

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

\_\_\_\_\_  
VISTA PACIFICO LNG, S.A.P.I. DE C.V.  
\_\_\_\_\_

)  
) FE DOCKET NO. 20-153-LNG  
)

ORDER GRANTING LONG-TERM AUTHORIZATION TO  
EXPORT NATURAL GAS TO MEXICO AND  
TO OTHER FREE TRADE AGREEMENT NATIONS

DOE/FE ORDER NO. 4688

APRIL 9, 2021

## I. DESCRIPTION OF REQUEST

Vista Pacifico LNG, S.A.P.I. de C.V. (Vista Pacifico) filed an Application<sup>1</sup> with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA) on November 18, 2020,<sup>2</sup> and supplemented the Application with additional documentation on November 23, 2020.<sup>3</sup> Vista Pacifico states that it is submitting this Application in connection with development of one of two sets of proposed liquefaction and export terminal facilities to be located in Topolobampo, Mexico.<sup>4</sup> The Application in this proceeding pertains to the “VPLNG Mid-Scale Project.”<sup>5</sup>

Vista Pacifico requests authorization to export domestically produced natural gas from the United States to Mexico, and after liquefaction in Mexico, to other countries as described below, in a combined total volume equivalent to 240 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (0.66 Bcf per day (Bcf/d)). Vista Pacifico seeks to export this volume of natural gas for the following purposes:

- (i) To use approximately 40 Bcf/yr (0.11 Bcf/d) in Mexico as “fuel for pipeline transportation or liquefaction in Mexico;”<sup>6</sup>
- (i) To use approximately 200 Bcf/yr of natural gas (0.55 Bcf/d) in the proposed VPLNG Mid-Scale Project, where the U.S.-sourced natural gas will be liquefied, then re-exported<sup>7</sup> as LNG by vessel to:

---

<sup>1</sup> Vista Pacifico LNG, S.A.P.I. de C.V., Application for 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, FE Docket No. 20-153-LNG (Nov. 18, 2020) [hereinafter Vista Pacifico App.].

<sup>2</sup> The authority to regulate the imports and exports of natural gas, including liquefied natural gas (LNG), under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FE in Redelegation Order No. S4-DEL-FE1-2021, issued on March 25, 2021.

<sup>3</sup> Letter from Brett A. Snyder, Counsel for Vista Pacifico, to Amy Sweeney, DOE/FE, Additional Documentation, FE Docket No. 20-153-LNG (Nov. 23, 2020).

<sup>4</sup> Vista Pacifico App. at 5.

<sup>5</sup> *Id.* at 5.

<sup>6</sup> *Id.* at 3.

<sup>7</sup> For purposes of this Order, “re-export” means to ship or transmit U.S.-sourced natural gas in its various forms (gas, compressed, or liquefied) subject to DOE/FE’s jurisdiction under the NGA, 15 U.S.C. § 717b, from one foreign country (*i.e.*, a country other than the United States) to another foreign country.

- (a) Any country with which the United States has, or in the future enters into, a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries),<sup>8</sup> and
- (b) Any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries).<sup>9</sup>

Vista Pacifico states that the natural gas will be exported to Mexico at the United States-Mexico border via existing and, potentially, future cross-border natural gas transmission pipelines.<sup>10</sup> Vista Pacifico states the VPLNG Mid-Scale Project will be located on the Gulf of California, approximately 500 miles south of the U.S./Mexico border.<sup>11</sup> Once constructed, the VPLNG Mid-Scale Project will be capable of receiving, processing, and liquefying the U.S.-sourced natural gas, storing the resulting LNG, and loading the LNG onto ocean-going LNG carriers for re-export to other countries.<sup>12</sup>

Vista Pacifico requests that both the FTA and non-FTA authorization commence on the earlier of the date of first commercial export or a date seven years from the date each authorization is granted, and end on December 31, 2050.<sup>13</sup> Vista Pacifico seeks the authorizations on its own behalf and as agent for other entities that hold title to the natural gas at the time it is exported to Mexico and/or to the U.S.-sourced natural gas at the time it is re-exported as LNG from Mexico.<sup>14</sup>

---

<sup>8</sup> 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

<sup>9</sup> 15 U.S.C. § 717b(a); *see also* Vista Pacifico App. at 3-4.

<sup>10</sup> *See* Vista Pacifico App. at 3, 5-6; *see also infra* at 5-6.

<sup>11</sup> Vista Pacifico App. at 5; *see also infra* at 4-5.

