

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Florida Southeast Connection, LLC)	Docket No. CP14-554-000, <i>et al.</i>
Transcontinental Gas Pipe Line Company, LLC)	Docket No. CP15-16-000, <i>et al.</i>
Sabal Trail Transmission, LLC)	Docket No. CP15-17-000, <i>et al.</i>

**REQUEST FOR EXPEDITED ISSUANCE OF ORDER ON REMAND
REISSUING CERTIFICATES, OR IN THE ALTERNATIVE, ABBREVIATED
APPLICATION FOR TEMPORARY EMERGENCY CERTIFICATES**

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Pursuant to Section 7(c) of the Natural Gas Act (“NGA”) and Part 157 of the Federal Energy Regulatory Commission’s (“Commission”) regulations,¹ Sabal Trail Transmission, LLC (“Sabal Trail”), Florida Southeast Connection, LLC (“FSC”), and Transcontinental Gas Pipe Line Company, LLC (“Transco”) (collectively “Applicants”), hereby request that the Commission issue on an expedited basis the final Supplemental Environmental Impact Statement (“SEIS”) concurrently with an Order on Remand reissuing the certificates for the Sabal Trail Pipeline Project, the Florida Southeast Connection Project, and the Hillabee Expansion Project, collectively known as the Southeast Market Pipelines Project (“SMP Project” or “Project”) to allow for continued natural gas transportation service on the SMP Project following the U.S. Court of Appeals for the D.C. Circuit’s August 22, 2017 decision in *Sierra Club v. FERC* (“August 22 Order”) and January 31, 2018 order denying rehearing (“January 31 Order”).²

The Commission’s draft SEIS analyzed the issues required by the August 22 Order and correctly concluded that “operating the SMP Project would not result in a significant

¹ 15 U.S.C. § 717f(c); 18 C.F.R. Pt. 157.

² All references herein to issuing certificates for the SMP Project are intended to include the reissuance of the abandonment authorization granted in Docket No. CP15-16, whereby the Commission authorized Transco to abandon the capacity created by the Hillabee Expansion Project to Sabal Trail.

impact on the environment.”³ The Commission has also received public comments on the draft SEIS, and the comment period closed on November 20, 2017. Accordingly, the Commission has all the information required to issue the final SEIS in accordance with the D.C. Circuit’s remand and to concurrently issue an Order on Remand reissuing the SMP Project certificates.

In the alternative, pursuant to Section 7(c)(1)(B) of the NGA,⁴ the Applicants hereby file this Abbreviated Application for Temporary Emergency Certificates (“Application”) to allow the Applicants to continue providing natural gas transportation services on the SMP Project until the Commission issues an Order on Remand for the SMP Project.

Absent a stay of the D.C. Circuit’s mandate, unless the Commission either issues an Order on Remand reissuing the certificates for the SMP Project or grants temporary emergency certificates for the Project by the date the D.C. Circuit’s mandate issues on February 7, 2018, the Applicants will be forced to shut off all gas supplies flowing through their respective facilities certificated in the captioned dockets. To avoid irreparable harm to the public, the shippers on these certificated facilities, and the Applicants from a shutdown, the Applicants respectfully request that the Commission reissue the SMP Project certificates or issue temporary certificates by February 6, 2018, which is one day before the scheduled issuance of the D.C. Circuit’s mandate implementing the August 22 Order.⁵

³ Southeast Market Pipelines Project Draft Supplemental Environmental Impact Statement, Docket Nos. CP15-17-002 *et al.*, at p. 2 (Sept. 27, 2017).

⁴ 15 U.S.C. § 717f(c)(1)(B).

⁵ Pursuant to the Federal Rules of Appellate Procedure, the Court’s mandate is scheduled to issue on February 7, 2018, one week following the D.C. Circuit’s January 31 Order that denied petitions for rehearing. The D.C. Circuit has “previously recognized that agencies [like this Commission] possess authority to address issues identified by the court prior to the issuance of its mandate.” *Chamber of Commerce of the US v. S.E.C.*, 443 F.3d 890, 898 (D.C. Cir. 2006).

