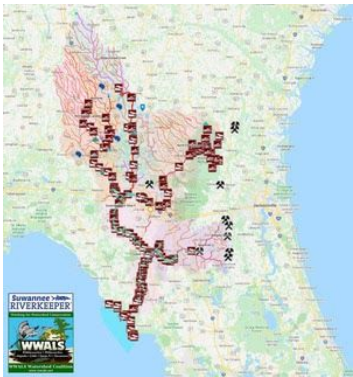
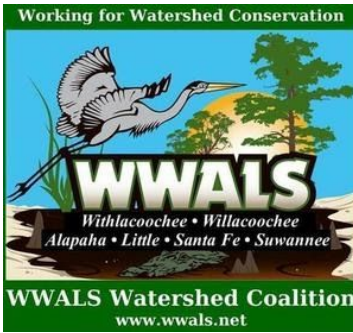


December 31, 2020



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WWALS is an IRS 501(c)(3) nonprofit
charity est. June 2012

WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, Santa Fe, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.

Suwannee RIVERKEEPER® is a program and a paid staff position of WWALS.



To: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
kimberly.bose@ferc.gov

Cc: Toyia Johnson
FERC FOIA Public Liaison
foia-ceii@ferc.gov
202-502-6088

Re: FERC response of December 8, 2020 to WWALS Freedom of Information Act Request, **FERC FOIA No. FY21-04 or FOIA-2021-4**, about **New Fortress Energy, Miami, Florida**, for copy of PETITION FOR DECLARATORY ORDER or ORDER TO SHOW CAUSE, as well as any responses to either and any records of meetings between FERC and NFE about that Miami facility

Dear Ms. Bose and Ms. Johnson:

Thank you for your response of December 8, 2020, to the WWALS FOIA request of October 12, 2020. Per request from FOIA Public Liaison Toyia Johnson in her cover email to which that FERC response was attached, this letter is confirmation that I did receive that response.

Thank you for confirming that FERC has no PETITION FOR DECLARATORY ORDER from New Fortress Energy (NFE) about its Miami Liquid Natural Gas (LNG) facility, and FERC sent no ORDER TO SHOW CAUSE about that facility, as well as confirming that FERC has no correspondence nor records of meetings with NFE about that facility

We conclude that because your letter of December 8, 2020, says:

"The search of the Commission's non-public files identified no documents responsive to your request."

In addition, in her email communication of November 25, 2020, FERC FOIA Liaison Toyia Johnson wrote:

'Please be advised that my initial email indicated that you are only required to submit a Freedom of Information Act for privileged material. "Petitions for Declaratory Orders and/or "Show Cause Orders" are classified as public material.'

The FERC FOIA Liaison's previous response of September 28, 2020, to our first FOIA of the same day began with text identical to the above quote, and continued:

'The Federal Energy Regulatory Commission's Elibrary database includes an index of material filed at FERC or issued by FERC. Most public material in the FERC elibrary can be viewed on your computer. A review of this material has identified that a "Show Cause Order" was issued on June 18, 2020, in New Fortress Energy, Docket No. CP20-466. For your convenience we have attached a copy of this document. See direct link below to the FERC Elibrary that may include additional information that may be of interest to you. Generally, "Show Cause Orders" are issued in the absence of a "Petition for Declaratory Order".'

That September 28, 2020, FERC FOIA Liaison email had attached to it a copy of the FERC ORDER TO SHOW CAUSE about the NFE Puerto Rico LNG facility.¹ Yet no further email or letters in PDF from FERC in response to either of our FOIAs have included or attached any copy

¹ ORDER TO SHOW CAUSE to New Fortress Energy, 171 FERC ¶ 61,230 (June 18, 2020), FERC Docket No. CP20-466, <https://www.ferc.gov/sites/default/files/2020-06/C-4-061820.pdf>, Accession Number: 20200618-3051, https://elibrary.ferc.gov/eLibrary/docinfo?document_id=14870020

or citation to any such Petition nor any such Order about the NFE Miami LNG facility.

Regardless of whether FERC thinks we are required to submit a FOIA for such a Petition or such an Order, in fact we did submit two successive FOIAs asking for such a Petition or such an Order, and FERC did not return either document in response to either FOIA. In addition, neither any such Petition nor any such Order appears in response to any reasonable search of FERC's public elibrary. Thus any reasonable person would conclude that no such Petition nor Order exists related to the NFE Miami LNG facility.

I suggest it is time for FERC to open a docket on the question of whether the New Fortress Energy Miami facility is operating illegally, since those documents do not exist, and FERC, according to its December 8, 2020, response, has never investigated the matter.

FERC can start populating that docket with the correspondence starting with the initial WWALS FOIA. I have provided a list below as a reminder.

- September 28, 2020, WWALS sent FERC the initial FOIA about New Fortress Energy (NFE)'s Miami Liquid Natural Gas (LNG) facility.
- September 28, 2020, the FOIA Public Liaison that same day misinterpreted our FOIA about Miami to be about Puerto Rico, attaching a copy of the FERC ORDER TO SHOW CAUSE about the NFE Puerto Rico LNG facility..
- October 12, 2020, WWALS sent FERC the expanded second FOIA.
- October 23, 2020, FERC "accepted" the WWALS expanded FOIA.
- November 5, 2020, when FERC informed WWALS that FERC had "accepted" the WWALS expanded FOIA and assigned it FERC FOIA No. FY21-04.
- November 23, 2020, letter from FERC with an excuse for delaying response.
- November 24, 2020, letter from WWALS to FERC asking why response was taking so long.
- November 25, 2020, email from Toyia Johnson saying such Petitions and Orders are public documents, but she did not attach any such Petition or Order about the NFE Miami LNG facility. She referred to FOIA No. FY21-04 as **FOIA-2021-4**.
- December 8, 2020, FERC response to FOIA No. FY21-04 saying "The search of the Commission's non-public files identified no documents responsive to your request."
- December 31, 2020, this WWALS response to FERC's December 8, 2020, letter.

Thank you for your consideration.

For the rivers and the aquifer,

John S. Quarterman

Suwannee RIVERKEEPER®

/s

WWALS Watershed Coalition, Inc.

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