

## ETHNOGRAPHIC FIELD RESEARCH

MAY 17, 2018. 9:00-10:00

DR. SIMONA PERRY: Hi, this is Simona Perry. I'm the Ogeechee Riverkeeper in Savannah, Georgia. I'm also on the board of the Pipeline Safety Coalition. I want to thank you all for the opportunity to present this evidence from my own experience as an ethnographic field researcher today.

And in addition I presented the judges with a set of documents entitled PPT Evidence and Source File. It includes background documents related to the research I'll summarize here today, independent testimony from public source being (indiscernible) violation, 38 white institutional reports on the various issues being addressed in this Tribunal, 19 legal case documents and 29 peer reviewed published articles from anthropologists, sociologists, political scientists and human rights scholars.

I've also presented a series of spread sheets that could serve to guide investigators and judges to uncover more evidence of the widespread disregard for human rights by governments and private entities seeking to exploit oil and gas resources and carry them to market.

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1 I'm happy to answer any questions about any of  
2 this material and I encourage the judges and legal  
3 experts to take a closer look at all of this evidence.

4 I want to start with a brief interview that  
5 was done from Pennsylvania. And it's pretty much self-  
6 explanatory.

7 [Music and text presentation].

8 In 2013 residents of Delaware and Chester  
9 counties in suburban Pennsylvania learned that  
10 Sunoco Logistics intended to dig a natural gas  
11 liquids pipeline through their communities. Sunoco  
12 called the project Mariner East. The more  
13 residents learned, the more alarmed they became.  
14 It wasn't just that this particular pipeline would  
15 be uniquely dangerous. It was that they saw their  
16 safety, property values, constitutional rights,  
17 local ordinances, even their own elected officials  
18 subverted by a corporation cloaking itself in the  
19 guise of a public utility which had nothing to do  
20 with the public good. They decided to fight.

21 These are their stories

22 [Conclusion of music and text presentation]

23 MS. MELISSA HAINES: We moved to Aston in  
24 2011 because it was a nice neighborhood and close by  
25 media and it doesn't have the same housing prices as it  
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1 does there.

2 I've been a paralegal for 12 years. Most of  
3 that time I spent doing workers' compensation claimant  
4 work. So helping people with their every day lives and  
5 their claims on a daily basis. I liked that work  
6 because it's emotionally rewarding. It's nice to be  
7 able to help people.

8 I found out about the Mariner East pipeline  
9 via Facebook. One day I was on one of the local pages  
10 and saw some posts from Middletown Coalition about it  
11 and so I joined the group, started to pay more attention  
12 to what was going on. I'm on Facebook like everybody  
13 else is.

14 Once I saw a map from Middletown Coalition I  
15 realized that it was coming through Aston and I found  
16 that to be really concerning because it's only half a  
17 mile from my house.

18 The major thing that I found concerning was  
19 the safety of my son. Being in such close proximity to  
20 a pipeline of that nature that has odorless, colorless,  
21 high pressured contents in it was really concerning. I  
22 mean even if there's not an immediate ignition scenario  
23 I mean that's gotten asphyxiation risk. We travel  
24 across Dutton Hill Road every day.

25 You live. You live in our community but it  
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1 took awhile, I think, for me to fully understand the  
2 gravity of the situation. And once I was aware of it I  
3 went to a Middlentown meeting, one of the coalition  
4 meetings.

5 It's been really difficult being the only  
6 person, it felt like for a long time, in Aston that like  
7 either knew or was concerned at all. I felt like I was  
8 the only voice in Aston for a long time. Nobody here  
9 was really talking about it at all.

10 I made several inquiries for information about  
11 the pipeline from probably every commissioner in the  
12 township where there was seven. Nobody responded to the  
13 questions that I had.

14 I wanted to know when there had been public  
15 comment before the township sold the easement to Sunoco.  
16 I wanted to know how much money they received. I  
17 wanted to know what they did with that money.

18 I also wanted to know if they received any  
19 safety information from Sunoco. Like if they'd had any  
20 idea what was even in the pipeline that they sold an  
21 easement for.

22 After several weeks of no replies I filed a  
23 Right To Know Request. A Right To Know Request is a  
24 Pennsylvania equivalent of the federal Freedom of  
25 Information Act. You can file a request for certain  
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1 documents with local municipalities with the state  
2 government entities and things like that.