The Applicants respectfully request that if the Commission issues temporary certificates for the SMP Project, such certificates remain in effect until the Commission issues an Order on Remand for the Project.

In support hereof, and pursuant to the Commission's regulations, the Applicants respectfully submit the following:

I.
IDENTITY OF APPLICANT AND COMMUNICATIONS

The exact legal name of Sabal Trail is Sabal Trail Transmission, LLC. Sabal Trail is a Delaware limited liability company organized and existing under the laws of the State of Delaware. Sabal Trail's principal place of business is 5400 Westheimer Court, Houston, Texas 77056. Sabal Trail is a joint venture owned by affiliates of Spectra Energy Partners, LP ("SEP" with an ownership interest of 50%), NextEra Energy, Inc. ("NextEra" with an ownership interest of 42.5%), and Duke Energy Corporation ("Duke Energy" with an ownership interest of 7.5%).⁶

The exact legal name of FSC is Florida Southeast Connection, LLC. FSC is an indirect, wholly owned subsidiary of NextEra. FSC is a Delaware limited liability company with its headquarters and principal place of business at 700 Universe Boulevard, Juno Beach, Florida 33408.⁷

The exact legal name of Transco is Transcontinental Gas Pipe Line Company, LLC. Transco is a limited liability company formed and existing under the laws of the State of

⁶ Sabal Trail is operated by Sabal Trail Management, LLC, a wholly owned affiliate of SEP. SEP is owned in substantial part by, and is controlled by, Enbridge Inc., the parent company of the General Partner of SEP.

⁷ FSC operates approximately 126 miles of pipeline facilities commencing at an interconnection with Sabal Trail near Intercession City, Florida, and terminating at a delivery point at the Florida Power & Light Company Martin Clean Energy Center, near Indiantown, Florida.

Delaware. Transco's principal place of business is 2800 Post Oak Boulevard, Houston Texas 77056.⁸ Transco is a wholly owned subsidiary of Williams Partners L.P.

All correspondence and communications concerning this Application should be addressed to the individuals whose names, titles, and mailing addresses are included in the respective original certificate applications filed by the Applicants in Docket Nos. CP14-554-000, CP15-16-000, and CP15-17-000 (collectively, the "Certificate Applications").

II. BACKGROUND

The SMP Project includes the Sabal Trail Project, Transco's Hillabee Expansion Project, and the FSC Project. The Sabal Trail Project has a design capacity of approximately 1,075,000 Dth/d⁹ and provides access to upstream supply sources at the Transco Station 85 pool in Choctaw County, Alabama, to serve growing energy needs for natural gas-fired power generation and other end-use and LDC markets in the southeastern United States, through a lease of capacity on Transco's pipeline system created by the Hillabee Expansion Project and the construction of an approximately 500-mile, 36-inch diameter greenfield pipeline terminating in Osceola County, Florida. The FSC Project has a design capacity of 640,000 Dth/d extending from its interconnection with Sabal Trail to downstream power generation facilities in Florida through the construction of approximately 126 miles of 30- and 36-inch diameter greenfield pipeline facilities. Together, the SMP Project represents a total capital investment of over \$4.0 billion.

⁸ Transco is a natural gas pipeline company engaged in the transportation of natural gas in interstate commerce by means of its natural gas transmission system extending from Texas, Louisiana, and the offshore Gulf of Mexico area, through Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania and New Jersey, to its terminal in the New York metropolitan area.

⁹ The Phase I facilities that are currently in service have a design capacity of approximately 830,000 Dth/d.

The Commission's Order issued on February 2, 2016, granted Sabal Trail, Transco, and FSC, among other authorizations, certificates of public convenience and necessity to construct and operate the SMP Project ("February 2 Order").¹⁰ Following completion of construction on certain Phase I facilities and Commission authorization, Sabal Trail placed these facilities into service on June 14, June 23, and July 3, 2017, allowing one of its anchor shippers, Florida Power & Light ("FPL"), to access gas supplies needed to provide electricity to its retail and wholesale electric customers in Florida.

