

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

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DELFIN LNG LLC )  
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DOCKET NO. 13-129-LNG  
DOCKET NO. 13-147-LNG

ORDER AMENDING AUTHORIZATION  
TO EXPORT LIQUEFED NATURAL GAS  
TO FREE TRADE AGREEMENT COUNTRIES, AND  
GRANTING REQUEST TO EXTEND DEADLINE  
TO COMMENCE EXPORTS OF LIQUEFIED NATURAL GAS  
TO NON-FREE TRADE AGREEMENT COUNTRIES

DOE/FECM ORDER NO. 3393-C  
DOE/FECM ORDER NO. 4028-D

MARCH 10, 2025

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## I. INTRODUCTION AND SUMMARY

On March 1, 2024, Delfin LNG LLC (Delfin) filed with the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM)<sup>1</sup> a request (Request)<sup>2</sup> under section 3 of the Natural Gas Act (NGA)<sup>3</sup> and, as relevant, DOE’s Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries (Commencement Extension Policy Statement or Policy Statement).<sup>4</sup> DOE construes the request as an application<sup>5</sup> to amend Delfin’s two long-term export orders<sup>6</sup> authorizing the export of domestically produced liquefied natural gas (LNG) under NGA section 3(a).<sup>7</sup> As discussed below, Delfin requests the elimination of the commencement deadline in one of its orders and an extension of the export commencement deadline in the other.

Delfin is authorized to export LNG by vessel from its proposed floating liquefaction facility (defined, together with other connecting infrastructure Delfin controls, as the Project herein), which would use “floating LNG vessels” (FLNGVs) to be located in the Gulf of America<sup>8</sup> off of Cameron Parish, Louisiana, to “any country which has, or in the future develops, the capacity to import LNG via ocean-going carriers,”<sup>9</sup> under the following two orders:

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<sup>1</sup> The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

<sup>2</sup> Delfin LNG LLC, Request of Delfin LNG LLC for Supplemental Order Granting Conditional Extension of Time for Long-Term Authorizations to Export Liquefied Natural Gas, Docket Nos. 13-129-LNG and 13-147-LNG (Mar. 1, 2024) [hereinafter Request].

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

<sup>4</sup> U.S. Dep’t of Energy, Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 88 Fed. Reg. 25,272 (Apr. 26, 2023) [hereinafter Commencement Extension Policy Statement].

<sup>5</sup> See 10 C.F.R. § 590.201(a).

<sup>6</sup> For purposes of this Order, DOE uses the terms “authorization” and “order” interchangeably.

<sup>7</sup> 15 U.S.C. § 717b(a).

<sup>8</sup> Exec. Order No. 14,172, *Restoring Names That Honor American Greatness*, 90 Fed. Reg. 8629 (Jan. 31, 2025) (directing the renaming, as the Gulf of America, of “the area formerly known as the Gulf of Mexico”) [hereinafter EO 14172]; see also Sec’y of the Interior, Order No. 3423 (Feb. 7, 2025) (implementing section 4 of EO 14172), [https://www.doi.gov/sites/default/files/document\\_secretarys\\_orders/so-3423-gulf-of-america\\_final508.pdf](https://www.doi.gov/sites/default/files/document_secretarys_orders/so-3423-gulf-of-america_final508.pdf).

<sup>9</sup> Request at 1.

- DOE/FE Order No. 3393, as amended (Docket No. 13-129-LNG),<sup>10</sup> authorizing exports of LNG in a volume equivalent to 657.5 billion cubic feet per year (Bcf/yr) of natural gas 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), pursuant to NGA section 3(c);<sup>11</sup> and
- DOE/FE Order No. 4028, as amended (Docket No. 13-147-LNG),<sup>12</sup> authorizing exports in a volume equivalent to 657.5 Bcf/yr of natural gas to any country with which the United States has no FTA but with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).<sup>13</sup>

Under these authorizations, the FTA and non-FTA volumes are not additive.<sup>14</sup>

Both authorizations were initially granted for a 20-year term but were extended through December 31, 2050,<sup>15</sup> upon Delfin’s request after DOE issued a policy statement announcing its intent to extend natural gas export authorizations to non-FTA countries through the year 2050.<sup>16</sup>

Additionally, DOE/FE Order No. 3393, as amended, sets the start date of the term of the FTA authorization “on the earlier of the date of first export or 7 years from the date the

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<sup>10</sup> *Delfin LNG LLC*, DOE/FE Order No. 3393, Docket No. 13-129-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Free Trade Agreement Nations (Feb. 20, 2014), *amended by* DOE/FE Order No. 3393-A (Dec. 10, 2020) (extending export term through 2050), *further amended by* DOE/FE Order No. 3393-B (May 18, 2021) (correcting the precise location of the export facilities).

<sup>11</sup> 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.

<sup>12</sup> DOE/FE Order No. 4028, Docket No. 13-147-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Non-Free Trade Agreement Nations (June 1, 2017), *reh’g denied*, DOE/FE Order No. 4028-A (Apr. 3, 2018), *amended by* DOE/FE Order No. 4028-B (Dec. 10, 2020) (extending export term through 2050), *further amended by* DOE/FE Order No. 4028-C (May 18, 2021) (correcting the precise location of the facilities).

<sup>13</sup> 15 U.S.C. § 717b(a).

<sup>14</sup> 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. 2,243 (Jan. 12, 2021).

<sup>15</sup> *U.S. Dep’t of Energy*, DOE/FE Order Nos. 3393-A and 4028-B, Docket Nos. 13-129-LNG and 13-147-LNG, Order Extending Export Term for Authorizations to Free Trade and Non-Free Trade Agreement Nations through December 31, 2050 (Dec. 10, 2020).

