

section 1(d) for vehicular gas, that Shell will not need to apply to the Commission for authorization under NGA section 3 or section 7 for any of its planned facilities and activities.

¹ Shell's *Petition for a Declaratory Order (Petition)* was submitted pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.207 (2014).

² 15 U.S.C. § 717, *et seq.* (2012).

Emera CNG, LLC (“Emera”), [148 FERC ¶ 61,219 \(Sep. 19, 2014\)](#), Docket No. CP14-114-000

1. On March 20, 2014, Emera CNG, LLC (Emera) filed a petition requesting that the Commission declare that Emera's construction and operation of facilities to produce **compressed natural gas (CNG)** that will be transported by trucks to ships for export to the Commonwealth of the Bahamas will not be subject to the Commission's jurisdiction under the Natural Gas Act (NGA).²

¹ Emera's *Petition for a Declaratory Order (Petition)* was submitted pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.207 (2014).

² 15 U.S.C. § 717, *et seq.* (2012).

2. For the reasons discussed herein, we grant the petition for a declaratory finding that Emera's proposed facilities and operations will not be subject to the Commission's jurisdiction under the NGA.

In III. Response, A. NGA Section 3 Authority over Emera's Facility:

10. While the stated purpose of Emera's CNG facility will be to compress gas so that it can be **exported in ISO containers**, the facility will be subject to our section 3 jurisdiction only if we find it will be an “export facility.” Floridian argues that Emera's facility will constitute a jurisdictional natural gas export facility, and thus, its siting, construction, and operation are subject to the Commission's jurisdiction.

Pivotal LNG, Inc. (“Pivotal” or “Pivotal II”), [151 FERC ¶ 61,006 \(Apr. 2, 2015\)](#), Docket No. RP15-259-000

1. On December 10, 2014, Pivotal LNG, Inc. (Pivotal) filed a petition¹ requesting the Commission declare that liquefaction facilities operated by Pivotal and its affiliates that produce liquefied natural gas (LNG) that would ultimately be exported to foreign nations by a third party would not be subject to the Commission's jurisdiction pursuant to section 3 of the Natural Gas Act (NGA). For the reasons discussed herein, we find that the activities described in Pivotal's petition will not subject the liquefaction facilities to the Commission's NGA section 3 jurisdiction.

¹ Pivotal's *Petition for a Declaratory Order (Petition)* was submitted pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.207 (2014).

4. Pivotal now seeks a declaratory order finding that the LNG facilities it identifies **would not be deemed “LNG Terminals”** subject to the Commission's NGA section 3 jurisdiction when engaging in transactions which ultimately result in any of the LNG they produce being exported. Specifically, Pivotal expects it or its affiliates to sell LNG that is (1) produced at the identified inland LNG facilities or supplied by a third party; (2) transported by Pivotal, an affiliate, or third party in interstate and intrastate commerce by means other than interstate pipeline; and (3) subsequently exported, or resold for ultimate export, by a third party.