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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

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Energía Costa Azul, S. de R.L. de C.V.	)	**FE Docket No. 18-145-LNG**
	)	

REQUEST OF ENERGIA COSTA AZUL, S. DE R.L. DE C.V.
FOR CLARIFICATION AND ERRATUM OR,
IN THE ALTERNATIVE, AN EXTENSION

Pursuant to 10 C.F.R. Part 590, Energía Costa Azul, S. de R.L. de C.V. ("ECA") hereby respectfully requests that the Department of Energy's ("DOE") Office of Fossil Energy and Carbon Management ("DOE/FECM") issue a clarification and erratum to DOE/FECM Order No. 4365-B, issued on December 20, 2022, in the above-captioned proceeding,[1] or, in the alternative, grant an extension of the commencement deadline established in Order No. 4365-B.

Specifically, as further described herein, ECA (1) seeks confirmation that the export commencement deadline for its total authorized re-export volume of 636 Bcf/yr to non-FTA countries[2] is seven years from the date Order No. 4365-B was issued (i.e., December 20, 2029); and (2) requests that DOE/FECM issue an erratum to Order No. 4365-B revising Ordering Paragraph C and confirming an export commencement deadline of December 20, 2029.

If the confirmation and erratum are not granted, ECA hereby seeks, in the alternative, an extension of the export commencement deadline under Order Nos. 4365 *et seq*. to December 20, 2029.

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[1] *Energía Costa Azul, S. de R.L. de C*.V., DOE/FECM Order No. 4365-B, Docket No. 18-145-LNG (Dec. 20, 2022).

[2] "Non-FTA countries" refers to those countries with which the United States does not have a free trade agreement ("FTA") requiring national treatment for trade in natural gas, which currently have or in the future develop the capacity to import LNG, and with which trade in natural gas is not restricted by U.S. law or policy.

Finally, ECA seeks a modification to its FTA authorization in Order Nos. 4318 *et seq*., as discussed herein.

ECA respectfully requests that DOE/FECM act on this request by **January 21, 2026**.

I. BACKGROUND

On January 25, 2019, DOE/FECM issued Order No. 4318, granting ECA long-term, multi-contract authorization to export natural gas to FTA countries from the ECA Large-Scale Project.[3] DOE/FECM authorized ECA to export 545 Bcf/yr of natural gas, which included the export of domestically produced natural gas by pipeline to Mexico and the subsequent re-export of liquefied natural gas ("LNG") to other FTA countries. As originally granted, the FTA authorization had a term of 20 years, commencing on the earlier of the date of first export or seven years from the issuance of Order No. 4318 (i.e., January 25, 2026).[4]

On March 29, 2019, DOE/FECM issued Order No. 4365, which authorized ECA to re-export 475 Bcf/yr to non-FTA countries.[5] The non-FTA authorization originally had an export commencement deadline of seven years from the issuance of Order No. 4365 (i.e., March 29, 2026).

On December 10, 2020, as it did for other long-term export authorizations, DOE/FECM issued an order extending the export terms for both the FTA and non-FTA authorizations through December 31, 2050.[6]

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3 *Energía Costa Azul, S. de R.L. de C.V.*, DOE/FECM Order No. 4318, Docket No. 18-145-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Natural Gas to Mexico and to Other Free Trade Agreement Nations (Jan. 25, 2019).

4 DOE/FECM Order No. 4318 at ordering para. (A).

5 *Energía Costa Azul, S. de R.L. de C.V.*, DOE/FECM Order No. 4365, Docket No. 18-145-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (Mar. 29, 2019).

6 *Energía Costa Azul, S. de R.L. de C.V.*, DOE/FECM Order Nos. 4318-A & 4365-A, Order Extending Export Term for Authorizations to Free Trade and Non-Free Trade Agreement Nations Through December 31, 2050 (Dec. 10, 2020).

