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

In the Matter of	)	
	)	**Docket No. 24-33-LNG**
Venture Global Plaquemines LNG, LLC	)	

APPLICATION OF VENTURE GLOBAL PLAQUEMINES LNG, LLC FOR BLANKET AUTHORIZATION TO EXPORT PREVIOUSLY IMPORTED LIQUEFIED NATURAL GAS BY VESSEL FROM TERMINAL IN PLAQUEMINES PARISH, LOUISIANA

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Filed: April 22, 2024

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FOR BLANKET AUTHORIZATION
TO EXPORT PREVIOUSLY IMPORTED LIQUEFIED NATURAL GAS
BY VESSEL FROM TERMINAL IN PLAQUEMINES PARISH, LOUISIANA

Pursuant to Section 3 of the Natural Gas Act ("NGA") 1/ and Part 590 of the Department of Energy's ("DOE") regulations, 2/ Venture Global Plaquemines LNG, LLC ("Plaquemines LNG") hereby files this application ("Application") with the Office of Fossil Energy and Carbon Management of the DOE ("DOE/FECM") for short-term, blanket authorization to export pursuant to transactions with terms of no longer than two years liquefied natural gas ("LNG") that has been previously imported to the United States from foreign sources. Plaquemines LNG requests blanket authorization to export by vessel from its LNG export terminal under construction in Plaquemines Parish, Louisiana (the "Terminal") previously-imported LNG in volumes of up to the equivalent of 600 million cubic feet ("MMcf") of natural gas over a two-year period commencing upon issuance of the authorization. As explained below, Plaquemines LNG seeks this authorization to allow it to re-export natural gas imported to the Terminal as part of the cool-down of Terminal facilities during the start-up of those facilities. The requested authorization for re-exports does not involve the construction of any new or additional facilities, nor any physical modification to the Terminal or its operations. Plaquemines LNG respectfully requests that

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1 15 U.S.C. § 717(b) (2018). The authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA has been delegated to the Assistant Secretary for Fossil Energy and Carbon Management in Redelegation Order No. S4-DEL-FE1-2022, issued on June 13, 2022.

2 10 C.F.R. Part 590 (2024).

DOE/FECM grant this application by July 22, 2024, to ensure that Plaquemines LNG has the necessary authorization before it would be prepared to export any previously imported LNG.[3]

Plaquemines LNG requests this blanket authorization solely for LNG previously imported by vessel at the Terminal from foreign sources because its long-term authorizations (as amended) encompass short-term exports of domestically produced natural gas.[4] Plaquemines LNG requests the new blanket authorization for short-term re-exports 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, whether or not the country has a Free Trade Agreement ("FTA") with the United States requiring national treatment for trade in natural gas: in other words, for exports to both FTA and non-FTA countries. To be consistent with prior blanket authorizations for re-exports by other LNG terminals issued by DOE/FECM, Plaquemines LNG commits that the volumes exported under the requested blanket authorization when added to volumes exported under Plaquemines LNG's existing long-term authorizations will not exceed the annual quantities authorized by DOE/FECM in those long-term authorizations. Plaquemines LNG requests this authorization both on its own behalf and when acting as agent on behalf of other entities who themselves may hold title to the LNG at the time of export, after registering each such entity with DOE/FECM in according with the established procedures.

In support of this Application, Plaquemines LNG respectfully shows as follows:

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3 DOE/FECM action on this request for a blanket authorization it is ***not*** affected by the recent initiation of a process for DOE to update its previous studies used to inform its determinations whether additional long-term export authorization requests to non-FTA nations are consistent with the public interest. *See* DOE/FECM posting "The Temporary Pause on Review of Pending Applications to Export Liquefied Natural Gas" at n.1 (undated, but stating that it is "current as of February 2024"), available at: https://www.energy.gov/sites/default/files/2024-02/The%20Temporary%20Pause%20on%20Review%20of%20Pending%20Applications%20to%20Export%20Liquefied%20Natural%20Gas_0.pdf. Regarding that "pause" in processing new and pending long-term export applications generally, *see* Press Release, DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean Energy Goals and Continue Support for Global Allies (Jan. 26, 2024), available at: https://www.energy.gov/articles/doe-update-public-interest-analysis-enhance-national-security-achieve-clean-energy-goals.

4 As further detailed below, Plaquemines LNG has been authorized to export domestically produced LNG in the following orders issued in Docket No. 16-148-LNG: *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 3866 (July 21, 2016) (FTA) and *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446 (Oct. 16, 2019) (non-FTA).