<sup>12</sup> Vista Pacifico App. at 5.

<sup>13</sup> *Id.* at 4, 11. Effective January 12, 2021, long-term export authorizations contain authority to export the same approved volume of LNG pursuant to transactions with terms of less than two years, including commissioning volumes, on a non-additive basis. *See* U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2243 (Jan. 12, 2021).

<sup>14</sup> Vista Pacifico App. at 4, 12.

Pursuant to NGA section 3(c), 15 U.S.C. § 717b(c), this Order grants the FTA portion of Vista Pacifico’s Application. Vista Pacifico is authorized to export natural gas to Mexico in the total requested volume of 240 Bcf/yr of natural gas—which includes export by pipeline (40 Bcf/yr) and re-export after liquefaction in Mexico to FTA countries (200 Bcf/yr).

The non-FTA portion of the Application—seeking authorization to export U.S.-sourced natural gas to Mexico, then to convert the natural gas to LNG for re-export to non-FTA countries—remains pending in the current docket and will be reviewed separately under NGA section 3(a), 15 U.S.C. § 717b(a).<sup>15</sup>

## II. **BACKGROUND**

**Applicant.** Vista Pacifico is a Mexico variable-capital, limited liability company with its principal place of business in Mexico City (Colonia Juárez), Mexico. Vista Pacifico states that it is owned by subsidiaries of Infraestructura Energetica Nova, S.A.B. de C.V. (IEnova) and Sempra Energy, a publicly-traded California corporation.<sup>16</sup> A majority of the ownership interests in IEnova (66.6%) is held by indirect, wholly-owned subsidiaries of Sempra Energy.<sup>17</sup> The remaining shares of IEnova are publicly traded.<sup>18</sup> Vista Pacifico states that the VPLNG Mid-Scale Project is a joint effort between Sempra Energy and IEnova.<sup>19</sup>

**Proposed Liquefaction Facilities.** Vista Pacifico states that the VPLNG Mid-Scale Project is proposed to be located at a site for which IEnova (one of Vista Pacifico’s parent

---

<sup>15</sup> See Vista Pacifico LNG, S.A.P.I. de C.V., Application for Long-Term, Multi-Contract Authorization to Export Domestically Produced Natural Gas Through Mexico to Non-Free Trade Agreement Nations After Liquefaction to Liquefied Natural Gas; Notice of Application, 85 Fed. Reg. 79,003 (Dec. 8, 2020).

<sup>16</sup> Vista Pacifico App. at 8.

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

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 13.

companies) holds an option to purchase.<sup>20</sup> The 370.66-acre site is located in the town of Topolobampo, in the municipality of Ahome, in the Mexican state of Sinaloa.<sup>21</sup>

Vista Pacifico states that the major components to be constructed as part of the VPLNG Mid-Scale Project include:

- One liquefaction train capable of producing up to four million metric tons per annum (mtpa) of LNG with a gas pre-treatment unit;
- A LNG storage tank with a capacity of 180,000 cubic meters (m<sup>3</sup>);
- A marine jetty;
- Ground flare equipment; and
- Piping and other facilities to permit the interconnection of the Project to pipeline infrastructure.<sup>22</sup>

Vista Pacifico states that feed gas will be supplied through the Mexican pipeline grid.<sup>23</sup> Vista Pacifico further states that new or modified utilities and offsite facilities will be provided for the VPLNG Mid-Scale Project, as required.<sup>24</sup>

Vista Pacifico states that it expects to commence construction activities associated with the VPLNG Mid-Scale Project in 2022, and to commence commercial operations in 2025.<sup>25</sup>

**Planned Pipelines.** Vista Pacifico states that the VPLNG Mid-Scale Project is well-positioned to access natural gas supplies from the numerous pipelines that are in proximity to the Project.<sup>26</sup> According to Vista Pacifico, the abundance of cross-border facilities between the United States and Mexico makes it possible for the VPLNG Mid-Scale Project to access natural

---

<sup>20</sup> *Id.* at 9, 13. Vista Pacifico filed this Purchase Option under seal with DOE/FE. *See supra* note 3 (Additional Documentation).

<sup>21</sup> Vista Pacifico App. at 5, 9. A map of the Project's proposed location is attached to the Application as Appendix D.

<sup>22</sup> *Id.* at 13.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 5.