<sup>16</sup> *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).

authorization is issued (February 20, 2021).”<sup>17</sup> The non-FTA authorization, DOE/FE Order No. 4028, as amended, requires Delfin to “commence export operations using the planned liquefaction facilities no later than seven years from the date of issuance” of the order—that is, June 1, 2024.<sup>18</sup> However, the non-FTA and FTA deadlines serve different purposes. The FTA requirement applies to the date by which Delfin’s FTA export term starts (*i.e.*, not actual export operations).<sup>19</sup> The non-FTA requirement, on the other hand, applies to the deadline by which Delfin must commence export operations, after which point the non-FTA authorization will expire by its own terms.<sup>20</sup> By a May 31, 2024 order, DOE tolled “the [scheduled] expiration of Order No. 4028 on June 1, 2024 . . . until DOE issues an order on [Delfin’s] pending Request.”<sup>21</sup>

Delfin’s proposed Project includes a “deepwater port” within the meaning of the Deepwater Port Act of 1974, as amended (DWPA), and consequently requires a deepwater port license (DWP license) from the U.S. Department of Transportation’s Maritime Administration (MARAD).<sup>22</sup>

Delfin has not yet obtained the DWP license from MARAD,<sup>23</sup> but has already obtained authorization from the Federal Energy Regulatory Commission (FERC) for the onshore facilities the Project includes. FERC first authorized the “onshore metering, compression, and piping

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<sup>17</sup> DOE/FE Order No. 3393-A at 9 (Ordering Para. A).

<sup>18</sup> DOE/FE Order No. 4028 at 173 (Ordering Para. D).

<sup>19</sup> This FTA requirement is a holdover from an earlier time in DOE’s LNG export program when DOE issued FTA authorizations for a specific term of 20 or more years.

<sup>20</sup> *See, e.g.*, Commencement Extension Policy Statement, 88 Fed. Reg. at 25,274-75; *Delfin LNG LLC*, DOE/FE Order No. 4028, at 166 (Term and Condition B).

<sup>21</sup> U.S. Dep’t of Energy, Notice Tolling Expiration of Non-FTA Authorization Pending DOE Action, Docket No. 13-147-LNG (May 31, 2024) [hereinafter DOE Notice Tolling Expiration].

<sup>22</sup> 33 U.S.C. § 1501 *et seq.* The term “deepwater port” includes offshore LNG import and export terminals. *See id.* § 1502(9).

<sup>23</sup> By letter dated April 17, 2024, MARAD informed Delfin that it would “not issue a license at [that] time” and that, rather than reapplying for the license, Delfin would “need to update the application to reflect the changes and submit an amended version for review.” Letter from William Pappe, Associate Administrator, Office of Ports & Waterways, MARAD, to Dudley Poston, Delfin CEO, Re: Application of Delfin LNG, LLC [*sic*] for Deepwater Port License, at 1 (Apr. 17, 2024) (MARAD Letter), <https://downloads.regulations.gov/USCG-2015-0472-0121/content.pdf>.

facilities” of Delfin’s Project, under NGA section 7, on September 28, 2017.<sup>24</sup> The authorizing order required Delfin to complete construction of its onshore facilities and make them available for service by September 28, 2019.<sup>25</sup> FERC subsequently extended this deadline four (4) times, most recently in October 2023, through September 28, 2027.<sup>26</sup>

In this proceeding, Delfin asks DOE to eliminate the “commencement deadline in its FTA authorization” and extend the export commencement deadline in its non-FTA order by five years, to June 1, 2029, under certain conditions, discussed *infra*.<sup>27</sup> Delfin also asks that its non-FTA authorization commencement deadline “be ‘tolled’ in light of the pending Request” so that it does not expire, which would allow DOE/FECM to grant the extension notwithstanding the passage of the pre-existing deadline.<sup>28</sup> The end date of both authorizations—December 31, 2050—would remain the same.<sup>29</sup>

Below, DOE grants the FTA term amendment and non-FTA commencement deadline extension from Delfin’s Request as follows:

**FTA Authorization.** NGA 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.”<sup>30</sup> Delfin’s FTA authorization did not impose an export commencement deadline as set forth in Delfin’s non-FTA authorization. Rather, the seven-year requirement in Order No. 3393 (Ordering Para. A), as

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<sup>24</sup> *Delfin LNG LLC*, Order Issuing Certificate, Granting Abandonment, and on Clarification, FERC Docket Nos. CP15-490-000 and CP15-490-001, 160 FERC ¶ 61,130 (2017).

<sup>25</sup> *Id.* at Ordering Para. (C)(1).

<sup>26</sup> *Delfin LNG LLC*, Order Granting Extension of Time, Docket No. CP15-490-004, 185 FERC ¶ 61,009 (2023) [hereinafter FERC Extension Order].

<sup>27</sup> Request at 2, 5, 32.

<sup>28</sup> *Id.* at 6.

<sup>29</sup> See *Delfin LNG LLC*, DOE/FE Order No. 3393-A, at 9 (Ordering Para. B); *Delfin LNG LLC*, DOE/FE Order No. 4028-B, at 9-10 (Ordering Para. C).

<sup>30</sup> 15 U.S.C. § 717b(c).

amended, applies to the date by which Delfin’s FTA export term will begin, regardless of any action by Delfin. Because the term of Delfin’s FTA authorization now extends to the fixed date of December 31, 2050, it is no longer necessary to impose a specific date by which the term of the FTA authorization must start. Therefore, DOE is modifying the FTA term to begin on the date of first export, consistent with DOE precedent.<sup>31</sup> None of the discussion below applies to the FTA portion of the Request, except as noted.

**Non-FTA Authorization.** DOE’s Policy Statement applies to “existing and future non-FTA authorizations for the export of LNG,”<sup>32</sup> including DOE/FE Order No. 4028, as amended. Under the Policy Statement, DOE stated that it will no longer consider applications for extensions to export commencement deadlines, unless an authorization holder submits an application prior to its commencement deadline demonstrating that:

- (i) The authorization holder (or its affiliate) has physically commenced construction on the associated export facility before the request for additional time to commence exports is made; and
- (ii) The authorization holder’s inability to comply with its export commencement deadline is the result of extenuating circumstances outside of the authorization holder’s control, including but not limited to acts of God.<sup>33</sup>

The Policy Statement requires the authorization holder to “provide evidence, including any supporting documentation, to meet both parts of [this] required demonstration.”<sup>34</sup> Following a 30-day comment period for public input, DOE “will issue an order evaluating the application,

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<sup>31</sup> See *infra* at 24 (Ordering Para. A); see also, e.g., *Gulfstream LNG Dev., LLC*, DOE/FECM Order No. 5014, Docket No. 23-34-LNG, Order Granting Long-Term Authorization to Export Natural Gas to Free Trade Agreement Nations, at 10 (Ordering Para. A) (June 26, 2023).

<sup>32</sup> Commencement Extension Policy Statement, 88 Fed. Reg. at 25,272-73.

