

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

<div>SABINE PASS LIQUEFACTION, LLC</div>)	DOCKET NO. 24-28-LNG
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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. 5125

JUNE 6, 2024

I. INTRODUCTION

On March 21, 2024, Sabine Pass Liquefaction, LLC (SPL or Sabine Pass) filed an Application¹ with the Department of Energy's (DOE) Office of Fossil Energy & Carbon Management (FECM) under section 3 of the Natural Gas Act (NGA).² SPL requests authorization to export liquefied natural gas (LNG) previously imported into the United States from foreign sources in a volume equivalent to 500 billion cubic feet (Bcf) of natural gas on a cumulative basis for a two-year period commencing on June 7, 2024.³ SPL seeks to export this LNG from the Sabine Pass LNG Terminal, which is owned by Sabine Pass LNG, L.P. and located in Cameron Parish, Louisiana.⁴

SPL seeks to export this 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.⁵ This includes both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries),⁶ and any other country or countries with which trade is not prohibited by U.S. law or policy (non-FTA countries).⁷ SPL states that it does not seek authorization to export any domestically produced natural gas or LNG.⁸ SPL is

¹ Sabine Pass Liquefaction, LLC, Application for Blanket Authorization to Export Previously Imported Liquefied Natural Gas, Docket No. 24-28-LNG (Mar. 21, 2024) [hereinafter App.].

² 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

³ App. at 1.

⁴ *See id.*

⁵ *Id.*

⁶ 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

⁷ *See id.* § 717b(a).

⁸ App. at 3.

requesting this authorization on its own behalf and as agent for other entities that hold title to the LNG at the time of export.⁹

In this Order, DOE grants SPL's Application and authorizes the requested export of previously imported LNG in a volume equivalent to 500 Bcf of natural gas on a cumulative basis over the requested two-year period.

Specifically, DOE grants the FTA portion of the Application under NGA section 3(c).¹⁰ Section 3(c) was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that FTA applications "shall be deemed to be consistent with the public interest" and granted "without modification or delay."¹¹ The FTA portion of the Application falls within NGA section 3(c) and, therefore, DOE approves the requested FTA authorization without modification or delay. Accordingly, none of the public interest analysis discussed below applies to the FTA authorization.

DOE has reviewed the non-FTA portion of the Application under NGA section 3(a).¹² On April 25, 2024, DOE published a notice of the non-FTA portion of the Application in the *Federal Register* (Notice of Application).¹³ The Notice of Application called on interested persons to submit protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments by May 28, 2024. In response, DOE received one "Motion to Intervene" from Public Citizen, Inc. (Public Citizen).¹⁴ On May 28, 2024, SPL filed an "Answer

⁹ See *id.* at 3, 5.

¹⁰ 15 U.S.C. § 717b(c).

¹¹ *Id.*

¹² *Id.* § 717b(a).

¹³ Sabine Pass Liquefaction, LLC: Application for Blanket Authorization to Export Previously Imported Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis, 89 Fed. Reg. 31,744 (Apr. 25, 2024) [hereinafter Notice of App.].

¹⁴ Public Citizen, Inc., Motion to Intervene, Docket No. 24-28-LNG (May 13, 2024), <https://www.energy.gov/sites/default/files/2024-05/SBL1.pdf> [hereinafter Public Citizen Mot.].

in Opposition to Motion to Intervene of Public Citizen, Inc.”¹⁵

DOE has reviewed the record in this proceeding under NGA section 3(a) and grants the requested non-FTA authorization, as set forth below.

II. BACKGROUND

Applicant. SPL is a Delaware limited liability company with its principal place of business in Houston, Texas.¹⁶ SPL is an indirect subsidiary of Cheniere Energy, Inc., a Delaware corporation with its primary place of business in Houston, Texas.¹⁷

Procedural History. For more than a decade, either SPL or its affiliate Cheniere Marketing, LLC has held a two-year blanket authorization to export LNG previously imported from foreign sources from the Sabine Pass LNG Terminal in a cumulative volume equivalent to 500 Bcf.¹⁸ Most recently, in DOE/FECM Order No. 4838, DOE authorized SPL to export previously imported LNG in a volume equivalent to 500 Bcf of natural gas over the two-year period commencing on June 7, 2022, and extending through June 6, 2024.¹⁹ SPL is authorized to export this LNG, on its own behalf or as agent for other entities, by vessel to both FTA and non-FTA countries.²⁰

Additionally, on October 31, 2022, DOE issued DOE/FECM Order No. 4908, authorizing SPL to import LNG from various international sources by vessel in a total volume equivalent to 1,600 Bcf of natural gas for a two-year term commencing on January 29, 2023, and extending

¹⁵ Sabine Pass Liquefaction, LLC, Answer in Opposition to Motion to Intervene of Public Citizen, Inc., Docket No. 24-28-LNG (May 28, 2024) [hereinafter SPL Answer].

