

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

Port Dolphin Energy, LLC

**Docket Nos. CP07-191-000
CP07-191-001
CP07-192-000**

MOTION TO VACATE CERTIFICATE

Pursuant to Rule 212 of the Federal Energy Regulatory Commission's ("Commission's") Rules of Practice and Procedure, 18 C.F.R. §385.212, Port Dolphin Energy, LLC ("Port Dolphin") hereby files this Motion to Vacate various certificates and waivers granted to Port Dolphin on December 3, 2009, in the Commission's "Order Issuing Certificates."¹ As shown below, Port Dolphin is no longer in need of the certificates and waivers and wishes to surrender the same.

**I.
BACKGROUND**

On April 25, 2007, pursuant to section 7(c) of the Natural Gas Act, Port Dolphin filed an application seeking authority to construct and operate in Manatee County, Florida, the onshore portion of a natural gas pipeline associated with Port Dolphin's proposed deepwater natural gas port. The purpose of this project was to interconnect the onshore pipeline to an interstate and an intrastate pipeline. Certain waivers were also requested that would allow Port Dolphin to operate the onshore pipeline on a sole-use basis. In addition, Port Dolphin requested a blanket construction certificate under Part 157, Subpart F of the Commission's regulations.²

¹ *Port Dolphin Energy, LLC*, 129 FERC ¶61,199 (2009)("December 3 Order").

² 18 C.F.R. Part 157, Subpart F (2009)

On January 18, 2008, Port Dolphin filed in Docket No. CP07-191-001 an amendment to its original application, in which it proposed to reroute the onshore pipeline.³ The Commission subsequently (December 3, 2009) granted the various certificates and waivers that had been submitted for approval by Port Dolphin.⁴

On October 26, 2009, the U.S. Maritime Administration (“MARAD”) issued a license to Port Dolphin to own, construct, and operate a Deepwater Port for the delivery of regasified liquid natural gas to the Florida natural gas pipeline system.⁵ Port Dolphin has already filed a letter with MARAD for surrendering this license, and is undertaking similar actions with other key federal/state agencies for surrendering other permits which were necessary for project construction/operation. Furthermore, Port Dolphin is also withdrawing corresponding applications for outstanding permits/authorizations that were also necessary prior to proceeding with project construction/operation but never obtained.

II. MOTION TO VACATE

Since the inception of Port Dolphins’ plan for the Deepwater Port, the natural gas industry has substantially changed. These changes resulted in the United States becoming an exporter rather than an importer of natural gas. As a result of these changes, Port Dolphin has been unsuccessful in its efforts to negotiate commercial contracts for the proposed Deepwater Port. Therefore, Port Dolphin intends to abandon entirely its plans to construct the Deepwater Port and

³ Port Dolphin filed a supplement in Docket No. CP07-191-001 on January 16, 2009 to update its application as a result of ongoing discussions with local governmental officials and ongoing environmental and engineering surveys.

⁴ Although the Certificate was issued, no construction was commenced on the onshore pipeline or appurtenant facilities.

⁵ Although MARAD issued the license to Port Dolphin, no construction activities had been started on the site covered by the license.

the onshore pipeline and appurtenant facilities. On August 28, 2015, Port Dolphin submitted a request to the MARAD to approve the surrender of the deepwater port license.

As a result of the catastrophic changes in circumstances, Port Dolphin is abandoning its plans for the Deepwater Port and all of the associated construction. Subsequently, Port Dolphin no longer requires the certificates and waivers that the Commission had previously granted.

WHEREFORE, Port Dolphin Energy, LLC, respectfully requests that the Commission vacates its December 3, 2009 Order Issuing Certificates.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Vacate has been served via email and/or Regular U.S. Mail, on each person listed on the Official Service List compiled by the Secretary in this proceeding.

Dated in Bradenton, Florida this 25th day of September, 2015.

/s/ J. Kenneth McIntyre

J. Kenneth McIntyre

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