

April 16, 2015

To: Ms. Bose, Chairman Bay and Members of the Commission

From: Thomas Bouldin

Re: Taking Citizens' Comments Seriously

Some time ago I wrote to the FERC asking for clarification on a number of issues related to argument, evidence, and acceptable proof as regards the evaluation and criticism of the proposed Mountain Valley Pipeline. I have heard nothing in response yet. Since the opening of the EIS Scoping Period seems to be fast approaching, I am at a standstill, puzzled as to how to proceed.

One of the issues I inquired about was the value, use, and evaluation of the huge body of comment generated by the affected public. I asked how (or even whether) this material would be compiled as evidence to be weighed against claimed benefits to end-users of the pipeline's gas. It is deeply troubling to imagine the FERC procedure simply discarding the bulk of that immense body of personal commentary as "mere personal opinion" or "emotional argument". Having encouraged the public to expend the intellectual and emotional energy, the time, and the effort to articulate their concerns, the FERC ought not even contemplate ignoring the response.

Perhaps, however, the commissioners and the staff are unaware of any rigorous empirical methods by which to deal with the collected commentary. Let me suggest, if that is the case, that you assign a few researchers to investigate the methods of textual analysis developed in the empirical study of written language (especially in the field of Composition and Rhetoric). Researchers in this field have developed numerous techniques for parsing complex texts, analyzing propositional content, structure, and argumentative strategy—including the claims made, the concepts that warrant those claims, and the logical validity of the arguments thus formed. Results can be demonstrated to have high levels of inter-subjective reliability sufficient to allow statistically significant demonstrations of results, classifications, comparisons between sub-groups, etc.

Such analysis could provide the commission with important demonstrations both of the nature of public concerns and the distribution of such concerns within the responding population. Additional uses of the materials would also be possible: specifically through procedures allowing inferential connections between non-specialist observation and the technical concepts of relevant scientific study. Ultimately, by creating a geographical mapping of propositional content (i.e., landowners' descriptions and claims) with associated technical interpretation, the FERC staff could create a fairly detailed sense of the occurrence and distribution of public concern for relevant environmental features.

Put a little less technically, laypersons' descriptions of their own property, their county locale, the area's geographical features, wildlife, typology, etc., are not likely to be wrong just because they are not made in technical language by trained specialists. A carefully-assembled set of such descriptions for a given geographical area could provide much—if not all—the empirical data needed by trained specialists to infer the likelihood of problems in allowing or prohibiting construction in that area.

Since no one has responded to my earlier questions, I don't really know the FERC's intentions for the elaborate and powerful body of comments collected during the "pre-filing" period. I am afraid I remember a disclaimer to the effect that the Commission is not compelled to consider comments made during this stage. It would be disgraceful indeed if the Commission simply ignored this material as irrelevant to a decision "based on law, fact and science" (the tripartite characterization of FERC's criteria made by Chairman LaFleur in an address delivered to the Press Club). In my own experience with academics, I too often discovered that "law, fact, and science" eliminate from consideration the everyday opinions and descriptions of average folks—no matter how keenly observed, deeply experienced, or "true."

I just wanted the FERC—and other readers of this comment—to know that there ARE ways to make everyday language amenable to computation, verification, and statistical analysis comparable to the figures used to compute economic benefit and probability. Knowing of these procedures could help the FERC bring citizens' actual concerns more fully into the decision-making apparatus of the government—and thereby help the FERC make the best possible decision.

Or am I just being naïve?