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Office of Regulation, Analysis, and Engagement
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
Docket Room 3E-056, FE-34
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

October 23, 2024

Re: [Docket No. 24-87-LNG] Gato Negro Permitium Dos, SA.P.I. de C.V.; Request for Long-term Authorization to Re-Export to Non-FTA Countries

The Center for Biological Diversity (“the Center”) submits this letter on behalf of its more than 1.7 million members and online activists requesting that the Department of Energy (“DOE”) wait until the updated public interest studies are completed before acting on the Gato Negro Permitium Dos, SA.P.I. de C.V. (“Gato Dos”) request for long-term authorization to re-export LNG to non-free trade agreement (non-FTA) countries.

Pursuant to the Natural Gas Act, DOE can only issue an authorization to export liquefied natural gas (“LNG”) to non-free trade agreement (“non-FTA”) countries if it finds the exportation to be consistent with the public interest.¹ In January, the Biden Administration announced a temporary pause on the review of pending requests for authorization to export LNG to non-FTA countries to allow the DOE time to update its outdated economic and environmental analyses that inform its public interest review.² In doing so, DOE publicly acknowledged that its current studies utilized to inform its public interest assessment lack the most recent economic and environmental information necessary for proper decision-making.³ While DOE recently approved New Fortress energy’s request for authorization to re-export LNG for a five-year term,⁴ the position more consistent with its obligations under the NGA’s public interest would be to hold or reject any other applications pending completion of the study process.

Requests for reauthorization for long-term export pose similar harms to the global environment and America’s consumers as new authorization requests for long-term export.

¹ 15 U.S.C. § 717b(a).

² Dep’t of Energy, *DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean Energy Goals, and Continue to Support for Global Allies* (Jan. 26, 2024), <https://www.energy.gov/articles/doe-update-public-interest-analysis-enhance-national-security-achieve-clean-energy-goals>

³ *Id.*

⁴ Reuters, *New Fortress Energy Receives Authorization to Export LNG to Non-FTA Countries* (Sept 3, 2024), <https://www.reuters.com/business/energy/new-fortress-energy-receives-authorization-export-lng-non-fta-countries-2024-09-03/>.

DOE's updated studies must inform public interest determinations not only for new applications to export but also reauthorizations to export and extensions for commencement of export because these authorizations individually and collectively prolong global reliance on fossil fuels, delay the clean energy transition, and are influenced by the same economic and environmental factors DOE is currently assessing.

For example, LNG exports are increasing natural gas prices for American consumers while companies are raking in extreme profits.⁵ In 2023, American families and businesses spent \$105 billion more on electricity than they did in 2016 with the highest burden falling on low-income households.⁶ However, LNG companies like Shell recorded \$7.7 billion in earnings first quarter of 2024 in comparison to the already \$7.3 billion in earnings in quarter 4 of 2023.⁷ While harming American wallets, LNG exports are also increasing GHG emissions and fueling the climate crisis. The greenhouse gas emissions from the extraction, transport, liquefaction, overseas tanker transport, and regasification—during which even more carbon dioxide and methane are emitted—are nearly equal to the emissions produced from the actual burning of the gas, effectively doubling the climate impact of each unit of energy created from gas transported overseas.⁸ Scientists have overwhelmingly concluded that without limits on fossil fuel production and deep and rapid emissions reductions, warming will exceed 1.5°C⁹ and will result in catastrophic damage throughout the country and the world.¹⁰ Final actions on LNG export applications like the Gato Dos reauthorization request can only occur “when DOE has sufficient information on which to base a public interest determination”¹¹ and the agency is not bound to a specific timeline for review.

As outlined in the [whitepaper](#) submitted by the Center earlier this year as well as the other numerous comments, papers, and studies submitted by our allies, it is imperative DOE postpone review of all non-FTA export applications until the conclusion of the updated economic and environmental studies. Further, it is important DOE assess multitude of factors

⁵ Public Citizen, *LNG Exports Help Drive 52% Increase in Natural Gas Prices, Expose Consumers to Price Shocks* (May 2, 2024), <https://www.citizen.org/news/lng-exports-help-drive-52-increase-in-natural-gas-prices/#:~:text=WASHINGTON%2C%20D.C.%20%E2%80%94%20Between%202016%20and,companies%20are%20exporting%20LNG%20overseas>.

⁶ *Id.*

⁷ Dominic Ellis, *Gas World, Shell LNG Volumes Spur Quarterly Earnings Rise* (May 2, 2024), <https://www.gasworld.com/story/shell-lng-volumes-spur-quarterly-earnings-rise/2138224.article/>.

⁸ Nat. Res. Def. Council, *Sailing to Nowhere: Liquefied Natural Gas Is Not an Effective Climate Strategy* (Dec. 2020), <https://www.nrdc.org/sites/default/files/sailing-nowhere-liquefied-natural-gas-report.pdf>.

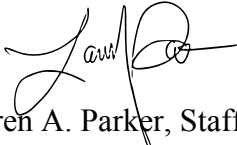
⁹ “Long-term LNG expansion for use in the power sector is not compatible with 1.5 °C and 2 °C pathways even under 100% coal-to-gas substitution.” Shuting Yang, Sara Hastings-Simon, & Arvind Ravikumar, *Global Liquefied Natural Gas Expansion Exceeds Demand for Coal-to-Gas Switching in Paris Complaint Pathways*, *Envtl. Res. Letters* (2022), <https://iopscience.iop.org/article/10.1088/1748-9326/ac71ba/pdf>.

¹⁰ Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5°C. An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (V. Masson-Delmotte et al. eds., 2018), <https://www.ipcc.ch/sr15/>; Intergovernmental Panel on Climate Change, *Summary for Policymakers. I*, in: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (V. Masson Delmotte et al. eds., 2021), <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i>.

¹¹ Proposed Procedures for Liquefied Natural Gas Export Decisions, 79 Fed. Reg. 32261, 32263 (June 4, 2014).

affecting the public interest including the global energy transition, climate change, endangered species, and most importantly environmental justice. DOE does not have sufficient information to determine whether the Gato Dos application is in the public interest, thus, it must wait until the conclusion of its economic and environmental analyses to commence review.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lauren A. Parker', with a stylized flourish at the end.

Lauren A. Parker, Staff Attorney
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