<sup>26</sup> *Id.* at 16.

gas from several cross-border locations through existing facilities and the future construction of new and expanded pipeline facilities in the U.S. and Mexico.<sup>27</sup>

Vista Pacifico is considering several natural gas supply options that could connect in Mexico to any existing or future cross-border facilities along the U.S./Mexican border.<sup>28</sup> Vista Pacifico notes, for example, that the combined cross-border capacity of the 42-inch Comanche Trail Pipeline and Trans-Pecos Pipeline in West Texas—which interconnect to the Mexican pipeline facilities of San Isidro/Samalayuca and Gasucto Ojinaga, respectively—totals 2.4 Bcf/d.<sup>29</sup> Additionally, according to Vista Pacifico, the Sierrita Pipeline in Arizona has a capacity of 0.627 Bcf/d and interconnects at the border to the Gasucto Aguaprieta/Sonora system in Mexico.<sup>30</sup> Vista Pacifico states that the physical capacity at just these three cross-border locations is approximately 3.03 Bcf/d, which is well above the export volume requested.<sup>31</sup>

Additionally, Vista Pacifico requests authorization to export from new or expanded U.S. pipeline facilities that may be constructed in the future.<sup>32</sup>

**Source of Supply.** Vista Pacifico states that the proposed VPLNG Mid-Scale Project will have access to a wide and geographically diverse range of natural gas supply options through the integrated pipeline grid in the United States.<sup>33</sup> Vista Pacifico asserts that, as a result of these supply options, the VPLNG Mid-Scale Project will be able to respond to shifts in the economics and production profiles of different natural gas production areas.<sup>34</sup>

---

<sup>27</sup> Vista Pacifico App. at 17.

<sup>28</sup> *Id.* at 18.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* In Appendix D to the Application, Vista Pacifico provides a listing of the existing cross-border facilities between the United States and Mexico. *See id.* at 5 n.7.

<sup>32</sup> Vista Pacifico App. at 3, 5-6, 9-11.

<sup>33</sup> *Id.* at 11, 17; *see also id.* at 16.

<sup>34</sup> *Id.* at 17.

**Business Model.** Vista Pacifico requests this authorization on its own behalf and as agent for other entities that will hold title to the natural gas and/or LNG at the time of export or re-export, respectively. Vista Pacifico states that, to date, it has not entered into long-term export agreements or finalized supply arrangements for the VPLNG Mid-Scale Project. Vista Pacifico states, however, that it will file all long-term, binding contracts associated with the re-export of LNG from the VPLNG Mid-Scale Project once executed, in accordance with DOE’s established policy and will comply with all DOE/FE requirements for exporters and agents, including registration requirements. Vista Pacifico further states that, when acting as agent, it will register with DOE/FE each LNG title holder for which it seeks to re-export LNG as agent, and will comply with other registration requirements as set forth in recent DOE/FE orders.<sup>35</sup>

### **III. FINDINGS**

(1) Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. The FTA portion of Vista Pacifico’s Application—requesting authorization to export natural gas from the United States to Mexico and, after liquefaction in Mexico, to re-export a portion of the U.S.-sourced natural gas in the form of LNG to other FTA countries—falls within section 3(c), as amended, and therefore, DOE/FE grants the requested authorization without modification or delay.<sup>36</sup>

---

<sup>35</sup> *Id.* at 12, 21.

<sup>36</sup> DOE further finds that the requirement for public notice of applications and other hearing-type procedures in 10 C.F.R. Part 590 are applicable only to applications seeking to export natural gas, including LNG, to non-FTA countries.

(2) In light of DOE's statutory obligation to grant the FTA portion of this Application without modification or delay, there is no need for DOE/FE to review other arguments asserted by Vista Pacifico in support of the Application. The instant grant of authority should not be read to indicate DOE/FE's views on those arguments or on Vista Pacifico's pending request for non-FTA export authorization.

(3) The countries with which the United States has a FTA requiring national treatment for trade in natural gas currently are: Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore.

(4) Vista Pacifico requests authorization to export natural gas and re-export LNG on its own behalf and as agent for other entities who hold title to the natural gas at the time of export to Mexico and/or to the U.S.-sourced natural gas at the time it is re-exported as LNG from Mexico. DOE/FE previously addressed the issue of Agency Rights in DOE/FE Order No. 2913,<sup>37</sup> which granted Freeport LNG Expansion, L.P., *et al.* (collectively, FLEX) authority to export LNG to FTA countries. In that order, DOE/FE approved a proposal by FLEX to register each LNG title holder for whom FLEX sought to export LNG as agent. DOE/FE found that this proposal was an acceptable alternative to the non-binding policy adopted by DOE/FE in *The Dow Chemical Company*, which established that the title for all LNG authorized for export must be held by the authorization holder at the point of export.<sup>38</sup> DOE/FE finds that the same policy considerations

---

<sup>37</sup> *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 2913, FE Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations (Feb. 10, 2011).

