

Blue Ridge Environmental Defense League

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FOR IMMEDIATE RELEASE: May 17, 2016

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NEWS RELEASE

FOIA Documents Reveal Lack of Neutrality in County BOS

Franklin County's Governing Body Exposed

Franklin County, VA – Today, Blue Ridge Environmental Defense League (BREDL)

Community Organizer Carolyn Reilly presented to the Franklin County Board of Supervisors (BOS) the long-awaited findings from their FOIA request. In documents obtained by Preserve Franklin, a BREDL chapter, Reilly found clear evidence that the BOS is not taking a neutral stand on the proposed Mountain Valley Pipeline (MVP).

Reilly said, “Today, local citizens are seeing their governing body in a new light. After these revelations, it does not look good.”

Reilly pointed to an email from Rick Huff, former County Administrator, seeking suggestions from Roanoke Gas CEO, John D’Orazio: “As much as you have worked to try to justify natural gas to Franklin County, I thought I would run another question by you **at the request of my Board of Supervisors....** I have been asked to seek your thoughts on whether such a line can economically be tapped in order to serve Franklin County...” Reilly said that eleven days later, Huff sent an email to the BOS informing them of MVP’s revised route, avoiding Floyd County and through the middle of Franklin.

Darlene Hines, Vice-Chair of Preserve Franklin, shared her thoughts on the findings during the press conference held prior to the BOS meeting: “It is beyond my comprehension how any thinking person can stand by and allow the MVP after seeing reports that it will be a fiscal and environmental disaster for Franklin County. I believe the Board of Supervisors should be required to

-more-

hold a public meeting and show why they have not acted in the best interest of their constituents.”

Hines concluded, “Shame on them - they sold their souls and I know not what for.”

Mike Carter expressed his frustration at the county’s lack of candor, saying, “On the Franklin County website, under the WATER section, it reads: ‘Franklin County Blueways are an exciting way for beginners and experts to experience the beauty of nature in Virginia's Blue Ridge Mountains.’ But the Supervisors are not protecting the citizens from egregious damage to our watershed and long term harm that would be brought to our county by the MVP. The battle to protect our rivers and Smith Mountain Lake is very serious. Preserve Franklin is being largely ignored, as are all the citizens that spoke against the MVP at the January public hearing. The current Board of Supervisors as well as the County’s current Administrator must be held accountable.”

In a letter presented to the BOS today, BREDL’s Executive Director, Lou Zeller said, “Franklin County officials must commit to full disclosure of their negotiations with pipeline representatives. Further, we ask that the Board of Supervisors reassess its tacit support of the Mountain Valley Pipeline and realign its goal to the development of safe, clean alternatives to natural gas, a fossil fuel obtained by hydrofracking with devastating consequences to public health.”

Reilly concluded, “The picture is crystal clear; there is no evidence of a *neutral* governing body in Franklin County when it comes to the proposed Mountain Valley Pipeline. In fact, the wooing of MVP has turned into a love triangle and the citizens have been left to their own devices.”

end

The Blue Ridge Environmental Defense League is a 32-year old community-based, non-profit environmental organization with chapters in seven states. Our founding principles are earth stewardship, environmental democracy, social justice, and community empowerment.

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Franklin County BOS Public Comment: Tuesday, May 17, 2016

Good afternoon. My name is Carolyn Reilly and I reside at [REDACTED] in Rocky Mount, VA. I am speaking today on behalf of the Blue Ridge Environmental Defense League (BREDL) and request 5 minutes to share my presentation. First of all, I would like to be clear that my talk today is not directed to an individual but to a governing body: you, the supervisors, elected officials of Franklin County; representatives for the PEOPLE.

On the evening of January 19th, this meeting room was packed full of people – standing room only. Citizens of Franklin County showed up in droves to be able to speak publicly about their concerns surrounding the proposed Mountain Valley Pipeline. Every single person that presented and shared spoke in opposition and asked you, each of you, to take a stand and help protect our rights. Our rights to **property**, to **clean** water, to a **healthy** economy AND community that we are all a part of. In February, at the regularly scheduled public meeting, Mike Carter, Chairman of Preserve Franklin spoke and thanked you for offering the Public Hearing and also asked that you all make known your position concerning the proposed Mountain Valley Pipeline.

