

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

JORDAN COVE ENERGY PROJECT, L.P.

)
) FE DOCKET NO. 12-32-LNG
)

ORDER ALLOWING ELECTRONIC SERVICE
IN PROCEEDING

AUGUST 10, 2018

I. BACKGROUND AND DESCRIPTION OF REQUEST

Previously, in March 2012, Jordan Cove Energy Project, L.P. (JCEP) filed an application (Application)¹ with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3(a) of the Natural Gas Act (NGA), 15 U.S.C. § 717b(a), in the above-captioned docket. The Application requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 292 billion cubic feet per year (Bcf/yr) of natural gas by vessel from a proposed liquefaction and export terminal to be located in Coos Bay, Oregon (Jordan Cove LNG Terminal), to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). On March 24, 2014, in DOE/FE Order No. 3413, DOE/FE conditionally granted the Application for a 20-year term.² DOE/FE has not yet issued a final order on JCEP's Application, and the Application remains pending.

On two different occasions, JCEP has amended its Application to increase the volume of LNG proposed for export.³ Most recently, on February 6, 2018, JCEP filed an amendment to both its conditional authorization (DOE/FE Order No. 3413) and its pending non-FTA Application (Amendment Application), seeking to increase its requested volume of LNG exports to the equivalent of 395 Bcf/yr of natural gas.⁴ DOE/FE subsequently gave notice of JCEP's

¹ Jordan Cove Energy Project, L.P., Application for Long-Term Authorization to Export LNG to Non-Free Trade Agreement Countries, FE Docket No. 12-32-LNG (Mar. 23, 2012).

² See *Jordan Cove Energy Project L.P.*, DOE/FE Order No. 3413, FE Docket No. 12-32-LNG, Order Conditionally Granting Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas By Vessel From the Jordan Cove LNG Terminal in Coos Bay, Oregon, to Non-Free Trade Agreement Nations (Mar. 24, 2014).

³ See generally *Jordan Cove Energy Project L.P.*, FE Docket No. 12-32-LNG.

⁴ See *Jordan Cove Energy Project L.P.*, Application to Amend Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement Countries and Non-Free Trade Agreement Countries and Amendment to

Amendment Application in the *Federal Register*, in which DOE/FE called on interested persons to submit protests, motions to intervene, notices of intervention, and written comments on the Amendment Application (Notice).⁵

In connection with a filing made in response to that Notice, Ms. Jody McCaffree (an intervenor in this proceeding⁶) submitted a filing to DOE/FE on May 24, 2018, entitled “Motion to File Answer to Intervention Notices, Comments, and Protests filed by May 9, 2018.”⁷ In relevant part, Ms. McCaffree requested the following “additional relief”: “[A] ruling from [DOE] that service to parties be allowed by e-mail even though e-mail is not listed as an official service format under 10 C.F.R. § 590.107(c)” (Request).⁸ To support this Request, Ms. McCaffree states that, because DOE allows filings of interventions, protests, and comments by email, “it only makes sense that service to other parties in the proceeding by e-mail would also be an acceptable service format.”⁹ Ms. McCaffree further asserts that electronic service would ensure “a quicker and more efficient way of service to the other parties as opposed to postal mailing” and “would not prejudice any party from participating [in the proceeding].”¹⁰

DOE/FE received no filings in response to Ms. McCaffree’s Request.

Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, FE Docket Nos. 11-127-LNG and 12-32-LNG (Feb. 6, 2018).

⁵ Jordan Cove Energy Project, L.P., Application to Amend Long-Term, Conditional Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations and to Amend Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, 83 Fed. Reg. 17,406 (April 19, 2018).

⁶ See Jody McCaffree, Notice of Intervention, Protest, and Comments, FE Docket No. 12-32-LNG (Mar. 23, 2016). Because Ms. McCaffree’s Motion to Intervene was unopposed, the Motion to Intervene is deemed granted. 10 C.F.R. § 590.303(g).

⁷ Jody McCaffree, Motion to File Answer to Intervention Notices, Comments, and Protests filed by May 9, 2018, FE Docket No. 12-32-LNG (May 24, 2018) [hereinafter Request].

⁸ DOE/FE has addressed the remainder of Ms. McCaffree’s requests separately. This Order pertains only to Ms. McCaffree’s request for electronic service.

⁹ Request at 3.

¹⁰ *Id.*

III. FINDINGS

Upon consideration of Jody McCaffree’s unopposed Request and DOE/FE’s service requirements set forth in 10 C.F.R. § 590.107, we find there is good cause for allowing electronic service for all filings in this proceeding. Allowing electronic service promotes efficiency, will not adversely affect any participant, and will not delay the ultimate resolution of this proceeding.

DOE notes that Ms. McCaffree’s Request—if construed as a motion—technically has been denied by operation of law, since more than 30 days have passed since the Request was filed.¹¹ Nonetheless, pursuant to 10 C.F.R. § 590.310, DOE finds that it is appropriate to allow electronic service in this proceeding.¹²

ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. All documents required to be served in this proceeding under 10 C.F.R. § 590.107 may be served by electronic mail. DOE encourages all parties to this proceeding to provide DOE with their email address for inclusion on the service list, if they have not already done so.

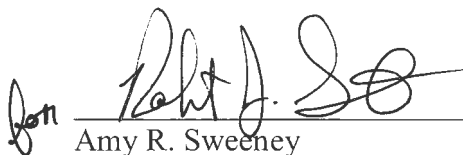
B. If a party on the service list does not have an email account, documents shall be served on that party by hand, certified mail, registered mail, or regular mail, pursuant to 10 C.F.R. § 590.107(c).

¹¹ 10 C.F.R. § 590.302(c).

¹² *Id.* § 590.310 (“At any time during a proceeding, the Assistant Secretary or presiding official may on his or her own initiative determine to provide additional procedures.”).

C. This Order is effective immediately.

Issued in Washington, D.C., on August 10, 2018.

A handwritten signature in black ink, appearing to read "Amy R. Sweeney", is written over a horizontal line. To the left of the signature, the word "for" is written vertically.

Amy R. Sweeney
Director, Division of Natural Gas Regulation