SUGGESTED FERC DATA REQUEST TO PEMBINA
TO INFORM FERC’S DECISION-MAKING IN RESPONSE TO
D.C. CIRCUIT’S REMAND IN CONSIDERATION OF A STAY

In order to assist FERC in its consideration of an imposition of a stay of the Order Granting Authorizations Under Sections 3 and 7 of the Natural Gas Act, 170 FERC ¶ 61,202 (March 20, 2020) for the Jordan Cove Energy Project, L.P and Pacific Connector Gas Pipeline, L.P. (collectively, “Pembina”) pursuant to the D.C. Circuit’s November 1, 2021 Order, the Niskanen Center (on behalf of affected landowners Bill Gow, Sharon Gow, Neal C. Brown Family LLC, Wilfred E. Brown, Elizabeth A. Hyde, Barbara L. Brown, Pamela Brown Ordway, Chet N. Brown, Evans Schaaf Family LLC, Deb Evans, Ron Schaaf, Stacey McLaughlin, Craig McLaughlin, Richard Brown, Twyla Brown, Clarence Adams, Stephany Adams, Will McKinley, Wendy McKinley, Frank Adams, Lorraine Spurlock, Toni Woolsey, Gerrit Boshuizen, Cornelis Boshuizen, Robert Clarke, John Clarke, Carol Munch, Ron Munch, Mitzi Sulffridge, James Dahlman, and Joan Dahlman), Oregon Department of Environmental Quality, Oregon Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, Oregon Department of Energy, and State of Oregon, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Cow Creek Band of Umpqua Tribe of Indians, the Sierra Club, Rogue Riverkeeper, Rogue Climate, Cascadia Wildlands, Center for Biological Diversity, Citizens for Renewables/Citizens Against LNG, Friends of Living Oregon Waters, Oregon Physicians for Social Responsibility, Oregon Wild, Oregon Women’s Land Trust, Waterkeeper Alliance, and Natural Resources Defense Council, Inc. strongly recommend that FERC send the below data request to Pembina immediately.

1 All signatories listed are petitioners in the relevant D.C. Circuit case, Evans v. Federal Energy Regulatory Commission, No. 20-1161.
**Suggested Data Request:**

In December, 2020, Pembina wrote off more than 94% of its investment in Jordan Cove: “In December 2020, as a result of increased regulatory and political uncertainty, Pembina recognized an impairment on the assets associated with Jordan Cove. The impairment charge of $349 million ($258 million net of tax) includes all previously capitalized amounts related to Jordan Cove, except for land with a recoverable carrying amount of $21 million which approximates its fair value.”

Four months later, on April 22, 2021, Pembina filed a motion asking the D.C. Circuit to hold the pending case in abeyance because Pembina intends to “pause the development of the . . . Project while they assess the impact of recent regulatory decisions involving denial of permits or authorizations necessary for the Project to move forward.” Mot. of Respondent-Intervenors to Suspend Merits Briefing Schedule and Hold Cases in Abeyance 1-2, Document No. 1895613, No. 20-1161 (Apr. 22, 2021). The regulatory decisions that Pembina cites are: 1. FERC’s January 19, 2021 decision that Oregon had not waived its authority to deny a Clean Water Act Section 401 Water Quality Certification for Pembina’s NGA application, *Pacific Connector Gas Pipeline, LP*, 174 FERC ¶ 61,057; and 2. the February 8, 2021 U.S. Department of Commerce decision sustaining Oregon’s February 19, 2020 objection under the Coastal Zone Management Act, *Decision and Findings in the Consistency Appeal of Jordan Cove Energy Project, L.P., and Pacific Connector Gas Pipeline, LP.*

It has been over eleven months since Pembina wrote off its investment in Jordan Cove, nine months since FERC’s 401 decision, eight months since the USDOC’s CZMA decision, and now over six months since Pembina noted its ‘pause’ of the development of its proposed project to the D.C. Circuit because of the permit decisions. As Pembina has had ample time to decide next steps for this project, please answer the following:

A. Does Pembina intend to move forward with the proposed project?

1. If yes:

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a. When does Pembina intend to begin condemnation actions against affected landowners’ properties (give at least an approximate month and a year)?

b. When does Pembina intend to:
   i. refile its CZMA federal consistency certification;
   ii. apply for its 401 Certification; and
   iii. complete necessary surveys and other cultural resource assessment and mitigation work set forth in the NHPA Programmatic Agreement (give at least an approximate month and a year for each)?

2. If no:

   a. Does Pembina intend to withdraw or suspend its FERC application?
      i. If so, when (give at least an approximate month and a year)?

   b. Does Pembina have any intention of returning property obtained for the project to its previous owners, or offering them the opportunity to repurchase it?

   c. If Pembina does not intend to return property obtained for the project to its previous owners or offer them the opportunity to repurchase it, what is Pembina’s intended use of the property?

   d. Has Pembina performed any ground disturbing activities along the proposed route, including tree felling?

   e. What, if any, land restoration activities does Pembina foresee having to perform?

B. Please provide the number of Pembina and subsidiary staff actively working on the Project.

1. Please provide the number of Pembina and subsidiary contractors actively working on the Project.
File your response in accordance with the provisions of the Commission's Rules of Practice and Procedure. In particular, 18 CFR § 385.2010 (Rule 2010) requires that you serve a copy of the response to each person whose name appears on the official service list for this proceeding.

**Please file a complete response within 10 days of the date of this letter.** If certain information cannot be provided within this time frame, please indicate which items will be delayed and provide a projected filing date. File all responses under oath (18 CFR § 385.2005) by an authorized Pembina representative and include name, position, and telephone number of the respondent to each item.

**Conclusion:**

To provide the Commission, State, Tribes, affected landowners, and the public with a clear understanding of Pembina’s intentions with the project (which no one currently has, other than Pembina), and to exercise sound decision-making with as many relevant facts in front of it as possible, FERC should send the above data request to Pembina immediately.

Respectfully submitted,

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