

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

GATO NEGRO PERMITIUM UNO, S.A.P.I. de C.V.

)
) DOCKET NO. 24-43-LNG
)

ORDER GRANTING LONG-TERM
AUTHORIZATION TO EXPORT NATURAL GAS TO MEXICO
AND TO OTHER FREE TRADE AGREEMENT NATIONS

DOE/FECM ORDER NO. 5171

OCTOBER 1, 2024

I. DESCRIPTION OF REQUEST

On May 10, 2024, Gato Negro Permitium Uno, S.A.P.I. de C.V. (Gato Uno) filed an application (Application)¹ with the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM) under section 3(c) of the Natural Gas Act (NGA).² Gato Uno filed a Supplement to the Application on August 16, 2024.³ Gato Uno states that it is submitting this Application in connection with a proposed liquefaction and export terminal, Gato Negro Manzanillo LNG plant (Manzanillo Plant), which is being developed by Gato Uno's affiliates in the State of Colima, Mexico.⁴

Gato Uno requests long-term authorization to export U.S.-sourced natural gas via pipeline to Mexico for consumption in Mexico and/or, after liquefaction at the Manzanillo Plant, to deliver and consume the LNG in Mexico or to re-export⁵ the LNG to any country with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries).⁶ Gato Uno seeks to export this U.S.-sourced natural gas in a combined total volume equivalent to 236 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (0.647 Bcf per day (Bcf/d)) for the following purposes:

¹ Gato Negro Permitium Uno, S.A.P.I. de C.V., Application for Long-Term Authorization to Export Natural Gas to Mexico from the United States and Upon Liquefaction, Re-Export Liquefied Natural Gas from Mexico to Other Free Trade Agreement Countries, Docket No. 24-43-LNG (May 10, 2024) [hereinafter Gato Uno App.].

² 15 U.S.C. § 717b(c). 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 Gato Negro Permitium Uno, S.A.P.I. de C.V., Letter Supplementing Application, Docket No. 24-43-LNG (Aug. 16, 2024) [hereinafter Gato Uno App. Supp.].

⁴ Gato Uno App. at 2-4.

⁵ For purposes of this Order, "re-export" means to ship or transmit U.S.-sourced natural gas in its various forms (gas, compressed, or liquefied) subject to DOE jurisdiction under the NGA, 15 U.S.C. § 717b, from one foreign country (*i.e.*, a country other than the United States) to another foreign country.

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.

- (i) To use approximately 33 Bcf/yr (0.091 Bcf/d) of natural gas in Mexico as “lost, unaccounted-for and fuel volumes and amounts consumed for liquefaction;”⁷
- (ii) To use approximately 203 Bcf/yr (0.556 Bcf/d) of natural gas in the proposed Manzanillo Plant, where the U.S.-sourced natural gas will be liquefied, then re-exported as LNG to FTA countries.⁸

According to Gato Uno, the U.S.-sourced natural gas will be exported to Mexico at the United States-Mexico border via two existing border points described below. Once constructed, the Manzanillo Plant will be capable of receiving, processing, and liquefying the U.S.-sourced natural gas, and loading the LNG onto ocean-going LNG vessels for delivery to export destinations.⁹ In addition, Gato Uno states that the Manzanillo Plant “will include a truck rack in case some proportion of the natural gas volumes would be resold and consumed in Mexico.”¹⁰

In the Supplement to the Application, Gato Uno clarified that it was requesting the FTA authorization for a term to be effective on the date of first exportation and to terminate on December 31, 2050.¹¹ Additionally, Gato Uno requests the authorization on its own behalf and as agent for other entities that hold title to the U.S.-sourced natural gas at the time it is exported to Mexico and/or at the time it is re-exported as LNG from Mexico.¹²

Pursuant to NGA section 3(c), this Order grants Gato Uno’s Application. Gato Uno is authorized to export natural gas to Mexico in the total requested volume of 236 Bcf/yr of natural gas, which includes export by pipeline (33 Bcf/yr) and re-export after liquefaction in Mexico to

⁷ Gato Uno App. at 9-10 & n.11.

⁸ *Id.* at 1, 10.

⁹ *Id.* at 3-4.

¹⁰ *Id.* at 4.