3 In my Right To Know request I asked for any  
4 and all documents concerning the sale of the easement,  
5 including written correspondence concerning  
6 negotiations.

7 I asked for information about how much money  
8 was received, what the township did with the money that  
9 they received and also any safety related information  
10 that they received from Sunoco. I filed that request on  
11 February 13th, 2017.

12 I received a timely response within five days  
13 requesting a 30-day extension that cited legal review as  
14 the cause. And they're within their rights to do that.

15 After I received the request for the extension  
16 I never heard from them again. They let their 30-days  
17 expire and when that happens your request is considered  
18 denied.

19 At which point I filed an appeal to the state  
20 office of Open Records who issued me a final  
21 determination on May 1st granting my request for the  
22 records. I have not gotten my information.

23 The township ignored, basically, the judicial  
24 order from the state to turn over the records. So the  
25 only recourse, at that point, is to file a lawsuit in  
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1 the Court of Common Pleas to enforce. The final  
2 determination is basically like filing for a contempt.  
3 I definitely intend to file.

4 I think the township has ignored my Right To  
5 Know request because there are certain conflicts of  
6 interests amongst the elected officials there.

7 One of the commissioner's is a Sunoco retiree.  
8 Another of the commissioner's is the uncle of one of the  
9 Sunoco spokesman. The solicitor for the township works  
10 at a firm that's represented Sunoco and yet she gets to  
11 do legal review of residents Right To Know request when  
12 they concern a different client of her's. I mean to me  
13 those are conflicts of interest.

14 My legal experience was useful in the progress  
15 but when you get to the point where you have to file in  
16 the Court of Common Pleas that's a little above my pay  
17 grade, especially where it concerns municipal law.

18 It's cost prohibitive to the average person,  
19 you know. I was fortunate enough to find an organization  
20 who is going to represent me, Penn Future. If it wasn't  
21 for them I don't know how I would be able to do it.

22 I don't know that we'll be able to stop it.  
23 I'd like to.

24 One of the other things that is important to  
25 me as far as Mariner goes, and not necessarily Mariner  
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1 2, is the proximity of Mariner 1 to Pennell. Once I  
2 became aware of Mariner 2 it naturally led me to find  
3 out about Mariner 1 which has already then operational  
4 in Aston for two years.

5 Mariner 1 runs down Route 452 in Aston which  
6 is a pretty heavily travelled road and it's also 400  
7 feet from Pennell Elementary School where my son is  
8 supposed to go to kindergarten next year.

9 Mariner 1 has also had three leaks in the last  
10 year. School is not ready, not ready at all.

11 [Music].

12 DR. SIMONA PERRY: So that's just one  
13 example of thousands of people across Pennsylvania and  
14 across the country and the United States being impacted  
15 by pipeline infrastructure directly related to the  
16 Marcellus shale and unconventional fracking activities.

17 One of the things that I wanted to really  
18 point out in this brief presentation is that the lack of  
19 trust that residents have is obvious. And it's because  
20 of the lack of information that is available to them and  
21 also the lies that they've been told about the safety of  
22 this type of activity.

23 And the industry is well aware of this lack of  
24 trust. In 2012 they commissioned a report by a firm, a  
25 consulting firm called Control Risk entitled The Global  
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1 Anti-Fracking Movement. What it wants, how it operates  
2 and what's next.

3 And in that report they found that the global  
4 opposition to fracking was really the primary threat to  
5 shale gas development and therein lies all the political  
6 and security risks. And basically their outcome was  
7 that the industry needed to do more to create more  
8 winners.

9 By creating more winners what they meant was  
10 creating benefits from developments that are tangible.  
11 And they said, you know, had to do with well-paying jobs  
12 that were there for two or three years of drilling or  
13 more.

14 Their concepts of winning really had nothing  
15 to do with equitable, fair or just voice in the process  
16 of fracking or outcome. Certainly it did not have  
17 anything to do with human rights of the local  
18 communities.

