



Department of Energy

Washington, DC 20585

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Via Email

David L. Wochner
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RE: Administrative Notice of Expiration of Non-FTA Authorization
Magnolia LNG, LLC, Docket No. 13-132-LNG

Dear Mr. Wochner and Mr. Furdyna:

On November 30, 2016, in DOE/FE Order No. 3909 (Order),¹ as amended most recently by DOE/FECM Order No. 3909-C, the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM)² granted a long-term authorization to Magnolia LNG, LLC (Magnolia). Under that Order, as amended, DOE authorized Magnolia to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 449 billion cubic feet per year of natural gas, pursuant to section 3(a) of the Natural Gas Act (NGA), to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). In Ordering Paragraph D of the Order, as amended in Order No. 3909-C, DOE required Magnolia to commence the authorized export operations using the proposed Magnolia LNG Terminal (Terminal) no later than seven years from the date of issuance of the Order—by November 30, 2023.³

On March 20, 2023 Magnolia filed a request to extend the start date of the term of its export authorization (Extension Request) by approximately 29 months.⁴ On May 30, 2023, Magnolia amended their request to extend the start date by approximately 60 months from November 30, 2023, until November 30, 2028.⁵ Subsequently, on November 29, 2023, Magnolia

¹ *Magnolia LNG, LLC*, DOE/FE Order No. 3909, Docket No. 13-132-LNG, Opinion and Order Granting Long Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Magnolia LNG Terminal to be Constructed in Lake Charles, Louisiana, to Non-Free Trade Agreement Nations (Nov. 30, 2016), *reh'g denied*, Order No. 3909-A (Apr. 2, 2018), *amended by* Order No. 3909-B (Dec. 10, 2020) (extending export term), *further amended by* Order No. 3909-C (Apr. 27, 2022) (increasing export volume), *reh'g denied*, Order No. 3909-D (June 24, 2022).

² The Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

³ See *Magnolia LNG, LLC*, DOE/FE Order No. 3909, at 161 (Term and Condition B), 168 (Ordering Para. D), DOE/FECM Order No. 3909-C, at 68 (Ordering Para. D).

⁴ *Magnolia LNG, LLC*, Request for Limited Extension to Start Date of Term of Authorization, Docket No. 13-132-LNG, at 1, 5 (Mar. 20, 2023).

⁵ *Magnolia LNG, LLC*, Answer in Opposition to the Motion to Intervene and Protest of Sierra Club et al. and Supplement to Request to Extend Commencement Deadline, Docket No. 13-132-LNG (May 30, 2023).

submitted a “Withdrawal of Request for Extension of Commencement of Service Deadline” to withdraw its Extension Request, as amended.⁶ Accordingly, DOE accepts Magnolia’s request to withdraw its Extension Request.

DOE takes administrative notice that Magnolia has not yet commenced exports and therefore not complied with Ordering Paragraph D of the Order, as amended in Order No. 3909-C. Therefore, the authorization for exports to non-FTA countries has expired.

We note, however, that DOE also authorized Magnolia to export LNG from the proposed Terminal to FTA countries on a long-term basis pursuant to NGA section 3(c). Magnolia’s long-term authorizations to export LNG to FTA countries, granted in Docket No. 12-183-LNG, Order No. 3245, and Docket No. 13-131-LNG, Order No. 3406, both as amended, remain in effect.⁷ DOE also takes notice that Magnolia has submitted a new application for long-term authorization of LNG exports from the proposed Terminal to non-FTA countries.⁸

Sincerely,

Amy Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Resource Sustainability

⁶ *Magnolia LNG, LLC*, Withdrawal of Request for Extension of Commencement of Service Deadline, Docket No. 13-132- LNG (Nov. 29, 2023).

⁷ *Magnolia LNG, LLC*, DOE/FE Order No. 3245, Docket No. 12-183-LNG, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Magnolia LNG Terminal in Lake Charles, Louisiana, to Free Trade Agreement Nations (Feb. 26, 2013); *Magnolia LNG, LLC*, DOE/FE Order No. 3406, Docket No. 13-131-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Magnolia LNG Terminal to be Constructed in Lake Charles, Louisiana, to Free Trade Agreement Nations (Mar. 5, 2014).

⁸ *Magnolia LNG, LLC*, Application for Long-Term Authorization to Export LNG to Non-Free Trade Agreement Countries and Request for Expedited Consideration, Docket No. 23-137-LNG (Nov. 29, 2023).