

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Transwestern Pipeline Company LLC

Docket No. CP26-80

**Protest of Public Citizen, Inc.**

On January 29, an affiliate of Energy Transfer applied for blanket authorization to build 18 miles of 24-inch diameter natural gas pipeline (which it calls Green Chile) to serve the proposed Project Jupiter data center on the New Mexico side of the northwest suburbs of El Paso, TX. Project Jupiter is a joint venture of OpenAI and Oracle as part of its broader Stargate AI plan, with initial construction performed by Borderplex Digital Assets. The sole use for the Green Chile pipeline is to supply nearly 3,000 megawatts of planned natural gas power generation to exclusively serve Project Jupiter. The power needs for Project Jupiter exceed the entire existing generation output of all of El Paso Electric's current power capacity, with the New Mexico Environment Department revealing the facilities would annually produce hundreds to thousands of tons of several pollutants.<sup>1</sup>

The Commission must reject the application as incomplete, and require significant additional information into the docket in order to comply with the Natural Gas Act for two reasons. First, the application omits that the New Mexico State Land Office denied Green Chile's right-of-way permits on March 20. Green Chile requires access to roughly a mile of state-controlled land.<sup>2</sup> Because Energy Transfer has not identified whether an alternative route is possible, the application should be considered incomplete.

Second, the Commission's active coordination with the National Energy Dominance Council to more quickly review and approve reviews of proposed projects subject to the Natural Gas Act functions as a de facto modification to the Commission's

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<sup>1</sup> Vic Kolenc, Project Jupiter to generate more power than El Paso Electric plants, *El Paso Times*, March 19, 2026, [www.elpasotimes.com/story/money/business/2026/03/19/new-mexico-project-jupiter-to-generate-more-power-than-el-paso-electric-plants/89109270007/](http://www.elpasotimes.com/story/money/business/2026/03/19/new-mexico-project-jupiter-to-generate-more-power-than-el-paso-electric-plants/89109270007/)

<sup>2</sup> Nicholas Gilmore, New Mexico agency rejects Project Jupiter data center's applications for gas pipeline right of way, *Sante Fe New Mexican*, March 31, 2026, [www.santafenewmexican.com/news/local\\_news/new-mexico-agency-rejects-data-centers-applications-for-gas-pipeline-right-of-way/article\\_00f190f7-2328-4e2e-82c0-012651387638.html](http://www.santafenewmexican.com/news/local_news/new-mexico-agency-rejects-data-centers-applications-for-gas-pipeline-right-of-way/article_00f190f7-2328-4e2e-82c0-012651387638.html)

Statement of Policy for Certification of New Interstate Natural Gas Pipeline Facilities.<sup>3</sup> The Commission must include in the record of this proceeding any and all communication and agreements with the President's National Energy Dominance Council.

On Monday, March 23, Brittany Kelm, a senior advisor with the President's National Energy Dominance Council, informed the CERAWEEK audience that it is overseeing and coordinating natural gas approvals at FERC, with the Council giving a directive to FERC and other agencies that "There will not be a federal agency or a federal regulation standing in the way to get your energy project done. Company, bring me a project, and we're gonna get this built as quick as possible."<sup>4</sup>

Section 1 of the Natural Gas Act asserts that "the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest."<sup>5</sup> Section 7 of the Natural Gas Act requires a certificate of public convenience and necessity be issued by the Commission prior to construction and operation of a new natural gas pipeline.<sup>6</sup> The Commission's standard of review in authorizing a certificate of public convenience and necessity under § 7 rely upon its 1999 policy statement on pipeline authorizations. Any modifications to FERC review procedures to accommodate demands by the National Energy Dominance Council have the effect of an informal modification of the Commission's 1999 Policy Statement, and must be included as part of the record in this proceeding.

As an adjudicatory agency, the Commission has an obligation to put on the record in this proceeding any and all discussions and agreements with the National Energy Dominance Council regarding efforts by the Trump Administration to influence and dictate FERC procedures and policies regarding its review of natural gas pipeline applications. Failure to complete the record with these communications and agreements irreparably harms intervenors such as Public Citizen, who have not been invited to participate in such policy coordination. FERC's agreements and discussions with the

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<sup>3</sup> 88 FERC ¶ 61,227, Docket No. PL99-3, [www.ferc.gov/sites/default/files/2020-04/PL99-3-000.pdf](http://www.ferc.gov/sites/default/files/2020-04/PL99-3-000.pdf)

<sup>4</sup> Francisco "A.J." Camacho, White House sees 'dream scenario' with FERC relationship, *EnergyWire*, March 24, 2026, <https://subscriber.politicopro.com/article/2026/03/white-house-sees-dream-scenario-with-ferc-relationship-00842977>

<sup>5</sup> 15 USC § 717(a).

<sup>6</sup> 15 USC § 717f.

National Energy Dominance Council result in an unprecedented shift from FERC serving as an independent regulator to one governed by White House directives. This shift is not documented in the proceeding, and the failure to include all communications and agreements between FERC and National Energy Dominance Council harms Public Citizen's participation in the docket.

Finally, we respond to Energy Transfer's April 10 motion opposing our timely March 26 intervention.<sup>7</sup> This proceeding involves an application for blanket authorization to build a new natural gas pipeline to supply an Artificial Intelligence data center. Not only does Public Citizen have members in New Mexico potentially impacted by the proposed pipeline, but the project will support one of the largest planned Artificial Intelligence data centers in the world. Public Citizen has been engaged at a high level on the variety of impacts that data centers have on energy markets and American communities.<sup>8</sup> The proposed Green Chile gas pipeline has significant public interest ramifications for AI data center development with direct interest to Public Citizen's mission and our members and supporters. The Commission should therefore accept Public Citizen's intervention.

Respectfully submitted,

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<sup>7</sup> [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20260410-5012](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260410-5012)

<sup>8</sup> See, for example [www.citizen.org/news/ferc-must-reconsider-risks-posed-by-data-centers-to-power-grids/](http://www.citizen.org/news/ferc-must-reconsider-risks-posed-by-data-centers-to-power-grids/)