19 Across North America we've seen this. I just  
20 wanted to highlight one particular thing that happened  
21 around 2013, October, the First Nations Community for  
22 the Elisipogtog in New Brunswick there were protests.  
23 They blocked the road to a Southwest Energy site. They  
24 claimed that site was on illegally taken indigenous  
25 land.



1           They were told by the government to leave.  
2 They refused. There were at least 40 people who were  
3 arrested. There were molotov cocktails thrown. There  
4 was tear gas and rubber bullets that were used on the  
5 blockaders.

6           So the industry in the US and North America  
7 refuses to be transparent. They've refused to allow  
8 community concerns to be aired and they think that  
9 public relations and community outreach stunts will  
10 work. And this is another example of that that I wanted  
11 to share with you.

12           During and after an accident at a Chevron  
13 Appalachia well site in southwestern Pennsylvania in  
14 February of 2014 where one worker lost his life and one  
15 was critically injured Chevron's response to the local  
16 community was to mail out gift certificates to a local  
17 pizza parlor.

18           And this was construed by the local people  
19 living there really as an front, as an act of disregard  
20 to their lives, and really a lack of understanding the  
21 seriousness with which they took their own lives and the  
22 risks that were posed by having these developments in  
23 their backyard.

24           So the field research that I have presented to  
25 the judicial panel has been collected from over a dozen  
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1 researchers, journalists and myself since 2009 and it  
2 really focuses on how rural communities are grappling  
3 with the implications of these developments and also  
4 suburban and urban folks as you saw in that video. It's  
5 about their own words and their every day lives and  
6 their rights being violated.

7           In order to apply context that included, and  
8 I'm not probably going to talk about it in depth because  
9 I thought it was more important to hear a voice from the  
10 field itself, information about the context in which I  
11 did my own research starting in 2009 in a rural place in  
12 Pennsylvania.

13           63,000 residents live in Bradford County where  
14 I did the work. And the pace and scale of the shale gas  
15 development in this county has been off the charts. In  
16 Pennsylvania it's been incredible.

17           But in this one county in 2009 when I started  
18 my work there, there were 103 gas wells. And by June of  
19 2012, a little snapshot in time, there were 1,788 new  
20 permitted gas wells in this county. Today there are  
21 over 2000 permitted gas wells in this one county with  
22 these 63,000 souls.

23           And most of the people who live there  
24 traditionally have been dairy farmers, timber workers  
25 and some small industry.

1           The amount of water, land and other raw  
2 material that would be necessary to support this type of  
3 development, the pace of development, the type of  
4 workers necessary, the amount of money that was being  
5 offered to land owners, the amount of money being  
6 invested into this development, is really off the charts  
7 and out of scale with anything else development-wise in  
8 Pennsylvania, even though Pennsylvania already has, you  
9 know, 50,000 wells already, this unconventional fracking  
10 is a different monster.

11           So this just goes through some of the local  
12 impacts that we documented during my research in the  
13 county. It's kind of a snapshot and an example of  
14 what's happening all over rural places where this kind  
15 of development is occurring.

16           I conducted over 100 interviews and also did  
17 focus groups and really clearly I want to make the point  
18 that there is no one here who is talking about this from  
19 this project because they feel threatened. They don't  
20 feel comfortable going out and speaking any more about  
21 their concerns. And actually they've kind of given up.

22           A lot of them have done work in sharing their  
23 information with New York state and other states in the  
24 US, even internationally. But they really want to keep  
25 their identities a little more private now. They've had  
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1     retaliations from neighbors. They've had retaliations  
2     from their county government officials and they've had  
3     retaliation from the industry.

4             One of the things that leads to this is that  
5     we found more than a dozen, and we think there are  
6     probably many more in the county, were forced to sign  
7     non-disclosure agreements when they signed leases. So  
8     that led to a big silence thing.

9             So in 2013 my own field work really shifted to  
10    look more at the kind of social and environmental  
11    justice implications of what I was learning. And it  
12    became clear really that, you know, all of these central  
13    local impacts that were being documented were really all  
14    about how the local authorities and elected officials,  
15    even state agencies, were really dismissing the concerns  
16    and those impacts.

17            And in the worst cases people were being  
18    marginalized and threatened by what was happening to  
19    them. So this really is the heart of why I am here  
20    today.

