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

In The Matter Of:

**Corpus Christi Liquefaction, LLC
CCL Midscale 8-9, LLC
Cheniere Marketing, LLC**

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FECM Docket No. 23-___-LNG

**APPLICATION FOR LONG-TERM AUTHORIZATION TO EXPORT LIQUEFIED
NATURAL GAS TO FREE TRADE AGREEMENT NATIONS AND
NON-FREE TRADE AGREEMENT NATIONS**

Florian Pintgen, Vice President, Commercial Operations
Taylor Johnson, Deputy General Counsel
Karri Mahmoud Director, Environmental & Regulatory Projects
Cheniere Energy, Inc.
700 Milam Street, Suite 1900
Houston, TX 77002
(713) 375-5000
Email: Florian.Pintgen@cheniere.com
Email: Taylor.Johnson@cheniere.com
Email: Karri.Mahmoud@cheniere.com

Lisa M. Toney
Mariah T. Johnston
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, N.Y. 10019-6142
Telephone: (212) 506-3710
Facsimile: (212) 506-5151
Email: ltoney@orrick.com
Email: mjohnston@orrick.com

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**APPLICATION FOR LONG-TERM AUTHORIZATION TO EXPORT LIQUEFIED
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Pursuant to Section 3 of the Natural Gas Act (“NGA”)¹ and Part 590 of the U.S. Department of Energy’s (“DOE”) regulations,² Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC, and Cheniere Marketing, LLC (collectively, “Applicants”) hereby request that DOE’s Office of Fossil Energy and Carbon Management (“DOE/FECM”) grant long-term, multi-contract authorization³ to engage in exports of domestically produced liquefied natural gas (“LNG”) in an amount up to the equivalent of approximately 170 billion cubic feet (“Bcf”) of natural gas per year (“Bcf/y”) from the proposed Corpus Christi Liquefaction Midscale Trains 8 & 9 Project (“Project”), to be located at and adjacent to the existing Corpus Christi LNG terminal (“CCL Terminal”)⁴ in San Patricio and Nueces Counties, Texas. Applicants request such authorization to

¹ 15 U.S.C. § 717b (2018).

² 10 C.F.R. Part 590 (2022).

³ Applicants note that pursuant to the Policy Statement issued by DOE on December 18, 2020, DOE has established a practice that long-term authorizations to export domestically produced natural gas include additional authority to export the same approved volume pursuant to transactions with terms of less than two years on a non-additive basis (including non-additive commissioning volumes). Including Short-Term Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2,243 (Jan. 12, 2021) [hereinafter *Short Term Policy Statement*].

⁴ The CCL Terminal consists of the original “Liquefaction Project” (an LNG terminal consisting of three large-scale liquefaction trains, three storage tanks, two marine berths and supporting infrastructure approved by the Federal Energy Regulatory Commission (“FERC” or “Commission”) in Docket No. CP12-507-000, as amended in Docket No. CP19-514-000), the “Stage 3 Project” (seven midscale trains and various supporting infrastructure approved by FERC in Docket No. CP18-512-000), and a 3,700-foot segment of behind the meter feed gas piping

export LNG to any country which has, or in the future develops, the capacity to import LNG via ocean going carrier and with which the United States either (i) has a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (“FTA Nations”) or (ii) lacks an FTA requiring national treatment for trade in natural gas but with which trade is not prohibited by U.S. law or policy (“Non-FTA Nations”), each for a term extending through December 31, 2050. The Applicants request this authorization on behalf of themselves and as agent for other entities that may hold title to the LNG at the time of export from the Project.

In support of this request (“Application”), Applicants provide as follows:

**I.
DESCRIPTION OF APPLICANTS**

The exact legal names of the Applicants are Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC, and Cheniere Marketing, LLC. The Applicants are Delaware limited liability companies, each with a primary place of business located at 700 Milam Street, Suite 1900, Houston TX 77002. The Applicants are registered to do business in a number of states, including the State of Texas, and are wholly owned subsidiaries of Cheniere Energy, Inc. (“Cheniere”).

Cheniere is a publicly traded energy company listed on the New York Stock Exchange (NYSE MKT: LNG), which develops and operates LNG terminals, including the CCL Terminal, and natural gas pipelines. Cheniere also is headquartered at 700 Milam Street, Suite 1900, Houston, TX 77002 and is registered to do business in the State of Texas.

(pending in FERC Docket No. CP22-514-000). The Liquefaction Project is currently operational, and the Stage 3 Project is currently under construction.

II. COMMUNICATIONS AND CORRESPONDENCE

All correspondence and communications concerning this Application, including all service of pleadings and notices, should be directed to the following persons:⁵

Florian Pintgen, Vice President, Commercial Operations
Taylor Johnson, Deputy General Counsel
Karri Mahmoud, Director, Environmental & Regulatory Projects
Cheniere Energy, Inc.
700 Milam Street, Suite 1900
Houston, TX 77002
(713) 375-5000
Email: Florian.Pintgen@cheniere.com
Email: Taylor.Johnson@cheniere.com
Email: Karri.Mahmoud@cheniere.com

Lisa M. Tonery
Mariah T. Johnston
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, N.Y. 10019-6142
Telephone: (212) 506-3710
Facsimile: (212) 506-5151
Email: ltonery@orrick.com
Email: mjohnston@orrick.com

III. EXECUTIVE SUMMARY

The Applicants have a demonstrated record of providing reliable supplies of LNG to global markets and are well positioned to meet additional global demand for U.S. natural gas. As discussed below, Applicants have advanced commercialization of the Project to near completion, with most LNG export volumes from the Project facilities already committed under long-term LNG sales contracts. LNG exports from the Project will provide needed additional supplies to the Nation's geopolitical allies, providing energy security during a time of global uncertainty. Just last year, Applicants' parent corporation, Cheniere, saw approximately 70 percent of LNG cargoes produced from its two facilities (CCL Terminal and Sabine Pass) exported to Europe, including Turkey. The Project will further these geopolitical benefits, while also improving the U.S. balance of trade and creating new jobs, local economic stimulus, and increased tax revenues domestically.⁶

⁵ Applicants request waiver of Section 590.202(a) of DOE's regulations, to the extent necessary to include additional representatives on the official service list in this proceeding. 10 C.F.R. § 590.202(a).

