trying to plow a pipeline under a river and and lake and sites sacred to the Standing Rock Sioux](#). James Bell and all the other landowners and taxpayers and water users in Alabama, Georgia, and Florida are just more Indians in the way of the pipeline cowboys. And today Enbridge announced it is buying Spectra Energy, the company that wants to profit from plowing Sabal Trail through our land and waters.

WWALS Watershed Coalition President John S. Quarterman asks:

"Why is profit for a pipeline company from Houston, Texas any "public interest" that in any way would justify making private landowners pay pipeline company legal fees, or drilling under our Withlacoochee or Suwannee Rivers, the arteries of our red dirt land? Now that any other "need" has been disproven by FPL's own 2016 Ten Year Plan, it's time to stop this threat to our Floridan Aquifer, our sole source of water for agriculture, economy, and livelihood. There are more jobs in solar power than in all of oil and gas extraction. Let the sun rise!"

Evidence

The evidence now leaves little other interpretation than that corporate profit is the only benefit.

Despite FPL's 2013 13% projection being far less than 50% new natural gas from a third pipeline, the Florida Public Service Commission announced on October 24th 2013 ["PSC Approves Prudence for Florida's Third Natural Gas Pipeline"](#), writing:

"The Commission had already determined that additional gas capacity was necessary to meet the growing electricity needs of Floridians," said PSC Chairman Ronald A. Brisé.'

The actual [FPSC Order of October 28th 2013](#) said this "need" was based on coal plant "modernization":

"In its petition, FPL states that 400 MMcf/day of additional firm natural gas transportation capacity is required beginning in 2017. The primary factors driving this increased need are the three modernization projects currently in progress at FPL's Cape Canaveral, Riviera Beach, and Port Everglades natural gas plants to upgrade older, 1960's-era steam combustion turbine generating units to modern, and more efficient combined cycle technology. FPL proposes to meet this need by implementing two new contracts for firm pipeline capacity within the northern and southern portions of the state.

"The Northern Pipeline project consists of a joint venture between a subsidiary of Spectra Energy Corporation, called Sabal Trail Transmission, LLC (Sabal Trail)...."

Yet how can coal plant modernization be such a big deal, given this: Stuart Korfhage, The St. Augustine Record, 11 October 2015, [Eric Silagy, CEO of FPL, shares thoughts on solar power, emissions compliance](#),

"But FPL isn't forced to make a lot of changes because it uses coal for just 3.9 percent of its energy needs."

How could 3.9% of FPL's energy needs ever have justified an increase of 50% in incoming fracked methane?

FPSC added: *"...also to further increase the diversity of the supply and to promote competition among suppliers...."*

The July 2013 FPL announcement phrased that as "independently routed":

"To continue meeting the growing needs of our customers efficiently and reliably in the years ahead, we will need more natural gas than the two existing major pipelines can deliver, which makes a third, independently routed pipeline system absolutely essential," said FPL President Eric Silagy.

So we can isolate three purported reasons for Sabal Trail:

1. alleged increased electricity need by Florida,
2. coal plant "modernization", and
3. diversity and competition or "independently routed".

Citing that FPSC determination, FERC issued a Certificate of Convenience and Necessity on February 2nd 2016, saying:

"85. We also have no reason to contest Florida Power & Light's purported demand for natural gas. The Florida Public Service Commission issued an order finding that Florida Power & Light had demonstrated a need for additional firm capacity."

Here's a reason FPL admitted in boldface in the Executive Summary of its [Ten Year Power Plant Site Plan 2016-2025](#) filed with FL PSC in April 2016:

"Difference: FPL does not project a significant long-term additional resource need until the years 2024 and 2025."

So much for FPL's excuses:

1. FPL's 2016 Plan spells out that any new Florida electricity need is too far in the future to plan for now.
2. That Plan also says FPL's coal plant "modernization" is already finished without Sabal Trail.
3. And it says FPL is now deploying solar power, which *"is now significantly influencing FPL's resource planning"*. Solar power is far more diverse geographically and has far more competing suppliers than any new pipeline.

