

Sierra Club and Citizens for Pennsylvania's Future ("PennFuture") hereby move to intervene in this docket and protest this proposed declaratory order. "Intervenors and their members will be harmed by construction and operation of the Wyalusing LNG liquification facility and associated transport of LNG from that facility to Delaware River Partners, LLC's ("DRP") Gibbstown Logistics Center ("DRP Gibbstown facility"). We ask for FERC to first consolidate this petition with a similar petition filed by DRP arguing its Gibbstown facility is not subject to FERC jurisdiction. Second, we ask FERC to issue a declaratory order that the Wyalusing LNG facility is within FERC's jurisdiction under both Section 3 and Section 7 of the NGA. The Wyalusing LNG facility is a "LNG terminal" subject to FERC's jurisdiction under Section 3 of the NGA, and it is transporting gas in interstate commerce as well as exporting gas in foreign commerce and so is subject to FERC's jurisdiction under Section 7 of the NGA. FERC precedent does not argue otherwise, and if FERC were not to exercise jurisdiction it would create a regulatory loophole. Movants argue these points in detail in our protest petition, and we hereby incorporate all aspects of our protest petition into our motion to intervene.

ii. North Carolina

With the planned Atlantic Coast Pipeline canceled, Piedmont Natural Gas, a wholly owned subsidiary of Duke Energy, constructed the Robeson LNG liquefaction facility (Robeson LNG) and four-mile supply pipeline without any FERC oversight and minimal state oversight.⁵ Built in Wakulla, Robeson County, NC, the facility is located in a high poverty area with a population that is 85% American Indian. With associated pipelines to funnel gas back and forth to the plant, Robeson LNG is impacting wetlands that are crucial to preventing future flooding in the Lumber River Watershed. Further this inland LNG, with its ability to clean, store and transfer gas by truck, creates harmful impacts from leaks of methane, other gasses and filtered pollutants into the watershed and atmosphere. This pollution stream has negative effects on the health and life of our streams, climate and the communities that call this area home.

iii. Florida inland LNG facilities

LNG is not regulated in the state of Florida. There are no state or local agencies that approve the siting, construction,

⁵ Erin Jensen, Friends of the Earth, July 13, 2020, Friends of the Earth and Lumber Riverkeeper call on Army Corps of Engineers to stop construction of Robeson LNG Pipeline <https://foe.org/news/foe-usace-stop-robesson-pipeline/>