

Dated: September 26, 2022

Via Electronic Filing by E-Mail: fergas@hq.doe.gov

To: Ms. Amy Sweeney, Director
Office of Regulation, Analysis and Engagement
Office of Fossil Energy and Carbon Management, FECM-34
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: Manifest Shipping & Trading Corp., FECM Docket No. 22-124-LNG
Application for Long-Term and Short-Term, Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations

Dear Ms. Sweeney:

Pursuant to Section 3 of the Natural Gas Act ("NGA"), 15 U.S.C. §717b, and Part 590 of the Department of Energy's regulations, 10 C.F.R. Pt. 590, Manifest Shipping & Trading Corp. submits its Application for Long-Term and Short-Term, Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations. Attached to the Application are the following three Appendices: Appendix A, Liquefaction Facilities and Ports; Appendix B, Verification, and Appendix C, Opinion of Counsel. Also attached is a Pay.gov payment confirmation for \$50.00 to cover the filing fee.

Please feel free to contact me if you have any questions or need any additional information.

Respectfully submitted,



Name: John Lindquist

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

FECM Docket No. 22-124-LNG

**APPLICATION OF MANIFEST SHIPPING & TRADING CORP. FOR LONG-TERM AND SHORT-TERM,
MULTI-CONTRACT AUTHORIZATIONS TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE
AGREEMENT AND NON-FREE TRADE AGREEMENT NATIONS**

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. Pt. 590, Manifest Shipping & Trading Corp. (“MST”) submits this application (“Application”) requesting that the DOE Office of Fossil Energy and Carbon Management (“DOE/FECM”) grant consolidated long-term and short-term multi-contract authorizations for MST to engage in exports on a cumulative basis of up to 51.75 billion cubic feet (“Bcf”) per year of domestically produced liquefied natural gas (“LNG”) to (1) any country with which the United States currently has, or in the future may enter into, a free trade agreement requiring national treatment for trade in natural gas (“FTA Nations”) and (2) any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy (“Non-FTA Nations”).

MST requests that its long-term authorization commence on the date of first commercial export, which is expected by MST to be approximately two months from the date of this application being submitted, and end on December 31, 2050, consistent with DOE/FECM’s recent policy statement extending natural gas export authorization for Non-FTA Nations through December 31, 2050,¹ and that its long-term authorization include authority to export the same approved volume for transactions of less than two years on a non-additive basis, consistent with DOE/FECM’s recent policy statement determining to consolidate short-term and long-term authority in a single authorization to streamline its regulatory process and reduce administrative burdens.²

MST plans to (i) source LNG primarily from small-scale liquefaction and peak shaving facilities located in the United States, (ii) load the LNG with small-scale vessels either directly from marine terminals, or from barges (Jones Act-compliant) in U.S. ports, and (iii) export the LNG to

¹ Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, 85 Fed. Reg. 52,237 (Aug. 25, 2020) (“Term Extension Policy Statement”). As DOE/FE observed in the Term Extension Policy Statement, “[t]he principal conclusion of the 2018 LNG Export Study is that the United States will experience net economic benefits from the export of domestically produced LNG through the 30-year study period, i.e., from 2020 through 2050.” Id. at 52,240.

² Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, available at https://www.energy.gov/sites/prod/files/2020/12/f82/ST%20Exports%20Policy%20Statement_0.pdf (signed and released Dec. 18, 2020).

allies of the United States in Europe, Asia, and Latin America. The source of the proposed exports will be the vast natural gas supply produced throughout the United States and delivered to the listed liquefaction facilities through the integrated natural gas pipeline grid. While MST has not yet executed contracts to purchase LNG for the purpose of export, MST is in the process of negotiating binding agreements with multiple existing liquefaction facilities interested in supplying LNG to MST for exportation. In Appendix A hereto, MST provides a list of facilities that are interested in supplying LNG to MST which may be used, with a brief description of these facilities and the associated ports from which the LNG may be exported.³ MST is also having discussions with additional LNG facilities capable of supplying LNG to MST for export. To the extent MST seeks to purchase LNG from facilities or to export LNG from ports that are not included in Appendix A, MST will notify DOE/FECM of such facilities/ports. In addition, MST requests export authority on behalf of itself and as agent for other title holders of LNG.

