

FERC Faces Tough Questions

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[Argus Media](#) reported on April 18 2017 the following [article](#) about FERC and the Sabal Trail pipeline.

But in the end, FERC gets its way. We need to abolish this rubber stamp agency.

For an interesting read, go to this [link](#) to see the dozens and dozens of pending court cases against FERC. We noted four different ones with Sierra Club. We also wonder how many FERC loses.

Comments by OSFR historian Jim Tatum.

-A river is like a life: once taken, it cannot be brought back-

US court skeptical of FERC pipeline climate review

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Washington, 18 April (Argus) – The Federal Energy Regulatory Commission (FERC) faced tough questions in court today over why it did not closely review the greenhouse gas emissions associated with a 1.1 Bcf/d (31mn m³/d) gas pipeline before approving it last year.

A three-judge panel on the DC Circuit Court of Appeals heard arguments over FERC's contested approval of the 515-mile (1,102km) Sabal Trail pipeline, along with two related projects that will transport gas from Alabama to power plants in Florida.

Two of the judges appeared skeptical about FERC's explanations for declining to estimate all of the greenhouse gas emissions associated with the project, including those from combusting the gas.

"What is the danger? There must be something I am not understanding, there is such resistance to something that seems easy to do," judge Thomas Griffith said.

The pending case could set important precedent over how closely FERC and other agencies must study the greenhouse gas emissions of energy infrastructure.

President Donald Trump last month rescinded guidance that urged federal agencies to complete more rigorous climate reviews before approving pipelines or other projects. But the DC Circuit could find those types of reviews are necessary under the National Environmental Policy Act, which directs federal agencies to take a "hard look" at environmental impacts before making decisions.

The Sierra Club and other environmentalists are challenging

FERC's approval of the pipeline, which Spectra Energy, NextEra Energy and Duke Energy aim to place into service in June. The environmentalists say the project's greenhouse gas review is inadequate.

FERC has argued it does not need to closely review indirect greenhouse gas emissions associated with the pipeline. FERC says there is too much uncertainty over how gas will be used or where it will be produced to yield meaningful data.

The DC Circuit, which reviews most interstate natural gas pipeline litigation, has historically sided with FERC. The court last year, for example, rejected a challenge to an LNG export project after finding the US Energy Department was responsible for conducting environmental reviews that would cover greenhouse gas emissions.

But the judges today said that unlike past lawsuits that challenged new natural gas infrastructure, FERC had the final say over the pipeline and knew the vast majority of its capacity was contracted to serve power plants. The US Environmental Protection Agency and environmentalists also repeatedly urged FERC to use existing regulatory tools to estimate the emissions from those gas-fired power plants.

"What more did FERC have to know?" judge Janice Rogers asked today. "What I am trying to understand is when FERC would ever have enough information and certainty to use these tools to measure these emissions."

FERC's attorney Ross Fulton said it was unclear how much natural gas the power plants would use, and to what extent dispatching gas-fired generators would reduce CO2 emissions by displacing power generation from coal. FERC relied in part of the displacement of coal use to justify its decision not to estimate indirect greenhouse gas emissions