¹⁶ App. at 2.

¹⁷ *Id.*

¹⁸ See DOE/FE Order Nos. 3102 (Docket No. 12-36-LNG), 3442 (Docket No. 14-31-LNG), 3825 (Docket No. 16-29-LNG), 4197 (Docket No. 18-35-LNG), 4545 (Docket No. 20-28-LNG); and DOE/FECM Order No. 4838 (Docket No. 22-19-LNG).

¹⁹ *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4838, Docket No. 22-19-LNG, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas By Vessel to Free Trade Agreement and Non-Free Trade Agreement Nations, at 12 (June 3, 2022).

²⁰ *Id.* at 13.

through January 28, 2025.²¹ Under the terms of that authorization, SPL may import the LNG at any LNG receiving facility in the United States and its territories.²²

III. DESCRIPTION OF REQUEST

SPL requests authorization to export previously imported LNG on a short-term or spot market basis in a volume equivalent to 500 Bcf of natural gas cumulatively over a two-year period beginning on June 7, 2024.²³ SPL seeks to export this LNG from the Sabine Pass LNG Terminal to FTA and non-FTA countries, both on its own behalf and as an agent for other entities.²⁴ SPL states that it will comply with all DOE requirements for exporters and agents. SPL further states that, when acting as agent, it will register with DOE each LNG title holder for which it seeks to export LNG as agent, and will comply with other registration requirements as set forth in recent DOE orders.²⁵

SPL states that it is not seeking to export domestically produced natural gas or LNG. According to SPL, the LNG it proposes to export is derived from its LNG importing activities and is located in LNG storage tanks at the Sabine Pass LNG Terminal.²⁶ SPL states that this LNG either will be re-exported or re-gasified to be consumed in the domestic natural gas market, contingent on U.S. and global market price signals.²⁷ SPL adds that no physical modifications to the Sabine Pass LNG Terminal are required to accommodate the requested authorization.²⁸

²¹ *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4908, Docket No. 22-119-LNG, Order Granting Blanket Authorization to Import Liquefied Natural Gas from Various International Sources by Vessel, at 3 (Oct. 31, 2022).

²² *Id.*

²³ App. at 3.

²⁴ *Id.*

²⁵ *Id.* at 5-6.

²⁶ *Id.* at 3.

²⁷ *Id.*

²⁸ *Id.*

IV. APPLICANT'S PUBLIC INTEREST ANALYSIS FOR NON-FTA AUTHORIZATION

SPL maintains that its requested authorization is consistent with NGA section 3(a) and DOE's policy. First, SPL asserts that the volume of previously imported foreign-sourced LNG that it proposes to export is not necessary to meet domestic needs.²⁹ In support of this argument, SPL points to DOE's findings in its existing blanket authorization (DOE/FECM Order No. 4838), in which DOE took administrative notice of the U.S. Energy Information Administration's (EIA) *Annual Energy Outlook 2022* in finding that the requested volume of foreign-sourced LNG was not needed to meet domestic demand.³⁰ SPL states that EIA's *Annual Energy Outlook 2023* (AEO 2023) "continue[s] to show that domestic natural gas production ... exceeds domestic consumption," with projections of "dry natural gas production in 2024 of 35.57 Tcf [trillion cubic feet] and total consumption of 29.65 Tcf in 2024."³¹

Next, SPL contends that granting the requested authorization would provide the "necessary flexibility" for it to respond to changes in domestic and global markets for natural gas and LNG.³² Specifically, the requested authorization would enable SPL to avail itself of spot market LNG import cargoes, which SPL maintains will help to promote the liquidity of supply available to the U.S. natural gas market and to moderate U.S. natural gas price volatility.³³

SPL also contends that the ability to export previously imported LNG helps to encourage continued imports, which it asserts will help to ensure that the Sabine Pass LNG Terminal facilities remain in ready operating condition.³⁴

²⁹ See App. at 2, 5.