I. DESCRIPTION OF THE APPLICANT

Plaquemines LNG's exact legal name is Venture Global Plaquemines LNG, LLC. Plaquemines LNG is a limited liability company organized under the laws of the State of Delaware with its principal place of business located at 1001 19th Street North, Suite 1500, Arlington, VA 22209. Plaquemines LNG is a single-purpose entity primarily engaged in the business of developing, constructing, and operating the LNG Terminal under construction in Plaquemines Parish, Louisiana.

Plaquemines LNG is a wholly-owned, indirect subsidiary of Venture Global LNG, Inc. ("Venture Global"), a privately-held Delaware corporation with the same principal place of business as Plaquemines LNG. Venture Global is the developer of LNG export projects using modular mid-scale plant designs with reliable, proven technology and innovative design configuration to offer low cost, clean and reliable U.S. natural gas supplies to the world. Additional information regarding Venture Global and its leadership and personnel is available at the company's website at http://venturegloballng.com/.

The current ownership structure of Plaquemines LNG was explained in a Notification of Change in Ownership Structure filed by Venture Global with DOE/FECM on October 24, 2023 in Plaquemines LNG Docket Nos. 16-28-LNG, *et al*., which explains the following facts in greater detail. Venture Global completed the financing of its Plaquemines LNG Terminal and made the final investment decision to proceed with it in two phases publicly announced on May 25, 2022, and March 13, 2023. As part of the financing of Plaquemines, Venture Global created four new, wholly-owned subsidiaries through which to hold its indirect ownership interest in Plaquemines LNG. Venture Global itself is a wholly-owned subsidiary of Venture Global, Inc. ("VG"), a Delaware corporation with the same principal place of business as Venture Global. Approximately 84% of the common equity and voting power of VG is owned by Venture Global Partners II, LLC (a Delaware limited liability company, again with the same principal place of business), which in turn is 50% owned and controlled by each of the two founders of Venture Global: Michael A. Sabel and Robert B. Pender (the "Principals"). Funds managed and/or controlled by Pacific Investment Management LLC or "PIMCO" own approximately 15.1% of the common equity in VG and, thereby, own an equivalent ownership interest in Plaquemines LNG. PIMCO, however, has no power to direct the management or policies of VG, Venture Global, or Plaquemines LNG. Just has always been the case, the Principals retain the sole right to control and direct the management and policies of Plaquemines LNG.

II. COMMUNICATIONS AND CORRESPONDENCE

The names, titles and mailing addresses of the persons to whom correspondence and communications concerning this Application, including service of all pleadings and notices, are to be addressed are:

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These individuals are designated to receive service and should be placed on the official service list for this proceeding.

III. BACKGROUND AND EXISTING AUTHORIZATIONS

The Federal Energy Regulatory Commission ("FERC") on September 30, 2019 authorized Plaquemines LNG, pursuant to NGA Section 3, to site, construct, and operate its LNG export Terminal on the west bank of the Mississippi River approximately 20 miles south of New Orleans in Plaquemines Parish, Louisiana.[5] The project, as authorized by FERC, has a nameplate liquefaction and export

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5 *Venture Global Plaquemines LNG, LLC and Venture Global Gator Express, LLC*, 168 FERC ¶ 61,204 (2019). The Terminal receives natural gas via the affiliated Gator Express Pipeline, which was certificated by FERC in that same order.

capacity of approximately 20 million metric tons per annum ("MTPA"), and a peak achievable capacity of 24 MTPA under optimal operating conditions. The Terminal facilities include 18 mid-size liquefaction blocks, four full containment LNG storage tanks, three LNG loading berths and other related facilities.

In Order No. 3866, issued on July 21, 2016 in Docket No. 16-28-LNG, DOE/FECM issued long-term, multi-contract authorization for Plaquemines LNG to export domestically produced LNG by vessel from the Terminal to countries with which the United States has, or in the future enters into, a FTA requiring national treatment for trade in natural gas ("FTA countries") in a volume up to the equivalent of 1,240 billon cubic feet ("Bcf") of natural gas per year (approximately equal to 24 MTPA) for a period of 25 years. Then, promptly after the FERC authorization, DOE/FECM issued its Order No. 4446 on October 16, 2016, in the same docket, granted Plaquemines LNG long-term, multi-contract authority to export domestically produced LNG by vessel from the Terminal to nations with which the United States has not entered into such an FTA ("non-FTA countries") for those same quantities, on a non-additive basis, for a term of 20 years commencing on the date of first commercial export.

Following issuance of the policy statement "Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through The Year 2050," Plaquemines LNG requested that its long-term authorizations be extended by amendment. DOE/FECM accordingly extended the term of Plaquemines LNG's FTA and non-FTA long-term authorizations through December 31, 2050, in Order Nos. 3866-A and 4446-A issued in Docket No. 16-28-LNG on October 21, 2020.