ECA filed an application on September 18, 2020, to amend both the FTA and non-FTA authorizations in order to increase the authorized export volumes ("Design Increase Application") to 727 Bcf/yr to FTA countries and 636 Bcf/yr to non-FTA countries.[7] In addition to requesting increased export volumes, the Design Increase Application requested that DOE/FECM amend the commencement deadlines for both the FTA and non-FTA authorizations. ECA noted that it "anticipate[d] commencing construction activities associated with the [Project] in the first part of 2024 and commencing commercial operations of the first train no later than 2028–2029."[8] Accordingly, the Design Increase Application requested:

> ECA further requests that the commencement date for the full volumes to be exported from the ECA Large-Scale Project (i.e., the combined volumes authorized under the Large-Scale FTA Order and Large-Scale Non-FTA Order and requested in this Application) begin on the ***earlier of the date of first export or seven years from the date of issuance of the authorizations requested herein***.[9]

Later, ECA reiterated:

> ECA requests that the term for the full volumes associated with the ECA Large-Scale Project, as those volumes are amended in this Application (i.e., 727 Bcf/yr to FTA countries and 636 Bcf/y to Non-FTA countries***), commence on the earlier of the date of first commercial export or a date seven years from the issuance of an order by the DOE/FE granting the authorizations requested in this Application.***[10]

Finally, the Design Increase Application again noted:

> ECA further requests that the commencement date for the combined volumes under the Large-Scale FTA Order and Large-Scale Non-FTA Order, as amended by this Application, ***commence on the earlier of the date of first export or seven years from the date DOE/FE issues an order granting the authorizations requested herein***.[11]

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7 Application to Amend Long-Term, Multi-Contract Authorizations to Export Natural Gas to Mexico and to Export Liquefied Natural Gas from Mexico to Free Trade Agreement and Non-Free Trade Agreement Nations (Sept. 18, 2020).

8 *Id.* at 6.

9 *Id.* at 5 (emphasis added).

10 *Id.* at 14 (emphasis added).

11 *Id.* at 52 (emphasis added).

DOE/FECM issued a notice of the non-FTA portion of the Design Increase Application in the *Federal Register* on October 13, 2020.[12] The issuance expressly noticed ECA's request to update the commencement deadline for its revised authorizations as an issue in this proceeding, indicating: "ECA requests the authorization for a term to commence on the earlier of the date of first export or seven years from the issuance of the requested authorization, and to extend through December 31, 2050."[13]

On June 11, 2021, DOE/FECM granted the FTA portion of the Design Increase Application in Order No. 4318-B. In that order, DOE/FECM not only authorized the increased export volumes but also updated the term as ECA requested. Ordering Paragraph A of Order No. 4318-B amended the FTA authorization to have a "term beginning on the earlier of the date of first export or seven years from the date this authorization is issued (June 11, 2028), and extending through December 31, 2050."[14]

On December 20, 2022, DOE/FECM issued Order No. 4365-B, which granted ECA's request to increase its authorized re-export volume to non-FTA countries. In Order No. 4365-B, DOE/FECM duly noted ECA's expectation that it "could begin exports from the ECA Large-Scale Project as soon as 2028–2029."[15] However, DOE/FECM did not discuss or evaluate ECA's request, set forth in the Design Increase Application and noticed in the *Federal Register*, for an updated export commencement date and merely stated without further elaboration that the normal seven-year period ran from the date of the original order.[16]

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12 85 Fed. Reg. at 64452.

13 *Id.*

14 *Energía Costa Azul, S. de R.L. de C*.V., DOE/FECM Order No. 4318-B, Docket No. 18-145-LNG, at Ordering Para. (A) (June 11, 2021).

15 Order No. 4365-B at 29 (citing *Energía Costa Azul, S. de R.L. de C.V.*, Semi-Annual Report, Docket No. 18-145-LNG, at 2 (Oct. 1, 2022).

16 *Id.* at Ordering Para. (C).

II. REQUEST FOR CLARIFICATION OF NON-FTA AUTHORIZATION AND ERRATUM

In the Design Increase Application, ECA requested that DOE/FECM grant a commencement date and export term for the total authorized non-FTA re-export volume that commences on the earlier of the date of first export or seven years from the date on which DOE/FECM grants the Design Increase Application. However, Order No. 4365-B is silent regarding ECA's requested commencement deadline—DOE/FECM did not expressly reject, evaluate, or even acknowledge the request in that order. Yet, DOE/FECM noticed ECA's requested export commencement deadline for the non-FTA portion in its *Federal Register* notice.