⁶ Moreover, DOE/FECM has noted that companies in the natural gas industry – including Cheniere Energy, Inc. – have begun implementing measures to advance the quantification, monitoring, reporting and verification (or

And that the Project facilities are designed and sited consistent with Corpus Christi Liquefaction, LLC's prior Stage 3 Project, which has been previously reviewed and approved by DOE/FECM and FERC, adds further to the justification for prompt approval by DOE/FECM.

For these reasons, and as more fully explained below, authorization to expand exports of LNG from the CCL Terminal is not inconsistent with the public interest. To the contrary, authorization of the Application will advance the public interest. Accordingly, Applicants respectfully request that DOE/FECM approve the Application in a time frame that will enable placement of the Project into commercial service as soon as possible in response to market needs.

IV. BACKGROUND

On March 30, 2023, Corpus Christi Liquefaction, LLC and CCL Midscale 8-9, LLC filed an application ("CCL Midscale Trains 8 & 9 FERC Application") with the Federal Energy Regulatory Commission ("FERC" or "Commission") for authorization to site, construct and operate the Project in Docket No. CP23-129-000.⁷ FERC Staff has indicated that it will prepare an Environmental Impact Statement ("EIS") or an Environmental Assessment ("EA") for the Project.⁸

DOE/FECM previously authorized Corpus Christi Liquefaction, LLC and Cheniere Marketing, LLC to export a total volume equivalent to approximately 875.16 Bcf/y of LNG to

QMRV) of emissions associated with their operations. Cheniere has also joined the United Nations Environment Programme's flagship oil and gas methane emissions reporting and mitigation initiative, the Oil and Gas Methane Partnership (OGMP) 2.0.

⁷ *Corpus Christi Liquefaction, LLC & CCL Midscale 8-9, LLC*, Application for Authorization Under Section 3 of the Natural Gas Act, Docket No. CP23-129-000 (Mar. 30, 2023).

⁸ *Corpus Christi Liquefaction, LLC & CCL Midscale 8-9, LLC*, Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Corpus Christi Liquefaction Midscale Trains 8 & 9 Project, and Notice of Public Scoping Session, Docket No. PF22-10-000 (Nov. 10, 2022).

both FTA and Non-FTA Nations, for a term extending through December 31, 2050.⁹ Corpus Christi Liquefaction, LLC is also authorized by DOE/FECM to export up to 582.14 Bcf/y of LNG to both FTA and Non-FTA Nations, for a term extending through December 31, 2050.¹⁰

V. PROJECT DESCRIPTION

The Project will have the capacity to produce LNG for export in a volume up to the equivalent of approximately 170 Bcf/y of natural gas.¹¹ As detailed further in the CCL Midscale Trains 8 & 9 FERC Application, the Project includes two midscale LNG trains (“Trains 8 & 9”) and supporting infrastructure which will be interconnected and operated, on an integrated basis, with the existing LNG storage tanks, control buildings, marine facilities, and other ancillary

⁹ See *Cheniere Marketing, LLC*, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Free Trade Agreement Nations, DOE/FE Order No. 3164, FE Docket No. 12-99-LNG (Oct. 16, 2012); *Cheniere Marketing, LLC*, Order Amending Application in Docket No. 12-97-LNG to Add Corpus Christi Liquefaction, LLC as Applicant, and Granting Request in DOE/FE Order No. 3164, Docket No. 12-99-LNG to Add Corpus Christi Liquefaction, LLC as Authorization Holder, DOE/FE Order Nos. 3538 and 3164-A, FE Docket Nos. 12-97-LNG and 12-99-LNG (Oct. 29, 2014); *Cheniere Marketing, LLC & Corpus Christi Liquefaction, LLC*, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas to Non-Free Trade Agreement Nations, DOE/FE Order No. 3638, FE Docket No. 12-97-LNG (May 12, 2015); *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC*, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations, DOE/FE Order No. 4519, FE Docket No. 19-124-LNG (Apr. 14, 2020); *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC*, Order Extending Export Term for Authorizations to Free Trade and Non-Free Trade Agreement Nations through December 31, 2050, DOE/FE Order Nos. 3164-B, 3638-B & 4519-A, FE Docket Nos. 12-97-LNG, 12-99-LNG & 19-124-LNG (Oct. 28, 2020); *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC*, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FECM Order No. 4799, FE Docket No. 19-124-LNG (Mar. 16, 2022) [hereinafter *2022 Non-FTA Order*].

