

Akin Gump Strauss Hauer & Feld LLP
1111 Louisiana Street
44th Floor
Houston, TX 77002

T +1 713.220.5800
F +1 713.236.0822
akingump.com

Akin

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By Docket Room at 4:23 pm, Oct 12, 2023

Gabriel Procaccini
+1 713.250.2200/fax: +1 713.236.0822
gprocaccini@akingump.com

October 12, 2023

VIA ELECTRONIC MAIL AND OVERNIGHT COURIER

Ms. Amy Sweeney
Director, Office of Regulation, Analysis and
Engagement
Office of Fossil Energy and Carbon Management
Forrestal Building FE-34, Room 3E-052
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: LNG Expansion, L.P., FLNG Liquefaction, LLC, FLNG
Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC, DOE/FE Order Nos. 3066-B,
3282-C, 3357-B, 3957

Dear Ms. Sweeney:

Pursuant to DOE Order Nos. 3066-B, 3282-C, 3357-B, and 3957 Ordering Paragraph I (ii), LNG Americas, Inc. ("LNG Americas" or "Registrant") hereby informs DOE/FE of a Transaction Confirmation dated September 20, 2023 between LNG Americas and XTO Energy, Inc. ("XTO") pertaining to an underlying North American Energy Standards Board, Inc. ("NAESB") Base Contract for Sale and Purchase of Natural Gas dated July 27, 2023, and related Special Provisions entered into between the parties on July 25, 2023 (along with a Transaction Confirmation dated September 20, 2023, the "Contract"), and associated with the long-term supply of natural gas to the Freeport Terminal.¹ Accordingly, LNG Americas hereby submits for filing a summary of the Contract's major provisions for public posting (See Exhibit A), and is separately submitting, via overnight courier, a non-redacted copy of the Contract under seal in a marked envelope.

LNG Americas respectfully requests the DOE/FE to keep the non-redacted Contract documents confidential. LNG Americas submits that the Contract meets the six criteria set forth in 10 C.F.R. § 1004.11(f) of the DOE regulations for determining whether information is exempt from mandatory disclosure pursuant to Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4):

1. The Contract has been held in confidence by LNG America and LNG America's counterparties, and the Contract contains a confidentiality provision (the confidentiality

¹ XTO assigned the Contract to ExxonMobil Oil Corporation, an affiliate of XTO, as of October 1, 2023. A copy of the Assignment and Assumption of Certain XTO Agreements, dated August 24, 2023, between XTO Energy, Inc. and ExxonMobil Oil Corporation is being provided under seal with the Contract.

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provision for the Transaction Confirmations are contained in the NAESB Base Contract and special provisions);

2. The Contract contains information of a type that is customarily held in confidence by the parties, and there is a reasonable basis to keep sensitive commercial, technical, and financial terms, including but not limited to pricing terms, confidential to avoid competitive harm. The LNG market is an intensely competitive global market. Disclosure of the contents of the Contract could make LNG America's proprietary business policies and procedures, commercial strategies, and trade secrets, including how LNG America's purchase and sales transactions are structured, known to LNG America's business competitors;
3. LNG Americas is submitting the Contract to the DOE/FE under seal, with a request to keep the Contract confidential;
4. The Contract is not publicly available;
5. Public disclosure of the Contract by DOE/FE is likely to cause other export license holders or registrants to be reluctant to submit non-redacted copies of their gas supply agreements to DOE/FE; thus, public disclosure could impair DOE/FE's ability to obtain similar information from others in the future; and
6. Public disclosure of the Contract is likely to cause substantial harm to the competitive position of LNG Americas. If LNG Americas' confidential commercial, financial and technical information is allowed to enter the public domain, it would allow LNG Americas' competitors to gain an unfair competitive advantage over LNG America in national and global markets.

For the foregoing reasons, LNG Americas respectfully requests that the non-redacted copies of the Contract be kept confidential by DOE/FE. The Contract contains pricing and other competitively sensitive commercial information that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and under the DOE regulations, 10 C.F.R. §§ 590.202(e) and 1004.11.

Thank you for your attention in this matter. If you have any questions concerning this filing, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Gabriel Procaccini

Gabriel Procaccini
Akin

Enclosure

EXHIBIT A

PUBLIC SUMMARIES OF

MAJOR PROVISIONS

LONG-TERM CONTRACT – SALE AND PURCHASE OF NATURAL GAS

MAJOR PROVISIONS SUMMARY

1. DOE/FE Order/Docket No(s):

Order Nos.: 2913-A, 3066-B, 3282-C, 3357-B, 3066-A and 3957

Docket No(s): 10-160-LNG, 10-161-LNG, 11-161-LNG, 12-06-LNG and 16-108-LNG

2. Exact Legal Name of Parties/Counterparties to Contract:

Seller: ExxonMobil Oil Corporation (pursuant to an assignment from XTO Energy, Inc.)

Buyer: LNG Americas, Inc.

3. Contract Type (e.g., Purchase and Sales Agreement; Liquefaction Tolling Agreement, etc.):

Gas Supply Agreement

4. Date of Contract:

Base Contract for Sale and Purchase of Natural Gas (NAESB): July 27, 2023

Related Special Provisions: July 25, 2023

Transaction Confirmation: September 20, 2023

5. Supply Period:

Thirty-six months, beginning on November 1, 2023 and ending on October 31, 2026

6. Quantity (Annual and Total, if appropriate, include +/- flexibility):

40,000 MMBtus/Day

7. Take or Pay (or equivalent) Provision/Conditions (please describe):

The Buyer and the Seller each have a Firm obligation to purchase the Quantity with failure to perform subject to Spot Price Standard damages.

I affirm that the foregoing is true and accurate to the best of my knowledge.

Dated: October 12, 2023

SUBMITTED BY:

/s/ Gabriel Procaccini

Gabriel Procaccini

Attorney for LNG Americas, Inc.