



BILLING CODE 6717-01-P  
DEPARTMENT OF ENERGY  
Federal Energy Regulatory Commission

Magnolia LNG, LLC

Docket Nos. CP14-347-000

CP19-19-000

Kinder Morgan Louisiana Pipeline LLC

CP14-511-000

Notice of Request for Extension of Time

Take notice that on September 11, 2020, Magnolia LNG, LLC (Magnolia) and Kinder Morgan Louisiana Pipeline LLC (KMLP) (collectively, Applicants) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until April 15, 2026, to construct and place into service the Magnolia LNG and Lake Charles Expansion Projects, as authorized in the April 15, 2016 Order Granting Authorization Under Section 3 of the Natural Gas Act and Issuing Certificates (April 15, 2016, Order).<sup>1</sup> The April 15<sup>th</sup> Certificate Order required the Applicants to complete construction and make the facilities available for service within five years of issuance, or by April 15, 2021.<sup>2</sup>

Magnolia states that global market conditions have impacted Magnolia's ability to secure long-term offtake contracts and achieve a final investment decision (FID) and that it is confident that it will execute commercial agreements that will support a positive FID within the requested timeframe. KMLP states that construction of the Lake Charles Expansion Project is dependent upon Magnolia achieving FID for the Magnolia LNG Project.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the Applicants' request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).<sup>3</sup>

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<sup>1</sup> *Magnolia LNG, LLC*, 155 FERC 61,033 (2016), *reh'g denied*, 157 FERC 61,149 (2016).

<sup>2</sup> *Id.* at ordering paras. (B) and (D)(1).

<sup>3</sup> Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC*, 170 FERC 61,144, at

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,<sup>4</sup> the Commission will aim to issue an order acting on the request within 45 days.<sup>5</sup> The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.<sup>6</sup> The Commission will not consider arguments that re-litigate the issuance of the April 15<sup>th</sup> Certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.<sup>7</sup> At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.<sup>8</sup> The OEP Director, or his or her designee, will act on those extension requests that are uncontested.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFile link at <http://www.ferc.gov>. Persons unable

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P 39 (2020).

<sup>4</sup> Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2020).

<sup>5</sup> *Algonquin Gas Transmission, LLC*, 170 FERC 61,144, at P 40 (2020).

<sup>6</sup> *Id.* P 40.

<sup>7</sup> Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

<sup>8</sup> *Algonquin Gas Transmission, LLC*, 170 FERC 61,144, at P 40 (2020).

to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 pm Eastern Time on October 9, 2020.

DATED: September 18, 2020.

**Kimberly D. Bose,**  
*Secretary.*

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