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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY**

<b>In the Matter Of:</b>	§	<b>Docket No. 22-____-LNG</b>
	§	
<b>BP ENERGY COMPANY</b>	§	
	§	

**APPLICATION OF BP ENERGY COMPANY  
FOR BLANKET AUTHORIZATION  
TO EXPORT PREVIOUSLY IMPORTED LIQUIFIED NATURAL GAS ON A  
SHORT-TERM BASIS**

Pursuant to Section 3 of the Natural Gas Act (NGA), 15 U.S.C. §717b, and Part 590 of the Department of Energy's (DOE) regulations, 10 C.F.R. Part 590, BP Energy Company (BPEC) hereby requests that DOE, Office of Fossil Energy (DOE/FE), issue an order granting blanket authorization for BPEC for itself and as agent for third parties to engage in short-term exports of up to approximately thirty billion cubic feet (30 Bcf), on a cumulative basis, of previously imported liquefied natural gas (LNG) from foreign sources, for a two-year period commencing December 2, 2022, which is the day following the date upon which its existing blanket re-export authorization<sup>1</sup> is scheduled to expire. BPEC is seeking authorization to export such previously imported LNG from the Cove Point LNG, LP, liquefied natural gas import terminal (Cove Point) in Calvert County, Maryland to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by Federal law or policy. Good cause exists to grant the requested authorization for the reasons stated below.

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<sup>1</sup> *BP Energy Company*, DOE/FE Order No. 4628, FE Docket No. 20-102-LNG, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas by Vessel to Free Trade Agreement and Non-Free Trade Agreement Nations (Dec. 2, 2020).

## **I. DESCRIPTION OF THE APPLICANT**

BPEC is a Delaware corporation with its principal place of business in Houston, Texas. BPEC is a wholly owned indirect subsidiary of BP America Inc. BPEC is in the global business of marketing and trading commodities, including LNG. BPEC has contracted for 0.333 Bcf/day of import capacity from Cove Point with a primary term of 20 years. The primary term will expire on August 18, 2023 and may be extended by BPEC. On December 2, 2020, DOE/FE Order No. 4628 granted BPEC blanket authorization to export LNG previously imported from foreign sources in a volume equivalent to 30 Bcf of natural gas, pursuant to transactions that have terms of no longer than two years.<sup>2</sup>

## **II. COMMUNICATIONS AND CORRESPONDENCE**

All communications and correspondence concerning this application, including all service of pleadings and notices, should be directed to the following persons:

James Busch  
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Senior Counsel  
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## **III. AUTHORIZATION REQUESTED**

BPEC requests blanket authorization to export on a short-term or spot market basis up to 30 Bcf of previously imported LNG cumulatively over a two-year period commencing on December 2, 2022. BPEC further requests that such authorization extend to LNG supplies imported from foreign sources to which BPEC holds title, as well as to LNG supplies imported from foreign sources that BPEC may export on behalf of other entities who hold title. Under

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<sup>2</sup> BP Energy Company, DOE/FE Order No. 4628 (December 2, 2020).

the authorization sought herein, BPEC does not request the authority to export any domestically produced natural gas or LNG, although it is possible the previously imported LNG may be commingled in the Cove Point LNG terminal with LNG sourced from domestic natural gas. BPEC will not export LNG to those countries with which trade is prohibited by Federal law or policy.

The blanket export authorization requested by BPEC would be applicable to exports from the Cove Point LNG terminal, in Calvert County, Maryland. There are no proceedings related to this application currently pending before the DOE or any other federal agency.

The blanket authorization requested by BPEC is substantially similar to the blanket export authorization granted by DOE/FE to ConocoPhillips in Order No. 2731.<sup>3</sup> In that proceeding, the blanket export authorization granted by DOE/FE was limited to exports from a specified LNG import terminal. Consistent with that precedent, BPEC requests that the blanket export authorization requested herein be applicable to exports from the Cove Point LNG terminal. In this regard, Cove Point has previously received authority from the Federal Energy Regulatory Commission to modify its facilities so as to enable LNG exports as well as imports.<sup>4</sup>

#### **IV. PUBLIC INTEREST STANDARD**

Pursuant to Section 3 of the NGA, DOE/FE must authorize exports to a foreign country unless there is a finding that such exports “will not be consistent with the public interest.”<sup>5</sup> Accordingly, Section 3 creates a statutory presumption in favor of approval of a properly framed export application.<sup>6</sup> Any opponent would bear the burden of overcoming that

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<sup>3</sup> *ConocoPhillips Company*, DOE/FE Order No. 2731 (November 30, 2009).

<sup>4</sup> *Dominion Cove Point LNG, LP*, 148 FERC ¶ 61,244 (2014).

<sup>5</sup> 15 U.S.C. § 717b (2010).

<sup>6</sup> See *Phillips Alaska Natural Gas Corp. and Marathon Oil Co.*, DOE/FE Opinion and Order No. 1473, 2 FE ¶ 70,317 at p. 13, N. 42 (April 2, 1999), citing *Panhandle Producers and Royalty Owners Association v. ERA*, 822 F.2d 1105, 1111 (D.C. Cir. 1987).



presumption.<sup>7</sup> In evaluating an export application, DOE/FE applies the standards set forth in DOE Delegation Order No. 0204-111, which “focuses primarily on domestic need for the gas to be exported, as described in the Secretary’s natural gas policy guidelines”.<sup>8</sup> As detailed below, the blanket export authorization requested by BPEC satisfies the public interest standard of Section 3 of the NGA as construed by the DOE/FE.