MST commits that it will comply with all requirements imposed by DOE/FECM on MST as an exporter and agent, including that MST will: (a) Register each LNG title holder for whom MST seeks to export as agent, with such registration including a written statement by the LNG title holder acknowledging and agreeing to comply with all applicable requirements imposed by DOE/FECM in MST's export authorization and to incorporate those requirements in any subsequent purchase or sale agreement entered into by that title holder; and (b) File under seal with DOE/FECM any relevant commercial agreements once they have been executed, consistent with DOE/FECM's established policy.⁴

In support of this Application, MST states the following:

I. DESCRIPTION OF THE APPLICANT

The exact legal name of the applicant is Manifest Shipping & Trading Corp. It is a corporation organized under the laws of the State of Delaware, with its principal place of business at 20 Saugatuck Avenue, Suite 4, Westport, CT 06880. MST has three shareholders: Tanbark Holdings, LLC (34%), a limited liability company organized under the laws of the State of Texas; Instow Energy Ltd (33%), a private limited company organized under the laws of the United Kingdom; and D&P Energy Holdings Limited (33%), a private limited company organized under the laws of the United Kingdom. Tanbark Holdings, LLC is owned by an individual, John Lindquist, a citizen of the United States. Instow Energy Ltd is owned by an individual, Nicholas Browne, a citizen of

³ DOE/FE recently approved an application listing potential sources of LNG supply without executed contracts, subject to subsequent submission of executed agreements. See SpotX Energy, LLC, DOE/FE Order No. 4461, FE Docket No. 19-104-LNG (Nov. 8, 2019) (long-term authorization); SpotX Energy, LLC, DOE/FE Order No. 4462, FE Docket No. 19-105-LNG (Nov. 8, 2019) (short-term authorization) ("SpotX Orders").

⁴ DOE/FE has found that the commitment to file contracts once executed complies with the requirement of 10 C.F.R. § 590.202(b) to provide transaction-specific information "to the extent practicable." See, e.g., Sabine Pass Liquefaction, LLC, DOE/FE Order No. 2961 at 41, FE Docket No. 10-111-LNG (May 20, 2011); Cheniere Marketing, LLC, DOE/FE Order No. 4519 at 8-9, FE Docket No. 19-124-LNG (Apr. 14, 2020).

the United Kingdom. D&P Energy Holdings Limited is owned by an individual, Martyn McMahon, a citizen of the United Kingdom.

II. COMMUNICATIONS

All communications and correspondence regarding this Application should be addressed to:

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III. UNDER THE NGA, MST'S EXPORT OF LNG TO FTA NATIONS IS CONSISTENT WITH THE PUBLIC INTEREST

Under NGA Section 3(c), "the exportation of natural gas to a 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 applications for such importation or exportation shall be granted without modification or delay."⁵

As directed by NGA Section 3(c), MST's request to export LNG to FTA Nations "shall be deemed to be consistent with the public interest," and DOE/FECM should grant such authorization without modification or delay. This is consistent with DOE/FECM practice of promptly granting authorizations for export to FTA nations pursuant to the statutory mandate.⁶

IV. UNDER THE SMALL-SCALE EXPORT RULE, MST'S EXPORT OF UP TO 51.75 BCF/YEAR OF LNG TO NON-FTA NATIONS IS CONSISTENT WITH THE PUBLIC INTEREST

NGA Section 3(a) requires that parties seeking to export natural gas to Non-FTA nations submit an application to the Secretary of Energy, who "shall issue" an order approving the application "unless ... the proposed exportation ... will not be consistent with the public interest."⁷ Section 3(a) of the NGA "creates a rebuttable presumption that proposed exports of natural gas are in

⁵ 15 U.S.C. § 717b(c) (2018).

⁶ See, e.g., SpotX Energy, LLC, DOE/FE Order No. 4461, FE Docket No. 19-104-LNG (Nov. 8, 2019) (two and a half months).

