

U. S. Department of Energy by claiming a Categorical Exclusion that the company was not eligible to claim.

FERC appears to be shirking its duty according to its own FERC Strategic Plan FY2018 - 2022:³⁰

Objective 2.2: Minimize risks to the public associated with FERC-jurisdictional energy infrastructure.

Core Function 2.2.1: Conduct comprehensive and timely inspections of hydropower and LNG facilities to ensure compliance with the Federal Power Act, the Natural Gas Act, and Commission orders.

Please note these points:

1. We have no assurance that none of the natural gas coming through the Southeast Markets Pipelines including Sabal Trail is going to find its way to our deep water ports for export, instead of to FPL's customers; and
2. LNG is being produced, stored, and distributed at export facilities where FERC did not satisfy Core Function 2.2.1 (above) because the Commission disclaimed jurisdiction over inland LNG export facilities.

The overarching issue is that the LNG that is being transported through cities and counties on its way to our deep water ports is most likely being produced, stored and distributed from inland LNG facilities where FERC has abdicated Congressional authority under the Natural Gas Act by arbitrarily and capriciously disclaiming jurisdiction. To compound the problem, the U. S. Department of Energy has usurped FERC's authority by determining whether an LNG export project is FERC-jurisdictional. Emergency Response Plans have to be approved by the Director of the Office of Energy Projects.

Here is an example from a rehearing before FERC,³¹ page 51, item 13:

*Freeport LNG shall update its Emergency Response Plan to address a potential LNG truck accident at any location along the truck route on Quintana Island and to coordinate procedures with state, county, and local emergency planning groups, fire departments, state and local law enforcement, and appropriate federal agencies. The updates to the Emergency Response Plan shall be prepared in consultation with appropriate agencies and filed with the Secretary [of the Commission] for review and written approval by the Director of OEP [FERC Office of Energy Projects] **prior to initial site preparation.***

Without FERC oversight for an LNG export operation, there is no Emergency Response Plan.

Leaks at every step of the export process add to environmental damage and environmental justice infractions. Lack of an Emergency Response plan compounds those problems.

The recent approval of LNG transportation in rail tank cars by the Pipeline and Hazardous

³⁰ "Strategic Plan FY 2018-2022," FERC, September 2018, <https://www.ferc.gov/sites/default/files/2020-04/FY-2018-FY-2022-strat-plan.pdf>

³¹ "FREEPORT LNG EXPORT PROJECT and BOG/TRUCK PROJECT, Environmental Assessment," Freeport LNG Development, L.P., March 2009, FERC Docket Nos. CP03-75-003, CP03-75-004, CP05-361-001, and CP05-361-002, Cooperating Agency: U.S. Department of Energy DOE/EA – 1650 DOE Docket No. FE-08-70-LN, https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/EA-1650-FEA-2009.pdf