

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

_____)
VENTURE GLOBAL CP2 LNG, LLC)
_____)

DOCKET NO. 21-131-LNG

ORDER CONDITIONALLY GRANTING LONG-TERM AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS
TO NON-FREE TRADE AGREEMENT NATIONS

DOE/FECM ORDER NO. 5264

MARCH 19, 2025

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FREQUENTLY USED ACRONYMS

AEO	Annual Energy Outlook
Bcf/d	Billion Cubic Feet per Day
Bcf/yr	Billion Cubic Feet per Year
DOE	U.S. Department of Energy
EIA	U.S. Energy Information Administration
EIS	Environmental Impact Statement
FE	Office of Fossil Energy (prior to July 4, 2021)
FECM	Office of Fossil Energy and Carbon Management
FERC	Federal Energy Regulatory Commission
FTA	Free Trade Agreement
IECA	Industrial Energy Consumers of America
LNG	Liquefied Natural Gas
mtpa	Million Metric Tons per Annum
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
NRDC	Natural Resources Defense Council
Tcf	Trillion Cubic Feet

I. INTRODUCTION AND BACKGROUND

A. Application Proceeding

On December 2, 2021, Venture Global CP2 LNG, LLC (CP2 LNG) filed an application (Application)¹ with the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM)² under section 3 of the Natural Gas Act (NGA).³ CP2 LNG supplemented the Application on December 17, 2021 (Supplement).⁴

CP2 LNG requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 1,446 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (3.96 Bcf per day (Bcf/d)), or approximately 28 million metric tons per annum (mtpa) of LNG.⁵ CP2 LNG seeks to export this LNG by vessel from the proposed CP2 LNG Project (Project), to be located on the east side of the Calcasieu Ship Channel, and the nearby Monkey Island, in Cameron Parish, Louisiana.⁶

CP2 LNG seeks to export the LNG to: (i) any country with which the United States has

¹ Venture Global CP2 LNG, LLC, Application for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations, Docket No. 21-131-LNG (Dec. 2, 2021) [hereinafter CP2 LNG App.].

² The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management (FECM) on July 4, 2021.

³ 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including liquefied natural gas, 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.

⁴ Venture Global CP2 LNG, LLC, Supplement to Application, Docket No. 21-131-LNG (Dec. 17, 2021) [hereinafter CP2 LNG Supp. to App.].

⁵ CP2 LNG App. at 2.

⁶ *Id.* at 1. On June 27, 2024, the Federal Energy Regulatory Commission (FERC) authorized the siting, construction, and operation of the CP2 LNG Project with a peak liquefaction capacity of up to 1,446 Bcf/yr of natural gas. See *Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC, Order Granting Authorizations Under Section 3 and 7 of the Natural Gas Act*, Docket Nos. CP22-21-000, *et al.*, 187 FERC ¶ 61,199 (June 27, 2024) [hereinafter FERC Order]. On July 16, 2024, the U.S. Court of Appeals for the District of Columbia Circuit remanded the FERC Order without vacatur for further proceedings. See *Healthy Gulf v. Fed. Energy Regul. Comm'n*, 107 F.4th 1033 (D.C. Cir. 2024). To address issues raised by the Court, FERC prepared a supplemental environmental impact statement (SEIS) for the Project under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, and provided notice of the draft SEIS on February 13, 2025. See *Venture Global CP2 LNG, LLC, et al.*, Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Proposed CP2 LNG, LLC and CP Express Pipeline Project, 90 Fed. Reg. 9,539 (Feb. 13, 2025). FERC has stated that it will issue a final order no later than July 24, 2025.

entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), under NGA section 3(c);⁷ and (ii) any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), under NGA section 3(a).⁸ On April 22, 2022, in Order No. 4812, DOE granted the FTA portion of the Application in the requested volume of 1,446 Bcf/yr of natural gas for a term through December 31, 2050.⁹

CP2 LNG requests the non-FTA authorization for a term commencing on the earlier of the date of first export from the Project or seven years from the issuance of the requested authorization and extending through December 31, 2050.¹⁰ Additionally, CP2 LNG requests the authorization on its own behalf and as agent for other entities that hold title to the LNG at the point of export.¹¹

DOE published a notice of the non-FTA portion of the Application, as supplemented, in the *Federal Register* (Notice of Application) on January 10, 2022.¹² The Notice of Application called on interested persons to submit protests, motions to intervene, notices of intervention, and comments by March 11, 2022.¹³ In response to the Notice of Application, DOE received the

⁷ 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.