¹¹ Gato Uno App. Supp. at 1. *See also* U.S. Dep’t of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52,237 (Aug. 25, 2020) [hereinafter 2050 Policy Statement]. Additionally, effective January 12, 2021, long-term export authorizations contain authority to export the same approved volume of LNG pursuant to transactions with terms of less than two years, including commissioning volumes, on a non-additive basis. *See* U.S. Dep’t of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2243 (Jan. 12, 2021).

¹² Gato Uno App. at 1, 9.

FTA countries (203 Bcf/yr).¹³

II. **BACKGROUND**

Applicant. Gato Uno is a Mexico corporation with its principal place of business in Mexico City (Lomas de Chapultepec), Mexico. Gato Uno states that it “is engaged in arranging natural gas export volumes from the U.S. to FTA Countries.”¹⁴ Gato Uno states that half of the outstanding shares in Gato Uno is owned by each of Mr. Carlos Camacho and Mr. Emilio Fuentes, both of whom are Mexican citizens. They also own, in the same proportions, the outstanding voting securities of affiliates Gato Dos (*see supra* note 13) and Gato Negro Manzanillo S.A.P.I. de C.V., the latter of which is directly involved in the development of the Manzanillo Plant.¹⁵

Proposed Manzanillo Plant. Gato Uno states that the proposed Manzanillo Plant will be located on an approximately 24.7-acre site, controlled by Gato Uno’s affiliates, in Manzanillo, Mexico.¹⁶ Gato Uno states that the proposed Manzanillo Plant will be designed using a modular approach.¹⁷ According to Gato Uno, the major components to be constructed as part of the Manzanillo Plant include:

- Up to four liquefaction trains capable of producing up to 4 million metric tons per annum (mtpa) of LNG with a gas pre-treatment unit;
- A marine jetty;

¹³ *See infra* note 32. We note that, in Docket No. 24-87-LNG, Gato Uno’s affiliate, Gato Negro Permitium Dos, S.A.P.I. de C.V. (Gato Dos), has a pending companion non-FTA application. Specifically, Gato Dos is requesting a long-term authorization to re-export U.S.-sourced natural gas in the form of LNG in a volume equivalent to 0.556 Bcf/d from the Manzanillo Plant to non-FTA countries under NGA section 3(a), 15 U.S.C. § 717b(a). Gato Dos states that Gato Uno’s Application in this proceeding involves the same site and liquefaction capacity to be used by Gato Dos, and provides other details about the relationship between the Gato Uno Application and the pending Gato Dos application. *See* <https://www.energy.gov/fecm/articles/gato-negro-permitium-dos-sapi-de-cv-fecm-docket-no-24-87-lng>. DOE will review the Gato Dos application separately.

¹⁴ Gato Uno App. at 2.

¹⁵ *Id.* at 2-3.

¹⁶ *Id.* at 3. As Appendix D to the Application, Gato Uno provides a map of the location of the Manzanillo Plant under seal.

¹⁷ *Id.* at 4.

- Emergency vapor management equipment;
- Piping and other facilities to permit the interconnection of the Manzanillo Plant to existing pipeline infrastructure; and
- Associated utilities interconnections.¹⁸

Gato Uno further states that new or modified utilities and offsite facilities will be provided for the Manzanillo Plant, as required.¹⁹

Planned Pipelines. Gato Uno identifies the following three U.S. intrastate pipelines as options for transporting natural gas to border-crossings with Mexico: (i) the Roadrunner Pipeline, LLC pipeline (Roadrunner), which originates near Cayanosa, Texas, and is operated by ONEOK; (ii) the Comanche Trail Pipeline, which is operated by Energy Transfer and follows approximately the same route as Roadrunner; and (iii) the Trans-Peco Pipeline, LLC, which originates in the Waha area and delivers natural gas to the border-crossing point adjacent to the State of Chihuahua, Mexico.²⁰

Gato Uno states that the U.S.-sourced natural gas will be transported to two points on the U.S.-Mexico border: the San Elizario border crossing, located in the vicinity of Colombia, State of Nuevo León, Mexico²¹; and the Presidio/Ojinaga border crossing in the State of Chihuahua.²² According to Gato Uno, feed gas for the Manzanillo Plant will be supplied through the TC Energy Guadalajara Manzanillo pipeline.²³

¹⁸ *See id.* at 3-4.

¹⁹ *Id.* at 4.

²⁰ Gato Uno App. at 5-6.

²¹ According to Gato Uno, the combined cross-border capacity of the Roadrunner Pipeline and Comanche Trail Pipeline—which interconnect to the Tarahumara Gas Pipeline in Mexico through the San Elizario Border Crossing—totals 1.74 Bcf/d. *See id.* at 5-6.