FSC placed its facilities into service on June 14, 2017, and Transco placed its facilities into service on June 23, July 7, and July 19, 2017. Collectively, the constructed SMP Project facilities that are in service have been transporting much-needed natural gas supplies to central and southern Florida.

Following the February 2 Order, Sierra Club, Flint Riverkeeper, and Chattahoochee Riverkeeper (collectively "Sierra Club") sought rehearing and multiple stays of the SMP Project, which the Commission denied and dismissed, respectively.¹¹ Sierra Club appealed the Commission's February 2 Order and Order on Rehearing and again sought a stay of the SMP Project, and the D.C. Circuit denied the requested stay.¹² On appeal, Sierra Club and others claimed that the Commission did not sufficiently consider the Project impact in terms of emissions of greenhouse gases ("GHGs") in its environmental impact statement ("EIS"), among other claims.

¹⁰ *Florida Southeast Connection, LLC, et al.*, 154 FERC ¶ 61,080 (2016).

¹¹ *Florida Southeast Connection, LLC, et al.*, 156 FERC ¶ 61,160 (2016); *Florida Southeast Connection, et al., LLC*, 154 FERC ¶ 61,264 (2016); *Florida Southeast Connection, LLC, et al.*, 156 FERC ¶ 61,233 (2016).

¹² Petitioner's Emergency Motion for Stay at 2, *Sierra Club v. FERC*, No. 16-1329 (D.C. Cir. Oct. 24, 2016).

In the August 22 Order, the D.C. Circuit affirmed the Commission’s rejection of all of Sierra Club’s claims except for the arguments related to GHG emissions.¹³ The Court determined that the Commission should have either given a quantitative estimate of the downstream greenhouse gas emissions that will result from burning natural gas transported by the SMP Project, or explain why it could not do so. The Court also directed the Commission to explain its position on the Social Cost of Carbon tool. Based on this finding, the Court vacated the February 2 Order and remanded the case to the Commission to provide the needed explanation or analysis related to GHG emissions.¹⁴ The Applicants and the Commission requested panel rehearing of the August 22 Order as to remedy, and the Applicants sought rehearing en banc. The D.C. Circuit denied the rehearing requests on January 31, 2018.¹⁵ Pursuant to D.C. Circuit rules and the Court’s order, the mandate vacating the SMP Project certificates is scheduled to issue on February 7, 2018.¹⁶

On remand from the D.C. Circuit, the Commission issued a draft SEIS for public comment on September 27, 2017.¹⁷ On October 4, 2017, the notice of availability for the draft SEIS was published in the Federal Register.¹⁸ Accordingly, under National Environmental Policy Act (“NEPA”) regulations, the Commission can issue an order on remand any time after January 2, 2018.¹⁹

¹³ *Sierra Club v. FERC*, 867 F.3d 1357 (D.C. Cir. 2017).

¹⁴ *Id.* at 1375, 1379.

¹⁵ *Sierra Club v. FERC*, No. 16-1329 et al. (D.C. Cir. Jan. 31, 2018).

¹⁶ FED. R. APP. PROC. 41(b).

¹⁷ Southeast Market Pipelines Project Draft Supplemental Environmental Impact Statement, Docket Nos. CP15-17-002 et al. (Sept. 27, 2017).

¹⁸ 82 Fed. Reg. 46,233-34 (Oct. 4, 2017).

¹⁹ 40 C.F.R. § 1506.10(b) (providing that a decision on the proposed action that is subject to rehearing may be made “at the same time the environmental impact statement is published”, which is no earlier than “[n]inety (90) days after publication of the notice . . . for a draft environmental impact statement”).

