



Sabina D. Walia [swalia@cblenergylaw.com](mailto:swalia@cblenergylaw.com)  
Tel 713.338.3155 Fax 713.357.6775

May 23, 2025

Ms. Debbie-Anne A. Reese, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Request for Determination Regarding Applicability of the Pre-Filing Process  
PF25-\_\_\_\_-000

Dear Ms. Reese:

Pursuant to Section 157.21 of the regulations of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> Harvest Alaska, LLC (“Harvest”) hereby respectfully requests that the Director of the Commission’s Office of Energy Projects (“Director of OEP”) make a determination that the forthcoming proposal of Trans-Foreland Pipeline Company LLC (“Trans-Foreland”) to modify, construct, and operate the liquified natural gas (“LNG”) facilities described herein is not subject to the mandatory pre-filing procedures and review process.<sup>2</sup> Due to the time-sensitive need for the modifications described herein, Harvest respectfully requests expedited consideration of this determination request. Harvest is working diligently in order to file its application pursuant to Section 3 of the Natural Gas Act (“NGA”) and Part 153 of the Commission’s regulations as soon as practicable following receipt of the determination requested herein.

In support of this request, Harvest provides the following background information, modification details, and supporting information.

## **I. BACKGROUND**

### Ownership

Trans-Foreland, by way of its subsidiary Kenai LNG LLC, is the owner and operator of the existing Kenai LNG terminal in Nikiski, Kenai Peninsula Borough, Alaska (“Kenai LNG Terminal”). Trans-Foreland is a wholly-owned subsidiary of Marathon Petroleum Company LP

---

<sup>1</sup> 18 C.F.R. § 157.21 (2024).

<sup>2</sup> See *id.*; see also *Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities*, Order No. 665, 113 FERC ¶ 61,015 (2005).

Ms. Debbie-Anne A. Reese, Secretary

May 23, 2025

Page 2

(“Marathon”). On February 6, 2025, Harvest announced its agreement with Marathon to purchase the Kenai LNG Terminal.<sup>3</sup> Harvest is filing the request herein in order to construct the proposed modifications to the Kenai LNG Terminal as expeditiously as possible as soon as the transaction closes.

### Cool Down Project

The Kenai LNG Terminal includes an existing dock and 161.1-acre liquefaction facility, which was originally authorized as an LNG export facility in 1967.<sup>4</sup> The terminal has not exported LNG since 2015 and has been maintained in a warm idle state since 2018.<sup>5</sup> On December 17, 2020, the Commission issued an “Order Granting Authorization under Section 3 of the Natural Gas Act” (the “Cool Down Order”).<sup>6</sup> The Cool Down Order authorizes Trans-Foreland to construct, modify, and operate certain facilities to import LNG at the Kenai LNG Terminal (the “Cool Down Project” or “Project”).

The Cool Down Project consists of returning the terminal’s existing storage tanks, marine dock, transfer piping, boil-off gas management system, and ancillary facilities to an active state, as well as constructing the following all within the boundary of the existing terminal site: (1) an electric-powered trim LNG vaporizer module; (2) an electric-driven boil-off gas booster compressor; (3) a vaporizer feed pump; (4) an LNG circulation pump; and (5) new valves, minor piping arrangements, and appurtenant facilities.<sup>7</sup> The facilities that were authorized in the Cool Down Project were not subject to pre-filing procedures under Section 157.21.<sup>8</sup>

On April 28, 2021, Trans-Foreland requested a pre-filing determination regarding a potential amendment to the Project to add a steam-powered vaporizer stream, including a steam vaporizer feed pump, steam vaporizer module, and auxiliary stream condensate drum and pump (“April 2021 Proposal”). The Project, as amended, would increase natural gas supply to

---

<sup>3</sup> Press Release, Harvest Alaska, *Harvest Alaska and Chugach Electric Association Announce Plans to Bolster Southcentral Gas Supplies Through Re-Development of Kenai Peninsula LNG Terminal* (Feb. 6, 2025), <https://www.harvestmidstream.com/news/harvest-alaska-and-chugach-electric-association-announce-plans-to-bolster-southcentral-gas-supplies-through-re-development-of-kenai-peninsula-lng-terminal/>.

