

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

In The Matter Of:)
)
Sabine Pass Liquefaction, LLC) **Docket No. 24-28-LNG**
)

**APPLICATION OF SABINE PASS LIQUEFACTION, LLC
FOR BLANKET AUTHORIZATION TO EXPORT PREVIOUSLY IMPORTED
LIQUEFIED NATURAL GAS**

Pursuant to Section 3 of the Natural Gas Act (“NGA”)¹ and Part 590 of the Department of Energy’s (“DOE”) regulations,² Sabine Pass Liquefaction, LLC (“SPL”) hereby requests that DOE’s Office of Fossil Energy and Carbon Management (“DOE/FECM”) issue an order granting blanket authorization for SPL to engage in short-term exports of up to 500 billion cubic feet (“Bcf”)³ of liquefied natural gas (“LNG”), on a cumulative basis, that has been previously imported into the U.S. from foreign sources, for a two-year period commencing on June 7, 2024.⁴ SPL is seeking such authorization to export previously imported LNG from the Sabine Pass LNG terminal, owned by Sabine Pass LNG, L.P., in Cameron Parish, Louisiana, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy.

In support of its application, SPL states as follows:

¹ 15 U.S.C. § 717b (2018).

² 10 C.F.R. Part 590 (2023).

³ The equivalent of up to approximately 525 to 545 Trillion British Thermal units (“TBtus”).

⁴ June 7, 2024 is the day following the date upon which SPL’s existing blanket re-export authorization is scheduled to expire. On June 3, 2022, in DOE/FECM Order No. 4838 (“Order No. 4838”), DOE/FECM authorized SPL to engage in short-term exports of up to 500 Bcf, on a cumulative basis, of LNG that has been imported into the United States from foreign sources to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, for a two-year period commencing June 7, 2022. *Sabine Pass Liquefaction, LLC*, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas By Vessel to Free Trade Agreement and Non-Free Trade Agreement Nations, DOE/FECM Order No. 4838, Docket No. 22-19-LNG (Jun. 3, 2022).

I.
DESCRIPTION OF THE APPLICANT

The exact name of the applicant is Sabine Pass Liquefaction, LLC, which is a Delaware limited liability corporation authorized to do business in the states of Louisiana, Texas, Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia, and has its principal place of business at 845 Texas Avenue, Suite 1250, Houston, Texas 77002. SPL is an indirect subsidiary of Cheniere Energy, Inc. (“Cheniere Energy”), a Delaware corporation with its primary place of business at 845 Texas Avenue, Suite 1250, Houston, Texas 77002. Cheniere Energy is a developer, owner, and operator of LNG terminals and natural gas pipelines on the Gulf Coast, including the Sabine Pass LNG terminal.

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
Karri Mahmoud, Director, Environmental & Regulatory Projects
Cheniere Energy, Inc.
845 Texas Avenue, Suite 1250
Houston, TX 77002
(713) 375-5000
Email: Florian.Pintgen@cheniere.com
Email: Karri.Mahmoud@cheniere.com

Harold W. Bulger III
Senior Counsel
Cheniere Energy, Inc.
601 Pennsylvania Ave. NW
Suite 1000, North Building
Washington, DC 20004
(202) 442-3073
Email: Harold.Bulger@cheniere.com

Lisa M. Tonery
Mariah T. Johnston
Jacob I. Cunningham
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
Email: jacob.cunningham@orrick.com

⁵ SPL requests waiver of Section 590.202(a) of DOE’s regulations, to the extent necessary to include each of the individuals listed here on the official service list in this proceeding. 10 C.F.R. § 590.202(a).

Pursuant to Section 590.103(b) of DOE’s regulations,⁶ SPL hereby certifies that the persons listed above and the undersigned are the duly authorized representatives of SPL.

III. DESCRIPTION OF PROPOSAL

SPL requests blanket authorization to export previously imported LNG on a short-term or spot market basis up to 500 Bcf (the equivalent of approximately 525 to 545 TBtus) cumulatively over a two-year period commencing on June 7, 2024. SPL is requesting such authorization to export LNG for itself and as agent for third parties who may hold title to the LNG at the time of export. SPL anticipates exporting previously imported LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. SPL is not herein seeking authorization to export domestically-produced natural gas or LNG. The LNG that is proposed to be exported is derived from SPL’s LNG importing activities and resides in LNG storage tanks at the Sabine Pass LNG terminal. The LNG will either be re-exported or re-gasified to be consumed in the domestic natural gas market, contingent on U.S. and global market price signals. No physical modifications to the Sabine Pass LNG terminal are required to accommodate the export authorization requested herein. There are no other proceedings related to this application currently pending before DOE or any other federal agency.