21            So I started asking people what justice means  
22    to them, what rights means to them in this county, and  
23    it came across as very much an individual term, more  
24    akin to rights. And people think of it like that in  
25    this place.

1           There's a clear concept of justice in three  
2 categories, morality, revenge/vengeance and money.

3           And when it comes to morality and revenge  
4 things such as threats to properties and future  
5 generations and what that means for people's children  
6 and staying on their land, which is their investment.

7           It also goes to the characterization and  
8 labeling of land owners as extremists and activists by  
9 the actual state governments that are supposed to be  
10 regulating the industry, in a memorandum to state  
11 legislators, about particular individual land owners and  
12 it gives their addresses to the state legislators and  
13 labels them as extremists.

14           It also goes to shenanigans that have been  
15 going on in the Pennsylvania legislature trying to look  
16 at how medical gag orders if you go in for something  
17 that you think might be related to a gas industry impact  
18 the doctor is actually not allowed to share that  
19 information with other medical professionals and maybe  
20 build a case about some kind of, you know, a group of  
21 people in a certain place that might be impacted.

22           So the judges in Pennsylvania have ruled on  
23 that and they've actually come out and said that this is  
24 a threat to future generations. It's a threat rivaling  
25 the environmental effects of coal extraction.

1           And the last thing that people talked about  
2 was rights in Pennsylvania, and Bradford County in  
3 particular, was with starting to feel so frustrated that  
4 they really wanted to take justice into their own hands.

5           And what they meant by that was running as  
6 state representative and filing lawsuits. But many of  
7 them, as you heard in the video, simply cannot afford to  
8 do those kinds of things. And so then it comes down to  
9 money and the legal system itself.

10           I mentioned the non-disclosure agreements that  
11 the people sign in their leases. The governor, Tom  
12 Corbett, the previous governor, served on the Marcellus  
13 Shale Commission supposedly to take an objective view of  
14 what the impacts were on the environment, human health  
15 and communities and housing.

16           That came out and there were fees imposed and  
17 there was still no tax on the industry in Pennsylvania  
18 or other things being done. With that impact fee money  
19 none of it is going into the actual impacts being seen  
20 at the local level.

21           The other frustration people have is that  
22 there have been a lot of violations of laws. In  
23 Bradford County, for instance, it's a snapshot from 2005  
24 to 2013 there were 700 violations logged on 260 gas  
25 wells but less than 200 of those have seen enforcement  
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1 action taken.

2 And then also something really troubling to  
3 folks about, well, how do I get recognition of my  
4 problems in Pennsylvania ifr if over 285 water well  
5 complaints have been filed with the Department of  
6 Environmental Protection between 2008 and August of 2013  
7 but less than 150 have actually been investigated and  
8 there have been a determination of cause.

9 So just to go through this really quick. I  
10 think that one of the important points I want to make is  
11 people living in the shale gas fields feel there is an  
12 injustice in the development and that the individual's  
13 rights are being neglected and violated and they're not  
14 being listened to.

15 The state's governance of these activities  
16 should have taken this into account but instead they've  
17 been cast in some cases as the problem, unpatriotic and  
18 troublemakers.

19 And the justice rights are not about only the  
20 distribution of wealth or benefits, about winners and  
21 losers, it's also about how people experience and  
22 conceptualize justice in their daily lives and in terms  
23 of all those things.

24 And if you want to indulge me for two more  
25 minutes I just wanted to tell you one brief story that  
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1 is more of a personal nature, but I think it's important  
2 to the whole big picture, particularly in light of the  
3 global epidemic of truth seekers and research activists  
4 being targeted for elimination. My story is not that  
5 extreme but I think it points to a trend that way in the  
6 United States.

7           So in fall of 2012 I was invited to give a  
8 public talk about my research in Bradford County. It  
9 was given at Wilkes Barre, Pennsylvania, Wilkes  
10 University. It was focused on some of the broader  
11 questions around my work on how farmers were responding  
12 to developments, the Marcellus shale, especially their  
13 rural livelihood, their culture, community health and  
14 personal health.

