

affordability that will spur economic growth in the region. While we're disappointed that we're not able to move forward with ACP, we will continue exploring ways to help our customers and communities, particularly in eastern North Carolina where the need is great," said Good.

Duke, like FPL, says renewable energy is what is needed, not fossil fuels: that is a novel and significant circumstance that should be considered in a new SEIS.

6. LNG export instead of domestic need

Since there is no evidence of domestic need for Sabal Trail's Phase II gas, where would that gas go? One obvious answer would be Liquid Natural Gas (LNG) export. Sabal Trail gas can go through Florida Gas Transmission (FGT)'s Jacksonville Expansion Project (JEP), which FERC permitted, to Eagle Maxville LNG and Eagle LNG in Jacksonville, for export through Crowley Maritime. Or through the proposed Floridian Natural Gas Storage Facility, FPL's neighbor in Martin County, Florida, or through the mesh of pipelines in Florida to other LNG export facilities. See the attached summary of LNG exports authorized by the U.S. Department of Energy. Sabal Trail provided no evidence that this will not happen.

FERC abdicated Congressional jurisdictional authority it had previously acknowledged since 1987:

18 CFR § 2.80 - Detailed environmental statement.

(a) It will be the general policy of the Federal Energy Regulatory Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (NEPA) in its regulations promulgated for statutes under the jurisdiction of the Commission, including the Federal Power Act, the Natural Gas Act and the Natural Gas Policy Act. The National Environmental Policy Act of 1969 requires, among other things, all Federal agencies to include a detailed environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969, the Commission staff will make a detailed environmental statement when the regulatory action taken by the Commission under the statutes under the jurisdiction of the Commission will have a significant environmental impact. The specific regulations implementing NEPA are contained in part 380 of the Commission's regulations.

[Order 486, [52 FR 47910](#), Dec. 17, 1987]

Several of the current and proposed LNG export projects are not under FERC jurisdiction, because in 2015 FERC disclaimed jurisdiction without a formal Rulemaking.²⁹ Thus they have probably undergone even less environmental justice review than FERC-jurisdiction project, and thus may be at more risk of successful lawsuits against them.

In fact, the Hialeah LNG export facility that began exporting LNG on February 5, 2016, from the Ports of Miami and Everglades in Florida, actually escaped NEPA review by the

²⁹ "Order on Petition for Declaratory Order re Pivotal LNG, Inc under RP15-259. Commissioner Bay is dissenting with a separate statement attached," FERC Accession Number 20150402-3057, April 2, 2015, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14320613