<sup>33</sup> “For purposes of this Policy Statement, an ‘act of God’ means a severe natural event outside of human control, such as a hurricane, flash flood, or other natural disaster.” *Id.* at 25,277 n.63.

<sup>34</sup> *Id.* at 25,277 (DOE explaining that, “[a]lthough the two-part demonstration described above is required for DOE to consider an application for a commencement extension, it does not guarantee that DOE will approve the request.”); see also *infra* § II.

and any responses received in response to the notice of application, under the good cause standard provided by NGA section 3(a), with appropriate consideration of the public interest.”<sup>35</sup>

Delfin asserts that it meets the first criterion of the Policy Statement because “its [offshore] liquefaction project will be constructed in an overseas shipyard, which of course already exists and need not be constructed,” and because “much of its export facility – the offshore feed gas pipelines – have already been constructed.”<sup>36</sup> Delfin asserts that it meets the second criterion of the Policy Statement for two reasons. First, Delfin contends that, despite its efforts to obtain its DWP license from MARAD, “MARAD’s final license issuance process – uniquely applicable to Delfin among all LNG export projects with non-FTA authorization – is clearly outside of Delfin’s control,”<sup>37</sup> and also that the unusual nature of the MARAD licensing “presents an independent and compelling reason for DOE to grant the extension requested by Delfin.”<sup>38</sup> Second, Delfin states that its floating facilities, which have not been built, must be constructed at existing shipyards in South Korea, and it was unable to secure space at a shipyard by 2024 due to the permitting uncertainty.<sup>39</sup>

Consistent with the Policy Statement, DOE published a Notice of the non-FTA portion of the Request in the *Federal Register* (Notice of Request) on March 29, 2024.<sup>40</sup> DOE invited the public to submit protests, motions to intervene, notices of intervention, and written comments in response to the Notice of Request by April 29, 2024.<sup>41</sup> DOE received 22 supportive comments,

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<sup>35</sup> Commencement Extension Policy Statement, 88 Fed. Reg. at 25,277-78.

<sup>36</sup> Request at 34.

<sup>37</sup> *Id.* at 26.

<sup>38</sup> *Id.* at 35.

<sup>39</sup> *Id.* at 28.

<sup>40</sup> U.S. Dep’t of Energy, Delfin LNG LLC; Request for Supplemental Order Granting Conditional Extension of Time for Long-Term Authorization to Export Liquefied Natural Gas, 89 Fed. Reg. 22,137 (Mar. 29, 2024).

<sup>41</sup> *See id.* DOE finds that the requirement for public notice of applications in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).



as well as a motion to intervene and protest from Public Citizen, Inc. (Public Citizen)<sup>42</sup> and a motion to intervene and protest jointly filed by Sierra Club and Center for Biological Diversity (collectively, Environmental Advocates).<sup>43</sup> All comments and motions were timely-filed.

On May 14, 2024, Delfin submitted an “Answer to Interventions, Comments and Protests of [Delfin’s] Requested Extension of Time” (Answer).<sup>44</sup> As discussed below, DOE grants Public Citizen’s motion to intervene. Delfin did not oppose Environmental Advocates’ motion to intervene, and therefore the motion is deemed granted by operation of law.<sup>45</sup>

Subsequently, as noted above, DOE issued a Notice Tolling Expiration of Non-FTA Authorization Pending DOE Action on May 31, 2024.<sup>46</sup>

Upon review of the record, DOE (1) finds that Delfin has satisfied both prongs of the demonstration required for DOE to consider the Request under the Policy Statement and (2) has determined that Delfin has shown good cause under NGA section 3(a) to grant the requested extension for Delfin’s non-FTA authorization (Order No. 4028, as amended). Accordingly, Delfin now has until June 1, 2029, to commence commercial non-FTA exports from the Project.

## **II. STANDARD OF REVIEW FOR NON-FTA PORTION OF THE REQUEST**

As relevant here, section 3(a) of the NGA authorizes the exportation of natural gas from the United States unless DOE determines that doing so “will not be consistent with the public

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<sup>42</sup> Public Citizen, Inc., Motion to Intervene and Protest of Public Citizen, Inc., Docket No. 13-147-LNG (Apr. 29, 2024) [hereinafter Public Citizen Motion].

<sup>43</sup> Sierra Club and the Center for Biological Diversity, Motion to Intervene and Protest of Sierra Club and the Center for Biological Diversity, Docket Nos. 13-129-LNG and 13-147-LNG (Apr. 29, 2024) [hereinafter Environmental Advocates Motion].

<sup>44</sup> Delfin LNG LLC, Answer of Delfin LNG LLC to Interventions, Comments and Protests of its Requested Extension of Time, Docket Nos. 13-129-LNG and 13-147-LNG (May 14, 2024) [hereinafter Answer].

<sup>45</sup> 10 C.F.R. § 590.303(g).

<sup>46</sup> DOE Notice Tolling Expiration, *supra* note 21.

interest.”<sup>47</sup> NGA section 3(a) also authorizes DOE, “after opportunity for hearing, and for good cause shown,” to issue a supplemental order “as it may find necessary or appropriate.”<sup>48</sup>

In the Policy Statement, DOE stated that, following a 30-day public comment period on an application for an export commencement extension, “DOE will issue an order evaluating the application, and any responses received in response to the notice of application, under the good cause standard provided by NGA section 3(a), with appropriate consideration of the public interest.”<sup>49</sup> As stated above, an authorization holder seeking an extension under the Policy Statement “should provide evidence ... to meet both parts of the required demonstration”—that “it has physically commenced construction on the associated export facility,” and that “its inability to comply with the existing export commencement deadline is the result of extenuating circumstances outside of its control.”<sup>50</sup>

### **III. DESCRIPTION OF NON-FTA PORTION OF THE REQUEST**

Delfin requests an additional five-year period, beyond the current export commencement deadline of June 1, 2024, to commence commercial non-FTA exports under Order No. 4028, as amended.<sup>51</sup> Delfin asked DOE for “only a *conditional* extension” (emphasis in original) of its deadline, “to ensure the consistency of its requested extension of time with the [Policy Statement].” As Delfin describes it, the conditional extension would require Delfin to certify, within nine months of an order authorizing the extension, “that it has: (1) obtained the final DWPA [*sic*] license (to the extent that this has not occurred prior to DOE/FECM granting the conditional extension); (2) secured necessary financing arrangements to construct its first

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<sup>47</sup> 15 U.S.C. § 717b(a).