On December 18, 2020, DOE/FECM issued a Policy Statement discontinuing its practice of issuing separate long-term and short-term authorizations for exports of natural gas from the same facility.[6] Instead, long-term authorizations to export domestically produced natural gas now include additional authority to export the same approved volume pursuant to transactions with terms of less than two years on a non-additive basis. Concurrently with that Policy Statement, DOE/FECM issued Order

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6 *Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis*, 86 Fed. Reg. 2,243 (Jan. 12, 2021), available at: https://www.govinfo.gov/content/pkg/FR-2021-01-12/pdf/2020-28599.pdf.

No. 4641 amending existing long-term export authorizations, including those issued to Plaquemines LNG in Order Nos. 3866 and 4446 (as amended), to incorporate short-term exports.[7] That incorporated short-term authorization, like the long-term authorization, applies only to domestically produced LNG and, thus, does not authorize the export of previously-imported LNG.

On March 11, 2022, Plaquemines LNG submitted to DOE/FECM an application for a limited amendment of its existing long-term, multi-contract authorizations, requesting that its authorized volumes for exports to both FTA and non-FTA nations be increased from 1,240 Bcf per year to 1,405.33 Bcf per year. The requested increase reflects a refined analysis of the peak liquefaction capacity of the already authorized facilities under optimal circumstances with no new construction or modification of those facilities, as detailed in a related amendment application with FERC that was also submitted on March 11, 2022 in FERC Docket No. CP22-92. DOE/FECM issued Order No. 3866-B in Docket No. 16-28-LNG on June 13, 2022, amending Plaquemines LNG's authorized level of exports to FTA nations as requested. FERC has not yet acted on the related request for amendment of Plaquemines LNG's FERC authorization, and DOE/FECM has not acted on the non-FTA portion of the requested amendment.

Plaquemines LNG commenced construction of its Terminal on August 18, 2021, and following final investment decision for the entirety of the project (reached in two phases), is proceeding with construction so as to commence operations as quickly and safely as feasible. FERC amended its authorization of the Plaquemines LNG project to permit continuous construction work 24-hours-a-day, 7-days-a-week and an increase in the peak workforce on October 23, 2023.[8] Details regarding construction progress are provided in monthly filings by Plaquemines LNG in FERC Docket No. CP17-66. The most recent monthly report was filed on April 10, 2024, and is available on FERC's e-Library as Accession No. 20240410-5047.

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7 *See* https://www.energy.gov/sites/prod/files/2020/12/f82/ord4641.pdf. Order No. 4641 sets out the list of the amended long-term FTA authorizations, including those of Plaquemines LNG, in its Appendix A for FTA authorizations and Appendix B for non-FTA authorizations.

8 *Venture Global Plaquemines LNG, LLC and Venture Global Gator Express, LLC*, 185 FERC ¶ 61,037 (2023).

Given the ongoing progress with construction of the Terminal, Plaquemines LNG currently expects that it will begin producing LNG in mid-2024. As part of the start-up of its Terminal facilities, those Terminal facilities will need to be cooled down for cryogenic operations. Plaquemines LNG has determined that the optimal method for this part of the start-up of its Terminal facilities is to import foreign sourced LNG by vessel and it may receive up to three LNG carrier cargoes for this purpose. Accordingly, Plaquemines LNG recently submitted an application for short-term/blanket authorization to import natural gas by vessel from various sources, using the e-filing internet application process available on DOE/FECM's website.[9] Plaquemines requested that import authorization to be in effective by June 15, 2024, and to authorize imports of up to 600 MMcf of natural gas over the two-year period covered by the blanket authorization. Plaquemines anticipates that all of its LNG imports will occur this year, as part of its start-up cool-down operations, and the requested volume allows for the receipt of up to three carrier cargoes for that purpose. Because at least some portion of the imported LNG will subsequently be re-exported, Plaquemines LNG requests this authorization.

IV. AUTHORIZATION REQUESTED

Plaquemines LNG respectfully requests blanket authorization to allow it to export from its Terminal, pursuant to transactions with terms of no longer than two years, LNG that has been previously imported to the United States from foreign sources. Plaquemines LNG requests the blanket authorization to export previously-imported LNG in volumes up to the equivalent of 600 MMcf of natural gas in total over the two-year period. Plaquemines LNG proposes that the term of the new authorization commence on the date of issuance of the new authorization, and respectfully requests that DOE/FECM grant this requested authorization by July 22, 2024 to ensure that it will be in place prior to any potential export of the LNG that Plaquemines LNG plans to import as part of its start-up operations.