In this regard, Order No. 4365-B is inconsistent with prior DOE/FECM orders authorizing design increase applications, in which the commencement deadlines for the total authorized non-FTA export volumes were updated to occur seven years from the date of the order authorizing the *design increase*.[17] Moreover, the term established by Order No. 4365-B is illogical. Ordering Paragraph C of Order No. 4365-B only provides ECA roughly ***three years*** to begin exports of the additional 161 Bcf/yr in re-export volumes. This abbreviated commencement deadline for the additional authorized volumes is inconsistent with DOE/FECM's policy of providing authorization holders seven years from the date of authorization to commence exports.

Finally, no party objected to ECA's request to update the export commencement date in the Design Increase Application.

Based on the foregoing, it appears that DOE/FECM's omission in Order No. 4365-B to acknowledge or address the requested revision to the commencement deadline may simply have been an oversight. Therefore, ECA respectfully requests that DOE/FECM provide a clarification

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[17] *See Freeport LNG Expansion, L.P.*, DOE/FE Order No. 3957, FE Docket No. 16-108-LNG, at 47 & Ordering Para. D (Dec. 19, 2016); *Cameron LNG, LLC*, DOE/FE Order No. 3797, FE Docket No. 15-67-LNG, at 29 & Ordering Para. D. (Mar. 18, 2016).

that the export commencement deadline for the total volume of non-FTA re-exports authorized in Order Nos. 4365 and 4365-B is seven years from the date DOE/FECM issued Order No. 4365-B, *i.e.*, December 20, 2029, for the reasons set forth in the Design Increase Application. Consistent with past practice,[18] ECA further requests that DOE/FECM issue an erratum to Order No. 4365-B that revises Ordering Paragraph C to establish an export commencement deadline of December 20, 2029.

III. ALTERNATIVE REQUEST FOR COMMENCEMENT EXTENSION FOR NON-FTA AUTHORIZATION

If DOE/FECM does not grant the clarification and issue the erratum requested above, then in the alternative, ECA hereby requests a commencement extension for its Non-FTA authorization.

Ordering paragraph D of Order No. 4365 and ordering paragraph C of Order No. 4365-B require ECA to commence re-export operations under the Non-FTA Authorization no later than seven years from the date of the order (i.e., March 29, 2026). ECA requests that the export commencement deadline in Order Nos. 4365 *et seq*. be extended to December 20, 2029.

ECA submits that the public interest determination set forth in DOE/FE Order No. 4365 will not be affected by, and the public interest continues to be served by, this extension request. This request is not intended to otherwise modify the authorization granted to ECA in the Non-FTA Authorization other than the extension of the deadline specified in ordering paragraph D of Order No. 4365 and ordering paragraph C of Order No. 4365-B. ECA does not propose any changes to the nature, scope, or the design of the ECA Large-Scale Project pursuant to this request. Neither will the overall volume of gas to be exported under the order be increased, given that ECA is not requesting at this time an extension of the ending date of the term of that order (*i.e.*, December 31,

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18 *See, e.g.*, *Pieridae Energy (USA) Ltd.*, Docket No. 14-179-LNG, Errata Notice (Nov. 2, 2015); *TC Energy Marketing Inc*., Docket No. 22-161-NG, Errata (Mar. 12, 2023).

2050). Therefore, the public interest analysis and environmental analysis in the Non-FTA Authorization continue to be applicable and no new analyses need to be completed. ECA also notes the DOE/FECM's recent statements regarding its limited environmental review and the B5.7 categorical exclusion.[19] ECA submits there will be no change from DOE/FECM's original determination.

DOE/FECM limits any comments on a request for extension to the extension itself and not to the underlying authorization.[20] DOE/FECM should do so here.

Good cause exists to grant this request. In the time since the issuance of the FTA and Non-FTA authorizations, ECA has worked diligently to develop the Large-Scale Project in a manner consistent with the DOE/FECM authorizations. ECA has obtained all federal, state, local, and Mexican authorizations necessary for construction of the project facilities.

Moreover, in rescinding the April 2023 Policy Statement on extensions,[21] DOE/FECM has encouraged reliance on the prior DOE/FECM policy and has recognized the need for projects like this one.

ECA respectfully submits that, due to the time needed for the construction of the ECA Large-Scale Project, ECA should be granted an extension of the existing commencement deadline to complete the construction and place the export facilities into service.