Ronnie Thompson, brought before the board a resolution (**#06-02-2016**):

“BE IT THEREFORE RESOLVED, by the Board of Supervisors to forward a resolution to FERC stating Franklin County's opposition to Mountain Valley Pipeline coming through Franklin County.” The motion was seconded by Tommy Cundiff and voting commenced:
AYES: Thompson & Cundiff NAYS: Mitchell, Wagner, Camicia, Tatum & Brubaker. THE MOTION FAILED WITH A 2-5 VOTE.

After this motion fell to the floor, Leland Mitchell stated: “I thought we’ve already voted regarding our position on the Mountain Valley Pipeline – didn’t we decide to take a neutral position?”

After searching through the BOS meeting minutes since August 2014, I found no record of a resolution stating a neutral position regarding the proposed Mountain Valley Pipeline.

According to the dictionary, neutral when used as an adjective is defined as: ***“not helping or supporting either side in a conflict, disagreement, etc.; impartial.”*** I’m standing here today to prove that this is not the case when it comes to the Franklin County Board of Supervisors and the proposed Mountain Valley Pipeline.

Also at the February meeting, a check was given to the Board of Supervisors for \$400 in order to obtain the long negotiated public documents that were requested via the Freedom of Information Act in August of 2015. The files were received within a week of the check.

After reviewing the many, MANY communications between Franklin County, Roanoke Gas

and MVP, It is clear that you have shown partiality to the proposed MVP. The first communication in the FOIA documents from MVP was dated September 11, 2014 – a letter from Joseph Dawley of EQT Corporation sharing about the proposed project and that a route has not yet been determined. At the public BOS meeting on September 16, 2014 (and I quote from the meeting minutes):

“Mr. Huff stated the proposed pipeline will commence in northern West Virginia and end at an existing natural gas pipeline facility in Pittsylvania County, Virginia. As this project is in the very early stages of development, the exact route of the proposed pipeline in Virginia is not yet determined.”

There was no further record of discussion about the proposed MVP at this September meeting.

And that is why the next communication is puzzling to me as well as many of us citizens. In an email dated September 22, 2014, Mr. Rick Huff wrote to John D’Orazio of Roanoke Gas:

“As much as you have worked to try to justify natural gas to Franklin County, I thought I would run another question by you **at the request of my Board of Supervisors**. The Mountain Valley Pipeline folks, as I am sure you are aware, are still looking for a route from West Virginia to Pittsylvania County that could include a path through Franklin County. While they have not established the route yet, I have been asked to seek your thoughts on whether such a line can economically be tapped in order to serve Franklin County any cheaper than coming from your existing infrastructure in Clearbrook that we have discussed before? I am certain that tapping a transmission line would bring another set of complexities even if it were relatively close to Rocky Mount, but didn’t know if you had any thoughts I could share with my Board as to any potential benefit of the line?”

Less than two weeks later, an email was sent from Mr. Rick Huff to the Board of Supervisors stating that MVP plans to announce a “revised” route on Tuesday, October 7th. And I quote from the email:

“This route stays out of Floyd County and comes through Franklin County north of Rocky Mount and crosses Rt. 220 about Dudley Truckstop/Midpoint Chevrolet. It then crosses Rt. 220 and stays in the AEP ROW for the most part until it gets to the Pittsylvania County line.”

And only eleven days prior, an email was sent (as requested by the BOS) inquiring about how such a line could serve Franklin County. That just doesn’t sound like **neutral** position.

Next on our neutral navigation is a presentation given by Chris Sherman of Next Era Energy at an evening meeting on October 21st. Following this, an email was sent on November 13, 2014, to Chris Sherman by Rick Huff who mentioned an **internal** meeting as well as the

public meeting. SLIDE 8 The subject line paints a vibrant color of partiality; the county seems to be actively courting MVP: "Taps on Gas Line" it reads and Huff is clear to state:

"...the ability of the County to "tap" the line has been confirmed. We are in a position to understand more formally how we can be reassured of that and to clarify how many locations will be "tapped"...Franklin County would like to be advised what entity has the legal authority to "guarantee" the taps as soon as possible in our discussions and we are interested in 4-5 taps along the line for future distribution possibilities. We'd like to be assured that this is in keeping with earlier commitments given to the county..."