³⁰ *Id.* at 5 (citations omitted).

³¹ *Id.* (citing U.S. Energy Info. Admin., *Annual Energy Outlook 2023* (Mar. 16, 2023), <https://www.eia.gov/outlooks/aeo/> (AEO 2023 Reference Case, Table 13: Natural Gas Supply, Disposition, and Prices)).

³² *Id.* at 6.

³³ *Id.*

³⁴ *Id.*

V. CURRENT PROCEEDING FOR NON-FTA AUTHORIZATION

A. Public Citizen's Motion to Intervene

On May 13, 2024, Public Citizen submitted a Motion to Intervene in this proceeding.³⁵

The Motion to Intervene states in its entirety:

Public Citizen, Inc. moves to intervene in this proceeding. Established in 1971, Public Citizen, Inc. is a national, not-for-profit, non-partisan, research and advocacy organization representing the interests of household consumers. We have over 500,000 members and supporters across the United States. Public Citizen is active before the Federal Energy Regulatory Commission promoting just and reasonable rates. We frequently intervene in U.S. Department of Energy proceedings involving the export of electricity and natural gas. Our Energy Program Director, Tyson Slocum, is an expert on energy market regulatory matters, serving as a witness on the Department of Energy public interest standard in testimony before the U.S. Congress in February 2023. Slocum also serves on two federal advisory committees of the U.S. Commodity Futures Trading Commission (the Energy and Environmental Markets and Market Risk advisory committees). Financial details about our organization are on our web site.³⁶

B. SPL's Answer in Opposition to Motion to Intervene

In its Answer filed on May 28, 2024, SPL opposes Public Citizen's intervention, stating that the "one-paragraph Motion to Intervene fails to articulate any interest in the instant proceeding or express any fact or argument relevant to the Blanket Application."³⁷

Specifically, SPL argues that Public Citizen's Motion to Intervene fails to satisfy the "basic threshold requirements" set forth in DOE's regulations governing intervention at 10 C.F.R. § 590.303(b) and (c), in that the Motion "only provides a generic description of the organization itself."³⁸ Quoting DOE's regulations, SPL asserts that "[t]he Motion to Intervene is wholly silent with respect to: 'the position taken by the movant'; 'the factual and legal basis for such positions'; 'the facts upon which the petitioner's claim of interest is based'; and 'the

³⁵ See Public Citizen Mot., *supra* note 14.

³⁶ *Id.* (citations omitted).

³⁷ SPL Answer at 2, *supra* note 15.

³⁸ *Id.*

specific issues of policy, fact, or law to be raised or controverted.”³⁹ SPL adds that “there is no reference or mention of SPL, the Blanket Application, or even LNG generally in the Motion to Intervene.”⁴⁰ Finally, SPL points to Public Citizen’s statement that it “‘frequently intervene[s] in U.S. Department of Energy proceedings involving the export of ... natural gas,’”⁴¹ and argues that Public Citizen is thus “well aware of the requirements to become a party to a proceeding before DOE, and its failure to satisfy those requirements warrants rejection under the circumstances.”⁴²

VI. DISCUSSION AND CONCLUSIONS FOR NON-FTA AUTHORIZATION

A. Procedural Matters

Upon review of Public Citizen’s Motion to Intervene and SPL’s arguments opposing the Motion, we agree with SPL that Public Citizen has not satisfied the requirements for intervention set forth in DOE’s regulations at 10 C.F.R. § 590.303.

The Notice of Application published in the *Federal Register* stated that “[a]ll protests, comments, [or] motions to intervene ... must meet the requirements specified by the regulations in 10 CFR part 590”⁴³ As relevant here, a motion to intervene must “set[] out clearly and concisely the facts upon which the petitioner’s claim of interest is based,”⁴⁴ as well as “the position taken by the movant and the factual and legal basis for such positions in order to advise the parties and the Assistant Secretary as to the specific issues of policy, fact, or law to be raised or controverted.”⁴⁵

³⁹ *Id.* (quoting 10 C.F.R. §§ 590.303(b), (c)).