Plaquemines LNG requests authorization to re-export this volume of LNG to both (1) any country which has, or in the future develops, the capacity to import LNG via ocean-going carriers and with which

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9 *See* https://www.energy.gov/fecm/current-e-filing-instructions-natural-gas-authorizations.

the U.S. has, or in the future enters into, an FTA requiring the national treatment for trade in natural gas or is otherwise deemed by the United States as being treated as an FTA nation, and (2) any country with the capacity to import LNG via ocean-going carriers and with which the United States does not have such an FTA but with which trade is not prohibited by United States law or policy. In other words, Plaquemines LNG seeks the blanket authorization for re-exports to both FTA countries and non-FTA countries.

Plaquemines LNG anticipates that it will hold title to the LNG being re-exported at the time of export. To promote flexibility, however, Plaquemines LNG requests the blanket authorization to re-export LNG apply on its own behalf and when acting as agent for entities with which it would contract that hold title to the LNG at the time of export – just as in Plaquemines LNG's existing long-term export authorizations.[10] Plaquemines LNG will comply fully with all applicable DOE/FECM requirements when acting as an agent for others, as required in its existing export authorizations and further explained in the Freeport LNG Development, L.P. and Gulf Coast LNG Export LLC orders.[11] Thus, when acting as an agent, Plaquemines LNG will register with DOE/FECM each LNG title holder for which it seeks to export LNG as agent, and will provide the DOE/FECM a written statement by the title holder that acknowledges and agrees to (1) comply with all requirements in Plaquemines LNG's export authorization, and (2) include those requirements in any subsequent purchase or sale agreement entered into by the title holder.

The authorized export volumes for re-exports *ought* not need to be limited by the level of authorized long-term exports. The volume limitation in the long-term export authorization is based on the liquefaction production capacity of the Terminal, which is irrelevant to volumes that have been previously imported from foreign sources. Furthermore, exports of previously-imported LNG do not reduce the

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10 *See* DOE/FECM Order No. 3866, Ordering Paragraph F; DOE/FECM Order No. 4446, Ordering Paragraph J.

11 *Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC*, FE Order No. 2913 (Feb. 10, 2011) (establishing the criteria for exports for agents subsequently adopted in a number of orders); *Gulf Coast LNG Export LLC*, DOE/FE Order No. 3163 at 7-8 (Oct. 16, 2012) (reiterating and explaining agency policy).

availability of domestically produced natural gas – lessening any potential public interest concerns about the exports.

Notwithstanding these facts, Plaquemines LNG commits that the volumes re-exported under the requested blanket authorization will not be additive to the authorized long-term volumes. Thus, the volume of short-term re-exports (which will not exceed 600 MMcf or 6 Bcf) when added to the volumes exported under Plaquemines LNG's long-term export authorizations will not exceed the authorized, total long-term authorized exports of 1,405.33 Bcf to FTA countries and 1,240 Bcf to non-FTA countries (subject to a pending amendment) during any consecutive 12-month period. Plaquemines LNG proposes the application of this volume limitation to be consistent with DOE/FECM precedent on re-export authorizations,[12] and in an effort to facilitate and expedite the timely approval of this application.

V. CONSISTENCY WITH THE PUBLIC INTEREST

Section 3(c) of the NGA, as amended by § 201 of the Energy Policy Act of 1992, requires that applications to authorize exports of natural gas, including LNG, to a nation with which there is in effect an FTA requiring national treatment for trade of natural gas be "deemed to be consistent with the public interest" and "granted without modification or delay."[13] In addition, DOE/FECM has held that the statutory requirement for granting FTA applications without delay or modification overrides otherwise applicable regulatory requirements for public notice and other procedures set forth in 10 C.F.R. Part 590. Under this statutory structure, the portion of this Application that requests blanket authorization to re-export LNG from the Plaquemines LNG Terminal to FTA countries should be granted without modification or delay, consistent with DOE/FECM's established practice.

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12 *See, e.g.*, *Southern LNG Co., LLC*, DOE/FECM Order No. 4982 (Mar. 15, 2023); *Cove Point LNG, LP,* DOE/FECM Order No. 4849 (July 8, 2022); *Southern LNG Co., LLC*, DOE/FE Order No. 4687 (Mar. 30, 2021); *Sabine Pass Liquefaction, LLC*, Order No. 4545 (June 4, 2020); *Cameron LNG, LLC*, Order No. 4425 (Aug. 21, 2019); *Freeport LNG Development, L.P.*, Order No. 4424 (Aug. 21, 2019); *Sabine Pass Liquefaction, LLC*, Order No. 4197 (June 4, 2018).

13 15 U.S.C. § 717b(c).