¹⁰ *Corpus Christi Liquefaction Stage III, LLC*, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Stage 3 LNG Facilities to be Located at the Corpus Christi LNG Terminal in San Patricio and Nueces Counties, Texas, to Free Trade Agreement Nations, DOE/FE Order No. 4277, FE Docket No. 18-78-LNG (Nov. 9, 2018); *Corpus Christi Liquefaction Stage III, LLC*, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FE Order No. 4490, FE Docket No. 18-78-LNG (Feb. 10, 2020); *Corpus Christi Liquefaction Stage III, LLC*, Order Extending Export Term for Authorizations to Free Trade and Non-Free Trade Agreement Nations Through December 31, 2050, DOE/FE Order Nos. 4277-A & 4490-A, FE Docket No. 18-78-LNG (Oct. 21, 2020); *Corpus Christi Liquefaction, LLC*, Order Granting Request to Amend Authorizations to Export Liquefied Natural Gas to Reflect Corporate Reorganization, DOE/FECM Order Nos. 4277-B & 4490-B, Docket No. 18-78-LNG (Aug. 25, 2022).

¹¹ Approximate equivalent of 3.28 million tons per annum of LNG.

facilities at the CCL Terminal. The Project also includes the addition of certain operational enhancements which consist of refrigerant storage, an end flash gas unit, and a boil-off gas compressor, as well as an increase in the authorized loading rate of LNG carriers.

Corpus Christi Liquefaction, LLC and CCL Midscale 8-9, LLC have requested that the Commission grant all authorizations required to site, construct, and operate the Project by no later than September 27, 2024. Timely authorization by FERC and DOE is required so that the facilities may be placed in-service and exports commence as soon as possible.¹²

VI. AUTHORIZATION REQUESTED

Pursuant to Section 3 of the NGA, the Applicants hereby respectfully request authorization to engage in exports from the Project of domestically produced LNG in an amount up to the equivalent of approximately 170 Bcf of natural gas per year via ocean going carrier to (i) FTA Nations and (ii) Non-FTA Nations, each for a term extending through December 31, 2050. Applicants request authorization to engage in such exports both on their own behalf, and as agent for other parties who may hold title to the LNG at the time of export. Applicants request such authorization for a term commencing on the date of first commercial export. Applicants will comply with all DOE/FECM requirements for exporters and agents, including the registration requirements as first established in DOE/FE Order No. 2913.¹³

¹² If constructed under optimal conditions, the construction duration is anticipated to be four years. However, Applicants have requested an extended construction deadline from FERC (to complete construction and place the facilities in service by 2031) to accommodate the potential for phasing, schedule changes or unforeseen disruptions.

¹³ *Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC*, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations, DOE/FE Order No. 2913, FE Docket No. 10-160-LNG, at 9-10 (Feb. 10, 2011).

Finally, consistent with the Short-Term Policy Statement, Applicants request that the authorizations issued include authority for the Applicants to export the same approved volume pursuant to transactions with terms of less than two years on a non-additive basis (including commissioning volumes).

VII. COMMERCIAL TERMS AND EXPORT SOURCES

Feed gas for the Project would be transported to the CCL Terminal by a combination of the previously permitted Corpus Christi pipeline facilities and a new intrastate pipeline, the ADCC pipeline, which will connect the Agua Dulce natural gas hub to the CCL Terminal.¹⁴ Through these interconnections, the Project will have access to natural gas supplies from almost any point on the U.S. interstate pipeline system through direct delivery or by displacement, as DOE/FECM has previously acknowledged.¹⁵

The Project is substantially commercialized, with facilities underpinned by demand associated with a portfolio of long-term LNG export contracts. To the extent additional long term agreements are signed, Applicants will submit transaction-specific information (e.g., long-term supply agreements and long-term export agreements) at that time, and request that DOE/FECM make a similar finding to that in the *2022 Non-FTA Order* with regard to the transaction-specific information requested in Section 590.202(b) of DOE's regulations.¹⁶

The Applicants will file—or cause to be filed—either unredacted contracts, or long-term contracts under seal, with either: (i) a copy of each long-term contract with commercially sensitive information redacted, or (ii) a summary of all major provisions of the contracts including, but not

¹⁴ The ADCC Pipeline is under development and is anticipated to be in service in 2024.

¹⁵ *See 2022 Non-FTA Order*, at 48.

¹⁶ 10 C.F.R. § 590.202(b); *see 2022 Non-FTA Order*, at 69.

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.

VIII. APPLICABLE LEGAL STANDARD

Applicants' request for authorization to engage in exports to FTA Nations must be reviewed under Section 3(c) of the NGA. Section 3(c) states, in relevant part:

... 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 ... exportation shall be granted without modification or delay.¹⁷

Thus, Applicants need not provide any additional support to DOE/FECM for its request to engage in exports to FTA Nations, as such exports are deemed consistent with the public interest.

Applicants' request for authorization to engage in exports to Non-FTA Nations must be reviewed under Section 3(a) of the NGA. While the same statutory mandate with regard to exports to FTA Nations does not apply to exports to Non-FTA Nations, Section 3(a) does however require a presumption in favor of approval of such exports. Section 3(a) of the NGA provides that, DOE/FECM "shall issue" an order for exports "unless ... it finds that the proposed exportation ... will not be consistent with the public interest."¹⁸ Pursuant to the forgoing, and as discussed below, the authorizations requested herein should be granted pursuant to Section 3 of the NGA.

IX. PUBLIC INTEREST

Despite the clear presumption under NGA Section 3(a) favoring export authorizations and the broad public interest standard, "public interest" is not defined in the statute, nor is specific

¹⁷ 15 U.S.C. § 717b(c).

