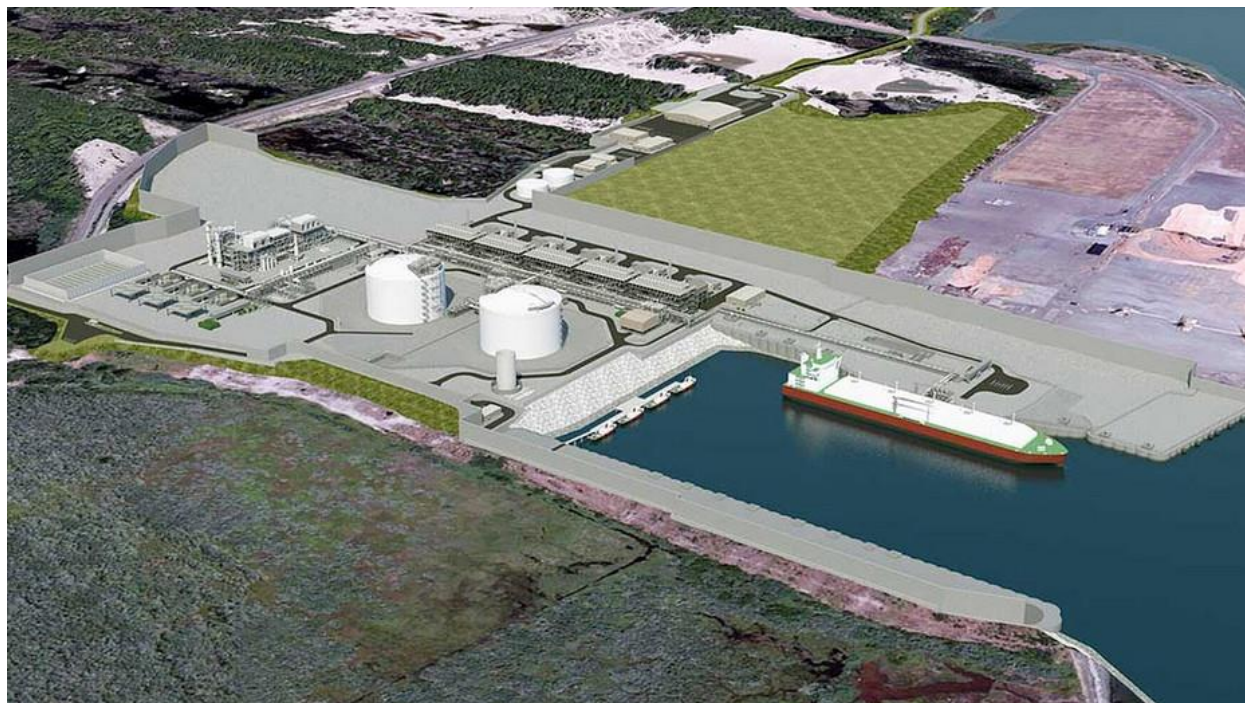


E&E Energywire

Court sends Jordan Cove LNG project back to FERC

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A rendering of the Jordan Cove natural gas export project in Oregon. Jordan Cove LNG

ENERGYWIRE | A federal appeals court yesterday ordered energy regulators to consider pausing an authorization for a pipeline connected to the embattled Jordan Cove liquefied natural gas project.

After hearing oral arguments last week over the Federal Energy Regulatory Commission's approval of the Pacific Connector pipeline, the U.S. Court of Appeals for the District of Columbia Circuit gave the agency 90 days to decide whether to freeze its certificate authorizing construction of the project.

Yesterday's [order](#) comes as the court continues to review the substance of arguments against FERC's certificate for the pipeline, which would carry natural gas from western Canada to the proposed Jordan Cove export terminal in Coos Bay, Ore.

A three-judge panel of the D.C. Circuit noted that circumstances had "changed substantially" since FERC last year considered freezing the pipeline's certificate.

Opponents of the 230-mile pipeline had called for the court to, at minimum, order a pause of the FERC certificate as Jordan Cove developer Pembina weighs whether it

plans to cancel the project outright after failing to obtain key state permits ([Energywire](#), Oct. 29)

Property owners and environmental groups had warned during last week's D.C. Circuit argument that while the FERC certificate remained on the books, Pembina could still take action on the project that would affect property owners and the environment.

An attorney for FERC told the D.C. Circuit that the agency could not block the certificate without a court order because the approval was in the midst of a legal challenge. Pembina did not respond to a request for comment on yesterday's order, and FERC declined to discuss pending litigation.

The court may never issue a final ruling in the case if FERC chooses to freeze the certificate until it is set to expire in 2025 or if Pembina decides to cancel the pipeline, said David Bookbinder, a Niskanen Center attorney representing property owners affected by the project.

FERC is now likely to ask Pembina to officially state whether it plans to build the pipeline before deciding on next steps, said Christi Tezak, a managing director of ClearView Energy Partners LLC.

The commission could also have a new member by the time the court's 90-day deadline expires, Tezak said.

Lawmakers on the Senate Energy and Natural Resources Committee are set to vote today on Willie Phillips' nomination to be the newest FERC commissioner. If confirmed, Phillips, a Democrat, could be a potential third vote in favor of tossing out the certificate, along with FERC Chair Richard Glick and Commissioner Allison Clements.

The commission's two other current members — Mark Christie and James Danly — are Republicans.

"If Glick really wants to vacate it, or if there's going to be a change in policy, he doesn't have the votes quite yet, but 90 days is probably enough," Tezak said.

The D.C. Circuit case is before Judges Judith Rogers, a Clinton appointee; Robert Wilkins, an Obama pick; and Ketanji Brown Jackson, a Biden nominee.