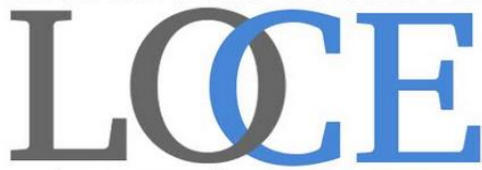


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September 15, 2016

BY ELECTRONIC FILING AND HAND DELIVERY

Marc Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
333 Constitution Avenue NW
Washington D.C. 20001

Re: *City of Boston v. Federal Energy Regulatory Commission*,
Docket No. 16-1081
Consolidated with Docket Nos. 16-1098 and 16-1103

Dear Mr. Langer,

Pursuant to Fed. R. App. P. 28(j), Petitioners¹ submit the Federal Energy Regulatory Commission's (the "Commission") *Handbook for Using Third-Party Contractors to Prepare Environmental Documents*, as revised on August 18, 2016 (the "Revised Handbook"). The revisions took place *after* Petitioners filed their initial opening brief. Petitioners relied on an earlier version, published in December 2014 (the "2014 Handbook"), to support their argument on page 68 of their brief that the Commission

¹ This letter is filed on behalf of those parties who filed the joint petition for review, docketed as *Riverkeeper, et al. v. FERC*, Docket No. 16-1103, and consolidated with the instant case.

improperly relied on an environmental impact statement (the “EIS”) for Spectra Energy's Algonquin Incremental Markets project (the “AIM Project”) prepared by a third-party contractor with a conflict of interest.

The 2014 Handbook, originally available at <http://www.ferc.gov/industries/hydropower/enviro/tpc/tpc-handbook.pdf>, has been replaced by the Revised Handbook and moved to <http://www.ferc.gov/industries/hydropower/gen-info/handbooks/tpc-handbook.pdf>.

Petitioners bring this supplemental development to this Court’s attention for the following reasons. First, as a result of the Commission’s extensive changes to the Revised Handbook, Petitioners’ original citations no longer correspond to the relevant text. A redlined comparison of the two documents accompanies this letter to demonstrate the extent of the changes. Second, as the comparison shows, the Commission's modifications increased both the stringency of its conflicts review and the transparency of the third-party contractor process mid-way through this case, where Petitioners have contended that a conflict of interest by the third party contractor resulted in a flawed EIS.

The Revised Handbook was not in place when the challenged actions by the Commission and the third-party contractor took place. Thus, the Petitioners’ papers properly reflect the requirements of the 2014 Handbook that applied during the EIS process for the AIM Project and the EA process for the related Spectra Energy Atlantic Bridge Project.

Respectfully submitted,



Carolyn Elefant

Enclosures

CC: All Counsel (via ECF)