15           An industry funded group called Energy  
16 Indepth, which you can look them up. They're funded by  
17 the American Petroleum Institute, the Independent  
18 Petroleum Association of America, El Paso Corporation,  
19 XTO Energy, Shell, BP, Occidental Petroleum, Anadarko,  
20 Marathon, Chevron, Encana, Talisman, Haliburton,  
21 Chumbarjae and the Ohio Oil & Gas Association. So this  
22 is a group that is funded by them.

23           They call themselves Grassroots Truth Seekers  
24 and a couple of days later a blog appeared after my talk  
25 on their web site that sought to discredit me. And  
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1 after that I was angry and after that subsided I debated  
2 with myself and I also talked to many others about how  
3 or if to respond.

4 I chose silence as my response. Nothing I  
5 could say would matter. I decided since the entire  
6 Energy Indepth operation was first designed to discredit  
7 the 2010 documentary Gasland by Josh Fox and then since  
8 then it's been used to attack study after study or  
9 anyone who asked questions about the true cost of shale  
10 gas development.

11 So in the end I concluded that this, you know,  
12 Energy Indepth campaign they're really just a bunch of  
13 corporate bullies and they're very cleverly disguised as  
14 grassroots and truth seekers and they just conduct smear  
15 campaigns on anyone they think might pose a threat to  
16 unfettered oil and gas development. So I chose to  
17 ignore the bully.

18 But despite this I've been left a little  
19 disturbed and nauseous as I watch other researchers  
20 being attacked like this. It's not about my own  
21 reputation but it's about the very real human cost being  
22 paid each day by local people and the energy being  
23 expended by these companies to shut up the truth.

24 This experience made me double-down in my  
25 efforts to do all we can to insure those whose rights  
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1 are being violated, their voices are not being heard,  
2 that they are being recognized and protected.

3           Because when it came down to it I was not all  
4 that surprised about the industry attacking me because  
5 for three years I had, and ever since then, I've  
6 witnessed the shale gas industry, their supporters in  
7 Bradford County and elsewhere across Pennsylvania,  
8 Colorado, Texas, try to publicly discredit and launch  
9 personal attacks on farmers, foresters, housewives,  
10 workers when they have concerns or simply ask questions  
11 about how shale gas development would impact their own  
12 lands, their water, their children's health, their  
13 livelihood and their communities.

14           What troubled me was the fact that these  
15 blatant disregard for the true costs the industry has on  
16 peoples lives and their children lives.

17           So my question is, and why we're just seeing  
18 this, is what will it take to stop this?

19           That's why I joined this effort with Tom and  
20 this steering committee. I hope it makes a real and a  
21 lasting difference across the world in finally bringing  
22 hope and justice to those who have been silenced for far  
23 too long.

24           Thank you.

25           DR. THOMAS KERNS: Questions?  
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1 DR. ANDRES BARREDA: There is a question  
2 from Professor Barreda. I'm going to translate his  
3 words.

4 The United States coming from the period of  
5 Cheney/Bush in the presidency there was a wide scope of  
6 oil initiatives, very aggressive, the biofuels  
7 initiative in Alberta, Canada, the tarsands initiative,  
8 the pipeline, the pipeline XL, the Gulf of Mexico  
9 accidents that are linked to Halliburton, so these  
10 aggressions linked to fracking belong to a big movement  
11 of energy crisis in the United States of loss of control  
12 of hydrocarbons in the world, unfortunately. I started  
13 only yesterday to take part as a judge and my question  
14 is if, through this time, that there have been sessions  
15 based on contextualization of the problem has been  
16 made?

17 Of course, there is the coal exploitation in  
18 the Appalachia that was mentioned yesterday and we will  
19 have to add to these the traditional pollution from oil  
20 extraction and petrochemical pollution in the southeast  
21 of the United States.

22 DR. THOMAS KERNS: You're on mute Simona.

23 DR. SIMONA PERRY: I think it froze when  
24 the question was asked. I don't know if I got the gist  
25 of the question.

1           In terms of the context of this related to the  
2 cumulative nature of what's happening that's all I got  
3 from it. So there was a freeze frame.

4           DR. ANDRES BARREDA: The question is if,  
5 on the part of the petitioners, this general context has  
6 been --

7           DR. SIMONA PERRY: It froze again.

8           DR. ANDRES BARREDA: The question is on  
9 the part of the petitioners this general context has  
10 been put forward in the course of these sessions.