⁷ 15 U.S.C. § 717b(a) (2018). This authority has been delegated to the Assistant Secretary for Fossil Energy pursuant to Redesignation Order No. 00-002.04G issued on June 4, 2019.

the public interest.”⁸ Therefore, DOE/FECM “must grant such an application unless opponents of the application overcome that presumption by making an affirmative showing of inconsistency with the public interest.”⁹

Small-scale natural gas exports are deemed to be consistent with the public interest under Section 3(a) of the Natural Gas Act, 15 U.S.C. § 717b(a). See 10 C.F.R. § 590.208(a); 10 C.F.R. § 590.102(p);¹⁰ U.S. Dept. of Energy, Small-Scale Natural Gas Exports, Final Rule, 83 Fed Reg. 35,106 (July 25, 2018) (“Small-Scale Export Rule”). Specifically, Section 590.208(a) provides that “small-scale natural gas exports are deemed to be consistent with the public interest” under NGA Section 3(a) and that DOE/FECM “will issue an export authorization upon receipt of any complete application to conduct small-scale natural gas exports.”

In determining that small-scale exports up to and including 51.75 Bcf/yr are consistent with the public interest under NGA Section 3(a),¹¹ DOE explained the extensive information that it considered to reach that conclusion:

DOE ... considered its obligations under NGA section 3(a), the public comments received on the proposed rule, and a wide range of information bearing on the public interest, including (but not limited to) information on economic impacts, international impacts, security of domestic natural gas supply, and environmental impacts associated with these exports.

Additionally, DOE has considered the 29 final Non-FTA export authorizations issued to date, as well as authoritative projections for natural gas supply, demand, and prices set forth in the U.S. Energy Information Administration’s (EIA) Annual Energy Outlook 2017 ... and Annual Energy Outlook 2018 (AEO 2018). With respect to the regulatory criteria established by this rulemaking, DOE considered industry sources in establishing the volume limitation, as well as its obligations under NEPA in establishing the NEPA criterion.

⁸ Sabine Pass Liquefaction, LLC, Opinion and Order Denying Request for Review Under Section 3(c) of the NGA at 4, FE Docket No. 10-111-LNG (Oct. 21, 2010).

⁹ See, e.g., Jordan Cove Energy Project, L.P., DOE/FE Order No. 3413 at 6, FE Docket No. 12-32-LNG (Mar. 24, 2014); Cameron LNG, LLC, DOE/FE Order No. 3391 at 6, FE Docket No. 11-162-LNG (Feb. 11, 2014); Freeport LNG Expansion, L.P., DOE/FE Order No. 3357 at 8, FE Docket No. 11-161-LNG (Nov. 15, 2013).

¹⁰ Section 590.102(p) defines a small-scale natural gas export as “an export of natural gas to nations with which there is not in effect a free trade agreement with the United States requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy, provided that the application for such export authority satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including 51.75 billion cubic feet per year, and (2) DOE’s approval of the application does not require an environmental impact statement or an environmental assessment under the National Environmental Policy Act, 42 U.S.C. 4321 et seq.”

¹¹ See Small-Scale Export Rule, 83 Fed. Reg. at 35,108 (“In issuing this final rule, DOE has determined that small-scale natural gas exports are consistent with the public interest under NGA section 3(a).”).

In sum, DOE has thoroughly analyzed the many factors affecting the export of U.S. natural gas, as well as the unique characteristics and minimal adverse impacts of the emerging small-scale natural gas market. On this basis (and as discussed in the proposed rule), DOE has determined that the final rule is in accordance with section 3 of the NGA.¹²

Relying on EIA's 2017 and 2018 AEOs, DOE/FECM found that there are ample natural gas resources to meet the demand for natural gas in the United States and to export the volume of gas associated with small-scale export authorizations.¹³ DOE/FECM therefore concluded that small-scale exports will not adversely affect the availability of natural gas supplies to domestic consumers. It explained: "The implication of the latest EIA projections in AEO 2017 and AEO 2018 is that a significantly greater quantity of natural gas is projected to be available at a lower cost than was estimated seven years ago."¹⁴ DOE/FECM also concluded that "small-scale natural gas exports are expected to generate positive economic benefits in the United States through direct and indirect job creation, increased economic activity, tax revenues, and improved U.S. balance of trade."¹⁵ DOE/FECM also found small-scale exports from the U.S. will provide benefits to countries in emerging markets because "these countries will have access to a more reliable, cost-effective supply of energy that also has emissions benefits over current energy sources."¹⁶

Finally, there is a severe imbalance of supply and demand of natural gas around the world, due to the present conflict in Ukraine and other related geopolitical factors. MST can help to meet that demand with exports of LNG pursuant to the requested authorizations. MST intends to target end-users in markets deemed to be allies of the U.S. that increasingly are dependent on diesel, heavy fuel oil, coal and even wood/biomass as their fuel sources to make up for the substantial shortfall in natural gas supply. To the extent MST can provide LNG to such users, the citizens of those countries would benefit directly by having greater access to natural gas to heat their homes and cook food during peak times of usage. The environment in these countries (and the world) will also benefit from the substitution of high CO₂, SO_x and NO_x emission fuels with cleaner burning natural gas fuel.

