



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Docket No. CP23-375-000]

**Elba Liquefaction Company, LLC; Southern LNG Company, LLC; Notice of
Application for Amendment and Establishing Intervention Deadline**

Take notice that on April 28, 2023, Elba Liquefaction Company, LLC (ELC), and Southern LNG Company, LLC (SLNG), 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, filed an application under section 3(a) of the Natural Gas Act (NGA) requesting an amendment to its June 1, 2016 Order¹ (2016 Order) to modify certain Movable Modular Liquefaction System (MMLS) Dehydration and Heavies Removal units that will reduce the fouling rate in the liquefaction units, reduce the resultant flaring events associated with cold box deriming, and therefore allow the MMLS to operate in an optimized condition for longer periods of time without fouling. Accordingly, this project is referred to as the Elba Liquefaction Optimization Project.

Specifically, ELC and SLNG request authorization to 1) make modifications to ten (10) MMLS units; 2) construct and operate a new condensate plant; 3) install three (3) new liquid nitrogen vaporizers; and 4) increase the total liquefaction capacity of the MMLS units up to approximately 2.9 MTPA from 2.5 MTPA (0.0553 Bcf/d).

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 (www.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. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application may be directed to Francisco Tarin, Director, Regulatory, or Patricia Francis, Vice President and Managing Counsel, Elba Liquefaction Company, LLC and Southern LNG Company, LLC; 569 Brookwood Village, Suite 749, Birmingham, Alabama, 35209. Or alternately to Francisco Tarin at (719) 667-7517 or by email at Francisco_Tarin@kindermorgan.com, or, Patricia Francis at (205) 325-7696 or by email at Patricia_Francis@kindermorgan.com.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,² within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of

¹ Elba Liquefaction Company, L.L.C., 155 FERC ¶ 61,219, (2016).

² 18 CFR (Code of Federal Regulations) 157.9.

Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

PUBLIC PARTICIPATION

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on **May 31, 2023**. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,³ any person⁴ or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations⁵, and must be submitted by the protest deadline, which is **May 31, 2023**. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

³ 18 CFR 157.205.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 157.205(e).

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁶ and the regulations under the NGA⁷ by the intervention deadline for the project, which is **May 31, 2023**. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/how-guides>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or **before May 31, 2023**. **The filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number **CP23-375-000** in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You

⁶ 18 CFR 385.214.

⁷ 18 CFR 157.10.

will be asked to select the type of filing you are making; first select “General” and then select “Protest”, “Intervention”, or “Comment on a Filing”; or ⁸

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number **CP23-375-000**.

To mail via USPS, use the following address:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To send via any other courier, use the following address:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FERCOnlineSupport@ferc.gov.

Protests and motions to intervene must be served to the applicant by mail to: Francisco Tarin, Director, Regulatory, or Patricia Francis, Vice President and Managing Counsel, Elba Liquefaction Company, LLC and Southern LNG Company, LLC; 569 Brookwood Village, Suite 749, Birmingham, Alabama, 35209. Or alternately to Francisco Tarin at (719) 667-7517 or by email (with a link to the document) at Francisco_Tarin@kindermorgan.com, or Patricia Francis at (205) 325-7696 or by email (with a link to the document) at Patricia_Francis@kindermorgan.com.

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

TRACKING THE PROCEEDING

Throughout the proceeding, additional information about the project will be available from the Commission’s Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The

⁸ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission’s website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 pm Eastern Time on May 31, 2023.

Dated: May 10, 2023.

Kimberly D. Bose,
Secretary.

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