

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Natural Gas Company of America

Docket No. CP19-99-000

(Issued February 20, 2020)

McNAMEE, Commissioner, *concurring*:

1. Today's order authorizes Natural Gas Company of America's (Natural) Gulf Coast Southbound Project (Project) in Harrison, Victoria, and Wharton Counties, Texas, to provide 300,000 dekatherms per day of firm transportation service for Corpus Christi Liquefaction, LLC.¹ The Project will involve the abandonment of existing compressor units, installation of new compressor units to replace the abandoned capacity and provide incremental service, and construction and operation of auxiliary facilities.

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 facilities is in the public convenience and necessity, finding that the facilities will not adversely affect Natural's existing customers or competitor pipelines and their captive customers, and that Natural 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 Natural'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 incremental GHG emissions directly emitted by the

¹ 170 FERC ¶ 61,147 (2020).

² *Id.* PP 14-18. The order also finds that the abandonment of the existing compressor units is in the public convenience and necessity. *Id.* 20.

³ *Id.* P 45.

⁴ 867 F.3d 1357 (D.C. Cir. 2017).

⁵ 170 FERC ¶ 61,147 at 43; EA at 45, 47-48.

(continued ...)

new compressor units 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 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.* PP 52-61.

⁸ *Id.*

⁹ *Id.* PP 52-73.