

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>Re: Downeast LNG</b>	)	<b>Docket Nos. CP07-52-000</b>
	)	<b>CP07-53-000</b>
	)	<b>CP07-53-001</b>
	)	<b>PF14-19</b>

**Motion to Dismiss for Cause  
of Save Passamaquoddy Bay**

Save Passamaquoddy Bay hereby petitions the Commission to Dismiss Downeast LNG from permitting.

***Downeast LNG is once again abusing the FERC permitting process, in conflict with public stakeholder interests.***

**Gaming the FERC Permitting Process**

Previously, during Downeast LNG’s export terminal permitting, and contrary to its own purpose filed to the FERC docket, and as Save Passamaquoddy Bay pointed out to FERC in our 2014 June 24 Motion to Dismiss (Accession No. 20140624-5038), the applicant withheld from FERC and the public its intent to reduce LNG storage and to export LNG. Downeast LNG is yet again withholding from FERC its true intent and activities as a means of gaming the FERC process into facilitating sale of the project.

**Multiple Permitting Abeyances For Nearly 1 Year**

On 2015 October 30, Downeast LNG requested to have permitting placed in abeyance until 2016 February 29. On February 29, Downeast LNG then requested abeyance until 2016 June 1. Then, on June 2, Downeast LNG requested yet another permitting abeyance until 2016 September 30. By that time, abeyance will have stretched out for 11 months. Three continuing abeyances totaling nearly a full year is a pattern worthy of FERC’s regulatory scrutiny and action.

**Permitting Qualification Failure**

On 2016 May 18, Downeast LNG released to the press a statement announcing its intent to sell the project, commencing 2016 July 1. The press release indicates that Downeast LNG’s directors and stockholders are not qualified to pursue further permitting.<sup>1</sup>

**Progress Failure & Veracity Failure**

Downeast LNG’s 2016 June 2 docket filing (Accession No. 20160602-5373) indicates that “several important discussions and negotiations are underway and scheduled for

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<sup>1</sup> See Accession No. 20160523-5211(31476890), “**Downeast LNG Announces Planned Sale of Business Commencing July 1, 2016**”.

near term closure.” Downeast LNG states, “Given the above progress and scheduled events,” it requested further permitting abeyance until 2016 September 30.

The so-called “progress” has to do with the applicant’s attempt to sell the project to another entity. ***Selling the project has nothing to do with permitting; therefore, is not FERC’s business.***

### **FERC is Not a Real Estate or Business Broker**

FERC’s mandate is to regulate and permit energy projects. ***FERC is not authorized in real estate or business brokerage.*** Contrary to FERC’s authority, Downeast LNG — unable and unwilling to continue permitting — is attempting to use FERC to facilitate the sale of the business.

### **Dismissal for cause is warranted.**

Since Downeast LNG has publicly resolved that it is unfit to pursue FERC and state permitting, since Downeast LNG has been lingering in FERC pre-filing and formal filing for 10.5 years while achieving absolutely no permits from the US Army Corps of Engineers, the State of Maine, or from FERC, since Downeast LNG is attempting to game FERC into essentially brokering the project, and since FERC is not in the business of real estate or business brokerage, Save Passamaquoddy Bay petitions FERC to dismiss Downeast LNG from permitting for just cause.

Respectfully,

/s/ Robert Godfrey

Robert Godfrey

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Aroostook Band of Micmacs Chief Edward Peter Paul  
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