

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

JORDAN COVE ENERGY PROJECT, L.P.)	DOCKET NO. 11-127-LNG
)	DOCKET NO. 12-32-LNG
)	
)	

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

DOE/FECM ORDER NO. 3041-B
DOE/FECM ORDER NO. 3413-B

APRIL 22, 2022

Jordan Cove Energy Project L.P. (Jordan Cove or JCEP) holds two long-term authorizations issued by the Office of Fossil Energy and Carbon Management (FECM) (formerly the Office of Fossil Energy)¹ of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA).² Under these orders, Jordan Cove is currently authorized to export domestically produced liquefied natural gas (LNG) from the proposed Jordan Cove LNG Terminal (Terminal), to be located in unincorporated Coos County, Oregon, as follows:

- Under DOE/FE Order No. 3041 (as amended by Order No. 3041-A),³ in a volume equivalent to 395 billion cubic feet per year (Bcf/yr) of natural gas for a 30-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. 3413-A,⁵ in a volume equivalent to 395 Bcf/yr of natural gas for a term of 20 years, to any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).⁶

On March 25, 2022, Jordan Cove submitted a request for DOE to vacate these orders (Request).⁷

In support of this Request, Jordan Cove states that, on December 16, 2021, the Federal Energy Regulatory Commission (FERC) issued an order—at Jordan Cove’s request—vacating Jordan

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 liquefied natural gas, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2021, issued on March 25, 2021.

³ *Jordan Cove Energy Project L.P.*, DOE/FE Order No. 3041, Docket No. 11-127-LNG, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Jordan Cove LNG Terminal to Free Trade Agreement Nations (Dec. 7, 2011), *amended by* DOE/FE Order No. 3041-A (July 20, 2018).

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 *Jordan Cove Energy Project L.P.*, DOE/FE Order No. 3413-A, Docket No. 12-32-LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (July 6, 2020).

⁶ 15 U.S.C. § 717b(a).

⁷ See Jordan Cove Energy Project, L.P., Request to Vacate, Docket Nos. 11-127-LNG and 12-32-LNG (Mar. 25, 2022), available at: <https://www.energy.gov/sites/default/files/2022-03/JCEP%20Request%20to%20Vacate%20DOE-FE%2011-127-LNG%2012-32-LNG%20%28Export%29.pdf> [hereinafter Request].

Cove’s authorization under NGA section 3 to construct the Terminal (as well as vacating a NGA section 7 authorization issued to Pacific Gas Connector Pipeline, LP, for the associated pipeline), subject to leave of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in related judicial proceedings.⁸ On January 25, 2022, the D.C. Circuit dismissed the consolidated cases and remanded them to FERC to vacate both authorizations, consistent with FERC’s December 16, 2021 order.⁹ For these reasons, Jordan Cove states that it “will not be moving forward” with the proposed Terminal.¹⁰ Jordan Cove asks DOE to issue an order vacating its LNG export authorizations in the above-captioned proceedings, to be effective on the date such order is issued.¹¹

Accordingly, DOE grants Jordan Cove’s request to vacate Order No. 3041, as amended by Order No. 3041-A, in Docket No. 11-127-LNG, pursuant to NGA section 3(c). DOE further finds good cause to vacate Order No. 3413-A in Docket No. 12-32-LNG, pursuant to NGA section 3(a).¹² These orders are vacated, effective immediately.

Issued in Washington, D.C., on April 22, 2022.

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⁸ See *id.* at 1; see also *Pacific Connector Gas Pipeline, LP and Jordan Cove Energy Project L.P.*, Order Vacating Authorizations, 177 FERC ¶ 61,198 (Dec. 16, 2021).

⁹ See Request at 1 (citing *Evans v. FERC*, Order, No. 20-1161 (D.C. Cir. Jan. 25, 2022) (per curiam)).

¹⁰ *Id.*

¹¹ See *id.*

¹² Because DOE/FE Order No. 3413-A superseded Jordan Cove’s conditional authorization in Order No. 3413, DOE finds that Order No. 3413 is no longer in effect and therefore not subject to vacatur.