<sup>4</sup> *Phillips Petroleum Co. and Marathon Oil Co.*, 37 FPC 777 (1967), *amended by*, 44 FPC 1156 (1970). In 1975, the FPC issued Opinion Nos. 735 and 735-A, finding and reaffirming its jurisdiction over the transmission and liquefaction of gas and related facilities at the Kenai LNG Terminal. *Marathon Oil Co. and Phillips Petroleum Co.*, Opinion No. 735, 53 FPC 2164 (1975), *overruled in part by*, *Kokomo Gas and Fuel Co.*, 19 FERC ¶ 61,272 (1982), *Marathon Oil Co. and Phillips Petroleum Co.*, Opinion No. 735-A, 54 FPC 660 (1975). In 2009, FERC issued an order clarifying its NGA Section 3 jurisdiction and holding that the Kenai LNG Terminal is subject to NGA Section 3 reporting and inspection requirements. *ConocoPhillips Alaska Nat. Gas Corp. and Marathon Oil Co.*, 126 FERC ¶ 61,037 (2009), *clarified on reh'g*, 127 FERC ¶ 61,154 (2009).

<sup>5</sup> *Cool Down Order* at P 3.

<sup>6</sup> *Cool Down Order* at Ordering Paragraph (A).

<sup>7</sup> *Cool Down Order* at P 5.

<sup>8</sup> *Trans-Foreland Pipeline Company, LLC*, Determination of Applicability of the Pre-Filing Process, Docket No. PF19-2-000 (Mar. 1, 2019).

Ms. Debbie-Anne A. Reese, Secretary

May 23, 2025

Page 3

approximately 14 MMcf/day during cold, winter days. On December 22, 2021, the Director of OEP issued its determination letter that the April 2021 Proposal would not be subject to the mandatory pre-filing procedures and review process.<sup>9</sup>

Trans-Foreland has not filed to amend the Project as described in the April 2021 Proposal. For the reasons described below, Harvest is proposing to amend the Project with substitute facilities and is seeking the determination requested herein for such substitute facilities.

## II. AMENDMENT PROPOSAL

### Reason for Amendment

The Kenai LNG Terminal is ideally located in the Southcentral Alaska gas market region, which is served by several electric and gas utilities, including Chugach Electric Association, Inc. (“Chugach”), Enstar Natural Gas Company, Matanuska Electric Association, and Homer Electric Association, Inc. These utilities and the communities they serve represent the majority of natural gas demand in the region. The combined average demand forecast is estimated at 70 Bcf/year and is currently met by Cook Inlet production. However, Cook Inlet production has been and continues to decline and is projected to decline precipitously over the next decade, creating a material supply deficit in the region beginning in approximately 2027 and steadily increasing to more than 20 Bcf/year by 2030.

Further underscoring the concern, in mid-2022 Hilcorp Alaska, the region’s primary natural gas producer, notified local utilities that it lacked sufficient reserves to support new long-term contracts as existing agreements expired.<sup>10</sup> At that time, utilities faced contract expirations ranging from two to eleven years, with no assurances of future commitments. This announcement followed Trans-Foreland’s prior request for pre-filing determination in April 2021, and in the approximately three years since, substantial work has been undertaken to assess and quantify the full extent of the anticipated supply shortfall. In January 2023, the Alaska Department of Natural Resources published a study confirming that natural gas demand is projected to exceed supply beginning in 2027, with the gap widening significantly over time.<sup>11</sup> In direct response to Hilcorp’s 2022 notice, regional utilities formed the Alaska Utilities Working Group to collaboratively evaluate and pursue alternative supply solutions. Their Phase 1 Assessment, released on June 28, 2023, reinforced the urgency of identifying and implementing near-term options to prevent service disruptions.<sup>12</sup>

---

<sup>9</sup> *Trans-Foreland Pipeline Company, LLC*, Determination of Applicability of the Pre-Filing Process, Docket No. PF21-2-000 (Dec. 22, 2021).

<sup>10</sup> See “Hilcorp warns Alaska utilities about uncertain Cook Inlet natural gas supplies,” Anchorage Daily News (May 17, 2022), <https://www.adn.com/business-economy/energy/2022/05/17/hilcorp-warns-alaska-utilities-about-uncertain-cook-inlet-natural-gas-supplies/>.

<sup>11</sup> See “2022 Cook Inlet Gas Forecast,” State of Alaska, Department of Natural Resources (January 2023) (available at [https://dog.dnr.alaska.gov/Documents/ResourceEvaluation/Cook\\_Inlet\\_Gas\\_Forecast\\_Report\\_2022.pdf](https://dog.dnr.alaska.gov/Documents/ResourceEvaluation/Cook_Inlet_Gas_Forecast_Report_2022.pdf)).