<sup>48</sup> *Id.*

<sup>49</sup> Commencement Extension Policy Statement, 88 Fed. Reg. at 25,277-78.

<sup>50</sup> *Id.* at 25,277, 25,273.

<sup>51</sup> *See* Request at 32, 43.

FLNGV and the Deepwater Port; (3) made its positive [Final Investment Decision] [(FID)] with respect to first FLNGV; and (4) issued an unconditional, full [Notice to Proceed] for first FLNGV to the [Engineering, Procurement, Construction, and Installation] [(EPCI)] contractor pursuant to the binding, executed EPCI contract.”<sup>52</sup> Delfin adds that, while it “is confident in its ability to satisfy those conditions within the requested time period, should it fail to do so then the export authorizations would expire at the end of that period.”<sup>53</sup> Delfin maintains that “good cause exists to grant the requested extension of time which is appropriate in the circumstances and because LNG exports by Delfin remain in the public interest, taking fully into consideration current facts.”<sup>54</sup>

#### **A. Physical Commencement of Construction**

To address the “physical construction” prong of the demonstration required by the Policy Statement (*see supra* at 5-6), Delfin asserts that “much of the infrastructure for Delfin’s project has already been constructed and is in existence, namely the large offshore natural gas pipelines that will transport feed gas to the [offshore liquefaction facilities].”<sup>55</sup> Delfin notes that these existing pipelines were “originally constructed to bring offshore production to land but [are] no longer needed for that purpose, avoid[ing] the need to construct new infrastructure.”<sup>56</sup> Delfin adds that it “has invested tens of millions of dollars purchasing, maintaining, and preparing this infrastructure for use as the foundation of its Deepwater Port.”<sup>57</sup>

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<sup>52</sup> Request at 5. As set forth below, Delfin also noted in its Answer that DOE could grant its extension request without any need for conditions or extend the period to satisfy the conditions to 12 or 15 months, considering the intervening MARAD development. *See infra* § IV.D.

<sup>53</sup> Request at 5.

<sup>54</sup> *Id.* at 2.

<sup>55</sup> *Id.* at 4.

<sup>56</sup> *Id.* at 7.

<sup>57</sup> *Id.* at 4.

In addition, Delfin’s Project consists of four separate FLNGVs,<sup>58</sup> which are to be built at an existing shipyard outside the United States.<sup>59</sup> Delfin states that this “shipyard obviously has already been constructed and is fully equipped, staffed and trained to build ships, and to build process and liquefaction modules and integrate them as a complete, fully functioning floating liquefaction plant.”<sup>60</sup>

**B. Extenuating Circumstances Creating Inability to Comply With Export Commencement Deadline**

Turning to the “extenuating circumstances” prong of the demonstration (*see supra* at 5-6), Delfin contends that the lengthy delay in the MARAD permitting process, along with several other factors, created circumstances beyond its control that necessitate the requested extension to begin commercial export operations.<sup>61</sup>

Delfin first highlights several changed circumstances that have affected the Project, along with the trade environment, since DOE issued its non-FTA authorization in 2017. The company changed ownership and management in the summer of 2018.<sup>62</sup> According to Delfin, this ownership change resulted in a different approach to the Project, including a focus “on updating and refining Delfin’s original design to reflect the evolving and maturing FLNGV technology and develop the financing structure and secure binding, long-term commercial agreements.”<sup>63</sup> At first, Delfin aimed to build an FLNGV that would primarily serve China, however, a trade dispute in 2018-2019 put an end to those plans.<sup>64</sup> Then, according to Delfin, the global COVID-19 pandemic disrupted LNG project financing, “and U.S. LNG projects generally ceased to make

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<sup>58</sup> *Id.* at 2.

<sup>59</sup> Request at 4.

<sup>60</sup> *Id.* at 8 (emphasis removed).

<sup>61</sup> *See id.* at 3-4.

<sup>62</sup> *Id.* at 11.

<sup>63</sup> *Id.*

<sup>64</sup> *See id.* at 13.

progress.”<sup>65</sup> Despite the additional challenges, Delfin states that it continued to move forward with necessary studies and investments for its Project.<sup>66</sup>

Delfin states that “LNG markets began to improve by late 2021,” enabling Delfin to attract greater investment in the Project.<sup>67</sup> Noting several key investments obtained between 2022 and 2023,<sup>68</sup> Delfin states that it expected to reach FID on at least one of its FLNGV units by late 2023.<sup>69</sup> Nonetheless, Delfin claims that “the delay in [its] FID from 2023 into 2024 resulted from regulatory delay.”<sup>70</sup>

Noting its unique position as the “only FLNG project that has received non-FTA export authorization from DOE,” Delfin also adds that it is “the only LNG export project with (conditional) approval and a favorable Record of Decision” from MARAD under the DWPA.<sup>71</sup> Delfin explains that MARAD issued a Record of Decision completing its review of Delfin’s offshore Project facilities under the National Environmental Policy Act in March 2017, but has not issued the required DWP license. Delfin claims that it has “diligently” pursued the DWP license since 2022,<sup>72</sup> communicating regularly with MARAD during that time.<sup>73</sup> Delfin states that in June 2023, “on its own initiative and seeking to be proactive in facilitating the review process, [Delfin] submitted to MARAD an additional supplemental environmental analysis prepared by its consultants focused on [greenhouse gas (GHG)] emissions.”<sup>74</sup> Delfin states that it engaged in additional correspondence with MARAD and other agencies through 2023.<sup>75</sup>

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<sup>65</sup> Request at 13-14.

<sup>66</sup> *See id.* at 14-16.

<sup>67</sup> *Id.* at 16.

<sup>68</sup> *See id.* at 16-21.

<sup>69</sup> *See id.* at 21.

<sup>70</sup> *Id.* at 22.

<sup>71</sup> Request at 2.

<sup>72</sup> *Id.* at 22.

<sup>73</sup> *Id.* at 22-24.

<sup>74</sup> *Id.* at 24.

<sup>75</sup> *See id.* at 24-26.