The communications continue as a December 16th letter from Maurice Royster of Mountain Valley Pipeline thanks Mr. Huff stating:

"Thank you for meeting with Mountain Valley Pipeline ("MVP") project representatives, including Shawn Posey, Joe Dawley and me December 3rd. We appreciated the opportunity to discuss the commercial gas usage potential that the pipeline offers the county and how MVP can facilitate the process."

The letter continues to elaborate regarding the proposed pipeline's "open accessibility"

"Of course the ability to ship or receive natural gas is contingent on the economic viability of the need of service. As we discussed, it will be necessary for MVP to work with a local distribution company ("LDC"), such as Roanoke Gas..."

As I researched and read through the purchased FOIA documents from Franklin County, the dialogue between MVP, Roanoke Gas and Franklin County became more and more friendly and relational. Throughout the business verbiage and cozy language, there are multiple citizen letters sharing their sincere concern about the proposed pipeline. Not one response to a citizen was included in the filing. Yet, there were many replies to the corporate big wigs of MVP, EQT and Roanoke Gas.

The picture is crystal clear; there is no evidence of a *neutral* governing body in Franklin County when it comes to the proposed Mountain Valley Pipeline. But in fact, the wooing of MVP has turned into a love triangle and the citizens have been left to their own devices.

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May 17, 2016

Cline Brubaker, Chairman
Franklin County Board of Supervisors
1255 Franklin Street
Rocky Mount, VA 24151

Dear Mr. Brubaker and members of the Board:

I write on behalf of the Blue Ridge Environmental Defense League and its members in Franklin County and throughout Virginia to share with you our findings based on our public information request. Based on our analysis, we believe that nothing short of a full disclosure by Franklin County will be sufficient to regain public trust in light of the negotiations it held with representatives of EQT Corporation, NextEra US Gas Assets LLC and Mountain Valley Pipeline, LLC during the last quarter of 2014, soon after the announcement by EQT and NextEra of their open season for the Mountain Valley Pipeline project.

As you know, on behalf of our chapter Preserve Franklin we filed a request for public records from Franklin County on August 26, 2015. Based on the documents provided in response to our request, it appears that, despite credible, vocal and sustained opposition by local residents, Franklin County has been actively courting natural gas providers, seeking access to the proposed Mountain Valley Pipeline and affecting its proposed route.

First, in a letter dated September 11, 2014 from EQT's Joseph Dawley to Franklin County Manager Richard E. Huff, Dawley stated, "We look forward to the start of a long and productive relationship with Franklin County."¹

Next, on September 22, 2014, Huff requested information from John D'Orazio of Roanoke Gas, seeking construction cost comparison data for obtaining natural gas from Roanoke Gas's Clearbrook and the proposed interstate Mountain Valley Pipeline. Mr. Huff wrote:

As much as you have worked to try to justify natural gas to Franklin County, I thought I would run another question by you at the request of my Board of Supervisors. The Mountain Valley Pipeline folks...are still looking for a route from West Virginia to Pittsylvania County that could include a path through Franklin County. While they have not established the route yet, I have been asked to seek your thoughts on whether such a line can economically be tapped in order to serve Franklin County any cheaper than coming from your existing infrastructure in Clearbrook that we have discussed before.² [emphasis added]

¹ FOIA file: Franklin Ltr 09.11.14Huff

² FOIA file: BOS_MVPTapCost_Files.pdf page 4

In this communication we see that very early in the pipeline company's decision-making process the Franklin Board of Supervisors was actively seeking to bring natural gas to the county on a route provided by the Mountain Valley Pipeline. The cost figures bear this out in the differential between various options. Cost data provided by Roanoke Gas engineer Paul Schneider to Michael Burnett, Director of Franklin County's Office of Economic Development, show the following:³

	Northern Site	Central Site	Southern Site
From Clearbrook	\$13,876,197	\$28,046,925	\$32,864,973
From MVP Station	\$ 5,627,824	\$13,192,295	\$16,363,318
With MVP Onsite	\$ 2,693,918		

According to this data provided an engineer at Roanoke Gas, the construction costs to a "Northern Site" from an MVP Station would be 60% cheaper than from Clearbrook, and cheaper still, by 80%, with a site on the MVP route. The Central and Southern sites bear similar findings favoring MVP.