¹⁸ *Id.* § 717b(a).

criteria identified that must be considered. DOE historically has referred to the principles established in its 1984 Policy Guidelines¹⁹—minimizing federal control and involvement in energy markets and promotion of a balanced and mixed energy resource system.²⁰ The 1984 Policy Guidelines and DOE Delegation Order No. 0204-111²¹ established the domestic need for the gas as the primary factor weighing on the public interest. Recent precedent still relies on the 1984 Policy Guidelines, but also takes a broader approach, and focuses on four primary factors: “(i) the domestic need for the natural gas proposed to be exported, (ii) whether the proposed exports pose a threat to the security of domestic natural gas supplies, (iii) whether the arrangement is consistent with DOE’s policy of promoting market competition, and (iv) any other factors bearing on the public interest as determined by DOE, such as international and environmental impacts.”²²

Domestic Need and Security of Natural Gas Supply

Current projections for both domestic gas supply, as well as consumption, support the assertion that the proposed LNG exports from the Project are not inconsistent with the public interest. U.S. gas supply conditions are more than adequate to satisfy both domestic needs and exports of LNG, including those proposed herein. DOE recently noted—referring to the Energy Information Administration’s 2022 Annual Energy Outlook, with projections to 2050 (“AEO

¹⁹ U.S. Dep’t of Energy, New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) [hereinafter *1984 Policy Guidelines*].

²⁰ See, e.g., *2022 Non-FTA Order*, at 27; see also *Phillips Alaska Natural Gas Corp. and Marathon Oil Co.*, Order Extending Authorization to Export Liquefied Natural Gas from Alaska, DOE/FE Opinion and Order No. 1473, FE Docket No. 96-99-LNG (Apr. 2, 1999).

²¹ DOE Delegation Order No. 0204-111 (Feb. 22, 1984). Although DOE Delegation Order No. 0204-111 was later rescinded by DOE Delegation Order No. 00-002.00 (¶ 2) (Dec. 6, 2001), and DOE Redelegation Order No. 00-002.04 (¶ 2) (Jan. 8, 2002) and is no longer in effect, “DOE has identified a range of factors that it evaluates when reviewing an application for export authorization,” consistent with the order. See *2022 Non-FTA Order*, at 28.

²² *2022 Non-FTA Order*, at 28.

2022”), that “EIA’s projections in AEO 2022 continue to show market conditions that will accommodate increased exports of natural gas.”²³

In the recently released AEO 2023, which includes new side cases and assumptions based on the Inflation Reduction Act,²⁴ EIA continues to find that U.S. natural gas production will exceed domestic consumption, supporting future LNG exports,²⁵ finding that “continued growth in U.S. production, and combined with relatively little growth in domestic consumption, allows the United States to remain a net exporter of . . . natural gas through 2050 in all AEO2023 cases.”²⁶ Notably, EIA projects in the Reference Case that “U.S. natural gas production increases by 15% from 2022 to 2050, and consumption decreases by 6% from its peak in 2022.”²⁷ The EIA found that “[a]cross all cases, domestic production outpaces domestic consumption[.]”²⁸ Moreover, U.S. supply of natural gas far exceeds market need. In 2021, proved reserves of U.S. natural gas increased by over 32%, or 152.1 trillion cubic feet (“Tcf”), from 473.3 Tcf at year-end 2020 to 625.4 Tcf at year-end 2021, “establishing a new record for natural gas proved reserves in the United States.”²⁹ Further, with regard to price impacts, DOE’s 2018 LNG Export Study confirmed that “[i]ncreasing

²³ *Id.* at 46.

²⁴ Inflation Reduction Act of 2022, Pub. L. No. 117-169, 136 Stat. 1818 (2022).

²⁵ U.S. Energy Info. Admin., *Annual Energy Outlook (AEO2023)* (Mar. 16, 2023), available at https://www.eia.gov/outlooks/aeo/pdf/AEO2023_Narrative.pdf [hereinafter *AEO 2023*].

²⁶ *Id.* at p. 6.

²⁷ *Id.* at p. 27.

²⁸ *Id.*

²⁹ U.S. Energy Info. Admin., *Proved Reserves of Crude Oil and Natural Gas in the United States, Year-End 2021*, at p. 2 (Dec. 30 2022), available at https://www.eia.gov/naturalgas/crudeoilreserves/pdf/usreserves_2021.pdf. The proved reserves at year-end 2021 represents a 24% increase from the previous record of 504.5 Tcf at year-end 2018. See also *id.* at p. 34, tbl 9.

U.S. LNG exports under any given set of assumptions about U.S. natural gas resources and their production leads to only small increases in U.S. natural gas prices.”³⁰

Economic Benefits of the Project and LNG Exports

As Corpus Christi Liquefaction, LLC and CCL Midscale 8-9, LLC highlighted in the CCL Midscale Trains 8 & 9 FERC Application, producing and exporting LNG at the Project will provide the United States with significant benefits, including stimulating the local, regional, and national economies through direct job creation, purchases of goods and services, wages, increased economic activity and tax revenues, and can promote stability in pricing for domestic natural gas. In this regard, the Project is anticipated to have a construction workforce that will average approximately 1,500 workers, with an estimated peak of approximately 2,100 workers, and will result in approximately 45 new workers during operation.

Additionally, the Project is estimated to have millions of dollars in total construction payroll, as well as millions of dollars in total material purchases, of which approximately 10 percent is anticipated to be sourced locally (within San Patricio and Nueces counties). These expenditures along with spending on equipment and services in the region would generate economic activity and support employment and income elsewhere in the economy through the multiplier effect, as initial changes in demand propagate through the local economy and generate indirect (“supply chain”) and consumption-driven impacts.

