



Society of Environmental Journalists

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February 23, 2017

Acting Chairman Cheryl A. LaFleur
Commissioner Colette D. Honorable
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
Via FAX 202-502-6001

Dear Chairman LaFleur and Commissioner Honorable:

As a professional news media organization, we are writing to express our concern about the procedures your agency uses to gather public comment.

The Society of Environmental Journalists is a 26-year-old professional organization dedicated to excellence in environmental journalism. Many of our 1,274 members are journalists who cover FERC actions, whether locally or nationally. It's critical to our members' reporting on FERC actions to explain factors you weigh in your decision making and the public feedback you receive.

At a February 14 public comment meeting in Wilson, N.C., on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline (Docket Nos. CP15-554-000 and CP15-554-001), we understand that rather than following the traditional "town hall" procedure, where people who wished to comment could speak in front of others in attendance, FERC switched to what its spokesperson later described as a "listening session."

Those wanting to comment were taken individually to a separate room away from other members of the public, where they were given three minutes to speak. Others in attendance were not allowed to hear the comments, and journalists were barred from the room where comments were taken and could not interview people in the auditorium where people were waiting their turn to speak. Reporters had to resort to buttonholing people as they entered or left the meeting, but were unable to witness or report the comments as they were actually being delivered.

*Strengthening the quality, reach and viability of journalism across all media
to advance public understanding of environmental issues*

While we understand the intensity and extent of protests and disruption FERC has faced in recent years, our concern is with the procedure. The “listening” format, which may be an effort to encourage commenters to speak freely, bars the public and the media from bearing witness to the event, much less hearing the information and arguments presented by other citizens.

It is important for everyone to be able to exercise their First Amendment rights. But when FERC chose to move a public comment session behind closed doors, it hindered the ability of the press to inform the public about a key aspect of the government's fact-finding and decision-making process.

The proposed Atlantic Coast Pipeline is an important but highly controversial project that's generating great interest and debate in states that could be affected by it. It is vital to the public interest that every step in the review of this project be as transparent and accountable as possible. Otherwise, the public's trust in the integrity of those charged with looking out for its interests could be called into question. Journalists' ability to observe and cover such meetings helps them serve as surrogates for members of the public who could not be present; being able to witness comments being made ensures that all of them are properly and completely recorded. The First Amendment's guarantee of a free press means little if the press is not free to report.

There are ways to deal with this public-meeting challenge without trampling on the newsgathering process. One is to control the meeting by setting clear ground rules and enforcing them. And even if it's deemed unavoidable or absolutely necessary to take comments individually in a separate room, arrangements can and should be made for press to witness or hear the speakers.

We understand that comments taken at such sessions are recorded, and that transcripts are posted in the online docket for the project in question, and that they are generally available for review there within a couple of weeks. But that effectively suppresses the news about the content of the meeting by divorcing it from the immediacy of the event itself. The public is left to wonder what transpired, when there is no reason to make them wait.

We hope you will seriously consider our concerns, and adjust your procedures to allow the news media to fully cover such events.

Sincerely,

A handwritten signature in black ink that reads "Bobby Magill". The signature is written in a cursive, flowing style.

Bobby Magill, President
Society of Environmental Journalists