

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

_____)
EMERA CNG, LLC) DOCKET NO. 13-157-CNG
_____)

ORDER GRANTING REQUEST TO VACATE LONG-TERM
AUTHORIZATIONS TO EXPORT COMPRESSED NATURAL GAS
TO FREE TRADE AGREEMENT AND NON-FREE TRADE
AGREEMENT NATIONS

DOE/FECM ORDER NOS. 3447-A AND 3727-A

OCTOBER 20, 2021

Emera CNG, LLC (Emera) holds two long-term authorizations issued by the Office of Fossil Energy and Carbon Management (FECM)¹ of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA).² Under these orders, Emera is currently authorized to export domestically produced compressed natural gas (CNG) from the proposed CNG compression and loading facility to be located at the Port of Palm Beach, in Riviera Beach, Florida (Facility), as follows:

- Under DOE/FE Order No. 3447,³ in a volume equivalent to 9.125 billion cubic feet per year (Bcf/yr) of natural gas for a 20-year term, to any country with which the United States has, or in the future will have, a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), pursuant to NGA section 3(c),⁴ and
- Under DOE/FE Order No. 3727,⁵ in a volume equivalent to 2.92 Bcf/yr of natural gas for a term of 20 years, to any other country with which the United States does not have a FTA requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).⁶

On September 21, 2021, Emera submitted a request for DOE to vacate both of these orders (Request).⁷ In support of this Request, Emera states that the Facility—the source of Emera’s authorized exports—never entered operation.⁸

¹ The Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

² 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including compressed natural gas, under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2021, issued on March 25, 2021.

³ *Emera CNG, LLC*, DOE/FE Order No. 3447, Docket No. 13-157-CNG, Order Granting Long-Term Authorization to Export Compressed Natural Gas by Vessel from a Proposed CNG Compression and Loading Facility at the Port of Palm Beach, Florida, to Free Trade Agreement Nations (June 13, 2014).

⁴ 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

⁵ *Emera CNG, LLC*, DOE/FE Order No. 3727, Docket No. 13-157-CNG, Final Opinion and Order Granting Long-Term, Multi Contract Authorization to Export Compressed Natural Gas by Vessel from a Proposed CNG Compression and Loading Facility at the Port of Palm Beach, Florida, to Non-Free Trade Agreement Nations (Oct. 19, 2015).

⁶ 15 U.S.C. § 717b(a).

⁷ Email from Dan Muldoon, Emera CNG, LLC, to Amy Sweeney, DOE, Docket No. 13-157-CNG (Sept. 20, 2021).

⁸ *See id.*

Accordingly, DOE grants Emera's request to vacate Order No. 3447, pursuant to NGA section 3(c). DOE further finds good cause to vacate Order No. 3727, pursuant to NGA section 3(a). Both orders are vacated, effective immediately.

Issued in Washington, D.C., on October 20, 2021.

Amy R. Sweeney
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