IV. PUBLIC INTEREST

Pursuant to Section 3 of the NGA, applications to export natural gas to nations with which there is in effect a free trade agreement (“FTA”) requiring national treatment for trade in natural

⁶ *Id.* § 590.103(b).

gas “shall be deemed to be consistent with the public interest” and, therefore, the FTA portion of the instant application should be “granted without modification or delay.”⁷ With respect to the Non-FTA portion of this application, DOE/FECM is required to authorize exports of natural gas to Non-FTA nations unless there is a finding that such exports “will not be consistent with the public interest.”⁸ Section 3 thus creates a statutory presumption in favor of approval of this application which opponents bear the burden of overcoming.⁹ Further, in evaluating an export application, DOE/FECM applies the principles described in DOE Delegation Order No. 0204-111, which focuses primarily on domestic need for the gas to be exported, and DOE’s 1984 Policy Guidelines.¹⁰ As detailed below, SPL’s proposal to export LNG to those countries with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, is consistent with Section 3 of the NGA and DOE policy.

In Order No. 4838, which granted SPL blanket authorization to export up to 500 Bcf (cumulatively) of previously imported foreign-sourced LNG, DOE/FECM determined that the record showed sufficient supply of natural gas to satisfy domestic demand from multiple other sources at competitive prices without relying on the volumes of imported LNG that SPL would seek to export.¹¹ More recently, in DOE/FECM Order No. 4982 issued on March 15, 2023, DOE/FECM authorized the export of previously imported LNG citing authoritative data that

⁷ 15 U.S.C. § 717b(c); *see also* Order No. 4838, at 3.

⁸ 15 U.S.C. § 717b(a).

⁹ *See* *Sierra Club v. DOE*, 867 F.3d 189, 203 (D.C. Cir. 2017); *see also* *Panhandle Producers and Royalty Owners Ass’n v. ERA*, 822 F.2d 1105, 1111 (D.C. Cir. 1987) (finding 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.”) (emphasis in original).

¹⁰ *See* U.S. Dep’t of Energy, New Policy Guidelines and Delegation Orders from Secretary of Energy to Economic Regulatory Administration and Federal Energy Regulatory Commission Related to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) (hereinafter “1984 Policy Guidelines”) (incorporating DOE Delegation Order No. 0204-111).

¹¹ Order No. 4838, at 9.

substantiates U.S. consumer access to ample volumes of natural gas to meet domestic demand.¹² Specifically, in Order No. 4838, DOE/FECM took administrative notice that the Energy Information Administration (“EIA”) Annual Energy Outlook 2022 (“AEO 2022”) projected annual domestic dry natural gas production in 2023 of 36.05 trillion cubic feet (“Tcf”), with total natural gas consumption projected to be 30.54 Tcf in the same year.¹³ In this regard, DOE/FECM found that AEO 2022 supported the conclusion that volumes of foreign-sourced LNG are not needed to meet domestic demand.¹⁴ EIA’s most recent projections continue to show that domestic natural gas production similarly exceeds domestic consumption. In its AEO 2023, EIA projected dry natural gas production in 2024 of 35.57 Tcf and total consumption of 29.65 Tcf in 2024.¹⁵ Therefore, EIA data continues to demonstrate that volumes of foreign-sourced LNG are not needed to satisfy domestic natural gas demand.

SPL is requesting authorization to export LNG for itself and as agent for third parties who themselves hold title to the LNG at the time of export. SPL will comply with all DOE/FECM requirements for exporters and agents, including the registration requirements as first established in *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 2913, and confirmed in *Gulf Coast LNG Export, LLC*, DOE/FE Order No. 3163.¹⁶ In this regard, SPL, when acting as agent, will register with DOE/FECM each LNG title holder for whom it seeks to export as agent, and will

¹² *Southern LNG Company, L.L.C.*, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas By Vessel to Free Trade Agreement and Non-Free Trade Agreement Nations, DOE/FECM Order No. 4982, Docket No. 22-166-LNG (Mar. 15, 2023) (hereinafter “Order No. 4982”).

¹³ *Id.* at 8-9.

¹⁴ *Id.* at 9.

¹⁵ U.S. Energy Info. Admin., *Annual Energy Outlook 2023*, at tbl. 13 Natural Gas Supply, Disposition, and Prices (Mar. 16, 2023), <https://www.eia.gov/outlooks/aeo/> (hereinafter “AEO 2023”).