FERC's determination of "public interest" for its Certificate of Convenience and Necessity was based on FPSC's determination of "need", which FPL's 2016 Ten Year Plan says doesn't exist. That leaves only FERC's determination that *"there is market demand"* because *"Sabal Trail has entered into precedent agreements with Florida Power & Light and Duke Energy Florida..."*

James Bell added:

"I think it is a complete and utter travesty of justice for an ordinary citizen to have to pay legal fees of a multi-billion dollar company."

To support profits for two more multi-billion dollar companies doesn't make it any better.

If Florida doesn't need the gas, where would it go? FERC explicitly disclaimed all responsibility for liquid natural gas (LNG) export of Sabal Trail gas, even though there are already-approved LNG export operations right where that pipeline chain would go in Martin and Citrus Counties, Florida, and even though the head of the agency that approved them and one of FERC's own Commissioners testified before Congress that LNG export is the biggest potential source of profit for the glut of gas from fracking that is the real reason for all these pipelines. Whether it's exported or not, Sabal Trail's fracked methane is no benefit to Georgia, and now according to FPL's 2016 Ten Year Plan it's not even any benefit to Florida.

The Bells are in the Flint River watershed, and Flint Riverkeeper, along with Sierra Club, Gulf Restoration Network, and others, has sued the U.S. Army Corps of Engineers for issuing a permit without adequately considering all the evidence. The Bells are far from the only landowners targeted by this boondoggle to benefit nobody but corporations from somewhere else. In Georgia, Sabal Trail has used eminent domain through a historic African-American community and through a Georgia Centennial Farm that has been in the same family since before the pipeline company was ever incorporated. In Florida, WWALS Watershed Coalition spent four months legally opposing Sabal Trail's intent to drill under the Suwannee and Santa Fe Rivers and through the sinkhole-prone springs heartland of the Sunshine State. Many more groups and individuals have joined the opposition to this unnecessary, destructive, and hazardous fracked methane boondoggle.

About WWALS Watershed Coalition

WWALS Watershed Coalition (WWALS) is the WATERKEEPER® Affiliate for the upper Suwannee River basin. WWALS advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and Upper Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.

See [previous WWALS press release](#) for further background on opposition to Sabal Trail.

WWALS was one of 93 Waterkeeper organizations worldwide that co-signed a letter from Waterkeeper Alliance August 29th 2016 [in Solidarity with Sioux Nation to Stop Dakota Access Pipeline](#).

What You Can Do

There are many things that can be done to oppose the Sabal Trail 20th century fossil fuel boondoggle so we can get on faster with 21st century solar power, which has already won the market.

- Demand the U.S. Army Corps of Engineers open a Supplemental Environmental Impact Statement.
- Demand a rehearing on the FERC certificate of convenience and necessity.
<http://spectrabusters.org/ferc/how-to-send-an-ecomment-to-ferc/>
- Support legal actions by Sierra Club or anyone else against any USACE or FERC or state permit.
<http://www.sierraclubfloridanews.org/2016/08/sierra-club-flint-riverkeeper-and-gulf.html>
- Stop the Trans-Pacific Partnership (TPP). <http://www.sierraclub.org/trade/take-action-stop-tpp>
- Join the call for the U.S. Governmental Accountability Office to audit FERC.
<http://delawareriverkeeper.org/ongoing-issues/ferc-gao-review>
- Ask the Georgia and Florida legislatures and the U.S. Congress to revoke eminent domain for private companies. <http://www.senate.ga.gov/senators/en-US/FindyourLegislator.aspx>
<http://www.myfloridahouse.gov/Sections/Representatives/myrepresentative.aspx>
- Get Congress to reform the Natural Gas Act and the Pipeline Safety Act and change the charter of FERC to no new fossil fuel projects; only renewable energy.
<https://www.govtrack.us/congress/members>

Perhaps most importantly, inform your friends and neighbors that Sabal Trail is not a hiking trail: it is a destructive, hazardous, and unnecessary greed grab by companies from somewhere else at our expense.

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