The reissuance of certificates or issuance of temporary certificates requested herein is necessary to allow the SMP Project to remain in service following the issuance of the D.C. Circuit’s mandate, currently scheduled for February 7, 2018. In the event the Commission issues temporary certificates for the SMP Project, such certificates would allow service during the limited timeframe prior to the completion of the Commission’s final SEIS and Order on Remand. Reissuing the Project certificates or granting temporary certificate authorizations will enable the Project to continue supplying the Southeast region with much-needed gas, as contemplated in the original Certificate Applications.²⁰

**III.
EMERGENCY NEED FOR ORDER ON REMAND REISSUING CERTIFICATES
OR ISSUANCE OF TEMPORARY CERTIFICATES**

Expedited reissuance of the SMP Project certificates or issuance of temporary emergency certificates is necessary to avoid a shutdown of the Project facilities that will be required upon issuance of the D.C. Circuit’s mandate vacating the existing Project authorizations. Such a shutdown would result in adverse impacts to the public, the environment, the Project shippers, and the Applicants. The SMP Project is critically important to meeting the growing natural gas needs of the southeastern United States and to maintaining and strengthening the reliability of pipeline service into Florida—a state with no natural gas storage and *de minimis* natural gas production. Prior to construction of the SMP Project, the Florida Public Service Commission found that existing natural gas infrastructure could not meet the increased electricity needs in central and southern Florida.²¹ One of Sabal Trail’s anchor shippers, FPL, currently relies in part on gas supplies

²⁰ See 18 C.F.R. § 157.5.

²¹ FPSC Order No. PSC-09-0715-FOF-EI, In re: Petition to determine need for Florida EnergySecure Pipeline by Florida Power & Light Company at 5, FPSC Docket No. 090172-EI (issued Oct. 28, 2009); see *Florida Southeast Connection, LLC et al.*, 156 FERC ¶ 61,080 at PP 4-5 (2017).

from the Project to fuel electricity generation at its Martin power plant in Martin County, Florida and its Riviera Beach power plant in Palm Beach County, Florida. Any interruption in service may hinder FPL's ability to provide electricity to customers who depend on electricity for heating, air conditioning, and other critical uses. Furthermore, Duke Energy Florida, LLC ("DEF") another anchor shipper of Sabal Trail, is nearing completion of a new natural gas-fired power plant, located in Citrus County, Florida, that requires service on the SMP Project to timely place the plant into service. Sabal Trail is the only pipeline connected to DEF's plant and will enable DEF to provide electricity to a densely populated region. Accordingly, the Commission also needs to authorize the pending in-service request of the Citrus County Lateral that will serve DEF's plant. FPL, DEF and other electric generators which serve the growing electric demand in Florida and the Southeast rely on the availability of both firm and interruptible pipeline capacity at times of high electric demand. Any interruption in service on the SMP Project will risk significant impacts to reliability in the region.

In addition to reliability impacts, an interruption in the service on the Project risks substantial increased costs to consumers from supply constraints. Further, if the Court's mandate were to issue before the Commission reissues the authorizations contained in the February 2 Order, Applicants would face irreparable financial harm from lost revenue and the costs of additional operations required to shutdown and later restart the Project operations following the Commission's action on remand. Without reissuance of the SMP Project certificates or issuance of temporary emergency certificates, the Applicants will face substantial financial harm from lost revenues for each day the pipeline is not in service. Moreover, without such certificates, the Applicants may lose the ability to continue key

safety measures such as providing cathodic protection against corrosion. Recommissioning the SMP Project after a shutdown is estimated to take a substantial amount of time before operations could resume. Such a lag would further exacerbate and extend the negative practical impacts from a shutdown.

Without the authorizations requested herein, the Court's vacatur also jeopardizes ongoing maintenance and environmental rehabilitation and restoration work that the Applicants are performing pursuant to the February 2 Order. These mitigation efforts help to reduce the effects of natural phenomena, such as erosion, and decrease risk of environmental damage in karst sensitive areas. A shutdown of pipeline operations also threatens additional environmental harm by forcing reliance on higher emitting fuels for power generation in lieu of the gas supplied by the Project. Without service from the Project, DEF may be forced to delay the retirement of two 1960's era coal units that are scheduled for retirement in 2018. DEF cannot retire those units until it is able to place into service the Citrus County Combined Cycle Plant, which is entirely dependent on the SMP Project. Moreover, shutting down the Project increases the risk of integrity problems and other potential environmental impacts. Any required blow down of the pipeline facilities due to shutdown would result in additional air emissions.

