

**RECEIVED**

**By Docket Room at 8:34 am, Sep 24, 2024**

USENERGY LAW PLLC  
1000 Main Street  
23<sup>rd</sup> Floor  
Houston, TX 77002

T +1 713.231.4614  
F +1 713.389.5472  
usenergy.com



**Gabriel Procaccini**

+1 713.231.4614/+1 832.328.4639  
gprocaccini@usenergy.com

September 23, 2024

VIA ELECTRONIC MAIL AND OVERNIGHT COURIER

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

Re: Freeport LNG Expansion, L.P., FLNG Liquefaction, LLC, FLNG  
Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC, DOE/FE Order Nos. 3282-C,  
3357-B, 3957, 4961

Dear Ms. Sweeney:

Pursuant to DOE Order Nos. 3282-C, 3357-B, 3957 Ordering Paragraph I (ii) and 4961, LNG Americas, Inc. ("LNG Americas" or "Registrant") hereby informs DOE/FE of a Transaction Confirmation dated September 12, 2024 ("A&R Confirmation") between LNG Americas and Wells Fargo Commodities, LLC ("WFC") to amend and restate the Transaction Confirmation dated September 20, 2023 between LNG Americas and WFC pertaining to an underlying North American Energy Standards Board, Inc. ("NAESB") Base Contract for Sale and Purchase of Natural Gas entered into between the parties on July 25, 2023 (together, with its special provisions, the "Contract"), and associated with the long-term supply of natural gas to the Freeport Terminal. The Contract was filed with the DOE/FE under seal on October 2, 2023.

The A&R Confirmation does not alter any of the material terms of the Contract as reflected in the previously submitted public summary. Please note that the first sentence of the A&R Confirmation references a Transaction Confirmation dated August 30, 2024 that was never executed by LNG Americas but referenced therein by request of WFC solely for WFC's internal bookkeeping purposes.

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

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

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

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

Sincerely,

/s/ Gabriel Procaccini  
Gabriel Procaccini  
Attorney for LNG Americas, Inc.

Enclosure