

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

JORDAN COVE ENERGY PROJECT L.P.

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

ORDER GRANTING MOTION
OF JORDAN COVE ENERGY PROJECT L.P.
FOR EXTENSION OF TIME TO FILE ANSWERS
TO MOTIONS TO INTERVENE AND PROTESTS

APRIL 1, 2016

I. BACKGROUND

Previously, in March 2012, Jordan Cove Energy Project L.P. (Jordan Cove) filed an application (Application) 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.¹ DOE/FE has not yet issued a final order on the pending Application.

On October 5, 2015, Jordan Cove filed an Amendment to the Application, in which it “request[s] that the final order in this proceeding grant authorization for Jordan Cove to export LNG up to the equivalent of 350 Bcf/yr of natural gas”—*i.e.*, an additional volume equivalent to 58 Bcf/yr over the original volume of 292 Bcf/yr requested in the Application and conditionally approved in DOE/FE Order No. 3413.² Because the Amendment represents a substantive and material change to the Application, DOE/FE published a Notice of Amendment in the *Federal*

¹ *Jordan Cove Energy Project, LP*, 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).

² *Jordan Cove Energy Project, L.P.*, Amendment of Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, FE Docket No. 12-32-LNG (Oct. 5, 2015).

Register on March 3, 2016.³ The Notice invited the public to submit comments, motions to intervene, and/or protests addressing the Amendment no later than March 23, 2016.⁴

In response to the Notice, DOE received numerous filings, including motions to intervene and protests. Under DOE regulations, Jordan Cove is entitled to file a response to these filings within 15 days after each motion or protest was filed. 10 C.F.R. § 590.303(e), 590.304(f). Because all of the filings were submitted on March 23, 2016, the 15-day period will expire on April 7, 2016.

II. JORDAN COVE'S REQUEST FOR AN EXTENSION OF TIME

On March 31, 2016, Jordan Cove submitted to DOE/FE a Request for an Extension of Time to Answer Motions to Intervene and Protests.⁵ Jordan Cove requests a seven-day extension—from April 7 to April 14, 2016—to respond to the motions to intervene and/or protests. Jordan Cove states that it served the Request on the individuals listed on the Service List for this proceeding, as well as persons who had filed for intervention as of March 23, 2016.⁶

To support its Request, Jordan Cove asserts that, as of the March 23, 2016, deadline established in the Notice, its counsel had been served with fewer than half of the submissions that were timely filed and subsequently docketed by DOE/FE.⁷ Jordan Cove states that its counsel was not able to confirm the complete list of filings and obtain copies of those filings

³ Jordan Cove Energy Project, L.P., Amendment of Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, 81 Fed. Reg. 11,202 (Mar. 3, 2016) [hereinafter Notice].

⁴ *Id.*

⁵ Jordan Cove Energy Project, L.P., Request for an Extension of Time to Answer Motions to Intervene and Protests, FE Docket No. 12-32-LNG (Mar. 31, 2016) [hereinafter Request].

⁶ Request (Certificate of Service).

⁷ Specifically, Jordan Cove asserts that the reasons its counsel did not receive all of the filings by March 23, 2016, are twofold: (1) there were technical issues with DOE/FE's Electronic Docket Room, preventing access to certain filings; and (2) some filings were submitted through regulations.gov, rather than through fergas@hq.doe.gov, causing additional delay. Request at 1-2.

until March 31, 2016. According to Jordan Cove, this delay of more than a week has deprived Jordan Cove of a reasonable period of time within which to review and respond to the filings. Jordan Cove further contends that no party would be prejudiced by the seven-day extension in light of the posture of this proceeding, and notes that DOE/FE has granted similar extensions in the past.

III. FINDINGS

Under DOE's regulations, an extension of time to file may be granted for good cause shown. 10 C.F.R. § 590.105(b). Upon consideration of Jordan Cove's arguments, we find there is good cause for an extension of time,⁸ and we therefore grant Jordan Cove's Request. Moreover, the requested seven-day extension is modest, will not adversely affect any other participant in this proceeding, and will not delay the ultimate resolution of this proceeding.

Finally, we note that we are granting Jordan Cove's Request before the April 15, 2016, deadline for other parties to oppose or respond to the Request, as provided by 10 C.F.R. § 590.302(b). Were we not to do so, the deadline for Jordan Cove's response to the motions to intervene and protests (currently April 7, 2016) will have passed before the deadline for responses to Jordan Cove's Request (April 15, 2016), thereby mooting Jordan Cove's Request. DOE/FE has granted motions for brief extensions of time under similar circumstances in other proceedings.⁹

⁸ See *supra* n.7.

⁹ See, e.g., *Excelsior Liquefaction Solutions, LLC*, FE Docket No. 12-146-LNG, Order Granting Motion of Excelsior Liquefaction Solutions I, LLC for Extension of Time to File Answer to Protests, 3-4 (Feb. 15, 2013).

ORDER

Pursuant to section 3 of the NGA, it is ordered that Jordan Cove's Request for an Extension of Time to Answer Motions to Intervene and Protests is granted, and Jordan Cove's deadline is extended to and including April 14, 2016.

Issued in Washington, D.C., on April 1, 2016.

A handwritten signature in black ink, appearing to read "John A. Anderson", written over a horizontal line.

John A. Anderson
Director, Office of Regulation and International Engagement
Office of Oil and Natural Gas