A shutdown during winter months when pipeline capacity is often at peak usage due to high heating load could be severely damaging to FPL, DEF, and end-users in Florida. In January, due to extreme cold temperatures in the Southeast, Sabal Trail experienced load exceeding 800,000 Dth on a single day, which is near the full capacity of the pipeline. On this date, FPL has informed Sabal Trail that FPL utilized the Sabal Trail/FSC pipelines to meet its own demand and to generate power to sell to neighboring entities that were

experiencing extreme cold weather, both inside and outside of Florida. Sabal Trail served as an important supply source during this period transporting and delivering significant quantities of gas into FSC and Gulfstream Natural Gas System, L.L.C. (“Gulfstream”). The other two interstate pipelines serving central and southern Florida, Gulfstream and Florida Gas Company, LLC, were operating between 99 and 100 percent utilization at this time and therefore would not have had adequate capacity to provide an alternative transportation route for gas transported on Sabal Trail. Thus, it is beyond question that the Project improves the reliability and resilience of the entire energy grid in Florida and the Southeast as a whole. A shutdown would remove all of this capacity from service to Florida during a season known for peak usage and high demand, creating the potential for severe price spikes and inability to meet supply needs.

As demonstrated above, any interruption in service on the Project would threaten significant adverse consequences that are contrary to the public interest. The reliability, economic, and environmental impacts from a shutdown would far exceed any impacts from continuing operation of the Project under any temporary certificates during the limited period of time before the Commission acts on remand. The Commission can prevent such consequences and ensure that service on the Project is not interrupted by either reissuing the SMP Project certificates on remand or issuing the temporary emergency certificates sought herein.

IV.
TEMPORARY CERTIFICATE AUTHORIZATION IS WARRANTED UNDER
NGA SECTION 7(c)(1)(B) AND IS IN THE PUBLIC CONVENIENCE AND
NECESSITY

In the event that the Commission does not reissue the SMP Project certificates on remand prior to issuance of the D.C. Circuit’s mandate scheduled for February 7, 2018,

then as demonstrated below, the Applicants satisfy the criteria for the grant of temporary certificates under Section 7(c)(1)(B) of the NGA, which provides that the Commission can issue temporary certificates to natural gas companies during emergencies pending a determination on a certificate application.²² Specifically, Section 7(c)(1)(B) provides:

[T]he Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate²³

The Supreme Court has upheld the Commission’s authority to issue temporary certificates during emergencies to prevent disruptions or delays in jurisdictional service while a certificate application is pending.²⁴ Recognizing that Section 7 hearings “for permanent certification are time consuming,” the Supreme Court explained that Congress directed the Commission to address emergencies under NGA Section 7(c)(1)(B).²⁵

The Commission has granted emergency authorization under NGA Section 7(c)(1)(B) when failure to do so would inflict “serious consequences on the natural gas service for customers” that depended on the supply from the project.²⁶ As the Commission has determined, such circumstances warrant “issuance of the temporary certificates without prior notice or hearing” as authorized under Section 7(c)(1)(B).²⁷ Likewise, in *Texas-Ohio*

²² 15 U.S.C. § 717f(c)(1)(B).

²³ *Id.*

²⁴ *See FPC v. Hunt*, 376 U.S. 515 (1964); *FPC v. Sunray DX Oil Co.*, 391 U.S. 9, 20-21, 25-26, 40-45 (1968).

²⁵ *FPC v. Hunt*, 376 U.S. at 863-64.

²⁶ *Distrigas of Massachusetts Corporation*, 32 FERC ¶ 61,008, at p. 61,018 (1985) (“Distrigas Rehearing Order”).

²⁷ *Id.* at p. 61,019; *see Distrigas of Massachusetts Corporation*, 31 FERC ¶ 61,166, at p. 61,319 (1985) (“Distrigas Initial Order”) (authorizing Distrigas to provide initial transportation service to supply industrial end-users when its storage tanks lacked sufficient capacity to receive the next delivery and failure to provide transportation authority would mean an excess of supply at the storage facility and interruptions in the LNG shipment schedule that could jeopardize the winter service period); *see also Distrigas of Massachusetts Corporation*, 78 FERC ¶ 62,078 (1997) (determining “that an emergency existed within the meaning of the Natural Gas Act” when a liquefied natural gas terminal would be unable to satisfy all firm customers’ contracts, and therefore, issuing a temporary certificate).