With respect to exports to non-FTA countries, Section 3(a) of the NGA, sets forth the following statutory standard:

> [N]o person shall export natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the [Secretary of Energy] authorizing it to do so. The [Secretary] shall issue such order upon application, unless after opportunity for hearing, [he] finds that the proposed exportation or importation will not be consistent with the public interest. The [Secretary] may by [the Secretary's] order grant such application, in whole or in part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate. [14]

This statutory language creates a presumption that the proposed export of natural gas is in the public interest. DOE has consistently held that it must grant export applications unless opponents of the application overcome this presumption by making an affirmative demonstration that the proposed export is inconsistent with the public interest.[15] This interpretation has been affirmed by the U.S. Court of Appeals for the D.C. Circuit.[16]

The Policy Guidelines developed by DOE/FE to implement NGA Section 3 (which are applicable to exports as well as imports [17]) promote the free and open trade of natural gas.[18] The Policy Guidelines were "designed to establish natural gas trade on a market-competitive basis and to provide immediate as

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[14] 15 U.S.C. § 717b(a). The Secretary's authority was established by the DOE Organization Act of 1977, which transferred jurisdiction over gas import and export authorizations from the Federal Power Commission.

[15] *E.g.*, *Philips Alaska Natural Gas Corp. and Marathon Oil Co.*, DOE/FE Order No. 1473 at 13 (Apr. 2, 1999); *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2961 at 28 (May 20, 2011); *Dominion Cove Point LNG, LP,* DOE/FE Order No. 3331-B at 11 (Apr. 18, 2016); *Venture Global Calcasieu Pass, LLC,* DOE/FE Order No. 4346 at 19; *Venture Global Plaquemines LNG, LLC,* DOE/FE Order No. 4446 at 18-19; *Sierra Club, et al*., Order Denying Petition for Rulemaking on Exports of Liquefied Natural Gas, at 10 (July 18, 2023).

[16] *E.g.*, *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189 at 203 (D.C. Cir. 2017).

[17] *E.g., Philips Alaska*, DOE/FE Order No. 1473 at 14; *Yukon Pacific Corp.*, DOE/FE Order No. 350, 1 FE ¶ 70,259 at 71,128 (1989); *Dominion Plaquemines LNG, LP*, DOE/FE Order No. 3331 at page 8 (Sept. 11, 2013); *Sierra Club, et al.*, Order Denying Petition for Rulemaking on Exports of Liquefied Natural Gas, at 10 (July 18, 2023).

[18] *Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas*, 49 Fed. Reg. 6,684 (Feb. 22, 1984).

well as long-term benefits to the American economy from this trade."[19] Moreover, the Guidelines provide that:

> The market, not government, should determine the price and other contract terms of imported [or exported] gas. U.S. buyers [sellers] should have full freedom – along with the responsibility – for negotiating the terms of trade arrangements with foreign sellers [buyers]….
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> * * *
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> The policy cornerstone of the public interest standard [of NGA Section 3] is competition. Competitive import [export] arrangements are an essential element of the public interest, and natural gas imported [exported] under arrangements that provide for the sale of gas in volumes and at prices responsive to market demands largely meets the public interest test….[20]

In authorizing long-term non-FTA exports for Plaquemines LNG (as well as in numerous other export authorizations), DOE/FE has explained that it "continues to subscribe to the principle set forth in our 1984 Policy Guidelines that, under most circumstances, the market is the most efficient means of allocating natural gas supplies."[21] Thus, DOE/FE has promoted the competitive, free-trade policies embodied in the Policy Guidelines by consistently authorizing LNG exports to non-FTA nations.[22] DOE/FECM should continue to follow its longstanding practice with this Application.

Most importantly here, DOE/FECM engaged in a robust and thorough analysis of the public interest in LNG exports by Plaquemines LNG from the Terminal when authorizing long-term exports to non-FTA countries in Order No. 4446. When authorizing short-term exports of both domestically produced gas and re-exports for other LNG terminals that have previously received long-term export

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19 *Id.* at 6,684.

20 *Id.* at 6,685 and 6,687. The parenthetical references to exports are added in the above quotation to reflect the applicability of the Policy Guidelines to exports. *See* n.18, *supra*.

21 *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446 at 42. *See also, e.g., Freeport LNG Expansion, L.P.,* Order No. 3282 at 112 (May 17, 2013); *Lake Charles Exports, Order No. 3324* at 125 (Aug. *7,* 2013); *Dominion Cove Point LNG, LP,* Order No. 3331 at 141 (Sept. 11, 2013); *Freeport LNG,* Order No. 3357 at 154 (Nov. 15, 2013); *Cameron LNG, LLC,* DOE/FE Order No. 3391 at 132 (Feb. 11, 2014); *Cheniere Marketing, LLC,* Order No. 3638 at 205 (May 12, 2015); *Pieridae Energy (USA), LTD.,* Order No. 3768 at 216 (Feb. 5, 2016); *Venture Global Calcasieu Pass, LLC,* DOE/FE Order No. 4346 at 69.