¹⁶ *See Freeport LNG Expansion, L.P. & 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 (Feb. 10, 2011), *Errata* (Feb. 17, 2011); *Gulf Coast LNG Export, LLC*, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel From the Proposed Brownsville Terminal to Free Trade Agreement Nations, DOE/FE Order No. 3163, FE Docket No. 12-05-LNG (Oct. 16, 2012).

provide DOE/FECM with a written statement by the title holder acknowledging and agreeing to (i) comply with all requirements in SPL's export authorization; and (ii) include those requirements in any subsequent purchase or sale agreement entered into by the title holder.

Granting SPL's short-term blanket authorization as requested herein would provide SPL with the necessary flexibility it requires to respond to changes in domestic and global markets for natural gas and LNG. Such authorization would enable SPL to avail itself of spot-market LNG import cargoes, which in turn would help to further promote the liquidity of supply available to the U.S. market. Natural gas derived from imported LNG would be available to supply local markets when conditions support greater domestic use, and would thereby serve to moderate U.S. gas price volatility. Furthermore, the ability to re-export previously imported LNG helps to encourage continued imports, which in turn helps to ensure that the Sabine Pass LNG terminal facilities will more efficiently remain in ready operating condition. As such, the requested export authorization is consistent with the public interest.

V. ENVIRONMENTAL IMPACT

No changes to the Sabine Pass LNG terminal facilities would be required for SPL's proposed exportation of foreign-sourced LNG. Consequently, granting this application will not be a federal action significantly affecting the human environment within the meaning of the National Environmental Policy Act.¹⁷ Therefore, an environmental impact statement or environmental assessment is not required.

¹⁷ 42 U.S.C. §§ 4321, *et seq.*

VI.
APPENDICES

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

Appendix A: Verification
Appendix B: Opinion of Counsel

VII.
CONCLUSION

For the foregoing reasons, SPL respectfully requests that DOE/FECM determine that SPL's request for blanket authorization as discussed herein, is not inconsistent with the public interest, and grant such authorization as expeditiously as possible but no later than June 6, 2024.

Respectfully submitted,

Florian Pintgen, Vice President, Commercial Operations
Karri Mahmoud, Director, Environmental & Regulatory Projects
Cheniere Energy, Inc.
845 Texas Avenue, Suite 1500
Houston, TX 77002
(713) 375-5000
Email: Florian.Pintgen@cheniere.com
Email: Karri.Mahmoud@cheniere.com

Harold W. Bulger III
Senior Counsel
Cheniere Energy, Inc.
601 Pennsylvania Ave. NW
Suite 1000, North Building
Washington, DC 20004
(202) 442-3073
Harold.Bulger@cheniere.com

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

Dated: March 20, 2024

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

In The Matter Of:

Sabine Pass Liquefaction, LLC

)
)
)

Docket No. 24-28-LNG

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Lisa M. Tonery, hereby certify that I am a duly authorized representative of Sabine Pass Liquefaction, 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 Sabine Pass Liquefaction, LLC, the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 20th Day of March, 2024.

/s/ Lisa M. Tonery

Lisa M. Tonery

Orrick, Herrington & Sutcliffe LLP

51 West 52nd Street

New York, N.Y. 10019-6142

ltonery@orrick.com

(212) 506-3710

Attorney for Sabine Pass Liquefaction, LLC

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

In The Matter Of:

Sabine Pass Liquefaction, LLC

)
)
)

Docket No. 24-28-LNG

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Mariah T. Johnston, hereby certify that I am a duly authorized representative of Sabine Pass Liquefaction, 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 Sabine Pass Liquefaction, LLC, the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 20th Day of March, 2024.

/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 Sabine Pass Liquefaction, LLC

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

In The Matter Of:

Sabine Pass Liquefaction, LLC

)
)
)

Docket No. 24-28-LNG

CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Jacob I. Cunningham, hereby certify that I am a duly authorized representative of Sabine Pass Liquefaction, 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 Sabine Pass Liquefaction, LLC, the foregoing documents and in the above captioned proceeding.

Dated at Washington, D.C., this 20th Day of March, 2024.

/s/ Jacob I. Cunningham

Jacob I. Cunningham

Orrick, Herrington & Sutcliffe LLP

2100 Pennsylvania Ave. NW

Washington, D.C. 20037

jacob.cunningham@orrick.com

(202) 339-8454

Attorney for Sabine Pass Liquefaction, LLC