Pipeline, Inc.,²⁸ the Commission found an emergency existed when the Texas-Ohio pipeline faced the possibility of temporarily terminating gas transmission services because it lacked a Section 7(c) certificate.²⁹ Concluding that even a brief delay of transportation services during the winter heating season constituted an emergency within the meaning of Section 7(c)(1)(B), the Commission issued a temporary certificate authorizing Texas-Ohio to continue transporting gas to existing customers until the Commission issued a final order on the certificate application under Section 7(c).³⁰ The Commission has similarly issued temporary certificates in other emergency situations, including energy shortages, potential supply disruptions, and events of force majeure.³¹

As in the above cases, the grant of temporary certificates to Applicants is both justified and in the public convenience and necessity. Like in *Texas-Ohio Pipeline*, Applicants face interrupting transportation services pending the Commission's action on remand. Such an interruption poses severe impacts to the public, the environment, the Project shippers, and Applicants, as described in Section III above.

For the limited authorizations requested herein, the Applicants do not seek to increase their service beyond the capacity made available by facilities that the Commission has already authorized the Applicants to place into service. The pendency of the permanent certificate authorizations on remand from the D.C. Circuit should not disadvantage shippers or end-users in their ability to obtain much-needed gas supplies. If temporary

²⁸ 58 FERC ¶ 61,025 (1992).

²⁹ *Id.* at p. 61,059-60.

³⁰ *Id.*

³¹ *Distrigas of Massachusetts Corp., Distrigas Corp.*, 55 F.P.C. 3025, at 3026–27 (1976); *Gulf South Pipeline Co., LP*, 109 FERC ¶ 62,080 (2004) (authorizing a temporary increase in operational storage capacity to provide flexibility to offset the force majeure loss of capacity); *Boston Gas*, 57 FERC ¶ 61,054, at p. 61,215-17 (1991) (authorizing Boston Gas to continue transporting gas to customers on a limited-term basis until the Commission issued a final order relating to the transactions).

certificate authorizations are granted, Applicants will continue to provide service pursuant to the rates approved in Docket Nos. CP15-17-000, CP15-16-000, and CP14-554-000 as approved by the D.C. Circuit on appeal.³²

Accordingly, if the SMP Project certificates are not reissued by February 6, 2018, the requested temporary certificate authorizations serve the public interest and should be granted to remain in effect until the Commission's final action on the Applicants' Certificate Applications on remand from the D.C. Circuit.

V. ENVIRONMENTAL MATTERS

The Commission has completed a thorough supplemental analysis of the environmental impacts at issue in compliance with the D.C. Circuit's remand and NEPA. Accordingly, the Commission can issue a final SEIS to support an Order on Remand. In the alternative, no NEPA analysis is required for the Commission to issue temporary certificates for the SMP Project. Pursuant to 18 C.F.R. § 380.4(a)(27), the "transportation of natural gas under sections 4, 5 and 7 of the Natural Gas Act that require[s] no construction of facilities" is categorically excluded from preparation of an Environmental Assessment ("EA") or EIS. Because the requested authorizations are for transportation of natural gas on existing facilities, the Commission is not required to prepare an EA or EIS for issuance of the temporary certificates.

Commission and court precedent further confirm that the Commission is not required to undertake analysis under NEPA prior to issuance of a temporary certificate. The courts and the Commission have long recognized that emergencies under the NGA "call for prompt action by the Commission," and that "NEPA does not suspend this duty

³² August 22 Order at * 30-32.