In Order No. 4628, which granted BPEC blanket authorization to export LNG previously imported from foreign sources in a volume equivalent to 30 Bcf, DOE/FE determined that U.S. consumers will continue to have access to substantial quantities of natural gas sufficient to meet domestic demand from multiple other sources at competitive prices without drawing on the LNG that BPEC seeks to export.<sup>9</sup> This conclusion is, supported by the most recent projections by the U.S. Energy Information Agency (“EIA”), which DOE/FE has considered in other blanket certificate authorizations. Specifically, the Annual Energy Outlook 2022 (“AEO 2022”), released on March 3, 2022, projects annual domestic dry natural gas production in 2022 of 35.69 trillion cubic feet (Tcf), compared to total gas consumption for 2022 of 30.46 Tcf; for 2023, the AEO 2022 projections forecast production of 36.05 Tcf and consumption of 30.54 Tcf.<sup>10</sup> In a recent order, DOE/FE similarly recognized that “EIA’s projections in AEO 2022 continue to show market conditions that will accommodate increased exports of natural gas.”<sup>11</sup> Given the short-term nature of the requested blanket authorization,

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<sup>7</sup> In *Panhandle Producers and Royalty Owners Ass’n v. EIA*, 822 F. 2d 1105, 1111 (D.C. Cir 1987), the court found that Section 3 of the NGA “requires an affirmative showing of inconsistency with the public interest to deny an application” and that a “presumption favoring ...authorization ...is completely consistent with, if not mandated by, the statutory directive.”

<sup>8</sup> Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas, 49 Fed Reg. 6,684 (Feb. 22, 1984).

<sup>9</sup> *BP Energy Company*, DOE/FE Order No. 4628.

<sup>10</sup> AEO 2022 is available at: <https://www.eia.gov/outlooks/aeo/>. The projections for 2022 and 2023 provided above are set forth in the AEO 2022 Reference Case, Table 13: Natural Gas Supply, Disposition, and Prices, which is available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.eia.gov%2Foutlooks%2Faeo%2Fexcel%2Faeotab13.xlsx&wdOrigin=BROWSELINK>.

<sup>11</sup> *Cheniere Marketing LLC and Corpus Christie Liquefaction, LLC*, DOE/FE Order No. 4799 at 46 (March 16, 2022).

this data further supports the conclusion that the proposed export of previously imported LNG is not inconsistent with the public interest.

## **V. ENVIRONMENTAL IMPACT**

No modifications to the Cove Point LNG terminal are required to enable the LNG exports requested by BPEC. Therefore, granting this application would not be a federal action significantly affecting the human environment under the National Environmental Policy Act, 42 U.S.C. §4231, et seq. Consequently, no environmental impact statement or environmental assessment is required.

## **VI. APPENDICES**

The following appendices are attached hereto and incorporated by reference herein:

Appendix A: Verification and Certified Statement

Appendix B: Opinion of Counsel

## **VII. CONCLUSION**

For the reasons set forth above, BPEC respectfully requests that the DOE/FE determine that BPEC's request for blanket authorization as discussed herein, to enable it to export previously imported foreign-sourced LNG from the Cove Point terminal to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by

Federal law or policy, is not inconsistent with the public interest and grant such authorization as expeditiously as possible but not later than November 15.

Respectfully submitted,

Betsy Carr  
Senior Counsel  
BP Energy Company  
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Email: [betsy.carr@bp.com](mailto:betsy.carr@bp.com)

03  
August \_\_, 2022

## APPENDIX A

# VERIFICATION AND CERTIFIED STATEMENT

County of Harris     )  
                                  )  
State of Texas        )

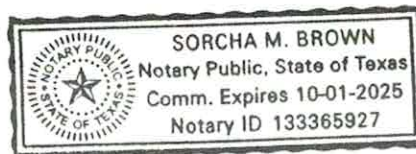
I Betsy Carr, being duly sworn on her oath, does hereby depose and say that I am the Senior Counsel for BP Energy Company; that I am familiar with the contents of the foregoing application; and that the matters set forth therein are true and correct to the best of my knowledge, information and belief.

DocuSigned by:  
Betsy Carr  
AB91F29C58F6493

Sworn to and subscribed before me, a Notary Public, in and for the State of Texas, this \_\_\_\_ day of August, 2022.

Sorcha M. Brown  
Notary Public

My Commission expires: 10/01/25





## APPENDIX B



BP Energy Company  
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Email: christopher.heywood@bp.com

August 3, 2022

U.S. Department of Energy  
Office of Fossil Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

### **OPINION OF COUNSEL**

This opinion of counsel is provided in accordance with the requirements of Section 590.202(c) of the U.S. Department of Energy's regulations, 10 CFR § 590.202(c) (2017). I have examined the Certificate of Incorporation of BP Energy Company and other authorities as necessary, and have concluded that the proposed exportation of previously imported liquefied natural gas by BP Energy Company is within its corporate powers. Further, BP Energy Company is authorized to do business in Delaware and other U.S. states and to engage in foreign commerce.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Heywood", written over a horizontal line.

Chris Heywood  
Senior Counsel, BP Energy Company