²² *Id.* at 6.

²³ *Id.* at 4.

Gato Uno states that no new facilities or major facility modifications or additions will be required to export the requested volume of U.S.-sourced natural gas to Mexico.²⁴

Source of Supply. Gato Uno states that it plans to obtain U.S.-sourced natural gas from the “highly liquid Waha trading hub in Texas” which, through the hub’s upstream interconnections with the U.S. pipeline grid, will allow Gato Uno to source natural gas from a variety of suppliers in the U.S. market.²⁵

Gato Uno further states that it expects to enter “into one or more supply agreements of various durations with natural gas producers and marketers in the Permian Basin and potentially other production areas in Texas.”²⁶ Gato Uno adds that it “may supply a substantial part of such exports through short-term agreements and spot market purchases.”²⁷ Gato Uno asserts that maintaining this flexibility will allow it to access a diversity of natural gas supplies on favorable economic terms.²⁸

Business Model. Gato Uno states that it has not yet entered into long-term export agreements or supply arrangements for the Manzanillo Plant.²⁹ Gato Uno adds that it “expects to sign contractual obligations associated with sales of gas involved in the [Manzanillo Plant] as of September 1, 2024.”³⁰

Gato Uno requests this authorization on its own behalf and as agent for other entities that hold title to the natural gas and/or LNG at the time of export or re-export, respectively.³¹ Gato Uno further states that, when acting as agent, it will register with DOE each natural gas or LNG

²⁴ *Id.* at 11.

²⁵ *Id.* at 4-5.

²⁶ Gato Uno App. at 5.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 5.

³⁰ *Id.* at 2.

³¹ *Id.* at 1, 9.

title holder for which it seeks to export natural gas or re-export LNG as agent, and will comply with other registration requirements as set forth in recent DOE orders.³² Gato Uno states that, consistent with DOE's practice, it will file any transaction-specific long-term contracts with DOE as they are finalized.³³

III. 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 (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. Gato Uno's Application falls within section 3(c), as amended. Therefore, DOE grants the requested FTA authorization without modification or delay.³⁴

(2) In light of DOE's statutory obligation to grant this Application without modification or delay, there is no need for DOE to review other arguments asserted by Gato Uno in support of the Application. The instant grant of authority should not be read to indicate DOE's views on those arguments.

³² Gato Uno App. at 10. To the extent Gato Uno purchases (and acquires title) to U.S.-sourced natural gas in Mexico for re-export, Gato Uno will also be required to comply with the registration requirements established in this Order (including associated filing and information requirements regarding long-term agreements) with respect to any such volumes exported to Mexico by a person or entity other than Gato Uno pursuant to a different DOE authorization. Registration is only required of the upstream supplier that exports the U.S.-sourced natural gas to Mexico. Registration is not required for purchases of natural gas produced in Mexico. *See, e.g., NFE Altamira FLNG, S. de R.L. de C.V.*, DOE/FECM Order No. 4960, Docket No. 22-110-LNG, Order Granting Long-Term Authorization to Export Natural Gas to Mexico and to Other Free Trade Agreement Nations, at 10 (Mar. 3, 2023), <https://www.energy.gov/sites/default/files/2023-03/ord4960.pdf>.

³³ Gato Uno App. at 10.

³⁴ 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.

(3) The countries with which the United States has a FTA requiring national treatment for trade in natural gas currently are: Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore.

(4) Gato Uno requests authorization to export natural gas and re-export LNG from U.S.-sourced natural gas on its own behalf and as agent for other entities that hold title to the natural gas or LNG at the time of export or re-export, respectively. DOE previously addressed the issue of Agency Rights in DOE/FE Order No. 2913,³⁵ 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 adopted by DOE in *The Dow Chemical Company*,³⁶ which established that the title for all LNG authorized for export must be held by the authorization holder at the point of export. DOE finds 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 has reiterated its policy on Agency Rights procedures in other authorizations, including *Cameron LNG, LLC*, DOE/FE Order No. 3680.³⁷ 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

³⁵ *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).

³⁶ *The Dow Chemical Company*, 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.

³⁷ *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).