To qualify for authorization under Section 590.208(a), the applicant must submit a complete application for authority to export no more than 51.75 Bcf/yr, and approval of the application must not require an environmental impact statement or environmental assessment under the National Environmental Policy Act, 42 U.S.C. § 4321, et seq. ("NEPA").¹⁷ This application satisfies

¹² Id. (internal citations and quotations omitted).

¹³ Id. at 35,109-110. In fact, natural gas production continued to grow in 2019. See U.S. EIA, U.S. natural gas production grew again in 2019, increasing by 10%, available at <https://www.eia.gov/todayinenergy/detail.php?id=43115#:~:text=U.S.%20natural%20gas%20gross%20withdrawals,%20respectively%20in%20November%202019> (Mar. 10, 2020) ("U.S. natural gas production grew by 9.8 billion cubic feet per day (Bcf/d) in 2019, a 10% increase from 2018.").

¹⁴ Small Scale Export Rule, 83 Fed. Reg. at 35,109.

¹⁵ Id. at 35,112.

¹⁶ Id. at 35,112-13.

¹⁷ 10 C.F.R. §§ 590.102(p); 590.208(a).

both conditions. As noted above, MST's request is for authorization to export up to 51.75 Bcf/yr. In addition, this Application does not embrace the construction of any new facilities; thus, a categorical exclusion from the requirement that DOE/FECM must perform a NEPA review applies.¹⁸ MST therefore satisfies the two criteria and is eligible for a small-scale natural gas export authorization to non-FTA nations.

V. MST'S REQUEST FOR EXPORT AUTHORITY IS CONSISTENT WITH RECENT APPROVALS GRANTED BY DOE/FECM

The authority sought by MST herein is consistent with recent authorizations granted by DOE/FECM. For example, in the SpotX Orders, DOE/FECM approved long-term and short-term authorizations for LNG exports to FTA and Non-FTA Nations from ports listed in the SpotX application using supply sourced from facilities listed in the application.¹⁹ Like MST, SpotX had not yet concluded commercial agreements for the purchase or sale of LNG.²⁰ DOE/FECM concluded that the requested authorizations were in the public interest pursuant to NGA Section 3(c), DOE/FECM's regulations at 10 C.F.R. § 590.208(a), and the Small-Scale Export Rule.²¹

Consistent with its standard practice, DOE/FECM imposed various conditions in the SpotX Orders that MST agrees to accept. Among others, DOE/FECM required that where SpotX exports LNG as agent for other entities holding title to the LNG, SpotX must register those entities with DOE/FECM and provide certain prescribed information.²² DOE/FECM also required SpotX to file or cause to be filed any short-term or long-term commercial agreements associated with the supply of natural gas to the facilities and the purchase and export of LNG by SpotX, including agreements under which SpotX would export LNG as an agent for other entities. DOE/FECM gave SpotX the option of filing unredacted contracts or filing contracts under seal, along with a public copy of each contract with commercially sensitive information redacted, or a summary of the major provisions of the contract.²³ MST will comply with these same conditions.

¹⁸ See 10 C.F.R. § 1021, Subpt. D, App. B5.7 (providing a categorical exclusion to "Approvals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) but not new construction.").

¹⁹ DOE/FE Order No. 4461 at 9; DOE/FE Order No. 4462 at 8-9.

²⁰ See DOE/FE Order No. 4461 at 5.

²¹ DOE/FE Order No. 4461 at 9; DOE/FE Order No. 4462 at 8-9.

²² DOE/FE Order No. 4461 at 12-13; see also Freeport LNG Expansion, L.P., DOE/FE Order No. 2913 (Feb. 10, 2011) (approving proposal to register each LNG title holder for which applicant sought to export LNG as agent).

