

**From:** [Mark S Squillace](#)  
**To:** [FERGAS](#)  
**Subject:** RIN 1901-AB43 and FE Docket No. 17-86-R  
**Date:** Sunday, October 15, 2017 8:58:40 PM

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Amy Sweeney, U.S. Department of Energy (FE-34)  
Office of Regulation and International Engagement  
Office of Fossil Energy Forrestal Building  
Room 3E-042  
1000 Independence Avenue SW.  
Washington, DC 20585

Dear Ms. Sweeney,

I had hoped to submit my comments through the regulations.gov website but the link for submitting comments appears to be broken. That alone should be enough reason for DOE to extend the comment period and I ask that DOE do so to allow others to participate through the government portal. Beyond this problem, however, there are very good reasons to pull back on this proposal entirely and I briefly recount those reason below.

Although much that concerns me about this proposal, I am limiting limit my comments to two issues. First, the discussion of the “public interest,” which is apparently the basis for the DOE’s action in this case demand further scrutiny. The public interest is not, as the preamble to the proposed rule suggests, “to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.” On the contrary, that seems to place the focus on private interests. Properly understood, the public interest is not about private nterests but rather about rights and values that the people share in common with each other. In this case the particular public interest focus should probably be on the impacts of the proposal on climate change. Oddly, however, the DOE has apparently decided to categorically exclude this proposal from NEPA.

This leads to my second point. Contrary to the DOE’s claim, this proposal is hardly just a procedural decision. Exporting natural gas seems very likely to discourage development of renewable resources and the decision to avoid NEPA compliance means that the DOE is ignoring this critical issue. Recent court decisions have made clear that agencies have an obligation to address the climate impacts of their decisions, including the social costs of adding more carbon to the atmosphere. DOE’s suggestion that it has no obligation to address this and other issues under NEPA is simply wrong.

Even more troubling, the DOE appears prepared to approve a rule that would allow these export facilities to go forward without any individual review or approval process. Whatever one might say about this proposed rule, any decision to allow individual facilities to move forward is surely not a procedural decision and thus NEPA plainly applies to these actions.

The DOE must pull back from this decision, prepare an appropriate environmental analysis for this proposed rule, address all potential environmental impacts, and consider reasonable

alternatives to this proposal, including limiting terminals to facilities of smaller capacity, and/or capping the total amount of gas that could be exported through these facilities. Moreover, given that the DOE itself acknowledges that these facilities will likely raise the domestic price of natural gas the impact of that increase on the domestic economy must be addressed.

As currently proposed, this rule is poorly conceived and its approval without NEPA compliance will surely lead a court to reject it outright. I suggest the DOE start over and commit to engaging the public on this proposal in a meaningful way before any further action on this proposal is taken.

Sincerely, Mark Squillace

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