11           DR. SIMONA PERRY: Oh. Is that a question  
12 for the larger Tribunal?

13           Because I'm only a little piece of it and I  
14 have not been able to the participate in the other  
15 sessions either. I've watched them, yes.

16           I believe that as part of the steering  
17 committee for this, you know, one of the ideas is to  
18 bring all of these divergent voices together in one  
19 place.

20           And they're not divergent in the sense of what  
21 they're struggling with. That's the commonality. And I  
22 think by highlighting the commonalities of our struggles  
23 and those of us who are kind of documenting those  
24 struggles maybe we'll have a portfolio of cases and  
25 evidence that we can sort through and look at specific  
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1 ways to solve this crisis. At least to bring solace and  
2 justice to the folks whose rights have been violated in  
3 various ways.

4 I mean you can talk about workers rights here,  
5 which we don't but we should, in terms of their --  
6 talking about the Gulf coast people working on rigs,  
7 offshore rigs, you know, where is their voice?

8 So there's lots of different pieces of this.  
9 And I think you're trying to ask how it's all going to  
10 be put together? Is that correct or am I missing  
11 something?

12 DR. THOMAS KERNS: And if that is the  
13 question, how does it all fit together, particularly in  
14 the US, we have not looked at the whole big oil and gas  
15 fossil fuel, including coal, context and sort of framed  
16 it altogether yet. But in this afternoon's session with  
17 the attorneys and the judges that would be a rich issue  
18 to bring up.

19 And I hope you expect to be there this  
20 afternoon so that you could raise that question  
21 personally. Thank you for asking.

22 DR. SIMONA PERRY: It's an important  
23 question.

24 MR. GILL BOEHRINGER: Could I ask? It's  
25 Gill Boehringer here.

1           You said there was seven commissioners and you  
2 mentioned that three of them, two perhaps indirectly and  
3 one directly, had conflicts of interest. That's a  
4 minority. What about the other four?

5           Well, I should ask, are those three the  
6 dominant ones on the commission? Do the other four  
7 just go along with it?

8           DR. SIMONA PERRY: I'm not sure what  
9 exactly was the experience of the woman who was  
10 interviewed in southeast Pennsylvania but it's a great  
11 question because that is one of the issues IN that all  
12 of these small townships are different.

13           And so it's been my observation that the  
14 industry, in Pennsylvania in particular, has taken  
15 advantage of that in that they leverage within the  
16 commission decision-making authority at the county  
17 level.

18           They try to get influence, and we've  
19 documented this, I've documented this in Bradford  
20 County, by either placing people who have worked for the  
21 industry in a position where they have specific direct  
22 line to a decision-maker or they hire away county  
23 officials, county staff I should say, to work for the  
24 industry so now there's this kind of a connection now  
25 between the county operating and the industry operating.  
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1 .

2 We also have seen where they will actually cut  
3 sweet deals with county commissioners and township  
4 supervisors on leases on their property to do  
5 right-of-ways. So there's a money thing involved with  
6 that as well.

7 But it varies across the country and it varies  
8 across each state in the United States about how those  
9 local levers of power are being played by the industry.  
10 And myself and several other sociologists, ethnographers  
11 and political scientists have been looking at that.

12 We don't have answers about it at all except  
13 that we know it's pervasive in the sense that the  
14 industry uses that to manipulate government  
15 decision-making at the local level in particular.

16 At the state level it's more about lobbying, a  
17 high powered lobbyist and influence in that way.

18 MR. GILL BOEHRINGER: Thanks. I'm  
19 particularly interested because I was born and raised in  
20 Delaware County.

21 DR. SIMONA PERRY: There you go.

22 MR. GILL BOEHRINGER: I know something  
23 about local politics there.

24 DR. SIMONA PERRY: Right. I encourage  
25 you to take a look at all of those interviews. They are  
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1 on the Mariner East web site that they put together.  
2 They're excellent interviews on all different topics. I  
3 think there're about 30 there.

4 And if you would love for -- if you have a  
5 chance to take a look at some of those I put that in the  
6 spread sheet that I circulated in that link so you have  
7 it now.

8 MR. GILL BOEHRINGER: Thanks.

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10 [youtube.com/watch?v=TAOIzzelWTO]

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