22 A list of all the non-FTA approvals with docket numbers, volumes, and links to the relevant DOE/FE orders is available at: https://www.energy.gov/fecm/articles/summary-lng-export-applications-lower-48-states.

authorization, DOE/FECM has often concluded that no additional public interest review beyond that conducted in the earlier non-FTA export proceeding is warranted.23 The conclusions that no further analysis was needed were based, at least in part, on the limiting requirement that the volumes authorized under the blanket authorization for export to non-FTA nations will not exceed the volumes already authorized in the long-term authorizations. Accordingly, as explained above, Plaquemines LNG proposes that this same volume limitation again apply with the new blanket authorization.

Furthermore, the incremental volumes that Plaquemines LNG now requests authorization to export – 600 MMcf or 6 Bcf of previously imported LNG – are *de minimus* compared to the level of its existing long-term export authorization for domestically produced LNG, and certainly in comparison to the size of U.S. natural gas markets. Notably, DOE/FECM has established a process to expedite the approval process where no facility construction is proposed for "small-scale" natural gas exports, defined as no more than 51.75 Bcf of natural gas per year, holding by rule that such exports are consistent with the public interest and authorizing such small-scale exports without any need for individualized administrative procedures.24 DOE/FECM has not previously applied this Small-Scale Exports Rule to authorize re-exports of previously imported LNG (but rather just to domestically produced LNG).25 To the extent the Small-Scale Exports Rule does apply to re-exports, DOE/FECM should grant Plaquemines LNG's requested authorization on an expedited basis with no need for individual procedures, just as it has done with other small-scale export authorizations.26 Even assuming that the Rule does not literally apply

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23 *E.g., Southern LNG Co., LLC*, DOE/FE Order No. 4687 (March 30, 2021); *Cove Point LNG, LP*, DOE/FE Order No. 4508 (Feb. 28, 2020); *Sabine Pass Liquefaction, LLC*, Order No. 4150 at 9 (Jan. 30, 2018); *Sabine Pass, LLC*, Order No. 3767 (Jan. 13, 2016); *Cameron LNG, LLC*, DOE/FE Order No. 3904 at 8-9 (Oct. 3, 2016). This practice, with respect to domestically produced LNG, informed DOE/FE's 2021 Policy Statement to incorporate short-term export authority into long-term authorizations. *See* n.6, *supra*.

24 *Small-Scale Natural Gas Exports*, Final Rule, 83 Fed. Reg. 35,106 (July 25, 2018) (hereinafter the "Small-Scale Exports Rule"). 10 C.F.R. § 590.208(a) (2023).

25 Small-Scale authorizations for domestically produced LNG are including on DOE/FECM's listing of its export authorizations, cited *supra.* n.24 at 14.

26 *E.g., MKVH Advisors, Inc.,* Docket No. 22-69-LNG, DOE/FERC Order No. 4875 (Sept. 23, 2022) (approving small-scale application filed July 11, 2022, without public notice or other similar process); *Otter Industries, LLC*, Docket No. 22-123-LNG, DOE/FERC Order No. 4926 (Dec. 7, 2022) (approving small-scale application filed Sept. 15, 2022, without public notice or other similar process); *Manifest Shipping & Trading Corp*., Docket No. 22-145-LNG, DOE/FERC Order No. 4927 (Dec. 13, 2022) (approving small-scale application filed

here, DOE/FECM's recognition by rulemaking that export volumes at those "small-scale" levels are consistent with the public interest demonstrates that no additional public interest review should be required to conclude that Plaquemines LNG's requested blanket authorization for volumes well below the "small-scale" threshold will not be inconsistent with the public interest.

In its previous orders granting blanket authorizations to re-export previously imported LNG, DOE/FECM has explained that those authorizations "were based, in part, on authoritative data indicating that United States consumers have access to substantial quantities of natural gas sufficient to meet domestic demand from other competitively-priced sources."27 To address that issue, DOE/FECM typically takes administrative notice of the then most recent projections by the U.S. Energy Information Agency ("EIA") in its Annual Energy Outlook. Thus, in recent decisions authorizing re-exports, DOE/FECM focused on the *Annual Energy Outlook 2022* ("AEO 2022"), in which EIA projected annual domestic dry natural gas production in 2023 of 36.05 trillion cubic feet (Tcf), compared to total gas consumption for that same year of 30.54 Tcf.28 Based on that data and authorizing the re-export of previously imported LNG by other terminals, DOE/FECM concluded:

