

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern Natural Gas Company

Docket No. CP19-479-000

(Issued February 20, 2020)

McNAMEE, Commissioner, *concurring*:

1. Today's order issues Northern Natural Gas Company (Northern) a certificate to construct and operate a new compressor unit at its existing Tescott Compressor Station in Ottawa County, Kansas. Northern will operate the new compressor unit to replace capacity associated with abandoned pipeline facilities on its A-line.¹

2. I fully support the order as it complies with the Commission's statutory responsibilities under the Natural Gas Act and the National Environmental Policy Act. The order determines that the construction and operation of the new compressor unit is in the public convenience and necessity, finding that the unit will not adversely affect Northern's existing customers or competitor pipelines and their captive customers, and that Northern has taken appropriate steps to minimize adverse impacts on landowners.² The order also finds that the project will not significantly affect the quality of the human environment.³ Further, the Commission adopted the Environmental Assessment (EA) for Northern's proposal in which, consistent with the holding in *Sierra Club v. FERC (Sabal Trail)*,⁴ quantified and considered greenhouse gases (GHGs) directly emitted by the construction and operation of the new compressor unit.⁵

3. I write separately to respond to my colleague's argument that the Commission should have determined whether the GHG emissions directly emitted by the new compressor unit are "significant" using the Social Cost of Carbon or by establishing its own framework. In my concurrence in *Adelphia*, I explain why the Social Cost of

¹ 170 FERC ¶ 61,146 (2020). Northern's proposal is titled "Bushton to Clifton A-Line Abandonment Project."

² *Id.* PP 17-21.

³ *Id.* P 31.

⁴ 867 F.3d 1357 (D.C. Cir. 2017).

⁵ 170 FERC ¶ 61,146 at P 29; EA at 33-34.

(continued ...)

Carbon is not a useful tool to determine whether the GHG emissions are “significant” and the Commission has no authority or reasoned basis to make a determination of significance using its own expertise.⁶ Further, it is not appropriate for the Commission to establish out of whole cloth a GHG emission mitigation program, particularly when Congress has introduced and failed to pass 70 legislative bills to reduce GHG emissions over the last 15 years.⁷ As I explain in *Adelphia*, Congress delegated the Administrator of the U.S. Environmental Protection Agency the exclusive authority to establish standards of performance for air pollutants, including GHGs.⁸ For logistical reasons and administrative efficiency, I hereby incorporate my analysis in *Adelphia* by reference and am not reprinting the full text of my analysis here.⁹

For the reasons discussed above and incorporated by reference herein, I respectfully concur.

Bernard L. McNamee
Commissioner

⁶ McNamee *Adelphia* Concurrence at PP 62-73.

⁷ *Id.* P 52-61.

⁸ *Id.*

⁹ *Id.* 52-73.