

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

ANR Pipeline Company

Docket No. CP20-8-000

(Issued June 18, 2020)

McNAMEE, Commissioner, *concurring*:

1. Today's order issues ANR Pipeline Company (ANR) a certificate of public convenience and necessity for authorization to construct and operate its Grand Chenier XPress Project (Project) to provide 400,000 dekatherms per day of incremental firm transportation service to Venture Global Calcasieu Pass's liquefied natural gas export facility.¹ The Project will include the construction and operation of a new compressor station and modifications to existing compressor stations.

2. I fully support the order as it complies with the Commission's statutory responsibilities under the Natural Gas Act (NGA) and the National Environmental Policy Act (NEPA). The order determines that the Project is in the public convenience and necessity, finding that the Project will not adversely affect ANR's existing customers or competitor pipelines and their captive customers, and that the Project will have minimal impacts on landowners and communities.² The order also finds that the Project will not significantly affect the quality of the human environment.³ Further, the Commission has quantified and considered the greenhouse gases (GHG) emitted by the construction and operation of the Project,⁴ consistent with the holding in *Sierra Club v. FERC (Sabal Trail)*.⁵

¹ *ANR Pipeline Co.*, 171 FERC ¶ 61,233 (2020).

² *Id.* PP 13-15.

³ *Id.* P 31.

⁴ *Id.* PP 29-30; Environmental Assessment at 52-54.

⁵ 867 F.3d 1357 (D.C. Cir. 2017). I note that my concurrence in *Transcontinental Gas Pipe Line Company, LLC (Transco)* in which I incorporate herein, states that "[t]hrough the D.C. Circuit's holding in *Sabal Trail* is binding on the Commission, it is not appropriate to expand that holding through the dicta in *Birckhead* so as to establish new authorities under the NGA and NEPA. The Commission is still bound by the NGA and NEPA as enacted by Congress, and interpreted by the U.S. Supreme Court and the (continued ...)

3. I write separately to respond to my colleague's argument that the Commission should have determined whether the GHG emissions related to the Project are "significant." In my concurrence in *Transco*, I explain that the Commission has no standard for determining whether GHG emissions significantly affect the environment, elaborate on why the Social Cost of Carbon is not a useful tool for determining whether GHG emissions are significant, and explain that the Commission has no authority or reasoned basis to establish its own framework.⁶

4. For logistical reasons and administrative efficiency, I hereby incorporate my analysis in *Transco* by reference and am not reprinting the full text of my analysis here.⁷

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

Bernard L. McNamee
Commissioner

D.C. Circuit. Our obligation is to read the statutes and case law in harmony." *Transco*, 171 FERC ¶ 61,032 (2020) (McNamee, Comm'r, concurring at P 13 n.31).

⁶ *Transco* 171 FERC ¶ 61,032 (2020) (McNamee, Comm'r, concurring at PP 63-74)

⁷ *Id.* PP 53-74.