<sup>38</sup> *The Dow Chemical Co.*, DOE/FE Order No. 2859, FE Docket No. 10-57-LNG, Order Granting Blanket Authorization to Export Liquefied Natural Gas, at 7-8 (Oct. 5, 2010), discussed in *Freeport LNG*, DOE/FE Order No. 2913, at 7-8.



that supported DOE/FE's acceptance of the alternative registration proposal in DOE/FE Order No. 2913 apply here, as well.

DOE/FE reiterated its policy on Agency Rights procedures in other authorizations, including *Cameron LNG, LLC*, DOE/FE Order No. 3680.<sup>39</sup> In that order, DOE/FE determined that, in LNG export orders in which Agency Rights have been granted, DOE/FE shall require registration materials filed for, or by, a LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.<sup>40</sup>

To ensure that the public interest is served, the authorization granted herein shall require that, where Vista Pacifico proposes to export natural gas as agent for other entities that hold title to the natural gas at the time of export to Mexico and/or to the U.S.-sourced natural gas at the time it is re-exported from Mexico as LNG (Registrants), Vista Pacifico must register those entities with DOE/FE in accordance with the procedures and requirements described herein.<sup>41</sup>

(5) Section 590.202(b) of DOE's regulations requires applicants to supply transaction-specific factual information "to the extent practicable."<sup>42</sup> Additionally, DOE regulations at 10 C.F.R. § 590.202(e) allow confidential treatment of the information supplied in support of or in opposition to an application if the submitting party requests such treatment, shows why the

---

<sup>39</sup> *Cameron LNG, LLC*, DOE/FE Order No. 3680, FE Docket No. 15-36-LNG, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel from the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to Free Trade Agreement Nations (July 10, 2015).

<sup>40</sup> *See id.* at 8-9.

<sup>41</sup> Consistent with DOE/FE precedent, the registration requirements established in this Order will apply only in circumstances where Vista Pacifico exports natural gas from the United States or re-exports LNG from Mexico on behalf of an entity that holds title to the natural gas or LNG at the time that Vista Pacifico exports it or re-exports it, respectively. If natural gas or LNG is exported or re-exported by a person or entity other than Vista Pacifico pursuant to a different authorization issued by DOE/FE, the terms of that other authorization will govern the registration requirements that apply. Registration will not be required for purchases of natural gas originating in Mexico where the purchase was not part of an arrangement to export the natural gas from the United States on behalf of the purchaser.

<sup>42</sup> 10 C.F.R. § 590.202(b).

information should be exempted from public disclosure, and DOE determines it will be afforded confidential treatment in accordance with 10 C.F.R. § 1004.11.

(6) DOE/FE will require that Vista Pacifico file or caused to be filed with DOE/FE any relevant long-term commercial agreements or contracts pursuant to which Vista Pacifico exports natural gas or re-exports U.S.-sourced natural gas as LNG as agent for a Registrant once those agreements or contracts have been executed. DOE/FE finds that the submission of all such agreements or contracts within 30 days of their execution using the procedures described below will be consistent with the “to the extent practicable” requirement of section 590.202(b). By way of example and without limitation, a “relevant long-term commercial agreement” would include an agreement with a minimum term of two years.

(7) DOE/FE also will require Vista Pacifico to file any long-term contracts Vista Pacifico enters into providing for the long-term export (or re-export) of U.S.-sourced natural gas as LNG on its own behalf from the proposed VPLNG Mid-Scale Project. DOE/FE finds that the submission of these contracts within 30 days of their execution using the procedures described below will be consistent with the “to the extent practicable” requirement of section 590.202(b).

(8) DOE/FE finds that section 590.202(c) of DOE/FE’s regulations<sup>43</sup> requires that Vista Pacifico file, or cause to be filed, all long-term contracts associated with the long-term supply of U.S.-sourced natural gas to the VPLNG Mid-Scale Project, whether signed by Vista Pacifico or the Registrant, within 30 days of their execution.

