

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Jordan Cove Energy Project L.P.)	Docket Nos. CP17-495-004
Pacific Connector Gas Pipeline, LP)	CP17-494-004
)	
)	

**INITIAL BRIEF OF PACIFIC CONNECTOR GAS PIPELINE, LP
AND JORDAN COVE ENERGY PROJECT L.P.**

Pursuant to the Federal Energy Regulatory Commission’s (“Commission”), Order Establishing Briefing issued in the captioned proceeding on November 18, 2021 (“November 18 Order”),¹ Jordan Cove Energy Project L.P. (“JCEP”) and Pacific Connector Gas Pipeline, LP (“PCGP,” and collectively “Applicants”) hereby submit their initial brief. As explained below, Applicants are requesting that the Commission vacate the authorizations issued in this proceeding, which would then moot the question of whether to stay the certificate authorization granted to PCGP.

I.
BACKGROUND

On March 19, 2020, the Commission issued an order pursuant to Section 3 of the NGA² and Part 153 of the Commission’s regulations³ authorizing JCEP to site, construct, and operate a liquefied natural gas export terminal and associated facilities Coos County, Oregon. The Commission also authorized, pursuant to Section 7 of the NGA⁴ and Parts 157 and 284 of the Commission’s regulations,⁵ PCGP to construct and operate a new interstate natural gas pipeline

¹ *Pacific Connector Gas Pipeline, LP, et al.*, 177 FERC ¶ 61,117 (2021).

² 15 U.S.C. § 717b (2018).

³ 18 C.F.R. Pt. 153 (2020).

⁴ 15 U.S.C. § 717f.

⁵ 18 C.F.R. Pts. 157 and 284.

system in Klamath, Jackson, Douglas, and Coos Counties, Oregon (together with the terminal, the “Project”). On May 22, 2020, the Commission denied and granted rehearing, in part, of the Authorization Order, and denied requests for stay.⁶ Multiple parties appealed the Commission’s orders and, on October 28, 2021, the D.C. Circuit heard oral arguments on those appeals. The D.C. Circuit then issued an order on November 1, 2021, remanding the proceeding to FERC in part “to consider whether the imposition of a stay” of the PCGP certificate order “is appropriate.”⁷

II. REQUEST TO VACATE AUTHORIZATIONS

Despite diligent and persistent efforts, Applicants have not been able to obtain the necessary state-issued permits and authorizations from various Oregon state agencies. On January 19, 2021, the Commission issued an order denying Applicants’ petition for declaratory order, determining that Oregon had not waived its Clean Water Act Section 401 certification authority.⁸ Subsequently, on February 8, 2021, the Department of Commerce sustained Oregon’s objection under the Coastal Zone Management Act.⁹ Since those orders, Applicants have undertaken a review of permitting developments and the prospects for obtaining the permits in the future.

Applicants have now completed this review and have decided not to move forward with the Project. Among other considerations, Applicants remain concerned regarding their ability to obtain the necessary state permits in the immediate future in addition to other external obstacles. Accordingly, JCEP and PCGP hereby respectfully request that the Commission vacate the authorizations issued in the Authorization Order. Applicants appreciate the thorough and

⁶ *Jordan Cove Energy Project L.P., et al.*, 171 FERC ¶ 61,136 (2020).

⁷ *Evans v. FERC*, No. 20-1161 (D.C. Cir. Nov. 1, 2021).

⁸ *Pacific Connector Gas Pipeline, LP, et al.*, 174 FERC ¶ 61,057, PP 1, 35 (2021).

⁹ *Decision and Findings in the Consistency Appeal of Jordan Cove Energy Project, L.P., and Pacific Connector Gas Pipeline, LP*, at 2, 35 (Feb. 8, 2021), <https://bit.ly/2QHseDI>.

professional efforts of the Commission in the processing of these comprehensive authorizations.

If the Commission vacates the authorizations granted to JCEP and PCGP in the Authorization Order, the question of whether to stay PCGP's certificate authorization would be moot, since there would be no authorization to stay. Applicants respectfully submit that, following the filing of this brief, the Commission need not expend further resources considering the issue of the appropriateness of a stay.

III.
CONCLUSION

WHEREFORE, Applicants respectfully request that the Commission issue an order vacating the authorizations issued in the Authorization Order.

Respectfully submitted,

/s/ Donald Sullivan

Donald Sullivan
Manager & Associate General Counsel
Jordan Cove Energy Project L.P.
Pacific Connector Gas Pipeline, LP

December 1, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists compiled by the Secretary in these proceedings.

Dated at Washington, DC, this 1st day of December, 2021.

/s/ Christopher J. Terhune
Christopher J. Terhune