

EXHIBIT-13

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Lovelace et al., v United States

Letter from Counsel to James Farrell

Berkshire Gas

April 27, 2015

LAW OFFICES OF CRISTÓBAL BONIFAZ
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VIA CERTIFIED MAIL/RETURN RECEIPT

April 27, 2015

Christopher Farrell
Manager, Communications and Government Relations
Berkshire Gas Company
115 Cheshire Road
Pittsfield, MA 01201

Dear Mr. Farrell:

You are quoted in the Greenfield Recorder issue of April 24, 2015 to have made the following statements in reference to my clients, who in opposition to the projected Kinder Morgan pipeline, have filed actions against the Federal Energy Regulatory Commission, the Department of Energy, and the United States defending their constitutional right not to have their properties taken by KM, to transport fracked gas for export through their properties:

“The opposition,” who Farrell accused of “a little eco-terrorism,” threatening pipeline personnel enough that they now supposedly need bodyguards, “knows the only card they have in their hands is the card of delay. We all know as businesspeople that delay costs money. The longer they delay, the more expensive it is to each of you and all of us, in electric rates and the ability to expand. ... Their agenda is singular: They care only about imposing their personal philosophy. *Greenfield Recorder April 24, 2015.*

These statements made by you for publication and wide dissemination to the general public were made by you with malice and reckless indifference to the rights of my clients and as such are defamatory and slanderous.

Let me make one thing perfectly clear. Kinder Morgan has not denied in any forum that a portion of the gas to be transported through my clients’ properties is for export to foreign countries. Transportation of such gas for export with eminent domain powers is not permitted under the *Fifth Amendment of the United States Constitution* since exported gas does qualify as “public use”.

Thus what my clients are litigating is their fundamental right not to have their properties destroyed or diminished by the proposed pipeline.

I understand that given the fact that the constitutionality of the 2005 amendments to the National Gas Act, adding export gas to the regulatory framework of Federal Energy Regulatory Commission, has never been challenged previously, my clients' intent to take the issue for final resolution to all levels of the federal and state judiciary since there is an identical analogy of the *Fifth Amendment to Article X of the Massachusetts Constitution*.

What my clients are seeking is the banning of this pipeline transporting gas for export which is more than your projection that "... "The opposition," ... "knows the only card they have in their hands is the card of delay", *Id.*

I understand that Berkshire Gas needs gas for distribution in Massachusetts. Berkshire Gas can achieve these goals without having Kinder Morgan infringe on my clients' property rights by one of two simple actions:

1. Seek KM to enter into a binding agreement with my clients that none of the proposed transported gas will be exported, or,
2. Seek from KM an agreement not to use eminent domain powers to take my clients' property by instead negotiating with my clients access to their land on a case by case basis without using or threatening to use eminent domain powers.

This letter serves as notice to you personally and as agent of Berkshire Gas that any further statements made along the lines of your quotes in the Greenfield Recorder of April 24, 2015 will result in a defamation and slander action, by my clients, against you personally and Berkshire Gas.

Thank you for the attention you will give to this letter.

Sincerely,

s/Cristóbal Bonifaz
Cristóbal Bonifaz
CB/mj