(9) DOE/FE recognizes that some information in Vista Pacifico’s or a Registrant’s long-term commercial agreements associated with the export of natural gas and/or the re-export of U.S.-sourced natural gas as LNG, and/or long-term contracts associated with the long-term

---

<sup>43</sup> *Id.* § 590.202(c).

supply of U.S.-sourced natural gas to the VPLNG Mid-Scale Project, may be commercially sensitive. DOE/FE therefore will provide Vista Pacifico the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) Vista Pacifico may file, or cause to be filed, long-term contracts under seal, but it also will file for public posting, within 30 days of the contract execution date, either: i) a copy of each long-term contract with commercially sensitive information redacted, or ii) a summary of all major provisions of the contract(s) including, but not limited to, the parties to each contract, contract term, quantity, any take or pay or equivalent provisions/conditions, destinations, re-sale provisions, and other relevant provisions; and (B) the filing must demonstrate why the redacted or non-disclosed information should be exempted from public disclosure.

To ensure that DOE/FE destination and reporting requirements included in the Order are conveyed to subsequent title holders, DOE/FE will include as a condition of this authorization that future contracts for the sale or transfer of natural gas or LNG exported pursuant to the Order shall include an acknowledgement of these requirements.

### **ORDER**

Pursuant to section 3 of the NGA, it is ordered that:

A. Vista Pacifico LNG, S.A.P.I. de C.V. (Vista Pacifico) is authorized to export U.S.-sourced natural gas by pipeline from the United States to Mexico and, after liquefaction in Mexico, to re-export the U.S.-sourced natural gas in the form of LNG by vessel from the proposed VPLNG Mid-Scale Project, to be located in Topolobampo, Mexico, to FTA countries. The volume authorized in this Order is up to the equivalent of 240 Bcf/yr of natural gas for a term beginning on the earlier of the date of first commercial export or seven years from the date the authorization is issued, and ending on December 31, 2050. Vista Pacifico is authorized to

export this LNG on its own behalf and as agent for other entities that hold title to the natural gas or LNG, pursuant to one or more contracts of any duration.<sup>44</sup>

B. This natural gas may be re-exported as LNG to Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore, and to any nation with which the United States subsequently enters into a FTA requiring national treatment for trade in natural gas, provided that the destination nation has the capacity to import LNG via ocean-going vessel. FTA countries are currently identified by DOE/FE at:

<https://www.energy.gov/fe/services/natural-gas-regulation>.

C. Vista Pacifico shall ensure that all transactions authorized by this Order are permitted and lawful under U.S. laws and policies, including the rules, regulations, orders, policies, and other determinations of the Office of Foreign Assets Control of the United States Department of the Treasury. Failure to comply with this requirement could result in rescission of this authorization and/or other civil or criminal remedies.

D. (i) Vista Pacifico shall file, or cause others to file, with the Office of Regulation, Analysis, and Engagement a non-redacted copy of all executed long-term contracts associated with the long-term re-export of U.S.-sourced natural gas as LNG from the VPLNG Mid-Scale Project on its own behalf or as agent for other entities. The non-redacted copies may be filed under seal and must be filed within 30 days of their execution. Additionally, if Vista Pacifico has filed the contracts described in the preceding sentence under seal or subject to a claim of confidentiality or privilege, within 30 days of their execution, Vista Pacifico shall also file, or cause others to file, for public posting either: (a) a redacted version of the contracts described in

---

<sup>44</sup> See U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2243 (Jan. 12, 2021), *supra* note 13.

the preceding sentence, or (b) major provisions of the contracts. In these filings, Vista Pacifico shall state why the redacted or non-disclosed information should be exempted from public disclosure.

(ii) Vista Pacifico shall file, or cause others to file, with the Office of Regulation, Analysis, and Engagement a non-redacted copy of all executed long-term contracts associated with the long-term supply of U.S.-sourced natural gas to the VPLNG Mid-Scale Project. The non-redacted copies may be filed under seal and must be filed within 30 days of their execution. Additionally, if Vista Pacifico has filed the contracts described in the preceding sentence under seal or subject to a claim of confidentiality or privilege, within 30 days of their execution, Vista Pacifico shall also file, or cause others to file, for public posting either: (a) a redacted version of the contracts described in the preceding sentence, or (b) major provisions of the contracts. In these filings, Vista Pacifico shall state why the redacted or non-disclosed information should be exempted from public disclosure.

E. Vista Pacifico shall include, and require others for whom Vista Pacifico acts as agent to include, the following provision in any agreement or other contract for the sale or transfer of U.S.-sourced natural gas exported or re-exported in the form of LNG pursuant to this Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer U.S.-sourced natural gas, including in the form of LNG, purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/FE Order No. 4688, issued April 9, 2021, in FE Docket No. 20-153-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of the natural gas or LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Vista Pacifico LNG, S.A.P.I. de C.V. that identifies the country (or countries) into which the natural gas or LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Vista Pacifico LNG, S.A.P.I. de C.V. is made aware of all such actual destination countries.