³⁰ NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports*, at p. 56 (Jun. 7, 2018), available at <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf> [hereinafter *2018 LNG Export Study*].

Economic impacts from construction and other pre-operational activities associated with the Project, for the U.S. as a whole, are anticipated to lead to an increase in employment in the region as well as significant business activity resulting in billions of dollars in total expenditures and gross product. Once operational, the Project is estimated to lead to millions of dollars in gross product in annual gains in U.S. business activity and over 800 permanent jobs, as well as millions of dollars in additional federal tax receipts.³¹

Furthermore, DOE/FECM has concluded, when previously approving exports from the CCL Terminal to Non-FTA Nations, that the “United States will experience net economic benefits from the issuance of authorizations to export domestically produced LNG[,]” citing to the conclusions of the 2018 LNG Export Study.³² In fact, “the 2018 Study consistently shows macroeconomic benefits to the U.S. economy across the range of scenarios, as well as positive annual growth across the energy intensive sectors of the economy.”³³

Moreover, DOE/FECM noted that “the 2018 Study further supports the proposition that exports of LNG from the lower-48 states, in volumes up to and including 52.8 Bcf/d of natural gas, will not be inconsistent with the public interest.”³⁴ The Non-FTA exports proposed in the instant Application remain within this upper volume, which reflects a level of exports in the year

³¹ See *CCL Midscale Trains 8 & 9 FERC Application*, at Resource Report 5.

³² *2022 Non-FTA Order*, at 45 (citing U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251, 67,272 (Dec. 28, 2018)).

³³ *Id.* at 49 (citing U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251, 67,268-69 (Dec. 28, 2018)). DOE further highlights that “U.S. households benefit from the additional wealth transferred into the United States, which increases the value of the dollar and reduces prices of other imported goods. Further, households will receive labor income when they work and income from the capital and resources they own from natural gas-related activities, providing U.S. consumers with additional income to spend on goods and services.” *Id.* 49-50 (internal citations omitted).

³⁴ *Id.* at 45 (citing U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251, 67,273 (Dec. 28, 2018)).

2040 in the 2018 LNG Export Study.³⁵ In its 2020 final policy statement extending Non-FTA export authorizations through 2050, DOE/FECM explained the 2018 LNG Export Study “considered unconstrained (or market-determined) levels of LNG exports and included analysis through the year 2050.”³⁶ The corresponding level of exports in the year 2050 from the same scenario in the 2018 LNG Export Study is 69.1 Bcf/d of natural gas.³⁷ Critically, as DOE/FECM has noted—referencing the data in the AEO 2022, the “assumptions underlying the [2018 LNG Export Study’s] findings remain consistent with more recent assessments of current and future natural gas supply, demand, and prices.”³⁸ In this regard, the Applicants hereby incorporate by reference the 2018 LNG Export Study.³⁹

Finally, DOE/FECM has repeatedly confirmed that exports to Non-FTA Nations from the CCL Terminal are not inconsistent with the public interest, and a substantial record in support of such exports was developed in those proceedings.⁴⁰ The Applicants hereby incorporate by reference the record developed in Docket Nos. 12-97-LNG, 12-99-LNG, 18-78-LNG and 19-124-LNG.

³⁵ *2018 LNG Export Study*, at App. E.

³⁶ U.S. Dep’t of Energy, *Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*, 85 Fed. Reg. 52,237, 52,240 (Aug. 25, 2020).

³⁷ The 52.8 Bcf/d level of LNG exports is the market-determined level in the year 2040 for the scenario with high U.S. natural gas supply, reference case U.S. natural gas demand, low rest of world natural gas supply, and high rest of world natural gas demand (“High_Ref_Low_High”). The market-determined level of LNG exports for the High_Ref_Low_High scenario in the year 2050 is 69.1 Bcf/d of natural gas. *2018 LNG Export Study*, at App. E.

³⁸ *2022 Non-FTA Order*, at 46.

³⁹ *See supra* n.30.

⁴⁰ *Supra* nn.9-10.

Trade Benefits and Alignment with U.S. Policy

The Project will also have significant trade benefits including promoting liberalization of the global natural gas trade through fostering of a liquid global LNG market, advancing national security and the security of U.S. allies through diversification of global natural gas supplies, increasing economic trade and ties with foreign nations, including neighboring countries in the Americas, thus improving the U.S. balance of trade, and displacing fuels with more significant environmental impacts in foreign countries. In the *2022 Non-FTA Order*, DOE/FECM made an express finding in this regard, confirming that “proposed exports will improve the United States’ ties with its allies and trade partners and make a positive contribution to the United States’ trade balance”⁴¹ and that “an efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and our allies.”⁴²

Recent global events have further highlighted the importance of natural gas and LNG in meeting the world’s energy needs, now and throughout the energy transition. Geopolitical tensions, and an energy crisis in Europe, all have led to an increased demand for more natural gas and, thus, demonstrate the need for investments in natural gas and LNG infrastructure, while supporting the growth and jobs associated with exports domestically.

In this regard, granting authorization of the exports proposed in the instant Application is consistent with the energy and trade policies of the current administration. President Biden has committed to providing additional U.S. LNG to Europe, as part of the administration’s commitment to the European Commission to assist in decreasing our allies’ dependence on

⁴¹ *2022 Non-FTA Order*, at 51.

⁴² *Id.* at 54. *See also id.* (“U.S. exports diversify global LNG supplies and increase the volumes of LNG available globally, these exports will improve energy security for many U.S. allies and trading partners.”).