Therefore, with the cost figures provided to Franklin County at its request by Roanoke Gas, Franklin County was engaging and encouraging the Mountain Valley Pipeline.

Second, on October 3, 2014, Mr. Huff shared with the Board of Supervisors a Mountain Valley Pipeline map, indicating an alteration of the route. Subsequently, on November 13, 2014, Huff wrote to NextEra's Christopher Sherman seeking to secure access to the proposed Mountain Valley Pipeline. Huff wrote:

Franklin County would like to be advised what entity has the legal authority to "guarantee" the taps as soon as possible in our discussions and we are interested in 4–5 taps along the line for future distribution possibilities. We'd like to be assured that this is in keeping with earlier commitments given to the county.⁴
[emphasis added]

The negotiation between Franklin County and MVP continued. On December 16, 2014, Mountain Valley Pipeline representative Maurice Royster wrote to Mr. Huff saying,

Thank you for meeting with Mountain Valley Pipeline ("MVP") project representatives, including Shawn Posey, Joe Dawley and me December 3rd. We appreciated the opportunity to discuss the commercial gas usage potential that the pipeline offers the county and how MVP can facilitate the process.⁵

In his letter, Royster further explained to County Administrator Huff the details of an agreement requiring a local provider—a local distribution company such as Roanoke Gas; further, that "MVP will commit to construct local taps along the pipeline route in Franklin County..."

³ FOIA file: BOS_MVPTapCost_Files.pdf page 1

⁴ FOIA file BOS_MVPTapCost_Files.pdf page 2

⁵ FOIA file: Franklin County Letter 12.16.14_Royster

In light of the information obtained by our public information request, it is clear that during a three month period in 2014 Franklin County was involved in extended, specific negotiations with natural gas pipeline officials from Roanoke Gas, EQT and NextEra. Indeed, during that time the start of a long and productive relationship with Franklin County had begun, but it was done out of public view.

In conclusion, we ask that Franklin County commit to full disclosure of its negotiations with natural gas pipeline representatives. Further, we ask that the Board of Supervisors reassess its tacit support of the Mountain Valley Pipeline and realign its goal to the development of safe, clean alternatives to natural gas, a fossil fuel obtained by hydrofracking with devastating consequences to public health.

Respectfully,

A handwritten signature in black ink, appearing to read "Louis A. Zeller", followed by a horizontal line.

Louis A. Zeller
Executive Director

CC: Leland Mitchell
Ronnie Thompson
Charles Wagner
Tommy Cundiff
Tim Tatum
Bob Camicia



625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
mountainvalleypipeline@eqt.com

September 11, 2014

Mr. Richard E. Huff, II
Franklin County Administrator
1255 Franklin Street, Suite 112
Rocky Mount, VA 24151

Dear Mr. Huff,

On September 2, 2014, EQT Corporation and NextEra Energy, through a joint venture partnership, Mountain Valley Pipeline, LLC, announced the proposed construction of a 300-mile pipeline to transport natural gas from the Marcellus and Utica shale deposits. The pipeline will provide reliable, clean, and low-cost energy for thousands of homes and businesses. This letter and initial outreach information is on behalf of Mountain Valley Pipeline, LLC.

As proposed, the Mountain Valley Pipeline (MVP) will commence in northern West Virginia and end at an existing natural gas pipeline facility in Pittsylvania County, Virginia. As this project is in the very early stages of development, the exact route of the proposed pipeline in Virginia is not yet determined. Part of the development process includes gathering information that will help us to address potential constructability issues, as well as minimize surface disturbance.

Despite the uncertainty as to the exact route, there are required steps that MVP must take to prepare for the possibility of a partial routing through Franklin County. This includes obtaining permission to access landowner property and then gathering the data necessary to conduct engineering and environmental surveys. At this point we are only seeking to obtain permission to access property. We have not yet begun to perform on-site survey work and will not do so until we have obtained landowner permission.

Until the route is finalized, it is important that we move forward with obtaining landowner permission to conduct the surveys. In the end, we may have landowner permissions for parcels that are not on the final route, but that is the nature of the pipeline planning process.