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.³⁸

To ensure that the public interest is served, the authorization granted herein shall require that, where Gato Uno proposes to export U.S.-sourced natural gas as agent for other entities (Registrants) that hold title to the natural gas at the time of export to Mexico and/or to the U.S.-sourced natural gas at the time it is re-exported from Mexico as LNG, Gato Uno must register those entities with DOE in accordance with the procedures and requirements described herein.³⁹

(5) Section 590.202(b) of DOE’s regulations requires applicants to supply transaction-specific factual information “to the extent practicable.”⁴⁰ Additionally, DOE regulations at 10 C.F.R. § 590.202(e) allow confidential treatment of the information supplied in support of or in opposition to an application if the submitting party requests such treatment, shows why the information should be exempted from public disclosure, and DOE determines it will be afforded confidential treatment in accordance with 10 C.F.R. § 1004.11.

(6) DOE will require that Gato Uno file or cause to be filed with DOE any relevant long-term commercial agreements or contracts pursuant to which Gato Uno exports natural gas or re-exports U.S.-sourced natural gas as LNG as agent for a Registrant once those agreements or contracts have been executed. DOE finds that the submission of all such agreements or contracts within 30 days of their execution using the procedures described below is consistent with the “to the extent practicable” requirement of section 590.202(b). By way of example and without limitation, a “relevant long-term commercial agreement” would include an agreement with a minimum term of two years.

³⁸ *Id.* at 8-9.

³⁹ *See supra* note 32.

⁴⁰ 10 C.F.R. § 590.202(b).

(7) DOE also will require Gato Uno to file any long-term contracts Gato Uno enters into providing for the long-term export (or re-export) of U.S.-sourced natural gas as LNG on its own behalf from the proposed Manzanillo Plant. DOE finds that the submission of these contracts within 30 days of their execution using the procedures described below will be consistent with the “to the extent practicable” requirement of section 590.202(b).

(8) DOE finds that section 590.202(c) of DOE’s regulations⁴¹ requires that Gato Uno file, or cause to be filed, all long-term contracts associated with the long-term supply of U.S.-sourced natural gas to the Manzanillo Plant, whether signed by Gato Uno or any Registrant, within 30 days of their execution.

(9) DOE recognizes that some information in Gato Uno’s or a Registrant’s long-term commercial agreements associated with the export of U.S.-sourced natural gas and/or the re-export of such natural gas as LNG, and/or long-term contracts associated with the long-term supply of U.S.-sourced natural gas to the Manzanillo Plant, may be commercially sensitive. DOE therefore will provide Gato Uno the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) Gato Uno may file, or cause to be filed, long-term contracts under seal, but it also will file either: (i) a copy of each long-term contract with commercially sensitive information redacted, or (ii) a summary of all major provisions of the contract(s) including, but not limited to, the parties to each contract, contract term, quantity, any take or pay or equivalent provisions/conditions, destination, re-sale provisions, and other relevant provisions; and (B) the filing must demonstrate why the redacted or non-disclosed information should be exempted from public disclosure.⁴²

⁴¹ *Id.* § 590.202(c).

⁴² *Id.* § 590.202(e) (allowing confidential treatment of information in accordance with 10 C.F.R. § 1004.11).

To ensure that DOE destination and reporting requirements included in the Order are conveyed to subsequent title holders, DOE will include as a condition of this authorization that future contracts for the sale or transfer of LNG exported pursuant to the Order shall include an acknowledgement of these requirements.

ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. Gato Negro Permitium Uno, S.A.P.I. de C.V. (Gato Uno) is authorized to export U.S.-sourced natural gas via pipeline to the proposed Gato Negro Manzanillo LNG plant (Manzanillo Plant) to be located in the State of Colima, Mexico, for consumption in Mexico. Additionally, after the U.S.-sourced natural gas is liquefied at the Manzanillo Plant, Gato Uno is authorized to deliver and consume the LNG in Mexico and/or to re-export the LNG to FTA countries. The volume authorized in this Order is equivalent to 236 Bcf/yr of natural gas for a term to commence on the date of first export following the commencement of commercial operation of the Manzanillo Plant, and extending through December 31, 2050. Gato Uno is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas or LNG, pursuant to one or more contracts of any duration.⁴³

B. This natural gas may be re-exported as LNG to Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore, and to any nation with which the United States subsequently enters into a FTA requiring national treatment for trade in

⁴³ See U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2,243, 2,245 (Jan. 12, 2021).

natural gas, provided that the destination nation has the capacity to import LNG via ocean-going vessels. FTA countries are currently identified by DOE at:

<https://www.energy.gov/fecm/how-obtain-authorization-import-andor-export-natural-gas-and-lng>.