> Because domestic natural gas production levels are projected to reach an amount that well exceeds the amount of natural gas proposed for short-term export in [the relevant] Application, we find that United States consumers will continue to have access to substantial quantities of natural gas sufficient to meet domestic demand from multiple other

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Sept. 26, 2022, without public notice or other similar process); *STxM LLC*, Docket No. 22-125-LNG, DOE/FERC Order No. 4928 (Dec. 13, 2022) (approving small-scale application filed Sept. 28, 2022, without public notice or other similar process; *Eagle LNG Partners Jacksonville II LLC*, Docket Nos. 22-168-79 and 17-79-LNG, DOE/FERC Order Nos. 4975 and 4078-B (March 12, 2022) (approving small-scale application filed Dec. 29, 2022, without public notice or other similar process).

27 *See, e.g.*, *Southern LNG Co., LLC*, DOE/FECM Order No. 4982 at 8-9 (Mar. 15, 2023); *Cove Point LNG, LP,* DOE/FECM Order No. 4849 at 10 (July 8, 2022).

28 The same language is included in each of *Southern LNG Co., LLC*, DOE/FECM Order No. 4982 at 9 & nn.44 & 45 and *Cove Point LNG, LP,* DOE/FECM Order No. 4849 at 10 & nn.47 & 48. In each case, DOE/FECM cited in the referenced footnotes the AEO 2022, *available at* https://www.eia.gov/outlooks/aeo/pdf/AEO2022_Narrative.pdf, as well as AEO 2022 Reference Case, Table 13: Natural Gas Supply, Disposition, and Prices, *available at*: https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2022&cases=ref2022&sourcekey=0.

> sources at competitive prices without drawing on the previously imported LNG that [the applicant] seeks to export. 29

The same conclusion is bolstered by the more recent data in EIA's *Annual Energy Outlook 2023* ("AEO 2023"). Looking back at 2023, EIA's data shows production of 36.49 Tcf (0.44 Tcf more than the forecast made in 2022 for 2023) and consumption 30.83 Tcf (0.29 Tcf more than predicted in 2022 for 2023).30 Looking forward, AEO 2023 projects total production to fall to 35.47 Tcf in 2024 before bouncing back slightly to 35.75 Tcf in 2025, whereas it shows falling consumption to 29.65 Tcf in 2024 and 29.37 Tcf in 2025.31 Regardless of the precise details of those projections, the conclusion is very clear that, at a minimum in the short-term that is relevant for a blanket authorization, natural gas production levels will be more than sufficient to meet both the domestic consumption demand and any expected level of LNG exports, including the essentially *de minimus* volumes for which Plaquemines LNG requests authorization here.

Furthermore, as a result of the increasing natural gas production and abundant reserves, domestic natural gas prices have remained relatively low as U.S. natural gas exports have increased. From 2015 through 2020, natural gas prices were historically low.32 Domestic natural gas prices did increase some in 2021 and then more dramatically in 2022.33 In 2023, however, natural gas prices returned to low

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29 DOE/FECM Order No. 4982 at 9; DOE/FECM Order No. 4849 at 10.

30 Compare (a) the projections for 2023 from AEO 2022 discussed in the text above and cited in n.29 with (b) the actual data for 2023 in EIA, AEO 2023, at Table 13 *Natural Gas Supply, Disposition, and Prices (Reference Case)*, *available at*: https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2023&cases=ref2023&sourcekey=0.

31 EIA, AEO 2023, at Table 13 *Natural Gas Supply, Disposition, and Prices (Reference Case)*, *available at*: https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2023&cases=ref2023&sourcekey=0.

32 *See* EIA, Today in Energy, "Natural gas prices in 2019 were the lowest in the past three years" (Jan. 9, 2020), *available at*: https://www.eia.gov/todayinenergy/detail.php?id=42455; EIA, Today in Energy, "In 2020, U.S. natural gas prices were the lowest in decades," (Jan. 7, 2021), *available at*: https://www.eia.gov/todayinenergy/detail.php?id=46376.

33 EIA reports annual Henry Hub spot prices over time at: https://www.eia.gov/dnav/ng/hist/rngwhhdA.htm. As shown there, the 2021 price was the highest since 2011, but was lower than every year in the decade of the 2000s (when the U.S. was a net importer of natural gas) except for 2003. Even the higher price in 2022 was lower than the annual price every year from 2005-2008.

levels, with the Henry Hub price averaging just $2.57 per MMBtu,34 notwithstanding record levels of LNG exports. Earlier this year, EIA forecast that the Henry Hub price will remain below $3.00 for 2024 and 2025 and observed that "upward price pressures will be limited by relatively flat consumption of natural gas in the electric power sector and persistently high inventories."35 In reality, actual natural gas prices have been even lower than projected, with the Henry Hub spot price in February 2024 averaging just $1.72/MMBtu, a record low adjusted for inflation, and EIA most recently projected that prices will remain below $2.00/MMBtu through the second quarter of 2024 and will average about $2.30/MMBtu for all of 2024.36 Therefore, at least in the short-term relevant to this application, there can be no concern about any claimed impact of LNG exports on domestic natural gas prices.