Mountain Valley Pipeline, LLC expects to move carefully and deliberately in selecting a route. We can assure you that our priority is to design a final route that will utilize as many existing gas and electric transmission corridors as possible, avoid sensitive or protected areas when feasible, and limit surface disturbance to minimize the overall environmental footprint of the project.

We can anticipate that the Board of Supervisors and citizens of Franklin County are anxious to learn more about MVP's plans, and we will work with you to schedule a date for a community meeting when more definitive details are available.

EQT and NextEra take pride in being a good partner and citizen in the communities in which we operate – and you can expect the same from Mountain Valley Pipeline, LLC. We look forward to the start of a long and productive relationship with Franklin County.

On behalf of Mountain Valley Pipeline, LLC,

A handwritten signature in blue ink, appearing to read "Joe Dawley".

Joseph Dawley
Corporate Director, Government Affairs
EQT Corporation

Burnette, Michael

From: Huff, Rick
Sent: Monday, September 22, 2014 3:03 PM
To: John S. D'Orazio (John_DOrazio@RoanokeGas.com)
Subject: Franklin County Natural Gas

John:

As much as you have worked to try to justify natural gas to Franklin County, I thought I would run another question by you at the request of my Board of Supervisors. The Mountain Valley Pipeline folks, as I am sure you are aware, are still looking for a route from West Virginia to Pittsylvania County that could include a path through Franklin County. While they have not established the route yet, I have been asked to seek your thoughts on whether such a line can economically be tapped in order to serve Franklin County any cheaper than coming from your existing infrastructure in Clearbrook that we have discussed before? I am certain that tapping a transmission line would bring another set of complexities even if it were relatively close to Rocky Mount, but didn't know if you had any thoughts I could share with my Board as to any potential benefit of the line?

Thanks!

Rick



Burnette, Michael

From: Huff, Rick
Sent: Friday, October 03, 2014 4:29 PM
To: Camicia, Bob; Wagner, Charles - External; Brubaker, Cline; Cundiff, David; Cundiff, David; Thompson, Ronnie; Thompson, Bobby; Mitchell, Leland
Cc: Burnette, Michael; Whitlow, Christopher; Holthouser, Neil; Smith, Don
Subject: Mountain Valley Pipeline
Attachments: MVP Proposed Route Franklin (October 2014).pdf

I had sent an update in the Friday packet on the gas pipeline and then received a phone call late this afternoon that they are going to release a revised route on Tuesday. I have attached a map that they are going to make public on Tuesday and they have asked that we not forward it or release it until after they go public. This route stays out of Floyd County and comes through Franklin County north of Rocky Mount and crosses Rt. 220 about Dudley Truckstop/Midpoint Chevrolet. It then crosses Rt 220 and stays in the AEP ROW for the most part until it gets to the Pittsylvania County line. I will forward more info as I receive it.

Thanks!
Rick



Burnette, Michael

From: Huff, Rick
Sent: Thursday, November 13, 2014 3:33 PM
To: Christopher.Sherman@nexteraenergy.com
Cc: Rob Shinn
Subject: Taps on Gas Line

Mr. Sherman:

At our internal meeting as well as the public presentation you did for the Franklin County Board of Supervisors, the ability of the County to “tap” the line has been confirmed. We are in a position to understand more formally how we can be reassured of that and to clarify how many locations will be “tapped” enabling us to work with a distribution entity to provide gas service to our businesses and residents if the line gets built.

Franklin County would like to be advised what entity has the legal authority to “guarantee” the taps as soon as possible in our discussions and we are interested in 4-5 taps along the line for future distribution possibilities. We’d like to be assured that this is in keeping with earlier commitments given to the county.

Lastly, I have been asked to confirm whether there are any “compressor stations” or “booster stations” contemplated in Franklin County? If so, where and what acreage such a facility would require?

Thank You!



Richard E. Huff, II
Franklin County Administrator
540.483.3030

Just wanted to say thank you for this! It is exactly what I needed.

Michael Burnette
Director
Office of Economic Development
County of Franklin, Virginia
1255 Franklin Street
Rocky Mount, Virginia 24151
540.483.3030 (office)
www.franklincountyva.gov

From: Schneider, Paul [mailto:Paul_Schneider@RoanokeGas.com]
Sent: Wednesday, January 14, 2015 2:19 PM
To: Burnette, Michael
Subject: Franklin County Business Park Estimate

Mike,

Below is a table with the cost estimates you requested. These figures are ballpark estimates using our standard construction formulas. We are unable to provide Aid-to-Construction costs until the route has been surveyed, and we have an estimate for the gas consumption. Please let me know if you have any questions or would like any additional information.

