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UNITED STATES COURT OF APPEALS
THE DISTRICT OF COLUMBIA CIRCUIT

OA PARTNERS LLC,
Petitioner,
vs.
FEDERAL ENERGY REGULATORY
COMMISSION, STATE OF OREGON
Respondents

Case No.: [To Be Assigned]

PETITION FOR REVIEW OF AGENCY ACTION AND REQUEST FOR DECLARATORY RELIEF

to Revive Docket Nos. CP17-494/CP17-495 and Request for Declaratory Relief
per EO 14111, with Fee Waiver Request

Pursuant to the Natural Gas Act (NGA), 15 U.S.C. Â§ 717r, and the Administrative Procedure Act (APA), 5 U.S.C. Â§Â§ 701-706, Petitioner OA Partners LLC, a party to U.S. Department of Energy (DOE) Application Docket No. 103519, hereby petitions this Court to review and set aside actions by the Federal Energy Regulatory Commission (FERC) and the State of Oregon related to FERC Docket Nos. CP17-494 and CP17-495 (Jordan Cove LNG Project and Pacific Connector Gas Pipeline). Petitioner seeks an order to: (1) revive FERC Docket Nos. CP17-494 and CP17-495 to reassert federal authority; (2) waive the State of Oregon's Clean Water Act (CWA) Section 401 water quality certification requirements, Coastal Zone Management Act (CZMA) consistency determination, and Oregon Department of State Lands (DSL) removal-fill permit, Under NGA Section 3 (15 U.S.C. Â§ 717b) and Section 7 (15 U.S.C. Â§ 717f), FERC holds plenary authority over LNG facilities and interstate pipelines and prevents their progress forward; and (3) declare Oregon's regulatory denials unlawful under federal law, as they contradict the intent of Executive Order 14111, issued by President Donald J. Trump.

I. JURISDICTION

This Court has jurisdiction under 15 U.S.C. Â§ 717r(b), which grants exclusive authority to review FERC orders under the NGA, and 28 U.S.C. Â§ 2342, for agency actions. Venue is proper as FERC is headquartered in Washington, D.C., and the challenged actions impact interstate natural gas commerce.

II. BACKGROUND

1. On March 19, 2020, FERC authorized the Jordan Cove LNG Project (CP17-494) and Pacific Connector Gas Pipeline (CP17-495), finding them in the public interest under NGA Sections 3 and 7.
2. The State of Oregon, through its Department of Environmental Quality (DEQ), Department of Land Conservation and Development (DLCD), and Department of State Lands (DSL), denied the CWA Section 401 certification (May 6, 2019), CZMA consistency determination (October 31, 2020), and DSL removal-fill permit (signaled 2020), respectively, halting the project.
3. Pembina Pipeline Corporation withdrew its applications in December 2021, vacating FERC's dockets, despite federal approval.
4. On January 20, 2025, President Trump issued EO 14111, directing federal agencies to expedite LNG export projects as vital to national energy security.
5. DOE's Office of Fossil Energy and Carbon Management (FECM) stamped Docket 103519 on Jan 20, 2025 reaffirming federal export authorization for Jordan Cove at 0.23 Bcf for 2 years.
6. Oregon persists in withholding state permits, obstructing implementation.

III. CLAIMS FOR RELIEF

A. Revival of FERC Docket Nos. CP17-494 and CP17-495

Petitioner requests this Court order FERC to revive Docket Nos. CP17-494 and CP17-495, vacated in 2021. EO 14111 and DOE Docket 103519 establish renewed federal priority for Jordan Cove, necessitating FERC's reassertion of jurisdiction. Oregon's permit denials do not negate FERC's prior findings of

public interest, and vacatur was a procedural, not substantive, withdrawal.

B. Waiver of State Permitting Requirements Petitioner seeks an order directing FERC to waive Oregon's CWA Section 401 certification, CZMA

consistency determination, and DSL removal-fill permit requirements. Under NGA Section 3 (15 U.S.C. Â§ 717b) and Section 7 (15 U.S.C. Â§ 717f), FERC holds plenary authority over LNG facilities and interstate pipelines. EO 14111 reinforces this by streamlining approvals, implicitly authorizing waivers of state prerequisites where they impede federal objectives. Precedent (e.g., Millennium Pipeline Co. v. Seggos, 2017) supports FERC's ability to bypass dilatory state 401 reviews. Oregon's denials "based on speculative ecological concerns" lack merit under NGA standards and frustrate federal law.

C. Oregon's Violation of Federal Law

Oregon's refusal to issue permits violates federal supremacy as articulated in the NGA and EO 14111. The NGA preempts state actions that "prohibit or unreasonably delay" FERC-approved projects (Dominion Transmission v. Summers, 723 F.3d 238, D.C. Cir. 2013). EO 14111's intent "to accelerate LNG exports for economic and security benefits" is directly contradicted by Oregon's obstruction.

This Court should declare Oregon's denials null, restoring federal primacy.

IV. REQUESTED RELIEF

Petitioner respectfully requests:

1. An order reviving FERC Docket Nos. CP17-494 and CP17-495, reasserting federal authority over the Jordan Cove LNG Project and Pacific Connector Gas Pipeline.
2. An order directing FERC to waive Oregon's CWA Section 401, CZMA, and DSL permit requirements, or declaring them preempted.
3. A declaratory judgment that Oregon's permit denials violate federal law under the NGA and EO 14111.
4. Such other relief as this Court deems just.
5. Grant a waiver or deferral of the filing fee per 18 CFR 381.103(b), given Petitioner's financial constraints and the national priority of EO 14111

V. CONCLUSION

Oregon's regulatory intransigence thwarts a federally sanctioned LNG project vital to national interests, as reaffirmed by EO 14111 and Docket 103519. This Court's intervention will ensure federal law prevails, clearing the path for Jordan Cove's realization.

Dated: February 22, 2025

Respectfully submitted,

Mark Kekkonen,

Managing Member for OA Partners LLC

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