Delfin adds that, on October 4, 2023, FERC granted a four-year commencement extension for Delfin to construct its onshore facilities—to September 28, 2027.<sup>76</sup> Delfin asserts that, despite its efforts to obtain its DWP license from MARAD, “MARAD’s final license issuance process – uniquely applicable to Delfin among all LNG export projects with non-FTA authorization – is clearly outside of Delfin’s control.”<sup>77</sup>

Delfin also describes the remaining construction on the FLNGVs, for which it must “finalize” the necessary contracts.<sup>78</sup> Delfin states that the FLNGVs will be constructed at existing shipyards in South Korea, noting that “[t]here are few shipbuilders in the world with the requisite expertise and experience for this task, and none are located in the United States.”<sup>79</sup> Delfin’s builder allocates construction time parcels (“yard slots”) to its customers, but it could not secure a yard slot by 2024 due to permitting uncertainty.<sup>80</sup> Nonetheless, Delfin states that it can arrange for the completion of its first FLNGV in just under five years.<sup>81</sup>

### **C. Public Interest Considerations**

In addition to its arguments that DOE has good cause to grant its Request, Delfin argues that the requested extension does not alter DOE’s prior public interest determinations in granting Order No. 4028 and related amendments under NGA section 3(a).<sup>82</sup> Indeed, Delfin contends that “all the latest market data continues to show that LNG exports are consistent with the public interest, and Delfin’s requested extension of time in no way alters that central finding.”<sup>83</sup> Delfin also states that “in the unlikely future event that U.S. LNG exports become not economic or not

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<sup>76</sup> *See id.* at 26-27.

<sup>77</sup> Request at 26.

<sup>78</sup> *Id.* at 27.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at 28.

<sup>81</sup> *See id.*

<sup>82</sup> *Id.* at 38.

<sup>83</sup> Request at 42.

in the public interest as a result of changed circumstances, Delfin is the only project with a Non-FTA export authorization that can relocate its project for use elsewhere.”<sup>84</sup>

#### **IV. DOE PROCEEDING**

DOE received two dozen filings in response to its Notice of Request published in the *Federal Register* on March 29, 2024. Following the comment period, Delfin responded with its own filing on May 14, 2024. These filings are summarized below.

##### **A. Comments Supporting the Extension Request**

On various dates in April 2024, DOE received 22 comments in support of Delfin’s Request. The comments urge DOE to grant Delfin’s Request and highlight the uniqueness of the Project’s floating liquefaction design.<sup>85</sup> The comments also assert the strategic importance of Delfin’s Project in ensuring the energy security of U.S. allies.<sup>86</sup> To address the criteria set forth in the Policy Statement, some of the comments specifically contend that the Project has been delayed by a series of circumstances outside its control.<sup>87</sup>

##### **B. Public Citizen’s Motion to Intervene and Protest**

On April 29, 2024, Public Citizen filed a “Motion to Intervene and Protest.”<sup>88</sup> Public Citizen states that it is a national, not-for-profit, non-partisan, research and advocacy organization representing the interests of household consumers.<sup>89</sup> Public Citizen also states that

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<sup>84</sup> Request at 36.

<sup>85</sup> See, e.g., Centrica LNG Company Limited, Comments of Centrica LNG Company Limited in Support of Request of Delfin LNG LLC, at 3 (Apr. 26, 2024) (stating that “Delfin’s project is unique as it is the first floating LNG export project to receive conditional approval from the Maritime Administration for deployment offshore the United States.”).

<sup>86</sup> See, e.g., Senators Bill Cassidy, M.D, and Ted Cruz, Letter in Support, at 1 (Apr. 15, 2024) (stating that “Delfin’s project is also critical to the natural gas needs of our allies.”).

<sup>87</sup> See, e.g., LNG Allies, Marcellus Shale Coalition, and Energy Equipment & Infrastructure Alliance, Letter in Support, at 1 (Apr. 29, 2024) (stating that, “[w]ith respect to ‘extenuating circumstances,’ as noted in its filing, Delfin’s project has been delayed by a series of circumstances outside its control, including the continuing evolution of FLNG technology as well as significant challenges with the MARAD licensing process.”).

<sup>88</sup> See *supra* § I.

<sup>89</sup> Public Citizen Motion at 2.

it frequently intervenes in DOE proceedings involving the export of electricity and natural gas.<sup>90</sup> Referencing the requirements in the Policy Statement, Public Citizen asserts that Delfin’s arguments in support of its Request—“problems with its floating LNG technology; China; the COVID-19 epidemic; and licensing challenges”—are “generic excuses.”<sup>91</sup> In addition, Public Citizen contends that other LNG projects have quickly progressed and are on track to begin exports next year despite facing similar challenges.<sup>92</sup> According to Public Citizen, Delfin’s inability to meet its commencement deadline is primarily due to Delfin’s lack of experience in constructing floating LNG export terminals, financing challenges, and the competing obligations of the owners.<sup>93</sup> Therefore, Public Citizen argues, Delfin has failed to meet the criteria set forth in the Policy Statement and its Request must be denied.<sup>94</sup>

### **C. Environmental Advocates’ Motion to Intervene and Protest**

On April 29, 2024, Environmental Advocates filed a “Motion to Intervene and Protest.”<sup>95</sup> Environmental Advocates are national, nonprofit environmental and conservation organizations that use advocacy to protect the environment.<sup>96</sup> Environmental Advocates state that their interests in Delfin’s Request are based on the impact the proposed commencement extension, and therefore additional LNG exports, would have on their members—particularly those in Louisiana—and their missions.<sup>97</sup>

Environmental Advocates contend Delfin has failed to comply with DOE’s Policy Statement.<sup>98</sup> First, Environmental Advocates assert that Delfin has failed to commence

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<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 1.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.* at 1-2.

<sup>94</sup> *Id.* at 2.

<sup>95</sup> *See supra* § I.

<sup>96</sup> *See* Environmental Advocates Motion at 3, 5.

<sup>97</sup> *See id.* at 3-7.