⁴⁰ *Id.*

⁴¹ *Id.* at 2-3 (quoting Public Citizen Mot.).

⁴² *Id.* at 3.

⁴³ Notice of App., 89 Fed. Reg. at 31,744, *supra* note 13.

⁴⁴ 10 C.F.R. § 590.303(b).

⁴⁵ *Id.* § 590.303(c).

We note that, in 2022, Public Citizen filed a motion to intervene in the last proceeding for SPL’s blanket authorization (Docket No. 22-19-LNG), in which DOE issued Order No. 4838.⁴⁶ In that motion to intervene, Public Citizen provided an almost identical organizational statement as the statement included in the current Motion to Intervene, but *also* included: (i) a statement identifying SPL’s application and the notice of application, and (ii) a statement describing Public Citizen’s interest in that proceeding.⁴⁷ Specifically, in the 2022 motion to intervene, Public Citizen asserted that it “[has] an interest in any proceeding involving the export of natural gas, as unprecedented volumes of such exports are directly causing record high domestic natural gas prices, resulting in tens of millions of American families [enduring] sustained energy poverty hardship.”⁴⁸ That motion to intervene was not opposed by SPL, and it was deemed granted under 10 C.F.R. § 590.303(g) when DOE did not take action to deny the motion.⁴⁹

Here, however, in the same type of application proceeding with the same applicant, Public Citizen’s Motion to Intervene lacks similar statements. The Motion to Intervene names Sabine Pass Liquefaction, LLC in the caption only. It does not reference or discuss anything specific to the current proceeding—including but not limited to SPL’s Application, the Notice of Application, the requested non-FTA exports, or LNG generally. The Motion to Intervene mentions “natural gas” once, only to state that Public Citizen “frequently intervene[s]” in natural gas proceedings before DOE.⁵⁰

⁴⁶ See *supra* at 4 (Procedural History); see also *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4838, at 3-4, 7 (§§ I, V-VI.A).

⁴⁷ See Public Citizen, Inc., Motion to Intervene Letter, Docket No. 22-19-LNG (May 4, 2022), <https://www.energy.gov/sites/default/files/2022-05/SabinePassIntervenePC.pdf>.

⁴⁸ *Id.*

⁴⁹ See *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4838, at 7 (§ VI.A).

⁵⁰ Public Citizen Mot.

We find that DOE’s regulation governing intervention, 10 C.F.R. § 590.303, sets forth a particularized standard for intervention that demands more than a generic organizational statement to put DOE (and the applicant) on notice of both the proposed intervenor’s interest in the current proceeding and the “issues of policy, fact, or law to be raised or controverted” by the proposed intervenor.⁵¹ Public Citizen falls short of this regulatory requirement here, and therefore we deny the Motion to Intervene.

B. Standard of Review

Section 3(a) of the NGA sets forth the applicable standard for DOE’s review of SPL’s requested non-FTA authorization. Section 3(a) provides:

[N]o person shall export any 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, [the Secretary] 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 part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.⁵²

This provision creates a rebuttable presumption that a proposed export of natural gas is in the public interest.⁵³ DOE must grant such an application unless the presumption is overcome by an affirmative showing of inconsistency with the public interest.⁵⁴

In evaluating an export application under this standard, DOE applies the principles described in DOE’s 1984 Policy Guidelines⁵⁵ and other matters found to be appropriate to a

⁵¹ 10 C.F.R. §§ 590.303(b),(c); *see also, e.g.*, Confederated Tribes of the Coos, *et al.*, Motion to Intervene and Comments, Docket No. 12-32-LNG, at 2-6 (May 9, 2018) (specifying interest of intervenors and grounds for intervention); Am. Petroleum Inst., Motion to Intervene, Docket No. 15-67-LNG (Oct. 5, 2015) (same); Total Gas & Power N. Am., Inc., Motion to Intervene, Docket No. 13-30-LNG (Sept. 20, 2013) (same).

⁵² 15 U.S.C. § 717b(a).

⁵³ *See, e.g., Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017) (citations omitted).

⁵⁴ *See id.* (citations omitted).

⁵⁵ 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 Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984).

determination of the public interest, such as the domestic need for the natural gas to be exported. In addition, the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions.