while an EIS is prepared and filed.”³³ Indeed, the D.C. Circuit acknowledged that the NGA’s directives calling for prompt issuance of temporary certificates during emergencies “created the type of ‘statutory conflict’ which alone can excuse compliance with section 4332(2)(C)” of NEPA.³⁴ As the Commission has previously observed, withholding a temporary certificate until after issuing a NEPA document “would do violence to [the Commission’s] responsibility to the consuming public under the Natural Gas Act. More specifically, it would conflict with [the Commission’s] Section 7(c) authority to issue temporary certification in cases of emergency in order to assure maintenance of adequate service.”³⁵ Accordingly, in the event the Commission does not apply the categorical exclusion pursuant to 18 C.F.R. § 380.4(a)(27), Applicants request that the Commission expressly acknowledge this statutory conflict between the NGA and NEPA in this context,³⁶ and grant the temporary certificates requested herein prior to undertaking any NEPA analysis, which would otherwise substantially delay issuance of the authorizations necessary to continue service and avoid the irreparable impacts of a system shutdown.³⁷

³³ *Louisiana Power & Light Co. v. FPC*, 557 F.2d 1122, 1126 (5th Cir. 1977).

³⁴ *Am. Smelting & Ref. Co. v. FPC*, 494 F.2d 925, 948 (D.C. Cir. 1974) (determining Commission was not required to undertake NEPA analysis before issuing an interim order for gas curtailment during a gas shortage) (citing *Calvert Cliffs’ Coordinating Comm., Inc. v. AEC*, 449 F.2d 1109, 115 (D.C. Cir. 1971)).

³⁵ *Distrigas of Massachusetts Corp., Distrigas Corp.*, 55 F.P.C. 3025, at 3026–27 (1976).

³⁶ *Am. Smelting & Ref. Co. v. FPC*, 494 F.2d at 948 (“A federal agency which seeks to excuse itself from its duties under section 4332(2)(C) cannot do so by simply ignoring that statute. Rather, it must make express findings which demonstrate the ‘statutory conflict’ which prohibits compliance.”).

³⁷ *Distrigas of Massachusetts Corp., Distrigas Corp.*, 55 F.P.C. 3025, at 3026–27 (1976) (“While operation of the subject tank constitutes the type of action which normally requires a NEPA statement prior to final and permanent authorization, circumstances in the instant proposal require that we grant extensions of the temporary certification for the limited sales now.”).

**VI.
RATE IMPACT**

Issuing the temporary certificate authorizations requested in the alternative herein for continued operation of the Project will not affect Applicants' transportation rates.³⁸

**VII.
OTHER**

Pursuant to 18 C.F.R. § 157.6(b)(5), no other application to supplement or effectuate this proposal must be or is to be filed by Applicants, their customers, or any other person, with any Federal, State or other regulatory body.

Because Applicants are not proposing to construct or abandon any facilities in the instant Application, pursuant to 18 C.F.R. § 157.6(d)(1), Applicants are exempt from the requirement to notify all affected landowners and towns, communities, and local, state, and federal governments and agencies involved in the Project.

Pursuant to 18 C.F.R. § 157.10(c) of the Commission's regulations, Applicants will provide a complete copy of this Application to a central public library in each county.

**VIII.
DESCRIPTION OF EXHIBITS**

Applicants have previously submitted the data required for the original Certificate Applications, which applies to this Application for temporary emergency certificates. Pursuant to Section 157.6 of the Commission's regulations, "this data need not be duplicated."³⁹ The additional pertinent information and exhibits can be found in Applicants' Certificate Applications in Docket Nos. CP15-17-000, CP15-16-000, and

³⁸ Applicants will continue to charge the rates the Commission authorized in the February 2 Order and the Commission's September 7, 2016 Order on Rehearing. *Florida Southeast Connection, LLC, et al.*, 156 FERC ¶ 61,160 (2016).

³⁹ 18 C.F.R. § 157.6(a)(1).

CP14-554-000, including the exhibits required by and filed pursuant to Section 157.14, and such information and exhibits are incorporated herein by reference.

IX.
NOTICE AND WAIVER OF INITIAL DECISION

To the extent that any publication in the *Federal Register* may be required for this Application, Applicants request that the Commission expedite the processing of this Application by promptly publishing in the *Federal Register* a notice of this Application with a provision that establishes the time for filing protests, petitions to intervene, and notices of intervention at the earliest possible date after issuance of the notice, and by implementing the shortened procedures prescribed in Rules 801 and 802 of the Commission's Rules of Practice and Procedure.⁴⁰ In the event this Application is considered under these provisions, Applicants waive oral hearing and the opportunity for filing exceptions to the Commission's decision.