<sup>98</sup> *Id.* at 8.



construction on its export facility and has not provided a timeline for when construction will begin.<sup>99</sup> Quoting Delfin’s Request, Environmental Advocates note that the FLNGVs that are necessary for the offshore export facility have yet to be built.<sup>100</sup> Environmental Advocates argue the infrastructure Delfin claims has already been constructed—*i.e.*, the large offshore natural gas pipelines that will transport feed gas to the FLNGVs—was “completed prior to the [Project’s] authorization,” and that this does “not demonstrate that [Delfin] has made forward progress in physically constructing the export facility specifically authorized under this license.”<sup>101</sup>

Second, Environmental Advocates argue that Delfin “fails to describe how the listed hurdles – technological refinement, chosen trade partners, MARAD licensing – are in fact extenuating circumstances.”<sup>102</sup> Like Public Citizen, Environmental Advocates contend that “[d]uring this same window of time, other DOE-approved projects have managed to commence construction and start operation.”<sup>103</sup>

Environmental Advocates also assert that Delfin’s request to extend its commencement deadline by five years is unprecedented. In support of this statement, Environmental Advocates provide a list of the six previously approved commencement extension requests with extensions ranging from 1.4 years to 2.8 years.<sup>104</sup>

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<sup>99</sup> *Id.* at 10.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Environmental Advocates Motion at 21.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 9 & n.19 (noting that “DOE has previously approved extension requests for six non-FTA orders: *Golden Pass LNG Terminal LLC*, DOE/FE Order No. 3978-C, Docket No. 12-156-LNG, granting an extension request for 17 months (approximately 1.4 years); *Lake Charles LNG Export Co., LLC*, DOE/FE Order Nos. 3868-A and 4010-A, Docket Nos. 13-04-LNG and 16-109-LNG, granting extension requests for 28.5 months and 17.5 months (approximately 2.3 years and 1.5 years), respectively; *Lake Charles Exports, LLC*, DOE/FE Order Nos. 3324-B and 4011-A, Dockets Nos. 11-59-LNG and 16-110-LNG, granting extension request for 28.5 and 17.5 months (approximately 2.3 and 1.5 years) respectively; and *Cameron LNG, LLC*, DOE/FE Order No. 3846-A, Docket No. 15-90-LNG, granting extension request for 34 months (approximately 2.8 years).”).

Next, Environmental Advocates argue that Delfin’s Request conflicts with MARAD’s decision to deny Delfin’s DWP license.<sup>105</sup> Environmental Advocates note that, should Delfin decide to proceed with seeking a DWP license from MARAD, it must “amend its application and undergo a statutorily-required, interagency and public review.”<sup>106</sup> MARAD’s decision, Environmental Advocates argue, “demonstrates that Delfin’s licensing is far from secure.”<sup>107</sup> Furthermore, they assert that MARAD’s proposed timeline will “make it nearly impossible for Delfin to meet the nine-month licensing deadline” it proposed as a condition of its Request.<sup>108</sup> For that reason alone, Environmental Advocates argue that DOE should deny the Request.<sup>109</sup>

In the remainder of the protest, Environmental Advocates argue that even if Delfin could demonstrate that it satisfies the Policy Statement’s criteria, DOE “must revisit numerous findings underlying its initial public interest determination” when deciding “whether to grant the proposed extension request.”<sup>110</sup> Environmental Advocates contend that new evidence on how LNG exports affect domestic energy prices and supply demonstrates that the extension is not in the public interest.<sup>111</sup> Specifically, Environmental Advocates cite the 2022 explosion at the Freeport LNG facility resulting in a drop in domestic natural gas prices, and conversely, the elevated gas prices in the winters of 2021-2022 and 2022-2023, as evidence that LNG exports are harming US consumers and that Delfin’s Request is therefore inconsistent with the public

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<sup>105</sup> *Id.* at 11.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 12.

<sup>108</sup> Environmental Advocates Motion at 12.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* Environmental Advocates also take issue with Delfin’s initial authorization, DOE’s 2020 Policy Extending Natural Gas Export Authorizations to 2050 (2020 Policy), and DOE’s 2020 National Environmental Policy Act Implementing Procedures Final Rule (NGA Categorical Exclusion). Arguments against Delfin’s initial authorization, DOE’s 2020 policy, and DOE’s NGA Categorical Exclusion fall beyond the scope of this proceeding and are not discussed in this Order. DOE cannot—and will not—use this limited amendment proceeding to revisit prior final orders or policy.

<sup>111</sup> *Id.* at 14.

interest.<sup>112</sup> Environmental Advocates also assert that recent global strategic interest developments, particularly the European Union’s aggressive steps to trim gas consumption, demonstrate that the Request is not in the public interest.<sup>113</sup> Lastly, Environmental Advocates add that “DOE cannot approve the application without taking a hard look at foreseeable environmental impacts occurring throughout the LNG lifecycle.”<sup>114</sup>

#### **D. Delfin’s Answer to Interventions, Comments, and Protests**

In its Answer to the Public Citizen and Environmental Advocates pleadings, Delfin asks DOE to deny Public Citizen’s intervention; concedes that Environmental Advocates have satisfied the standard for intervention; but requests that DOE reject Public Citizen’s and Environmental Advocates’ protests.<sup>115</sup>

First, Delfin argues that Public Citizen’s intervention should be denied because it failed to “establish any particularized interest of Public Citizen in Delfin or its extension Request” and thus did not comply with the requirements of 10 C.F.R. § 590.303.<sup>116</sup>

Next, Delfin rebuts the assertions from Public Citizen and Environmental Advocates that its Request does not comply with the Policy Statement. Regarding the construction criteria, quoting its Request, Delfin contends that it “has invested tens of millions of dollars purchasing, maintaining, and preparing [existing] infrastructure for use as the foundation of its Deepwater Port.”<sup>117</sup> Delfin asserts that Environmental Advocates do not explain why pre-existing facilities cannot satisfy the construction criteria of the Policy Statement and adds that its Project is unique as it “can neither construct its Deepwater Port (with the limited additional construction that will

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<sup>112</sup> *See id.* at 14-18.

<sup>113</sup> *See id.* at 20-22.

<sup>114</sup> Environmental Advocates Motion at 38.

<sup>115</sup> *See Answer* at 2-4.

<sup>116</sup> *Id.* at 3-4.