F. Vista Pacifico is permitted to use its authorization in order to act as agent for other entities, after registering the other parties with DOE/FE. Registration materials shall include an acknowledgment and agreement by the Registrant to supply Vista Pacifico with all information necessary to permit Vista Pacifico to register that person or entity with DOE/FE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 C.F.R. Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; (3) the name, title, mailing address, email address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed; and (4) within 30 days of execution, a copy of any long-term contracts not previously filed with DOE/FE, described in Ordering Paragraph D of this Order.

G. Each registration submitted pursuant to this Order shall have current information on file with DOE/FE. Any changes in company name, contact information, length of the long-term contract, termination of the long-term contract, or other relevant modification shall be filed with DOE/FE within 30 days of such change(s).

H. As a condition of this authorization, Vista Pacifico shall ensure that all persons required by this Order to register with DOE/FE have done so.

I. Within two weeks after the first export of U.S.-sourced natural gas authorized in Ordering Paragraph A occurs, Vista Pacifico shall provide written notification of the date that the first export occurred.

J. Vista Pacifico shall file with the Office of Regulation, Analysis, and Engagement, on a semiannual basis, written reports describing the progress of the proposed VPLNG Mid-Scale

Project. The reports shall be filed on or by April 1 and October 1 of each year, and shall include information on the progress of the VPLNG Mid-Scale Project, the date the VPLNG Mid-Scale Project is expected to be operational, and the status of the long-term contracts associated with the long-term export of U.S.-sourced natural gas and the re-export of LNG and any long-term supply contracts.

K. With respect to any change in control of the authorization holder, Vista Pacifico must comply with DOE/FE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.<sup>45</sup> For purposes of this Ordering Paragraph, a "change in control" shall include any change, directly or indirectly, of the power to direct the management or policies of Vista Pacifico, whether such power is exercised through one or more intermediary companies or pursuant to an agreement, written or oral, and whether such power is established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means.<sup>46</sup>

L. Monthly Reports: With respect to the exports of natural gas authorized by this Order, Vista Pacifico shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports of U.S.-sourced natural gas have been made. The first monthly report required by this Order is due not later than the 30<sup>th</sup> day of the month following the month of first export. In subsequent months, if exports have not occurred, a report of "no activity" for that month must be filed. If exports of natural gas have occurred, the report must give the following details: (1) the

---

<sup>45</sup> See U.S. Dep't of Energy, Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas, 79 Fed. Reg. 65,541 (Nov. 5, 2014).

<sup>46</sup> See *id.* at 65,542.

country of destination; (2) the point(s) of exit; (3) the volume in thousand cubic feet (Mcf); (4) the average purchase price of gas per million British thermal units (MMBtu) at the international border; (5) the name of the supplier(s); (6) the name of the U.S. transporter(s); and (7) the estimated or actual duration of the supply agreement(s).

With respect to the re-export of U.S.-sourced natural gas as LNG authorized by this Order, Vista Pacifico shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether re-exports of this LNG to FTA countries have been made. The first monthly report required by this Order is due not later than the 30th day of the month following the month of first re-export. In subsequent months, if re-exports have not occurred, a report of “no activity” for that month must be filed. If re-exports of LNG have occurred, the report must give the following details of each LNG cargo: (1) the name(s) of the authorized exporter registered with DOE/FE; (2) the name of the export terminal; (3) the name of the LNG tanker; (4) the date of departure from the export terminal; (5) the country (or countries) into which the LNG was actually delivered; (6) the name of the supplier/seller; (7) the volume in thousand cubic feet (Mcf); (8) the price at point of export per MMBtu; (9) the duration of the supply agreement; and (10) the name(s) of the purchaser(s).

(Approved by the Office of Management and Budget under OMB Control No. 1901-0294.)

M. All monthly report filings on Form FE-746R shall be made to the U.S. Department of Energy (FE-34), Office of Fossil Energy, Office of Regulation, Analysis, and Engagement, according to the methods of submission listed on the Form FE-746R reporting instructions



available at <https://www.energy.gov/fe/services/natural-gas-regulation>.

Issued in Washington, D.C., on April 9, 2021.

---

Amy R. Sweeney  
Director, Office of Regulation, Analysis, and Engagement  
Office of Oil and Natural Gas