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This testimony is regarding the question of whether Ms. Chmielowski should be confirmed by the Legislature to another six-year term at AOGCC.

I have no doubt that the candidate is a good and competent engineer. She and the commission are however, failing public policy in their continued insistence in cutting short the powers of the Commission.

While the Cook Inlet leak that started this controversy happened years ago, its example is still a good one.

What happened in that leak was this: a gas pipeline burst and leaked gas to the atmosphere for a period of months. As a result of the leak, oil production on Platform A was lost.

Thus, POINT ONE IS:

The leak CAUSED A LOSS IN PRODUCTION. A similar leak today would have the same result.

When the agency claimed that it did not have the power to act in that case, I took them to court. Not only did the Supreme Court agree with me, they noted that the agency's understanding of its jurisdiction was....exactly backwards.

They said the agency's argument put the cart in front of the horse.

The agency did not learn from that lesson.

Which brings me to

POINT TWO:

NO STATUTE SUPPORTS THE AGENCY'S POSITION

Indeed, just the opposite – consider these statutes:

31.05.095 – The waste of oil and gas in the state is prohibited.

31.05.027 – The authority of commission applies to ALL LAND IN THE STATE LAWFULLY SUBJECT TO ITS POLICE POWER, including land of the United States and land subject to the jurisdiction of the United States.

31.05.030(a) – The commission has jurisdiction and authority over ALL PERSONS and ALL PROPERTY, PUBLIC AND PRIVATE, necessary to carry out the purposes and intent of this chapter.

These three statutes make it clear the agency has the power to address leaks of natural gas over nearly every square inch of the State of Alaska

As a former member of your body, I'll say that I believe when the legislature goes to the trouble of passing a law, that law should be followed.

POINT THREE is:

WASTE IS BAD

I think 100% of the members of the Legislature would agree that waste is bad.

Wasting gas straight to the atmosphere is bad.

That gas is lost: it will not heat any houses, it will not turn any electric generator, does not do any work at all. Gas going straight to the atmosphere is not conserved.

I believe that the commissioners entrusted with the powers of the AOGCC should enthusiastically fight waste, wherever it occurs in the state. Yet this nominee would not lift a finger of the agency to stop a gas leak that was happening in the middle of the Kenai River, if that gas pipeline sprang a leak.

To sum up, I think this nominee should be asked one follow-up question: how does your position further and strengthen the goal of greater ultimate recovery specifically and conservation in general?