<sup>117</sup> *Id.* at 8-9.

be added to the existing offshore pipelines) nor rationally commence construction of a multi-billion-dollar FLNGV in an overseas shipyard” absent its final DWP license.<sup>118</sup>

With respect to the extenuating circumstances criterion, Delfin argues that the requirements of the DWP license to comply with the “best technology” and the evolving nature of the FLNGV industry, the trade conflict between the United States and China, the COVID-19 pandemic, and the MARAD licensing process were all factors outside of its control that delayed the Project.<sup>119</sup> Delfin also argues that, contrary to the Environmental Advocates’ suggestion, MARAD’s Letter is no reason to deny its Request.<sup>120</sup> Delfin concedes that the MARAD Letter is an “unfavorable development” which “undoubtedly presents a very significant challenge for [it] to meet the 9-month condition” proposed in the Request.<sup>121</sup> Nonetheless, Delfin indicates that DOE may still grant the Request “*without any need for such a proposed condition*” (emphasis in original).<sup>122</sup> Alternatively, Delfin requests that if DOE finds the timing condition necessary, it consider giving 12 or 15 months for Delfin to satisfy the proposed conditions it set forth voluntarily in its Request, in light of the MARAD Letter.<sup>123</sup>

Finally, Delfin contends that Environmental Advocates’ public interest arguments concerning domestic gas prices and decreased global demand for LNG are unfounded.<sup>124</sup> Delfin asserts that Environmental Advocates ignore the most recent market developments (*e.g.*, the U.S. Energy Information Administration’s 2023 Annual Energy Outlook) to focus on select data points—2021-2022 winter in New England and the 2022 Freeport LNG facility outage—which reveal nothing about the “expected *long-term* impact of LNG exports on domestic prices”

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<sup>118</sup> *See id.*

<sup>119</sup> *Id.* at 7-8.

<sup>120</sup> *See id.* at 10-15.

<sup>121</sup> Answer at 11 and 13.

<sup>122</sup> *Id.* at 14.

<sup>123</sup> *Id.*

<sup>124</sup> *See id.* at 17-24 (§§ V.A – V.B).

(emphasis in original).<sup>125</sup> In addition, according to Delfin, the actions of European buyers disprove Environmental Advocates’ claim that the European market is shifting away from LNG.<sup>126</sup> Notably, as it relates to the Project, Centrica LNG – whose parent company is the largest energy supplier in the United Kingdom—has contracted for 1.0 million tons per annum of LNG from Delfin for a 15-year term, and has called natural gas an essential transition fuel.<sup>127</sup>

## **V. DISCUSSION FOR NON-FTA PORTION OF THE REQUEST**

### **A. Procedural Matters**

Delfin did not oppose Environmental Advocates’ Motion to Intervene, and therefore it is deemed granted by operation of law.<sup>128</sup>

Delfin opposes Public Citizen’s Motion to Intervene. Delfin argues that Public Citizen offered only general statements that failed to establish Public Citizen’s particularized interest in Delfin or its extension Request. Therefore, Delfin contends, Public Citizen’s motion does not satisfy DOE’s requirements in 10 C.F.R. § 590.303.

On review, based on the evidence presented in this proceeding, we find that the interests of Public Citizen and its members could be affected. Delfin was afforded an opportunity to respond to the motion of Public Citizen pursuant to 10 C.F.R. § 590.304(f), and it did so. Accordingly, we grant Public Citizen’s motion to intervene in this proceeding.

### **B. Grant of Requested Commencement Extension**

#### **1. Two-Part Demonstration Required by Policy Statement**

Under the first part of the demonstration required for the requested extension, we find that Delfin has provided adequate evidence to demonstrate that it has “physically commenced

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<sup>125</sup> *Id.* at 18-20.

<sup>126</sup> *Id.* at 23.

<sup>127</sup> Answer at 23-24.

<sup>128</sup> *See supra* at 7; *see also* Answer at 3.

construction on the associated export facility.” Delfin has explained, and we agree, its Project is unique. At the time the Request was filed, it was the *only* FLNG project with a non-FTA authorization. As a FLNGV “much of its export facility – the offshore feed gas pipelines – have [*sic*] already been constructed.”<sup>129</sup> Delfin notes that it “has committed significant resources on these pipelines, for instance to acquire the former- [U-T Offshore System (UTOS)] pipeline (with associated liabilities) and to maintain it in active service in compliance with U.S. Department of Transportation pipeline safety regulations.”<sup>130</sup> Thus, while it is uncontested that the FLNGVs, from which the exports will take place, have not been constructed and are not now under construction, the connecting onshore infrastructure is the foundation of its Deepwater Port and a prerequisite to the operation of the FLNGVs.<sup>131</sup> As the infrastructure has already been built, and is being prepared to allow it to supply feed gas to the FLNGVs, Delfin has commenced construction for purposes of the Policy Statement.

Under the second part of the demonstration, we find that Delfin has established that it could not comply with its existing export commencement deadline (June 1, 2024) due to extenuating circumstances outside of its control. First, in April 2024, MARAD declined to issue the DWP license that would allow Delfin to operate its FLNGV units. It therefore would have been virtually impossible for Delfin to correct the problems MARAD identified, amend its application, and obtain the required DWP license in time to begin exports by June 1, 2024, even if the facilities were already constructed and operational. Most importantly, however, Delfin requires a specialized builder for its FLNGV facility, and the builder was not able to begin construction. As discussed earlier, Delfin had planned at first to work with a Chinese

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<sup>129</sup> Request at 34.

<sup>130</sup> *Id.*

<sup>131</sup> *See id.* at 4 (“Delfin has invested tens of millions of dollars purchasing, maintaining, and preparing this infrastructure for use as the foundation of its Deepwater Port”).

manufacturer, but those plans were upended by the 2018-2019 trade dispute between the U.S. and China.<sup>132</sup> Although Delfin began working with Korean shipbuilder SHI in 2019, it could not obtain a space on SHI’s construction schedule due to uncertainties over the timing of its financing while it pursued its final DWP license issuance.<sup>133</sup> Delfin was essentially at the mercy of the shipbuilder, and the construction schedule was not within its control. Notwithstanding the challenges it has faced, Delfin states that it can arrange for the completion of its first FLNGV in just under five years.<sup>134</sup>

We also note that DOE implemented the Policy Statement to “encourage authorization holders to develop their export facilities in a timely manner, without excessive delays.”<sup>135</sup> The substantial body of evidence presented by Delfin demonstrates that Delfin is continuing to do all it can—within its control—to complete the Project and commence export operations, consistent with DOE’s objective.

Finally, although Delfin originally requested a conditional extension to ensure consistency with the Policy Statement,<sup>136</sup> we considered and have found that Delfin satisfies the two-part demonstration of the Policy Statement *without* taking into account the conditions it voluntarily proffered.

