

1 Shell U.S. Gas & Power, LLC, 148 FERC ¶ 61,163, P 43 (2014).

4 See Lomax v. Ortiz-Marquez, 140 S. Ct. 1721, 1725 (2020) (“[T]his Court may not narrow a provision’s reach by inserting words Congress chose to omit.”); Virginia Uranium, Inc. v. Warren, 139 S. Ct. 1894, 1900 (2019) (plurality opinion) (The Court’s “duty [is] to respect not only what Congress wrote but, as importantly, what it didn’t write.”).

### **C. Summary: safety, environmental, and economic consequences**

For the wide-ranging environmental and safety consequences of FERC’s abdication of oversight of inland LNG facilities, see Section III.B and C.

Developers are taking advantage of the loophole FERC created in disclaiming jurisdiction over small-scale inland LNG export facilities. Such facilities are thus lacking FERC’s environmental, construction, and safety oversight, causing risk of “**loss of life and significant environmental and economic consequences,**” according to FERC’s own strategic plan (see Section VI.A).

Some of the economic consequences of FERC’s tilting of the playing field were expressed by Floridian Natural Gas Storage (FGS) on June 12, 2015, as [Accession Number: 20150612-5136](#) in Docket No. CP13-541:

*“During its pendency, the Commission has determined that certain LNG projects are outside its jurisdiction, permitting those projects to compete free from the FERC regulatory burdens that FGS and other FERC-regulated projects bear in what has become an active, urgent and highly competitive small-scale LNG market.”*

What FGS views as regulatory burdens we view as public goods of construction, environmental, and safety review, but the FGS point remains that competition has been warped by FERC’s inland LNG export decisions.

## **VI. PROPOSED RULE**

Petitioners respectfully request that the Commission issue a formal *Rulemaking* to revisit, consider, and modify the Commission’s former decisions about inland LNG export facilities, including *Shell*, *Emera*, and *Pivotal*.

We propose three options for the result of such Rulemaking: