

Materials Safety Administration (PHMSA),³² creating a virtual rolling natural gas pipeline on wheels, is another novel and significant circumstance that was not considered in earlier SMPP or Sabal Trail Environmental Impact Statements or Orders.

Regarding need, according to industry press, the U.S. LNG industry needs prices to double to be solvent.³³ Thus insofar as Sabal Trail does depend on LNG exports, that need has evaporated, in another novel and significant circumstance.

7. Frackers going bankrupt because of lack of need

At the other end of the natural gas supply chain, the fracking source,³⁴ “Chesapeake Energy, a shale drilling pioneer that helped to turn the United States into a global energy powerhouse, has filed for bankruptcy protection.”

And that’s not the only one,³⁵ “West Texas Fracker Sable Permian Files for Bankruptcy Amid Restructuring Talks: Out-of-court restructurings kept the oil-and-gas operator afloat for years, but 2020 proved too much.”

Clearly bankruptcies of companies at the beginning of the fracked methane supply chain constitute a novel and significant circumstance.

8. FERC’s own data shows solar and wind are winning

FERC’s own most recent Energy Infrastructure Update³⁶ shows for January through May 2020 cumulative new installed natural gas capacity at 5,682 megawatts (MW) lagging the total of wind (3,449) and solar (2,661). Natural gas at 44.71% of total installed capacity still generates about 4.3 times as much as wind (9.09%) and solar (3.85%) combined (12.94%).

But FERC includes projections for June 2020 through May 2023 showing new wind and solar each alone beating natural gas by a long shot in new installed capacity, with nothing else coming close.

FERC does not include a table of projected total capacity in May 2023, but by simple addition natural gas would still have about 39.5% of total electricity generation. Yet solar plus wind by then will have increased from 12.9% to 24%, just about doubling percentage in three years. How is this possible? FERC projects much retirement of oil, nuclear, and especially coal electricity generation. The real numbers for solar will be higher, since FERC does not include rooftop solar in its numbers; only utility-scale solar. Plus as solar, wind, and batteries win, fossil fuel and nuclear retirements will accelerate.

Thus FERC’s own data helps document the novel and significant circumstance that renewable wind and solar power are indeed already winning over natural gas.

³² “U.S. Department of Transportation Issues Final Rule for the Safe Transportation of Liquefied Natural Gas by Rail Tank Car,” PHMSA, June 19, 2020, [PHMSA 05-20](#)

³³ “U.S. LNG Industry Needs Prices To Double,” Irina Slav, Oilprice.com, June 28, 2020, <https://oilprice.com/Energy/Natural-Gas/US-LNG-Industry-Needs-Prices-To-Double.html>

³⁴ “Chesapeake Energy Files For Bankruptcy Protection,” [Associated Press](#), June 29, 2020, <https://www.publicradiotulsa.org/post/chesapeake-energy-files-bankruptcy-protection>

³⁵ “West Texas Fracker Sable Permian Files for Bankruptcy Amid Restructuring Talks,” Peg Brickley, June 26, 2020, <https://www.wsj.com/articles/west-texas-fracker-sable-permian-files-for-bankruptcy-amid-restructuring-talks-11593195413>

³⁶ “Office of Energy Projects Energy Infrastructure Update For May 2020,” FERC, July 2020, <https://cms.ferc.gov/sites/default/files/2020-07/MayMIR%202020.pdf>