C. Domestic Need

SPL requests authorization to export LNG that was previously imported into the United States from foreign sources. Exporting this proposed volume of LNG will not reduce the availability of domestically produced natural gas. On the other hand, exporting previously imported LNG could affect the domestic natural gas market because, for the requested two-year period, the proposed exports will reduce the volume of natural gas potentially available for consumption within the United States.

DOE has issued numerous blanket authorizations to export previously imported LNG in other proceedings, including SPL's existing authorization in Order No. 4838.⁵⁶ These orders 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. SPL points to EIA's most recent projections of natural gas production and consumption in AEO 2023.⁵⁷ As SPL notes, AEO 2023 projects annual domestic dry natural gas production in 2024 of 35.57 Tcf, with total natural gas consumption projected to be 29.65 Tcf in the same year.⁵⁸

⁵⁶ See *supra* at 4 and note 18. DOE maintains a list of its authorizations at <https://www.energy.gov/fecm/articles/electronic-docket-room-e-docket-room>.

⁵⁷ See U.S. Energy Info. Admin., *Annual Energy Outlook 2023 Narrative*, https://www.eia.gov/outlooks/aeo/pdf/AEO2022_Narrative.pdf. EIA explained that the "National Energy Modeling System (NEMS), which we use to produce our [AEO], requires substantial updates to better model hydrogen, carbon capture, and other emerging technologies," and that, "[t]o facilitate these model enhancements, we will not publish an AEO in 2024." <https://www.eia.gov/outlooks/aeo/>.

⁵⁸ See AEO 2023 Reference Case, Table 13: Natural Gas Supply, Disposition, and Prices, *supra* note 31.

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 SPL's 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 sources at competitive prices without drawing on the LNG that SPL seeks to export.

D. Other Public Interest Factors

Consistent with DOE's Policy Guidelines and DOE precedent, DOE considers the potential effects of the proposed exports on other aspects of the public interest, as may be relevant. As noted above, DOE received one motion to intervene filed by Public Citizen, which DOE is denying in this Order.

E. Environmental Review

DOE's NEPA procedures provide for a categorical exclusion if neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.⁵⁹ On June 6, 2024, DOE issued a categorical exclusion for the non-FTA portion of SPL's Application under this provision.⁶⁰

F. Conclusion

Upon review of the record, DOE finds that a grant of the non-FTA portion of SPL's Application is not inconsistent with the public interest. In particular, the record shows that there is a sufficient supply of natural gas to satisfy domestic demand from multiple other sources at competitive prices without drawing on SPL's proposed exports of previously imported LNG

⁵⁹ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

⁶⁰ U.S. Dep't of Energy, Categorical Exclusion Determination, Sabine Pass Liquefaction, LLC, Docket No. 24-28-LNG (June 6, 2024).

during the two-year authorization period. Further, the proposed exports of previously imported LNG qualify for a categorical exclusion under NEPA, such that no EA or EIS will be required. DOE therefore grants the non-FTA portion of SPL's Application, as set forth below.

VII. FINDINGS

(1) Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for the export of natural gas, including LNG, to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas shall be deemed consistent with the public interest and granted without modification or delay.⁶¹ The FTA portion of SPL's Application falls within NGA section 3(c), as amended and, therefore, DOE grants the requested authorization without modification or delay.⁶²

(2) With respect to the non-FTA portion of the Application, and after due consideration based on all facts and evidence of record, DOE finds that a grant of the export application is not inconsistent with the public interest under NGA section 3(a).

(3) SPL requests authorization to export LNG on its own behalf and as agent for other entities that hold title to the LNG at the time of export. DOE previously addressed the issue of Agency Rights in DOE/FE Order No. 2913,⁶³ which granted Freeport LNG Expansion, L.P. *et al.* (collectively, FLEX) authority to export LNG to FTA countries. In that order, DOE approved a proposal by FLEX to register each LNG title holder for whom FLEX sought to export LNG as agent. DOE found that this proposal was an acceptable alternative to the non-binding policy

⁶¹ 15 U.S.C. § 717b(c).

⁶² DOE further finds that the requirement for public notice of applications and other hearing-type procedures in 10 C.F.R. Part 590 are applicable only to applications seeking to export natural gas, including LNG, to non-FTA countries.