Russian energy sources and strengthening European energy security.⁴³ The U.S. has made commitments to “strive to ensure additional LNG volumes for the [European Union] market of at least 15 bcm in 2022, with expected increases going forward” and to diversify LNG supply.⁴⁴ Acknowledging that exports from the CCL Terminal will serve this need, DOE/FECM held that “[b]y authorizing additional exports to non-FTA countries, including to U.S. allies in Europe and elsewhere, [the Non-FTA export authorization] will enable [Corpus Christi Liquefaction, LLC and Cheniere Marketing, LLC] to help mitigate the acute and immediate energy security concern” associated with the recent Russian invasion of Ukraine, and the relative share of Russian natural gas supplies into Europe and Central Asia.⁴⁵

Similarly, Secretary Granholm recently reiterated her support for such exports, stating “with respect to LNG, we know that our liquefied natural gas exports have been a significant help to our allies. And it’s an important — it’s very important to make sure that they have the means. We are fortunate in that we have an abundance, obviously, of natural gas in this country. Our prices are low. But during times of challenge, we want to help our allies as well.”⁴⁶ In a prepared statement for CERAWeek 2023, Secretary Granholm recognized that the U.S. energy sector was instrumental in easing energy supply constraints in Europe and acting as a strategic counterweight to the global energy crisis caused by Russia’s invasion of Ukraine:

⁴³ White House Briefing Room, *FACT SHEET: United States and European Commission Announce Task Force to Reduce Europe’s Dependence on Russian Fossil Fuels* (Mar. 25, 2022), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/25/fact-sheet-united-states-and-european-commission-announce-task-force-to-reduce-europes-dependence-on-russian-fossil-fuels/>.

⁴⁴ *Id.*

⁴⁵ *2022 Non-FTA Order*, at 54.

⁴⁶ White House Briefing Room, *Press Briefing by Press Secretary Karine Jean-Pierre and Secretary of Energy Jennifer Granholm* (Jan. 23, 2023), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2023/01/23/press-briefing-by-press-secretary-karine-jean-pierre-and-secretary-of-energy-jennifer-granholm-2/>; see also Mike Lee, Carlos Anchondo & Miranda Wilson, *CERAWeek: Granholm, gas and ‘collapse of bureaucracy’*, E&E NEWS (Mar. 10, 2022), available at <https://www.eenews.net/articles/ceraweek-granholm-gas-and-collapse-the-bureaucracy/>.

A year ago, fears abounded that Putin’s weaponization of energy would plunge the global economy into a recession and leave European citizens suffering in the dark of winter.... [T]oday the world is moving quickly to shift away from Russian energy sources, and Europe is poised to reach the spring without major outages or shortages. That’s thanks in no small part to the many in this room working with the US and allies. Indeed, the US has become an indispensable partner to our allies, and a global energy powerhouse.⁴⁷

During her keynote address at CERAWeek 2023, Secretary Granholm specifically emphasized the importance of U.S. LNG in assisting European countries meet demand without the need to transition to dirtier fuels, stating:

Obviously, [European countries] are very grateful that our LNG exporters really stepped up and ... they very strongly are accelerating ... their ability to have their own LNG terminals. ... The immediate need for getting LNG is coupled with their immediate need to invest in diversifying their energy supply. They did not want to have to go back and switch to coal. They did not want to switch to more carbon intensive forms of energy. They really do want to use the cleanest form of energy possible that they can get and they have been very grateful to the United States. They feel like our LNG is cleaner and they feel like we are a trusted partner and they can count on us. And so that is very important for our country’s own leadership in the world and our own shoring up of our allies in the world and at a point where the world is really dividing along geopolitical lines because of energy, that has been very important.⁴⁸

This is consistent with Secretary Granholm’s previous statements with regard to LNG exports from the United States, including during testimony before the Senate Armed Services Committee,⁴⁹ as well as during her confirmation hearing, where Secretary Granholm noted “U.S. LNG exports can have an important role to play in reducing international consumption of fuels

⁴⁷ U.S. Dep’t of Energy, *Remarks as Prepared for Delivery by Secretary Jennifer Granholm at CERAWeek 2023* (Mar. 8, 2023), available at <https://www.energy.gov/articles/remarks-prepared-delivery-secretary-jennifer-granholm-ceraweek-2023>.

⁴⁸ Jennifer Granholm, Secretary, U.S. Dep’t of Energy, *U.S. Secretary of Energy Jennifer M. Granholm Speaks at 2023 CERAWeek Luncheon & Keynote Address*, C-SPAN (Mar. 8, 2023), available at <https://www.c-span.org/video/?526539-1/energy-secretary-granholm-speaks-ceraweek-conference>.

⁴⁹ Press Release, Dan Sullivan, U.S. Senator for Alaska, *Biden Energy Secretary Affirms Support for U.S. LNG Exports, Contradicting John Kerry’s Purported Warnings to Allies* (May 20, 2022), available at <https://www.sullivan.senate.gov/newsroom/press-releases/biden-energy-secretary-affirms-support-for-us-lng-exports-contradicting-john-kerrys-purported-warnings-to-allies>.

that have greater contribution to greenhouse gas emissions.”⁵⁰ The continued recognition of the important benefits of U.S. LNG exports, including the ability to mitigate international energy shortages from geopolitical events and preventing the transition to more carbon intensive forms of energy abroad, bolsters the conclusion that increasing the availability of U.S. LNG supply in the global market is in the public interest.