## **2. FERC Extension Order**

On October 4, 2023, FERC granted its own extension of time for Delfin to place in-service the limited FERC-jurisdictional onshore components of the Project.<sup>137</sup> The extension was for four years, postponing the deadline to September 28, 2027. In its order, FERC

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<sup>132</sup> *See id.* at 13.

<sup>133</sup> *See id.* at 27-28.

<sup>134</sup> *See id.*

<sup>135</sup> Commencement Extension Policy Statement, 88 Fed. Reg. at 25,278.

<sup>136</sup> *See supra* § III.

<sup>137</sup> FERC Extension Order, 185 FERC ¶ 61,009, *supra* note 26.

determined that Delfin’s progress toward commercialization and continued efforts to develop the Project demonstrated good cause for an extension.<sup>138</sup> Similarly, as noted above, we find that Delfin has demonstrated that it is continuing to do all it can to complete the Project. Thus, we find that the FERC Extension Order supports Delfin’s Request.

### 3. Length of Commencement Extension

As set forth in the Policy Statement, DOE “will consider extending an export commencement deadline only for such time as DOE deems necessary for the authorization holder to commence exports, based on the extenuating circumstances identified in the application.”<sup>139</sup> Here, Delfin asks DOE to extend its export commencement deadline by “five years, to June 1, 2029, consistent with the timeline under its EPCI contract.”<sup>140</sup> As June 1, 2024 has already passed, the extension will be for fewer than five years. At the time it filed its Request, Delfin had “negotiated and agreed upon major terms of a near-ready-for-execution [EPCI] Agreement . . . for a new-build FLNGV,”<sup>141</sup> but had not yet executed the contract. However, Delfin expects that “the FLNGV will be completed, under the EPCI Agreement . . . at the shipyard” by roughly late 2028.<sup>142</sup> Delfin also claims that “[t]he timing under the EPCI Agreement will enable Delfin to commence first export of LNG in early 2029 (but not before).”<sup>143</sup> Given Delfin’s stated expectations, an extension to June 1, 2029 would be “consistent” with the EPCI contract.

DOE finds that Delfin’s requested commencement deadline extension to June 1, 2029, is

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<sup>138</sup> *Id.* at P 12 (“Delfin’s continued efforts to enter into commercial agreements and finalization of the design of the deepwater port are sufficient evidence of continued commitment to proceeding with the project and demonstrate good cause for granting the requested extension of time to construct the Onshore Project and place it into service.”).

<sup>139</sup> Commencement Extension Policy Statement, 88 Fed. Reg. at 25,278.

<sup>140</sup> Request at 32.

<sup>141</sup> *Id.* at 4.

<sup>142</sup> *Id.* at 28.

<sup>143</sup> *Id.*



a necessary and reasonable period of time based on the evidence presented.

#### **4. Other Considerations**

DOE agrees with Delfin that extending the deadline to commence non-FTA exports from the Terminal does not alter DOE's public interest determination in granting Order No. 4028, as amended, under NGA section 3(a).<sup>144</sup> In particular, Delfin's non-FTA authorization is not affected by the requested extension beyond the additional time period for Delfin to commence export operations.

Delfin contends that under the export studies in use when Delfin filed its Request, and according to current economic and market information, an extension of its commencement deadline would remain in the public interest.<sup>145</sup> Five weeks before Delfin filed its Request, DOE had announced that it would be updating its export studies. Delfin "recognize[d] that [DOE was] undertaking a new analysis of the macro-economic impacts of LNG exports as well as related GHG issues," but also contends that "the new studies [are] not applicable to this request for an extension for export volumes *already authorized by DOE.*"<sup>146</sup> As Delfin is requesting additional time for construction and operation of the facilities from which it plans to export LNG, without seeking additional volume authorization, DOE agrees that the studies before the update are the appropriate frame of reference. Specifically, based on the evidence presented, we find that the requested extension supports the benefits previously identified by DOE in granting Order No. 4028, and that there has been no showing that the extension is inconsistent with the public interest.

## **VI. CONCLUSION**

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<sup>144</sup> *See id.* at 37.

<sup>145</sup> *See id.* at 37-43.

<sup>146</sup> Request at 43 (emphasis in original).

DOE has reviewed the evidence in the record and finds that Delfin has demonstrated good cause for the requested extension to the export commencement deadline in its non-FTA order (Order No. 4028, as amended), consistent with both NGA section 3(a) and the Commencement Extension Policy Statement. Accordingly, DOE grants the non-FTA portion of the Request. Delfin now has until June 1, 2029, to commence commercial exports from the Project to non-FTA countries.

DOE also grants the FTA portion of the Request under NGA section 3(c), as set forth in the Introduction.<sup>147</sup>

### **ORDER**

Pursuant to section 3 of the Natural Gas Act, DOE hereby orders that:

A. **DOE/FE Order No. 3393 (Docket No. 13-129-LNG, FTA Authorization).**

Ordering Paragraph A of DOE/FE Order No. 3393, as amended most recently by Order No. 3393-B, is amended to state in full:

Delfin LNG LLC (Delfin) is authorized to export domestically produced LNG by vessel from the proposed floating Liquefaction Project to be located in West Cameron Blocks 167, 319, 327, 328, 334, and 335 of the Gulf of America.<sup>148</sup> The volume authorized in this Order is up to the equivalent of 657.5 Bcf/yr of natural gas for a term beginning on the date of first export and extending through December 31, 2050. Delfin is authorized to export this LNG on its

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<sup>147</sup> See *supra* § I.

<sup>148</sup> See EO 14172, *supra* note 7.

own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.<sup>149</sup>

B. **DOE/FE Order No. 4028 (Docket No. 13-147-LNG, Non-FTA Authorization).**

Ordering Paragraph D of DOE/FE Order No. 4028 is amended to state in full:

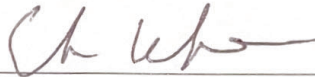
Delfin must commence export operations using the planned liquefaction facilities no later than June 1, 2029.

C. All other obligations, rights, and responsibilities established by DOE/FE Order Nos. 3393 and 4028, both as amended, remain in effect.

D. Public Citizen's motion to intervene is granted.

E. Environmental Advocates' motion to intervene is deemed granted by operation of law.<sup>150</sup>

Issued in Houston, Texas, on March 10, 2025.



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Chris Wright  
U.S. Secretary of Energy

<sup>149</sup> 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).

<sup>150</sup> 10 C.F.R. § 590.303(g).