<sup>12</sup> See “Phase I Assessment: Cook Inlet Gas Supply Project,” Alaska Utilities Working Group (June 28, 2023) (available at <https://www.enstarnaturalgas.com/wp-content/uploads/2023/06/CIGSP-Phase-I-Report-BRG-28June2023.pdf>).

Ms. Debbie-Anne A. Reese, Secretary

May 23, 2025

Page 4

The Cool Down Project utilizes a brownfield site with existing dock facilities, LNG storage tanks, related support infrastructure, and direct connectivity to the gas pipeline network. This approach minimizes impacts to the environment and surrounding communities and supports the timely delivery of additional natural gas needed to address the projected supply shortfall in Southcentral Alaska. However, the supply deficit as currently projected would not be met by the as-authorized Project. Based on these projections, Harvest, Marathon, and Chugach have announced their agreement regarding the development of the Kenai LNG Terminal, including supporting an amendment to the Project to increase its natural gas send-out capability.<sup>13</sup>

### Description of Facilities

To serve the increasing demand in the Southcentral Alaska region, Trans-Foreland intends to file an application to amend the Section 3 authorization for the Cool Down Project that will result in the import of up to approximately 20 Bcf/year of natural gas supply. To accomplish this, Trans-Foreland is proposing to amend the current Cool Down Project to substitute higher efficiency facilities, add additional limited facilities related to boil-off gas, and upgrade and modernize certain legacy facilities.

Specifically, the following facilities will be substituted: (1) in lieu of the electric-trim vaporizer module in the original Project and the steam vaporizer module in the April 2021 Proposal, Trans-Foreland will use two (2) new submerged combustion vaporizers (“SCV”) each with a capacity of 100 MMcf/day, as further described below; and (2) in lieu of the associated feed pump in the original Project and the steam vaporizer feed pump in the April 2021 Proposal, Trans-Foreland will use a new 840 gpm high-pressure feed pump. Like the additional vaporizer equipment in the April 2021 Proposal, the aforementioned substitute facilities will include auxiliary related facilities such as combustion air blowers and a dedicated feedwater system. These substitutions are sized to meet peak daily demand, designed to allow for “turn down” during low-demand periods, and will result in a net send-out rate of up to approximately 20 Bcf/year. All substitute facilities will be constructed within the boundary of the existing Kenai LNG Terminal.

Although a single SCV is sufficient to meet the base operational requirements, two (2) new SCVs are being installed. One SCV is intended for primary use, while the second provides 100% operational redundancy to ensure reliability in the event of maintenance or unplanned outages. In addition, the second SCV offers supplemental capacity to meet utilities' needs during peak demand events, further supporting the critical role of this facility in maintaining energy security for the Southcentral Alaska gas market. In addition, the SCVs offer improved thermal efficiency and lower emissions compared to the previously proposed steam vaporization system, which relied on the aging steam boiler infrastructure. Both SCVs will be installed within the boundary of the existing Kenai LNG Terminal.

With respect to additional facilities, the proposed amendment will include the following: (1) to conserve and capture increased boil-off gas (“BOG”) during LNG-carrier offloading, the

---

<sup>13</sup> See *supra* note 3.

Ms. Debbie-Anne A. Reese, Secretary

May 23, 2025

Page 5

design incorporates an additional 6,000 HP BOG offloading electric compressor, eliminating the need for routine BOG venting under normal operating conditions; and (2) an additional electric BOG booster compressor. All additional facilities will be constructed within the boundary of the existing Kenai LNG Terminal.

Finally, with respect to upgraded and modernized facilities, the as-amended Project will utilize existing appurtenant infrastructure to the greatest extent practicable, but will eliminate, replace, or upgrade legacy appurtenant equipment such as the process and safety control system, the steam boiler system, the power distribution equipment, and the water treatment system. Modernization of these supporting systems will enhance safety, reliability, and compliance with current standards, and reduce the emissions profile of the facility. All facility changes will occur within the boundary of the existing Kenai LNG Terminal.