X. ENVIRONMENTAL CONSIDERATIONS

Project Specific Impacts

FERC, the lead agency under the National Environmental Policy Act (“NEPA”),⁵¹ will review any potential environmental impacts of the Project in its EA or EIS, in accordance with both the Energy Policy Act of 2005 and the NGA.⁵² DOE/FECM is anticipated to participate as a cooperating agency in FERC’s environmental review process for the Project, and thus will be afforded the opportunity to review and comment on the environmental documentation filed with the Commission by the applicants, as well as the EA or EIS. Under DOE/FECM’s regulations adopted from the Council on Environmental Quality that govern its role as a cooperating agency in the NEPA process,⁵³ “DOE shall cooperate with the other agencies in developing environmental information”⁵⁴ and adopt the findings of FERC’s environmental review to the extent that FERC

⁵⁰ U.S. Senate Committee on Energy and Natural Resources Hearing, The Nomination of the Honorable Jennifer M. Granholm to be Secretary of Energy, Responses to Questions for the Record submitted to the Honorable Jennifer M. Granholm, p. 16 (Jan. 27, 2021), available at <https://www.energy.senate.gov/services/files/9858365F-54BB-4E6E-8F1F-733B06A03FF4>.

⁵¹ 42 U.S.C. §§ 4321 *et seq.*

⁵² 15 U.S.C. § 717b(e); *id.* § 717n(b)(1).

⁵³ 10 C.F.R. § 1021.103.

⁵⁴ *See id.* § 1021.342; *see also* 40 C.F.R. §§ 1501.6, 1508.5 (requiring that Federal agencies responsible for preparing NEPA analyses and documentation do so in cooperation with state and local governments and other agencies with jurisdiction, and providing that—upon request of the lead agency—any other Federal agency which has jurisdiction by law shall be a cooperating agency).

satisfactorily addresses comments and suggestions raised by DOE/FECM during the process.⁵⁵ Applicants believe that this approach is sufficient to comply with NEPA.

As further detailed in the Environmental Report submitted with the CCL Midscale Trains 8 & 9 FERC Application as Exhibit F, the environmental impacts of the Project will be minimal, and any potential adverse impacts will be avoided or adequately mitigated. Corpus Christi Liquefaction, LLC and CCL Midscale 8-9, LLC are minimizing the Project's environmental impacts by developing the Project on previously disturbed land that was, in large part, already reviewed and approved for use in connection with construction and operation of the CCL Terminal.⁵⁶ This will result in far less environmental impact than if the Project were developed at an independent greenfield site. Additionally, the Project, due to its operation on an integrated basis, with the existing LNG storage tanks, control buildings, marine facilities, and other ancillary facilities at the CCL Terminal, will require far less infrastructure, and thus will result in far less impacts to the environment than if the Project were developed as a greenfield proposal.

DOE's Environmental Studies and Documentation

The Applicants hereby incorporate by reference DOE's own environmental studies and documentation. Specifically, the Applicants incorporate by reference the Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,⁵⁷ and the Addendum to Environmental Review Documents Concerning Exports of Natural Gas

⁵⁵ See 40 C.F.R. § 1506.3.

⁵⁶ This property has all been secured pursuant to long-term lease.

⁵⁷ U.S. Dep't of Energy, Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 Fed. Reg. 32,258 (Jun. 4, 2014). DOE announced the availability of the Draft Addendum on its website on May 29, 2014.

From the United States.⁵⁸ The Addendum reviewed the significant literature covering the most consequential issues associated with unconventional natural gas production, and while it “show[ed] that there are potential environmental issues associated with unconventional natural gas production that need to be carefully managed” DOE/FECM did not conclude, that additional exports to non-FTA nations should be prohibited.⁵⁹ Rather, DOE/FECM indicated that such a denial would be too blunt an instrument to address such concerns and “the public interest is also served by addressing these environmental concerns through federal, state, or local regulation.”⁶⁰

Applicants further incorporate the findings of the National Energy Technology Laboratory’s Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States⁶¹ and the Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update (“2019 Update”).⁶² DOE/FECM recently affirmed that the 2019 Update supports the conclusion that “exports of LNG from the lower-48 states will not be inconsistent with the public interest.”⁶³ In this regard, the 2019 Update “concluded that the use of U.S. LNG exports for power production in European and Asian markets will not increase global GHG emissions from a life cycle perspective, when compared to regional coal extraction and consumption for power production.”⁶⁴ In this regard as noted above, the Project may result in

⁵⁸ U.S. Dep’t of Energy, Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 Fed. Reg. 48,132 (Aug. 15, 2014).

⁵⁹ *2022 Non-FTA Order*, at 56.

⁶⁰ *Id.* at 56-57.

⁶¹ U.S. Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States, 79 Fed. Reg. 32,260 (Jun. 4, 2014).

⁶² Nat’l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update* (DOE/NETL-2019/2041) (Sept. 12, 2019), available at <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf>.

⁶³ *Sabine Pass Liquefaction, LLC*, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FECM Order No. 4800, Docket No. 19-125-LNG, at p. 21 (Mar. 16, 2022).

⁶⁴ *2022 Non-FTA Order*, at 21.

environmental benefits where LNG exports result in displacing fuels with more significant environmental impacts in foreign countries. As the EIA has noted, the carbon dioxide (“CO₂”) emissions from natural gas (116.65 pounds (“lbs”) of CO₂ per million British thermal units (“mmBtu”)) are nearly half that of coal (211.87 lbs of CO₂ per mmBtu), and significantly less than fuel oil (163.45 lbs of CO₂ per mmBtu).⁶⁵

Finally, because the Project contemplates the transportation of LNG via ocean-going carriers to Non-FTA Nations, the Applicants incorporate by reference the findings of the Marine Transport Technical Support Document (“Technical Support Document”).⁶⁶ Based on the Technical Support Document, DOE concluded that “the transport of natural gas by marine vessels ... normally does not pose the potential for significant environmental impacts.”⁶⁷

For the foregoing reasons, the Applicants respectfully submit that the LNG exports proposed herein are not inconsistent with, and clearly serve, the public interest.

