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**ORIGINAL**

October 26, 2006

**Magalie R. Salas, Secretary**  
**Federal Energy Regulatory Commission**  
**888 First Street, NE**  
**Washington, DC 20426**

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FEDERAL ENERGY  
REGULATORY COMMISSION

Ref: Downeast LNG (Docket PF06-13-000)

Dear Ms. Salas:

I am writing regarding *Monthly Pre-Filing Status Report No. 9* submitted by King & Spalding, LLC, attorneys for Downeast LNG, Inc. Having reviewed this document, it is incomplete, and I believe, intentionally misleading.

The report covers the period from September 25 to October 24, 2006. During this reporting period (on September 26, 2006), Mr. Dean Girdis was apparently in Ottawa, Canada, in the words of Canada's Prime Minister Stephen Harper, "lobbying" presumably on behalf of his LNG project. Mr. Girdis' activities resulted in the following statement by Prime Minister Harper when he was queried before Parliament about the proposed LNG projects in the Passamaquoddy Bay region:

*"Mr. Speaker, I gather there are some representatives of the project lobbying around the Hill today, so let me be absolutely clear. This government believes that the waters of Passamaquoddy Bay are Canadian waters. We have defended that position for a long time. We oppose the passage of LNG tanker traffic through Head Harbour and we will continue to do so."* (The 39th Parliament, 1st Session, Edited Hansard, Sept. 26, 2006).

Failure to report both his activities, and the results of those activities, is not a benign omission. It can only be seen as an attempt to provide incomplete and misleading reports containing only information that that Mr. Girdis and his attorneys believe will enhance their image and application. Are we (and FERC) to believe that while reporting the details of raffle prizes at a picnic in the Town of Robbinston is worthy of inclusion in the referenced Status Report (page 6), that Mr. Girdis' efforts to lobby a foreign government and the resulting harsh, public, and documented rebuke by a foreign Head of State are simply not important enough to even mention?

I respectfully make the following requests:

1. FERC should compel Downeast LNG and their attorneys to provide amended Status Reports that reflect *all* relevant activities. To do otherwise leaves FERC without important data upon which to base decisions. At minimum, FERC should consider a history of deceptive reporting in its deliberation process. Providing incomplete and misleading reports to a Federal regulatory agency in the pre-

application phase does not bode well for personal and corporate integrity in the unfortunate event that the application moves to future phases.

2. If not already doing so, FERC should initiate consultations with appropriate components of the U.S. Department of State. It is clear that even the application process, let alone FERC's ultimate decisions with respect to the proposals in the Passamaquoddy Bay region, have significant foreign policy implications. As even a cursory reading of the record will clearly indicate, the application process itself has created international tension. These tensions threaten to escalate into increasingly adversarial and polarizing political and legal rhetoric and actions. In my opinion, in the context of world events, this is certainly not the time for the U.S., and/or U.S. companies, to be antagonizing more nations...especially a neighbor and longtime ally.

Thanks you for your consideration of these observations and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Flynn". The signature is fluid and cursive, with a prominent flourish at the end.

Brian W. Flynn, Ed.D.