⁶³ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No 2913, Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations (Feb. 10, 2011).

adopted by DOE in *The Dow Chemical Company*, which established that the title for all LNG authorized for export must be held by the authorization holder at the point of export.⁶⁴ We find that the same policy considerations that supported DOE's acceptance of the alternative registration proposal in DOE/FE Order No. 2913 apply here as well.

DOE reiterated its policy on Agency Rights procedures in other authorizations, including *Cameron LNG, LLC*, DOE/FE Order No. 3680.⁶⁵ In that order, DOE determined that, in LNG export orders in which Agency Rights have been granted, DOE shall require registration materials filed for, or by, an LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.⁶⁶

To ensure that the public interest is served, this authorization requires that, where SPL proposes to export LNG as agent, it must register the Registrants with DOE in accordance with the procedures and requirements described herein.

ORDER

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. Sabine Pass Liquefaction, LLC (SPL) is authorized to export LNG previously imported from foreign sources in a volume equivalent to 500 billion cubic feet of natural gas, pursuant to transactions that have terms of not greater than two years. This authorization shall be effective for a two-year term beginning on June 7, 2024, and extending through June 6, 2026.

⁶⁴ *The Dow Chem. Co.*, DOE/FE Order No. 2859, Docket No. 10-57-LNG, Order Granting Blanket Authorization to Export Liquefied Natural Gas, at 7-8 (Oct. 5, 2010), discussed in *Freeport LNG*, DOE/FE Order No. 2913, at 7-8.

⁶⁵ *Cameron LNG, LLC*, DOE/FE Order No. 3680, Docket No. 15-36-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to Free Trade Agreement Nations (July 10, 2015).

⁶⁶ *See id.* at 8-9.

B. This LNG may be exported by vessel from the Sabine Pass LNG Terminal in Cameron Parish, Louisiana, to any country with the capacity to import ocean-going LNG carriers and with which trade is not prohibited by U.S. law or policy.

C. SPL shall ensure that all transactions authorized by this Order are permitted and lawful under U.S. laws and policies, including the rules, regulations, orders, policies, and other determinations of the Office of Foreign Assets Control of the United States Department of the Treasury and the Federal Energy Regulatory Commission. Failure to comply with this requirement could result in rescission of this authorization and/or other civil or criminal remedies.

D. SPL, or others for whom SPL acts as agent, shall include the following provision in any agreement or other contract for the sale or transfer of LNG exported pursuant to this Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer LNG purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/FECM Order No. 5125, issued June 6, 2024, in Docket No. 24-28-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of such LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Sabine Pass Liquefaction, LLC that identifies the country (or countries) into which the LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Sabine Pass Liquefaction, LLC is made aware of all such countries.

E. SPL is permitted to use its authorization in order to export previously imported LNG as agent for other entities, after registering the other entities with DOE. Registration materials shall include an acknowledgement and agreement by the Registrant to supply SPL with all information and copies of contracts necessary in order to permit SPL to register that person or entity with DOE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 C.F.R. Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership

structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed; and (4) an acknowledgement and agreement by the Registrant to include the provision in Ordering Paragraph D in any contract for the sale or transfer of LNG exported pursuant to this Order.

F. Each registration submitted pursuant to this Order shall have current information on file with DOE. Any change in company name, contact information, or other relevant modifications shall be filed with DOE within 30 days of such change(s).

G. SPL shall ensure that all persons required by this Order to register with DOE have done so.

H. Monthly Reports: With respect to the exports authorized by this Order, SPL shall file with the U.S. Department of Energy, Office of Fossil Energy and Carbon Management, Office of Resource Sustainability, Office of Regulation, Analysis, and Engagement (FE-34), within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports have been made. The first monthly report required by this Order is due not later than the 30th day of the month following the month of first export. In subsequent months, if exports have not occurred, a report of “no activity” for that month must be filed. If exports have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at <https://www.energy.gov/fecm/guidelines-filing-monthly-reports>.

(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

I. The first monthly report required by this Order is due not later than July 30, 2024, and should cover the reporting period from June 7, 2024, through June 30, 2024.

J. All monthly report filings on Form FE-746R shall be made to the Office of Regulation, Analysis, and Engagement according to the methods of submission listed on the Form FE-746R reporting instructions available at <https://www.energy.gov/fecm/regulation>.

K. The Motion to Intervene submitted by Public Citizen, Inc. is denied.

Issued in Washington, D.C., on June 6, 2024.

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