For all of these reasons, especially the thorough public interest analysis that DOE/FECM has already conducted regarding LNG exports from the Plaquemines LNG Terminal to non-FTA countries, and the very small volumes of proposed exports, the blanket authorization for re-exports requested here should be granted as consistent with the public interest.

VI. ENVIRONMENTAL IMPACT

The requested blanket authorization and the related LNG exports will not require the construction of any new or additional facilities, nor any modification of the Plaquemines LNG facilities previously authorized by the FERC. DOE regulations at 10 CFR Part 1021, Subpart D, Appendix B5, provide a list of categorical exclusions from the preparation of an environmental analysis or environmental impact statement under the National Environmental Policy Act (NEPA). Specifically, categorical exclusion B5.7 provides for an exclusion where approvals of authorizations to import or export natural gas under NGA

34 EIA, Today in Energy, "U.S. Henry Hub natural gas prices in 2023 were the lowest since mid-2020" (Jan. 4, 2024), *available at*: https://www.eia.gov/todayinenergy/detail.php?id=61183#.

35 EIA, *Short Term Energy Outlook – January 2024* (Jan. 9, 2024) at p. 3, *available at*: https://www.eia.gov/outlooks/steo/archives/jan24.pdf.

36 EIA, *Short Term Energy Outlook – March 2024* (Mar. 12, 2024) at pp. 2 and 8, *available at*: https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf.

section 3 involve minor operational changes but no new construction. Plaquemines LNG's authorization requested here falls within this categorical exclusion and no further environmental analysis is required.

Therefore, the proposal does not constitute a major federal action significantly affecting the quality of the human environment, within the meaning of NEPA (42 U.S.C. 4321, *et seq*.).

VII. APPENDICES

The following appendices are attached to this Application:

Appendix A: Verification

Appendix B: Opinion of Counsel

VIII. CONCLUSION

Based on the reasons set forth above, Plaquemines LNG respectfully requests that the DOE/FECM grant Plaquemines LNG short-term, blanket authorization to re-export LNG previously imported from foreign sources of up to the equivalent of 600 MMcf of natural gas from its under-construction LNG Terminal in Plaquemines 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, whether or not the country has a Free Trade Agreement with the United States requiring national treatment for trade in natural gas. Plaquemines LNG requests that the authorization cover a term of two years commencing on the date of issuance of the new authorization.

Respectfully submitted,

/s/ J. Patrick Nevins

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Counsel for
Plaquemines LNG

Dated: April 22, 2024

Appendix A

Verification

STATE OF VIRGINIA)
) SS:
CITY OF ARLINGTON)

Keith Larson, being first duly sworn on his oath deposes and says: that he is the General Counsel of Venture Global LNG, Inc., and an authorized representative of Venture Global Plaquemines LNG, LLC; that he is duly authorized to make this Verification; that he has read the foregoing submittal and is familiar with the contests thereof; that all the statements and matters contained therein are true and correct to the best of his information, knowledge and belief; and that he is authorized to execute and file the same with the U.S. Department of Energy.

Keith Larson
General Counsel

Sworn to and subscribed before me this 22 day of April, 2024.

Annette B. Thrasher

Notary Public
In and For said City

ANNETTE B THRASHER
Notary Public
Commonwealth of Virginia
Registration No. 7756142
My Commission Expires Jun 30, 2026

ANNETTE B THRASHER
NOTARY PUBLIC
REG #7756142
My Comm. Exp.
Jun 30, 2026
COMMONWEALTH OF VIRGINIA

<u>Appendix B</u>

OPINION OF COUNSEL

Opinion of Counsel

This opinion is submitted pursuant to 10 C.F.R. 590.202(c) of the Department of Energy administrative procedures. The undersigned is General Counsel to Venture Global LNG, Inc. and an authorized representative of Venture Global Plaquemines LNG, LLC.

I have reviewed the corporate documents of Venture Global Plaquemines LNG, LLC, and it is my opinion that the proposed export of natural gas is within the company's corporate powers.

Respectfully submitted.

Keith Larson
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Telephone: (202) 759-6736
klarson@ventureglobalIng.com

Dated: April 22, 2024