XI. APPENDICES

Appendix A: Verification

Appendix B: Opinion of Counsel

⁶⁵ U.S. Energy Info. Admin., *Carbon Dioxide Emissions Coefficients* (Oct. 5, 2022), available at https://www.eia.gov/environment/emissions/co2_vol_mass.php.

⁶⁶ U.S. Dep’t of Energy, Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020), available at: https://www.energy.gov/sites/prod/files/2020/12/f81/10-cfr-1021-ng-tsd-2020-11_0.pdf.

⁶⁷ U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, Final Rule, 85 Fed. Reg. 78,197, 78,198 n.16 (Dec. 4, 2020) (citing U.S. Dep’t of Energy, Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020)).

XII.
CONCLUSION

WHEREFORE, the Applicants respectfully request that DOE/FECM grant the Application, as described herein, as expeditiously as possible, but in no case later than September 27, 2024.

Respectfully submitted,

/s/Lisa M. Tonery

Lisa M. Tonery

Mariah T. Johnston

Jacob I. Cunningham

Orrick, Herrington & Sutcliffe LLP

Taylor Johnson
Cheniere Energy, Inc.

Attorneys for Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC & Cheniere Marketing, LLC

Dated: April 6, 2023


APPENDIX A

VERIFICATION

VERIFICATION


State of Texas
County of Harris

BEFORE ME, the undersigned authority, on this day personally appeared Florian Pintgen, who, having been by me first duly sworn, on oath says that he is Vice President, Commercial Operations, for Cheniere Energy, Inc. and is duly authorized to make this Verification; that he has read the foregoing instrument and that the facts therein stated are true and correct to the best of his knowledge, information and belief.



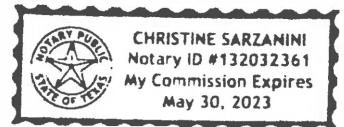
Florian Pintgen
Vice President, Commercial Operations

SWORN TO AND SUBSCRIBED before me on the 5th day of April, 2023.



Name: CHRISTINE SARZANINI
Title: Notary Public

My Commission expires: MAY 30, 2023



APPENDIX B

OPINION OF COUNSEL



April 6, 2023


U.S. Department of Energy
Office of Fossil Energy and Carbon Management
FE-34
1000 Independence Avenue, S.W.
Washington, D.C. 20585

**RE: Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC & Cheniere Marketing, LLC
DOE/FECM Docket No. 23-___-LNG
Application for Long-Term Authorization to Export LNG**

Dear Sir or Madam:

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 C.F.R. § 590.202(c) (2022). I have examined the Limited Liability Company Agreements of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC, and Cheniere Marketing, LLC ("Applicants") and other authorities as necessary, and have concluded that the proposed exportation of liquefied natural gas is within the Applicants' corporate powers.

Respectfully submitted,



By: Sean Markowitz
Executive Vice President, Chief Legal Officer and Corporate Secretary
Cheniere Energy, Inc.
700 Milam Street, Suite 1900
Houston, TX 77002
Phone: (713) 375-5000
Fax: (713) 375-6000

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

In The Matter Of:

)	
Corpus Christi Liquefaction, LLC)	FECM Docket No. 23-____-LNG
CCL Midscale 8-9, LLC)	
Cheniere Marketing, LLC)	
)	

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2022), I, Lisa M. Toney, hereby certify that I am a duly authorized representative of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 6th Day of April, 2023.

/s/ Lisa M. Toney
Lisa M. Toney
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, N.Y. 10019-6142
ltonery@orrick.com
(212) 506-3710

*Attorney for Corpus Christi Liquefaction, LLC,
CCL Midscale 8-9, LLC and Cheniere Marketing, LLC*

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

In The Matter Of:

)	
Corpus Christi Liquefaction, LLC)	FECM Docket No. 23-____-LNG
CCL Midscale 8-9, LLC)	
Cheniere Marketing, LLC)	
)	

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2022), I, Mariah T. Johnston, hereby certify that I am a duly authorized representative of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 6th Day of April, 2023.

/s/ Mariah T. Johnston
Mariah T. Johnston
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, N.Y. 10019-6142
mjohnston@orrick.com
(212) 506-3542

*Attorney for Corpus Christi Liquefaction, LLC,
CCL Midscale 8-9, LLC and Cheniere Marketing, LLC*

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

In The Matter Of:

Corpus Christi Liquefaction, LLC)	
CCL Midscale 8-9, LLC)	FECM Docket No. 23-____-LNG
Cheniere Marketing, LLC)	
)	

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2022), I, Jacob I. Cunningham, hereby certify that I am a duly authorized representative of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC and Cheniere Marketing, LLC, the foregoing documents and in the above captioned proceeding.

Dated at Washington, D.C., this 6th Day of April, 2023.

/s/ Jacob I. Cunningham
Jacob I. Cunningham
Orrick, Herrington & Sutcliffe LLP
1152 15th St. NW
Washington, D.C. 20005
jacob.cunningham@orrick.com
(202) 339-8454

*Attorney for Corpus Christi Liquefaction, LLC,
CCL Midscale 8-9, LLC and Cheniere Marketing, LLC*