

is not subject to the Commission's jurisdiction under section 3 of the Natural Gas Act (NGA).²

1 18 C.F.R. § 385.209(a)(2) (2019).

2 15 U.S.C. § 717b (2018).

And FERC did then decide, twice, that the NFE PR facility is FERC-jurisdictional.¹⁹

We are asking for FERC to formalize that same process in a Rulemaking. If FERC cannot require entities to file Petitions for Declaratory Order, nonetheless FERC can send ORDERS to SHOW CAUSE to each inland LNG facility. We would find that an adequate result of the rulemaking we request.

Regarding Ms. McKinley's suggestion that we contact FERC's contact hotline or file a formal complaint, we have no ability to compel any LNG facility to provide evidence. FERC does. We have provided evidence that FERC jurisdiction over inland LNG facilities is required by law, building on evidence previously provided by former FERC Commissioner Norman Bay and by FERC Chairman Richard Glick. We hope that in such a Rulemaking FERC will decide to reclaim its legally-required oversight.

IV. IDENTITY AND INTERESTS

A. WWALS Watershed Coalition, Inc. ("WWALS")

Since 2013, WWALS has opposed environmentally-damaging and unnecessary pipelines such as Sabal Trail and LNG operations such as by Pivotal LNG, by New Fortress Energy, and Strom LNG. In numerous filings with FERC WWALS has revealed environmental damages caused by Sabal Trail, from sinkholes and erosion to drilling leaks through the riverbed into the Withlacoochee River, as well as massive leaks from the then-future site of the Dunnellon Compressor Station. WWALS helped reveal that Strom, Inc. had been filing assertions with the U.S. Department of Energy Office of Fossil Energy that were contradicted by the other parties involved, such as the Port of Tampa, leading to the apparent demise of Strom's planned Crystal River facility. Without FERC oversight, little is known about the environmental effects of small inland LNG facilities. WWALS has members in both Georgia (where Pivotal LNG has three LNG operations) and Florida (where Pivotal has another LNG operation, plus many more by other organizations). LNG trucks and rail cars go by schools, businesses, homes, and churches attended by our members. WWALS members, collectively and individually, have a substantial interest in ensuring

¹⁹ IEEFA, IEEFA.org, July 16, 2021, FERC rebuffs New Fortress challenge to jurisdiction over Puerto Rico LNG plant, <https://ieefa.org/ferc-rebuffs-new-fortress-challenge-to-jurisdiction-over-puerto-rico-lng-plant/>