

- When Congress has spoken, it is not for FERC to call a congressional directive “over expansive.”
- FERC has created a significant and unnecessary gap in FERC’s jurisdiction that has left the public and the environment in harm’s way.
- Rail is becoming a *virtual rolling natural gas pipeline on wheels* for the distribution of LNG from non-FERC-jurisdictional inland LNG production facilities.

What FERC’s Strategic Plan and the NGA say FERC should do

From the [Federal Energy Regulatory Commission - Strategic Plan FY 2014–2018 March 2014](#):

- Conduct comprehensive and timely safety inspections of hydroelectric and LNG facilities. **Failure of an LNG facility or a non-federal hydropower project can result in loss of life and significant environmental and economic consequences.**
- To fulfill its responsibility for ensuring the safety of these facilities, FERC relies on physical inspections for detecting and preventing potential catastrophic structural failures, thereby protecting the public against the risk associated with such an event.
- FERC engineers are highly trained and work closely with local officials at all stages of project development and operation.
- Before projects are constructed, the designs, plans, and specifications of the proposed facility are reviewed and approved.
- Through regularly scheduled and comprehensive inspections during construction and operation, FERC engineers verify that dams and LNG facilities meet stipulated design criteria, identify necessary remedial modifications or required maintenance, and ensure compliance with requirements.
- The Commission ensures the safety of the public, as well as the continued operation of the facilities to meet the energy demands of the nation.
- In accordance with NEPA, highly-trained FERC staff thoroughly analyze environmental effects of proposed LNG facilities and coordinate with other agencies to consider environmental statutes, including Coastal Zone Management Act and Clean Water Act. LNG “Terminals” encompass more than just “Marine-Based” LNG export facilities.

15 U.S. Code § 717a (11): “LNG terminal” includes all natural gas facilities located onshore or in State waters that are used to:

1. Receive, unload, load, store, transport, gasify, liquefy; or
2. Process natural gas importer to United States from foreign country, or exported to foreign country from the United States, or transported in interstate commerce by waterborne vessel

Does not include:

1. Waterborne vessels used to deliver natural gas to or from any such facility; or
2. Any pipeline or storage facility subject to jurisdiction of the Commission under Section 717f

15 U.S. Code § 717f - Construction, extension, or abandonment of facilities

1. After notice and opportunity for hearing, if FERC finds such action necessary or