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19 *See Venture Global Calcasieu Pass, LLC*, Docket No. 15-25-LNG, DOE/FECM Order No. 4336-B, at 37–38 (Aug. 4, 2025).

20 *Cameron LNG, LLC*, 85 Fed. Reg. 20993, 20994 (Apr. 15, 2020).

21 *Rescission of Policy Statement on Export Commencement Deadlines in Authorizations To Export Natural Gas to Non-Free Trade Agreement Countries*, 90 Fed. Reg. 14411 (Apr. 2, 2025).

IV. REQUEST FOR MODIFICATION TO FTA AUTHORIZATION (ORDER NOS. 4318 *ET SEQ.*)

Ordering paragraph A of Order No. 4318-B sets the start date of the term of the FTA Authorization as beginning on the earlier of the date of first export or seven years from the date of the order (i.e., June 11, 2028).

ECA hereby respectfully requests that DOE/FECM modify Order No. 4318, as amended, to establish the beginning of the term as simply the date of first export, consistent with DOE/FECM precedent.[22] ECA requests that DOE/FECM grant this requested change to the export commencement deadline without modification or delay.

Under section 3(c) of the NGA, an application for authorization to export natural gas, including LNG, to any "nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and … shall be granted without modification or delay."[23] In light of this statutory obligation, DOE/FE has found that it need not engage in any analysis of factors affecting the public interest. Because this request pertains to the FTA Authorization and falls within the scope of section 3(c), it should be processed and approved in accordance with this standard.

V. CONCLUSION

For the foregoing reasons, ECA respectfully requests that DOE/FECM address ECA's request in the Design Increase Application to update the export commencement deadline for its total authorized re-export volume and specifically:

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[22] *See, e.g.*, *Port Arthur LNG, LLC*, DOE/FECM Order No. 3698-C & 4372-B, Docket Nos. 15-53-LNG, 15-96-LNG, 18-162-LNG at 4-5 (Apr. 21, 2023).

[23] 15 U.S.C. §§ 717b(b)-(c).

(1) Confirm that the export commencement deadline for its total authorized re-export volume of 636 Bcf/yr to non-FTA countries is seven years from the date Order No. 4365-B was issued (i.e., December 20, 2029); and

(2) Issue an erratum to Order No. 4365-B, revising Ordering Paragraph C and confirming an export commencement deadline of December 20, 2029.

(3) If DOE/FECM does not issue a clarification and erratum regarding Order No. 4365-B, then grant an extension of the export commencement deadline to December 20, 2025.

and

(4) Modify the FTA authorization be as set forth herein.

ECA respectfully requests that DOE/FECM act on this request by **January 21, 2026**.

Respectfully submitted,

/s/ *Brett A. Snyder*
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Dated: October 23, 2025

VERIFICATION

I, Francis Katulak, declare that I am Attorney-in-fact for Energía Costa Azul, S. de R.L. de C.V. and am duly authorized to make this Verification; that I have read the foregoing instrument and that the facts therein stated are true and correct to the best of my knowledge, information, and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Houston, Texas, on October 23, 2025.

/s/ Francis Katulak

October 23, 2025

Amy Sweeney
Director, Office of Regulation, Analysis and Engagement (FE-34)
Office of Resource Sustainability
Office of Fossil Energy and Carbon Management
1000 Independence Ave., S.W.
Washington, DC 20585

Re: ***Energía Costa Azul, S. de R.L. de C.V.*****, FE Docket No. 18-145-LNG**
Request for Clarification and Erratum, or in the Alternative, an Extension

Dear Ms. Sweeney:

This opinion of counsel is submitted pursuant to Section 590.202(c) of the regulations of the United States Department of Energy ("DOE"), 10 C.F.R. § 590.202(c) (2025). I am counsel to Energía Costa Azul, S. de R.L. de C.V. ("ECA").

I have reviewed the organizational and internal governance documents of ECA and it is my opinion that the Request for Clarification or Erratum or, in the Alternative, an Extension, filed by ECA with the DOE Office of Fossil Energy and Carbon Management on October 23, 2025, is within the company powers of ECA.

Respectfully submitted,

/s/ Jerrod L. Harrison
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On Behalf of Energía Costa Azul, S. de R.L. de C.V.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in FE Docket No. 18-145-LNG.

Dated at Washington, DC, this 23rd day of October 2025.

/s/ Emily Childress
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