



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Docket Nos. CP23-518-000; CP21-496-000]

NFEnergía LLC; Notice Seeking Public Comment and Establishing Intervention Deadline

On September 15, 2021, NFEnergía LLC (NFEnergía), 111 W 19th Street, New York, New York 10011, filed in Docket No. CP21-496-000 an application under section 3(a) of the Natural Gas Act (NGA), Parts 153 and 380 of the Commission's regulations, and the Order issued by the Commission on March 19, 2021, in Docket No. CP20-466-000 (Order on Show Cause),¹ requesting authorization to operate the San Juan Micro-Fuel Handling Facility (MFH Facility), a liquefied natural gas (LNG) import and regasification facility located at the Port of San Juan in Puerto Rico.

On July 18, 2023, NFEnergía filed in Docket No. CP23-518-000 a request to construct and operate a 220-foot, 10-inch-diameter pipeline at the MFH Facility.² On July 31, 2023, the Commission issued an order stating that it will not take action to prevent the immediate construction and operation of the proposed pipeline and would conduct a complete examination of the continued operation of the proposed pipeline, including an examination of potential ongoing environmental and safety impacts, as part of the pending proceeding related to the operation of the MFH Facility.³ On September 21, 2023, Commission staff issued an engineering and environmental information request (Information Request) to NFEnergía for the proposed pipeline and required a response from NFEnergía within 30 days.⁴ On October 23, 2023, NFEnergía provided its response to the Information Request, which it supplemented on November 30, 2023.

¹ *New Fortress Energy LLC*, 174 FERC ¶ 61,207 (2021) (Order on Show Cause), *order on reh'g*, 176 FERC ¶ 61,031 (2021) (Rehearing Order).

² NFEnergía July 18, 2023, Request for Amendment to Temporary Authorization Operate (Amendment Request). The Order to Show Cause found that NFEnergía's LNG facility is subject to the Commission's jurisdiction under NGA section 3 and granted NFEnergía temporary authorization, under which NFEnergía currently operates the facility, while the Commission reviews the company's application for authorization under NGA section 3.

³ *NFEnergía LLC*, 184 FERC ¶ 61,061 (2023) (July 2023 Order).

⁴ The 30th day after the date of the Information Request is Saturday, October 21, 2023. Pursuant to the Commission's regulations, NFEnergía's response was due by Monday, October 23, 2023. *See* 18 CFR 385.2007(a)(2).

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. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888 First Street NE, Washington, DC 20426, are now available via the Commission's website. 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 these filings may be directed to Cameron MacDougall, General Counsel, NFEnergía LLC, 111 W 19th Street, New York, New York, 10011, by phone at (202) 479-1522, or by email at cmacdougall@fortress.com

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,⁵ 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 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 comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on **February 8, 2024**. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

⁵ 18 CFR 157.9.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)⁶ and 385.211⁷ of the Commission's regulations under the NGA, any person⁸ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁹ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before **February 8, 2024**.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers **CP23-518-000 and CP21-496-000** in your submission.

- 1) 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;
- 2) You can file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

⁶ 18 CFR 157.10(a)(4).

⁷ 18 CFR 385.211.

⁸ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁹ 18 CFR 385.2001.

- 3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket numbers (**CP23-518-000 and CP21-496-000**).

To file via USPS:

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To file via any other courier:

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

The Commission considers all comments received about the project in determining the appropriate action to be taken. **However, 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. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,¹⁰ 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.

All intervenors in the ongoing proceeding for the project (CP21-496-000) will be considered intervenors in this amendment proceeding (CP21-518-000) and do not need to file a new motion to intervene.

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 Procedure¹¹ and the regulations under the NGA¹² by the intervention deadline for the project, which is **February 8, 2024**. As described further in Rule 214, your motion to intervene must

¹⁰ 18 CFR 385.102(d).

¹¹ 18 CFR 385.214.

¹² 18 CFR 157.10.

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 to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket numbers **CP23-518-000** and **CP21-496-000** in your submission.

- (1) You may file your motion to intervene 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 will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or
- (2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket numbers **CP23-518-000** and **CP21-496-000**.

To file via USPS:

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To file via any other courier:

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on **February 8, 2024**.

Protests and motions to intervene must be served on the applicant either by mail or email at: Cameron MacDougall, General Counsel, NFEnergía LLC, 111 W 19th Street, New York, New York, 10011 or at cmacdougall@fortress.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. Service can be via email with a link to the document.

All timely, unopposed¹³ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁴ Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to interSecretary ofw 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.¹⁵ A person obtaining party status will be placed on the service list maintained by the Acting Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

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 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 Date, February 8, 2024.

Dated: January 9, 2024

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-00724 Filed: 1/16/2024 8:45 am; Publication Date: 1/17/2024]

¹³ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁴ 18 CFR 385.214(c)(1).

¹⁵ 18 CFR 385.214(b)(3) and (d).