### **III. REQUEST FOR DETERMINATION REGARDING PRE-FILING PROCEDURES**

As proposed, the contemplated amendment does not materially alter the Cool Down Project as it continues to be the case that only limited modifications are necessary to the Kenai LNG Terminal to convert its operation to import natural gas. The substitute facilities are critical to enhancing operational safety, improving energy efficiency, increasing system reliability, and expanding capacity to support the region's emerging natural gas shortage with minimal departure from the overall Project design. Harvest has undertaken a front-end engineering and design study in order to meet the approaching supply gap as early as possible by building on the existing Cool Down Project authorization with more efficient and modern equipment.

Harvest requests that the Director of OEP find pursuant to Section 157.21(e)(2) of the Commission's regulations that the proposed modifications do not require mandatory pre-filing under Section 157.21(a) because the modifications do not "involve significant state and local safety considerations that have not been previously addressed."<sup>14</sup> The Director of OEP has determined in the past that similar modifications to the existing Kenai LNG Terminal do not require pre-filing, including the modifications proposed for the Cool Down Project<sup>15</sup> and the additional facilities in the April 2021 Proposal.<sup>16</sup> Like the facilities in the Cool Down Project and the facilities in the April 2021 Proposal, all modifications and additions described herein will occur within the existing terminal boundary and do not present significant state or local safety considerations that were not already addressed as part of the existing authorizations.

Section 157.21(a) of the Commission's regulations provides examples of modifications that may require pre-filing, such as "the addition of LNG storage tanks; increasing throughput requiring additional tanker arrivals or the use of larger vessels; or changing the purposes of the facility from peaking to base load."<sup>17</sup> At this time, Harvest's front-end engineering design and

---

<sup>14</sup> 18 C.F.R. § 157.21(a).

<sup>15</sup> See *supra* note 8.

<sup>16</sup> See *supra* note 9.

<sup>17</sup> *Id.*

Ms. Debbie-Anne A. Reese, Secretary

May 23, 2025

Page 6

analysis does not require additional tank capacity or a net increase in marine terminal operations beyond the historical frequency observed during export operations and previously analyzed in the Environmental Assessment for the Cool Down Project. Ongoing marine terminal inspections, as well as mooring and berthing analysis associated with the ultimate designated LNG supplier for the facility, may identify the need for minor hardening or upgrades to accommodate modern LNG carrier designs.

The proposal herein does not alter Trans-Foreland's plan to apply to the Department of Energy's Office of Fossil Energy for authorization to import LNG to the Kenai LNG Terminal. There are no other related applications at the Commission that must be considered in conjunction with this proposal. Trans-Foreland will consult with the relevant federal and state agencies regarding permits associated with its proposed amendment, which will be sufficiently addressed as a part of the NGA Section 3 amendment application.

For these reasons, Harvest requests a determination that the modifications proposed herein do not require mandatory pre-filing, similar to the modifications the Director of OEP has exempted from pre-filing in the past,<sup>18</sup> including for the Cool Down Project and the April 2021 Proposal.<sup>19</sup>

#### Request for Expedited Consideration

Harvest, Marathon, and Chugach have announced their agreement to support the development of the Kenai LNG Terminal as expeditiously as possible to meet the growing supply needs and mitigate the materializing supply deficit of natural gas in Southcentral Alaska.<sup>20</sup> As soon as practicable and following the determination of the Director of OEP requested herein, Trans-Foreland intends to amend the Cool Down Project in an effort to begin natural gas send-out from the facility as early as 2027 to meet the needs of Southcentral Alaska. Accordingly, Harvest respectfully requests expedited consideration of this determination request.

Should you have any questions, please contact the undersigned at 713-338-3155.

/s/ Sabina D. Walia  
Sabina D. Walia  
CBL Energy Law PLLC  
*Counsel for Harvest Alaska, LLC*

*Enclosure*

cc: Paula Motzel, Assistant General Counsel, Marathon Petroleum Company LP

---

<sup>18</sup> See, e.g., *Southern LNG Company, L.L.C.*, Determination of Applicability of the Pre-Filing Process, Accession No. 20111118-3006 (Nov. 18, 2011) (finding pre-filing not required for additional electric-driven BOG compressor and associated appurtenant facilities); *Cameron LNG, LLC*, Determination of Applicability of the Pre-Filing Process, Accession No. 20100420-3001 (Apr. 20, 2010) (finding pre-filing not required for additional electric-driven pipeline compressor, ancillary equipment, interconnecting pipe, and electric connections).

<sup>19</sup> See *supra* notes 8 & 9.

<sup>20</sup> See *supra* note 3.

Document Content(s)

Pre-Filing Determination Request -5-23-25 4925-0142-1894 v.1.pdf.....1