²³ DOE/FE Order No. 4461 at 10

VI. LIST OF APPENDICES

The below Appendix is attached hereto consistent with Section 590.202 of DOE/FECM's regulations:

Appendix A: Liquefaction Facilities and Ports

Appendix B: Verification

Appendix C: Opinion of Counsel

VII. CONCLUSION

For the reasons set forth in this Application, MST respectfully requests that DOE/FECM grant the authorizations requested herein as consistent with the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Lindquist", with a stylized flourish at the end.

Name: John Lindquist

APPENDIX A

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

FECM Docket No.

LIQUEFACTION FACILITIES AND PORTS

Below is a list of the facilities from which MST is seeking authority to source LNG for export at this time and the ports from which such exports will be made. MST will notify DOE/FECM of any additional facilities from which it will source LNG for export or any additional ports from which exports will be made prior to making such exports.

The following facilities have not been licensed by FERC. A description of these facilities based on publicly available information is provided.

1. JAX LNG (Port: Jacksonville, Florida). A liquefied natural gas facility located at Dames Point on the St. Johns River, is jointly owned by Pivotal LNG, LLC and North Star Midstream, LLC. It was the first small-scale LNG facility in the United States with both marine and truck-loading capabilities. The JAX LNG facility has the capacity to produce 120,000 gallons of LNG per day and store more than 2 million gallons. JAX LNG is in the process of expanding the facility to add liquefaction capacity and a second storage tank which would triple production to 360,000 gallons per day and double the amount of storage on-site to over 4 million gallons.
2. Puget LNG (Port: Tacoma, Washington). A liquefied natural gas facility located on the Blair Waterway on Puget Sound, is a wholly owned subsidiary of Puget Energy. It was the first LNG facility to be completed on the west coast of the lower 48 states that provides both marine and truck-loading capabilities. The Puget LNG facility has the capacity to produce 265,000 gallons of LNG per day and store more than 8 million gallons.


APPENDIX B

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


FECM Docket No.

VERIFICATION

The undersigned attests that he is Director, Secretary and Chief Operating Officer of Manifest Shipping & Trading Corp., that he is authorized to make this verification, that he has read the foregoing application, and that the statements and matters contained therein are true and correct to the best of his information, knowledge, and belief.


John Lindquist
My Commission Expires
July 31, 2025

9-26-22


ANDREA BYNOE

9/26/2022

Dated: September 26, 2022

**CONNECTICUT NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

State of Connecticut

County of FAIRFIELD

ss. STAMFORD (Town/City)

On this the 26th day of September, 2022, before me, Andrea Bynoe
(name of notary), the undersigned officer, personally appeared Jenna Lindquist (name of
individual or individuals), known to me (or satisfactorily proven) to be the person(s) whose
name(s) (is or are) subscribed to the within instrument and acknowledged that (he, she or they)
executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.


Signature of Notary Public

(Seal)

ANDREA BYNOE
Title of Officer

Date Commission Expires: 7/21/2025

APPENDIX C

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

FECM Docket No.

OPINION OF COUNSEL

(Appended to application)

CLARK, ATCHESON & REISERT

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September 19, 2022

Ms. Amy Sweeney, Director
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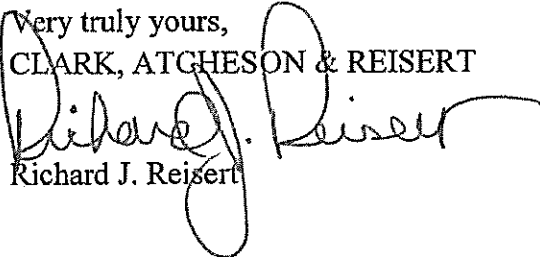
**Re: Manifest Shipping & Trading Corp., FECM Docket No. _____
Application for Long-Term and Short-Term, Multi-Contract Authorizations to
Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade
Agreement Nations**

Dear Ms. Sweeney:

This opinion is provided pursuant to Section 590.202(c) of the Department of Energy Regulations, 10 C.F.R. §590.202(c), in support of the Application for Long-Term and Short-Term, Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations.

I am counsel to Manifest Shipping & Trading Corp. ("MST"), organized under the laws of the State of Delaware. I have reviewed and relied upon the formation documents of MST, and it is my opinion that the proposed exports described in the Application are within the company powers of MST.

Very truly yours,
CLARK, ATCHESON & REISERT


Richard J. Reisert