

143 FERC ¶ 61,034  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
Cheryl A. LaFleur, and Tony Clark.

AES Ocean Express, LLC

Docket Nos. CP02-90-000  
CP02-90-001  
CP02-91-000  
CP02-91-001  
CP02-92-000  
CP02-92-001  
CP02-93-000  
CP02-93-001  
CP02-93-002

ORDER VACATING SECTION 7 CERTIFICATES, SECTION 3 AUTHORIZATION,  
AND PRESIDENTIAL PERMIT

(Issued April 11, 2013)

1. On January 29, 2004, the Commission authorized AES Ocean Express, LLC (Ocean Express), pursuant to sections 3 and 7 of the Natural Gas Act (NGA),<sup>1</sup> to construct, operate, and maintain a 54.5-mile-long, 24-inch-diameter pipeline to be located onshore and in State waters offshore of Broward County, Florida, to import up to 842,000 dekatherms of gas per day, and issued a Presidential Permit for the domestic portion of the pipeline immediately adjacent to the boundary between the Exclusive Economic Zones of the United States and the Commonwealth of the Bahamas.<sup>2</sup> The

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<sup>1</sup> 15 U.S.C. §§ 717(b), 717(f) (2006), respectively.

<sup>2</sup> *AES Ocean Express LLC*, 106 FERC ¶ 61,090 (2004). Specifically, Ocean Express was granted the following authorizations: in Docket No. CP02-91-000, blanket construction and abandonment certificate authorization under NGA section 7(c) and subpart F of Part 157 of the Commission's regulations; in Docket No. CP02-92-000, blanket transportation certificate authorization under NGA section 7(c) and subpart G of Part 284 of the Commission's regulations; and in Docket No. CP02-93-000, authorization

(continued...)

2004 Order required Ocean Express to place its facilities in service within three years of the final order, i.e., by January 29, 2007.<sup>3</sup> This in-service deadline was extended for two years, until January 29, 2009, by a letter order dated January 18, 2007, and was subsequently extended for another three years, until January 29, 2012, by a letter order dated January 22, 2009. Ocean Express has not constructed the proposed facilities or sought to extend the in-service date beyond the January 29, 2012 deadline. Thus, authorizations for the project have lapsed. Therefore, we are vacating the certificates, authorizations, and permit issued in the 2004 Order.

The Commission orders:

The certificates and authorizations under section 7 of the NGA and the Commission's regulations, the authorization under section 3 of the NGA, and the Presidential Permit issued to AES Ocean Express, LLC, in this proceeding are vacated.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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under NGA section 3 and a Presidential Permit to: site, construct, connect, operate, and maintain its offshore pipeline facilities, pursuant to Executive Order Nos. 10485 and 12038, and the Secretary of Energy's Delegation Order No. 0204-112.

<sup>3</sup> *AES Ocean Express LLC*, 106 FERC ¶ 61,090, Ordering Paragraph (E)(1) (2004); *see AES Ocean Express LLC*, 103 FERC ¶ 61,326 (2003) (extending the construction schedule from two to three years).