	Northern Site	Central Site	Southern Site
From Clearbrook	\$ 13,876,197	\$ 28,046,925	\$ 32,864,973
From MVP Station	\$ 5,627,824	\$ 13,192,295	\$ 16,363,318
With MVP Onsite	\$ 2,693,918		

Paul Schneider
Engineer, PE
Roanoke Gas Co.
Office: 540-777-3993

From: Burnette, Michael [<mailto:Michael.Burnette@franklincountyva.gov>]
Sent: Wednesday, January 07, 2015 4:00 PM
To: Schneider, Paul
Subject: Estimates request

Paul –

Thanks SO MUCH for your willingness to help me on this project. As we discussed, we are looking at three sites for a potential new business park here in Franklin County. As we narrow down our decision, the total cost of the project (land, water, sewer, and natural gas) is going to be a determining factor. I am looking for six data points related to these properties and natural gas. For each of the three sites, I need to get a ballpark estimate of the cost to get natural gas service to the properties. We would need one set of estimates for no new pipeline coming through and just doing an extension from Clearbrook. We would also need a set of estimates for extending service to the sites if the pipeline comes in and a tap is set where we discussed just north of Rocky Mount. (The northern most site is proposed to have the pipeline running through it so it would probably be worthwhile to run the numbers in that scenario for an extension from the discussed tap point and for the placement of a second tap to be placed on the target property. I am not sure which would be cheaper). As I said, we are not looking for anything precise but are looking for estimates that will allow us to evaluate the properties against each other. We would only need the construction estimates as I figure operations costs would be similar no matter which of the three we pick. We are looking to discuss this at the Board's January 20th meeting so any info you could provide would be greatly, greatly appreciated. Thanks!!!

Mike



625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

Mr. Rick Huff
County Administrator
Franklin County

December 16, 2014

Dear Mr. Huff:

Thank you for meeting with Mountain Valley Pipeline ("MVP") project representatives, including Shawn Posey, Joe Dawley and me December 3rd. We appreciated the opportunity to discuss the commercial gas usage potential that the pipeline offers the county and how MVP can facilitate the process.

As we discussed, MVP is an interstate "*open access*" transmission pipeline, which means that parties seeking to ship and receive gas have a right to access the pipeline. Of course the ability to ship or receive natural gas is contingent on the economic viability of the need of service. As we discussed, it will be necessary for MVP to work with a local distribution company ("LDC"), such as Roanoke Gas, that has the legal authority from the Virginia State Corporation Commission to provide gas service to communities along the route.

MVP wants nothing more than to have Franklin County businesses and communities gain access to natural gas from our proposed pipeline through the LDC's. MVP's commercial department has contacted the local LDC to identify opportunities along the line.

With regard to specific questions pertaining to the installation of local taps with Franklin County, MVP is prepared to commit to the following:


Local Service: MVP will commit to work with any potential end-users in the County, along with the LDC's, to identify opportunities for gas usage within the County. Any agreements for service from MVP will be with the LDC and be consistent with federal and state legal requirements. The LDC will provide service to the end users pursuant to contracts between LDC's and end users.

Local Taps: MVP will commit to construct local taps along the pipeline route in Franklin County upon the execution of contracts between MVP and the LDC to provide service to end users in the County. This includes the construction of taps based on agreements entered into prior to the construction of the pipeline or after the pipeline is in operation. For pipeline safety considerations, it is not prudent to install taps at locations prior to agreements being in place. Unused taps are referred to as "dead legs" by the United States Department of Transportation's Pipeline and Hazardous Material Safety Administration ("PHMSA"). According to PHMSA, liquids and solids collect in dead legs and promote internal corrosion.

It is also not prudent to pre-install taps, prior to agreements being in place, because the location of the customers and size of the connection needed to serve the customers have not yet been established.

We look forward to continuing to work with you and other County officials and provide you the information you need to be well informed.

With best regards,



Maurice Royster