⁴⁰ 18 C.F.R. §§ 385.801-802. Pursuant to 18 C.F.R. §§ 157.6 and 157.9 of the Commission's regulations, a form of notice of this Joint Application, suitable for publication in the Federal Register, is attached.

**X.
CONCLUSION**

WHEREFORE, Applicants respectfully request that the Commission expedite its review of the proposal contained herein, and on or before February 6, 2018, issue a final SEIS and an Order on Remand reissuing the certificates for the SMP Project or grant temporary certificates of public convenience and necessity for the SMP Project to last until the Commission addresses the D.C. Circuit's directives on remand.

Sabal Trail Transmission, LLC
By: Sabal Trail Management, LLC,
Its Operator

/s/ P. Martin Teague
P. Martin Teague,
Associate General Counsel

Florida Southeast Connection, LLC

/s/ William Lavarco
William Lavarco, Senior Attorney

Transcontinental Gas Pipe Line Company,
LLC

/s/ Stephen A. Hatridge
Stephen A. Hatridge, Vice President and
Assistant General Counsel

February 2, 2018

VERIFICATION

THE STATE OF TEXAS)
)
COUNTY OF HARRIS)

P. Martin Teague, being first duly sworn, states that he is the Associate General Counsel, for Sabal Trail Management, LLC; that he is authorized to execute this Verification; that he has read the foregoing Application and is familiar with the contents thereof; and that all allegations of fact therein contained are true and correct to the best of his knowledge and belief.

Sabal Trail Transmission, LLC
By: Sabal Trail Management, LLC
Its Operator

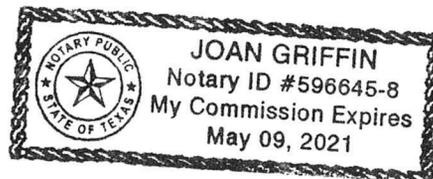
P. Martin Teague
P. Martin Teague
Associate General Counsel

Subscribed and sworn to before me this 2ND day of February, 2018.

Joan Griffin
Notary Public, State of Texas

My Commission Expires:

5/9/2021

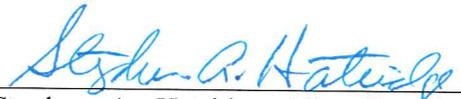


VERIFICATION

THE STATE OF TEXAS)
)
COUNTY OF HARRIS)

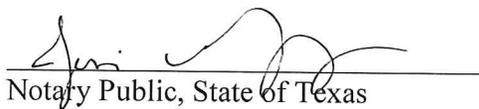
Stephen A. Hatridge, being first duly sworn, states that he is the Vice President and Assistant General Counsel for Transcontinental Gas Pipe Line Company, LLC; that he is authorized to execute this Verification; that he has read the foregoing Application and is familiar with the contents thereof; and that all allegations of fact therein contained are true and correct to the best of his knowledge and belief.

Transcontinental Gas Pipe Line Company,
LLC



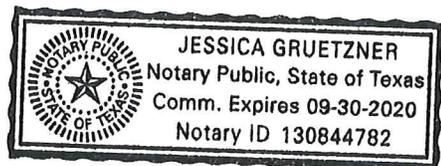
Stephen A. Hatridge, Vice President and
Assistant General Counsel

Subscribed and sworn to before me this 2 day of February, 2018.


Notary Public, State of Texas

My Commission Expires:

9-30-2020



**Florida Southeast Connection, LLC
Transcontinental Gas Pipe Line Company, LLC
Sabal Trail Transmission, LLC**

Southeast Market Pipelines Project

DOCKET NOS. CP14-554-000, *et al.*; CP15-16-000, *et al.*;
CP15-17-000, *et al.*

NOTICE

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Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on **(insert date)**.

Kimberly D. Bose
Secretary

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists compiled by the Secretary in Docket Nos. CP14-554-000, *et al.*, CP15-16-000, *et al.*, and CP15-17-000, *et al.*

Dated at Houston, Texas, this 2nd day of February, 2018.

/s/ Daniel K. Lee
Daniel K. Lee