

Citizens have little recourse against this regulatory run-around. As Commissioner Bay also noted in his dissent to Pivotal II: “Residents of a state in which the facility is located, or residents of surrounding states, may reasonably expect the facility to be subject to federal review of its operations and maintenance.” States and local authorities, at least in Florida, have not taken upon themselves the burden of review of operations, maintenance, or environmental effects, of small, inland, LNG facilities. Which means there is, so far as we can find, no such review, at least in Florida.

Eagle LNG asserted in the introduction of its opposition comments:³² “Petitioners have offered no legitimate basis under the law for the Commission to revisit its conclusion, reaffirmed as recently as March and again in July of this year, that inland LNG facilities that produce LNG for export, but are not located on or near the water or the coast and do not transfer their output by pipeline, are not “LNG terminals” subject to regulation as such under section 3 of the Natural Gas Act (“NGA”).”

Actually, in our petition we cited and included Norman Bays’ dissents to Shell,³³ Emera,³⁴ and Pivotal II,³⁵ and those dissents spell out how those decisions of the Commission do not follow the NGA. Eagle LNG’s opposition comments further complain (in their section I) that Petitioners did not participate in the 2014 and 2015 Shell, Emera, or Pivotal II cases, that Petitioners do not directly appeal those cases, and that “Petitioners improperly seek to relitigate case-specific matters on a generic basis.” It would be quite a burden to expect citizens affected by LNG to understand the long-term implications of every FERC decision at the time they are made, even to decide which ones to participate in. Appealing such cases without having been party to them is not plausible. And, as we have demonstrated in the present document, the effects of those three 2014 and 2015 FERC decisions, Shell, Emera, and Pivotal II, reach far beyond specific cases. For that matter, there are no specific FERC cases for most small, inland, LNG

³² Comments of Eagle LNG Partners Jacksonville LLC under RM22-21-000, Eagle LNG Partners Jacksonville II LLC (“Eagle LNG”), September 20, 2022, FERC Accession Number 20220920-5121, https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220920-5121

³³ Shell, **Norman Bay Dissent**, 148 FERC ¶ 61,219 (Sept. 19, 2014), Docket No. CP14-114-000

³⁴ Emera, **Norman Bay Dissent**, 148 FERC ¶ 61,219 (Sept. 19, 2014), Docket No. CP14-114-000

³⁵ Pivotal II, **Norman Bay Dissent**, 151 FERC ¶ 61,006 (Apr. 2, 2015), Docket No. RP15-259-000