C. Gato Uno 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. Failure to comply with this requirement could result in rescission of this authorization and/or other civil or criminal remedies.

D. (i) Gato Uno shall file, or cause others to 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) a non-redacted copy of all executed long-term contracts associated with the long-term re-export of U.S.-sourced natural gas in the form of LNG from the Manzanillo Plant on Gato Uno's own behalf or as agent for other entities. If Gato Uno enters an agreement to sell U.S.-sourced natural gas in the form of LNG through an affiliated entity, all long-term contracts entered into by that affiliated entity shall also be subject to the requirements of this paragraph. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

(ii) Gato Uno shall file, or cause others to file, with the Office of Regulation, Analysis, and Engagement a non-redacted copy of all executed long-term contracts associated with the long-term supply of U.S.-sourced natural gas to the Manzanillo Plant. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

E. Gato Uno is permitted to use its authorization to act as agent for other entities, after

registering the other parties with DOE.⁴⁴ Registration materials shall include an acknowledgement and agreement by the Registrant to supply Gato Uno with all information necessary to permit Gato Uno 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) within 30 days of execution, a copy of any long-term contracts not previously filed with DOE, described in Ordering Paragraph D of this Order.

F. Each registration submitted pursuant to this Order shall have current information on file with DOE. Any change in the registration materials—including changes in company name, contact information, length of the long-term contract, termination of the long-term contract, or other relevant modification—shall be filed with DOE within 30 days of such change(s).

G. As a condition of this authorization, Gato Uno shall ensure that all persons required by this Order to register with DOE have done so.⁴⁵

H. Gato Uno, or others for whom Gato Uno acts as agent, shall include the following provision in any agreement or other contract for the sale or transfer of U.S.-sourced natural gas exported or re-exported in the form of LNG pursuant to this Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer U.S.-sourced natural gas, including in the form of LNG, purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/FECM Order No. 5171, issued

⁴⁴ See *supra* note 32.

⁴⁵ *Id.*

October 1, 2024, in Docket No. 24-43-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of the natural gas or LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Gato Negro Permitted Uno, S.A.P.I. de C.V. that identifies the country (or countries) into which the natural gas or re-exported LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Gato Negro Permitted Uno, S.A.P.I. de C.V. is made aware of all such actual destination countries.

I. Within two weeks after the first export of U.S.-sourced natural gas authorized in Ordering Paragraph A occurs, Gato Uno shall provide written notification of the date of first export to DOE.

J. Gato Uno shall file with the Office of Regulation, Analysis, and Engagement, on a semi-annual basis, written reports describing the status of the proposed Manzanillo Plant. The reports shall be filed on or by April 1 and October 1 of each year, and shall include information on the status of the proposed Manzanillo Plant, including but not limited to the following: (i) the status of permits required under Mexican state and federal laws for the siting, construction, and operation of the Manzanillo Plant and for the re-exports of the LNG subject to this authorization; (ii) the date the Manzanillo Plant is expected to be operational, and (iii) the status of any associated long-term supply and re-export contracts.

K. With respect to any change in control of the authorization holder, Gato Uno must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.⁴⁶ For purposes of this Ordering Paragraph, a "change in control" shall include any change, directly or indirectly, of the power to direct the management or policies of Gato Uno, whether such power is exercised through one or more

⁴⁶ See U.S. Dep't of Energy, Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas, 79 Fed. Reg. 65,541 (Nov. 5, 2014).

intermediary companies or pursuant to an agreement, written or oral, and whether such power is established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means.⁴⁷ A rebuttable presumption that control exists will arise from the ownership or the power to vote, directly or indirectly, 10% or more of the voting securities of such entity.

L. Monthly Reports: With respect to the export of U.S.-sourced natural gas authorized by this Order, Gato Uno shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports of U.S.-sourced natural gas 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 of natural gas 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>.

With respect to the re-export of U.S.-sourced natural gas as LNG authorized by this Order, Gato Uno shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether re-exports of this LNG to FTA countries 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 re-export. In subsequent months, if re-exports have not occurred, a report of “no activity” for that month must be filed. If re-exports of LNG have occurred, the report must provide the

⁴⁷ See *id.* at 65,542.

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)

M. 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>.

Issued in Washington, D.C., on October 1, 2024.

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