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June 19, 2009

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Bruce F. Kiely
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Re: Weaver's Cove Energy Offshore Berth Project, Docket No. CP04-36-005

Dear Ms. Bose:

Please find enclosed for filing in the above-referenced docket a copy of correspondence that was delivered to Chairman Wellinghoff today on behalf of Weaver's Cove Energy, LLC ("Weaver's Cove") regarding Weaver's Cove's proposed Offshore Berth Project. Weaver's Cove is submitting this correspondence to ensure a complete record in this proceeding.

If you have any questions concerning the enclosed submission, please contact the undersigned at (202) 639-7711.

Sincerely,



Bruce F. Kiely
Attorney for
Weaver's Cove Energy, LLC

Attachment

cc: Gordon Shearer, Chief Executive Officer, Weaver's Cove Energy, LLC
All parties to Docket No. CP04-36-005

Weaver's Cove Energy



The Honorable Jon Wellinghoff
Chairman
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

June 19, 2009

Dear Chairman Wellinghoff:

Based on reports in the local newspapers including statements by the Commission's Press Office, I understand that you apologized to Rhode Island State Representative Raymond Gallison over the conduct of the Commission's Technical Staff at the Technical Conference in Swansea, Massachusetts. The meeting was scheduled to discuss the Weaver's Cove Energy, LLC LNG project which is pending before the Commission in Docket No. CP04-36-005. From the perspective of one who attended that meeting, I am surprised that any apology was issued to Mr. Gallison. If any apology was to be made, it appears to have been seriously misdirected. Please allow me to explain.

The meeting was formally noticed by the Commission Secretary's office on June 5. That notice made clear to all that the conference would explore Critical Energy Infrastructure Information (CEII) and, because of that, attendees would be required to agree to certain conditions regarding their attendance, including the signature of a non-disclosure agreement which is available on the Commission's website. Since Mr. Gallison is an intervener in the Weaver's Cove Docket and obviously was aware of the meeting, it stretches credulity for anyone to assume that he did not also know of the requirement to sign the non-disclosure agreement, especially given that he is also a practicing lawyer. The regulations regarding the non-disclosure of CEII were established by the Commission to address concerns over the dissemination of sensitive information in the post-9/11 world, and are applicable to all major facilities and projects undertaken by those industries and companies regulated by the Commission. Had Mr. Gallison genuinely cared about the conditions governing the disclosure of CEII rather than his own self-aggrandizement, he could have raised his objections in advance of the meeting.

In addition to the CEII material, there are certain aspects of the project's technical design which we and the designers (our contractors) regard as commercially sensitive and proprietary, and for which we have sought the appropriate confidentiality protection from the Commission. Our ability to submit the information developed by our contractors to enhance the Commission Staff's understanding of the technology was premised on it being afforded confidential treatment. This request for confidential treatment of certain information is not designed to deprive the public of the "right to know," but rather to prevent our competitors and our contractors' competitors from getting a free look at the significant investment in intellectual property which has been developed in the course of this project. We have made clear to anyone who has asked that this material has been and will remain available at our offices for anyone to read and review, subject to a simple non-disclosure agreement which is far less onerous than the CEII non-disclosure. Indeed, the Executive Office of Public Safety and Security of the Commonwealth of Massachusetts availed themselves of just this opportunity and our experts spent an afternoon reviewing the technical

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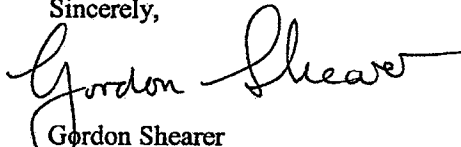
filings in this proceeding with them. Likewise, a similar offer was made to the Mayor of the City of Fall River, which has so far elicited no response.

Of course, it is within the Commission's discretion to reverse the findings it made as to the need for protections afforded CEII materials, and if that is the way the Commission chooses to proceed when revised regulations are promulgated, we will adhere to such revised regulations as they apply to us. As for reversing or removing protections for commercially sensitive proprietary information, that may raise other concerns as it would represent a clear *ex post facto* change in the regulations which were in effect when we submitted those materials as part of our application, and would represent a departure from Commission precedents. I would hope that we would be afforded the opportunity to comment on such a change in Commission regulations and the resulting implications before the Commission unilaterally releases these materials into the public domain and to our competitors.

Returning to the matter of Tuesday's meeting and the apology, I would observe that although Weaver's Cove did not appreciate that the conference was cancelled, the Commission Staff's conduct at all times was professional and courteous to all, including Mr. Gallison, and nothing I witnessed in the course of the morning warranted an apology to him. In contrast, we would note that only minutes after the meeting was canceled, his office issued a press release describing, in his words, what had happened, suggesting his entire conduct was pre-meditated and designed to create the maximum inconvenience to the Commission Staff, the public and our company. It also appears he invited the press to be at the site of the Technical Conference with him to ensure his actions received as much publicity as possible. If any apology was warranted at all, an apology should be made to those members of the public who adhered to the Commission's Notice and guidelines, made the effort to attend the meeting, signed the non-disclosure agreement and were then sent away empty handed. Our company was also seriously inconvenienced by the abrupt cancellation of the meeting, having flown numerous experts, some from as far away as Japan, in expectation that the meeting was to be conducted in accordance with the rules laid down in advance in the Commission's Notice.

We have indeed reached a sorry state where the deliberate misconduct of one politician can elicit an apology, while the interests of those citizens and applicants who abide by the Commission's rules are simply ignored.

Sincerely,


Gordon Shearer
Chief Executive Officer

cc: All parties to Commission Docket No. CP04-36-005