



U.S. Department  
of Transportation  
**Maritime  
Administration**

Southeast Federal Center  
1200 New Jersey Avenue, SE  
Washington, DC 20590

October 18, 2022

Mr. W. Richmond Beevers  
Chief, Cargo Security, Carriers and Restricted Merchandise Branch  
90 K Street, NE 10<sup>th</sup> Floor  
U.S. Customs and Border Protection  
Washington, DC 20229

Dear Mr. Beevers,

This letter supplements the Maritime Administration's (MARAD) October 16, 2022, response to your October 15, 2022, letter forwarding the October 15, 2022, request from Aprovisionamientos S.A. (Naturgy) and AES Andres DR S.A. (AES) to waive the Jones Act pursuant to 46 U.S.C. § 501(b). MARAD stated in its October 16, 2022, letter that we would conduct an additional market survey in response to U.S. Customs and Border Protection's (CBP) October 15, 2022, request that a determination be made as to whether there are any coastwise-qualified vessels already on the water with intended delivery of liquefied natural gas (LNG) to the EcoEléctrica LNG terminal in Penuelas, Puerto Rico, and if so, what their anticipated arrival and delivery dates are; and the availability of coastwise-qualified vessels that can deliver 30,000 cubic meters (or other quantity) of LNG to the EcoEléctrica LNG terminal in Penuelas, Puerto Rico, between October 17 and October 26, 2022.

Since the time of your original request, we reviewed a letter from the Governor of Puerto Rico, dated October 14, 2022, describing the emergency status on the island caused by Hurricane Fiona. In that letter the Governor—the principal leader responsible for response and recovery efforts on the island—describes an ongoing emergency where power outages “could continue if we are unable to replenish LNG to EcoEléctrica, since it only has enough LNG to continue to generate electricity for less than 24 hours. This could also affect hospitals and businesses, which is particularly damaging considering that we are still recovering from Hurricane Fiona.” The letter from Puerto Rico's Governor describes an immediate need for fuel to be delivered.

MARAD conducted a market survey regarding the above questions between October 15 and 17, 2022. Based on the results of this survey, there are no coastwise-qualified vessels loaded with LNG currently on the water en route to Penuelas, and no coastwise-qualified vessels that are on the water and can be diverted to Penuelas. Also, there are no coastwise-qualified vessels available between October 17 and 26, 2022 that can deliver 30,000 cubic meters (or any other quantity) of LNG to Penuelas. MARAD will continue to work with the industry to assess the availability of coastwise-qualified vessels that can meet the October 26, 2022, delivery date, and will apprise CBP if any vessels are found.

If you have any further questions or concerns, please contact Michael Hokana on my staff at [Michael.Hokana@dot.gov](mailto:Michael.Hokana@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Phillips', with a stylized flourish at the end.

Rear Admiral Ann C. Phillips (USN, Ret.)