⁸ *Id.* § 717b(a); see CP2 LNG App. at 2, 13.

⁹ *Venture Global CP2 LNG, LLC*, DOE/FECM Order No. 4812, Docket No. 21-131-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations (Apr. 22, 2022).

¹⁰ CP2 LNG App. at 12. 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 Term Extension Policy Statement]. Additionally, DOE notes that, 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).

¹¹ *Id.* at 2, 13.

¹² U.S. Dep't of Energy, *Venture Global CP2 LNG, LLC*; Application for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, Notice of Application, 87 Fed. Reg. 1,133 (Jan. 10, 2022) [hereinafter Notice of App.].

¹³ 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).

following timely-filed documents:

- (i) A “Motion to Intervene” filed by Public Citizen, Inc. (Public Citizen);¹⁴
- (ii) A “Notice of Intervention, Protest, and Comment” opposing the Application filed by Industrial Energy Consumers of America (IECA);¹⁵
- (iii) A “Motion to Intervene and Protest” opposing the Application filed by Natural Resources Defense Council (NRDC);¹⁶
- (iv) A “Motion to Intervene and Protest” opposing the Application filed by Sierra Club;¹⁷
- (v) Two comments, submitted by Caleb Merendino and C. Russell Twist, respectively, opposing the Application;¹⁸
- (vi) One comment submitted by the Institute for Policy Integrity at New York University School of Law (Policy Integrity) that addresses the Application but takes no position;¹⁹ and
- (vii) One comment that is non-responsive.²⁰

On March 28, 2022, CP2 LNG submitted an “Answer to Interventions and Protests.”²¹

Additionally, since the close of the comment period on March 11, 2022, DOE has received (through various channels) thousands of comments addressing the Application, which DOE has compiled and docketed to the best of its ability. These late-filed comments, some filed as recently as December 2024, include eight unique comments filed by individuals or

¹⁴ Public Citizen, Inc., Motion to Intervene, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter Public Citizen Mot.].

¹⁵ Industrial Energy Consumers of America, Notice of Intervention, Protest and Comment, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter IECA Pleading]. Under DOE’s regulations, only a state commission may file a notice of intervention. *See* 10 C.F.R. §§ 590.303(a), (b), 590.102(q). Therefore, DOE construes this portion of IECA’s filing as a motion to intervene under 10 C.F.R. § 590.303(b).

¹⁶ Natural Resources Defense Council, Motion to Intervene and Protest, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter NRDC Pleading].

¹⁷ Sierra Club, Motion to Intervene and Protest, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter Sierra Club Pleading].

¹⁸ Comment of Caleb Merendino, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter Merendino Comment]; Comment of C. Russell Twist, Docket No. 21-131-LNG (Feb. 11, 2022) [hereinafter Twist Comment].

¹⁹ Comment of the Institute for Policy Integrity at New York University School of Law, Docket No. 21-131-LNG (Mar. 11, 2022) [hereinafter Policy Integrity Comment].

²⁰ Comment of Anonymous (Mar. 10, 2022).

²¹ Venture Global CP2 LNG, LLC, Answer to Interventions and Protests, Docket No. 21-131-LNG (Mar. 28, 2022) [hereinafter CP2 LNG Answer].

organizations and more than 30,000 late-filed comments that are largely form letters signed by various individuals.²² All of these late-filed comments oppose the Application.

B. Ongoing 2024 LNG Export Study Proceeding

Economic and environmental analyses have long been an important component of DOE's public interest determinations for applications to export LNG to non-FTA countries under NGA section 3(a).²³ On December 20, 2024, DOE published in the *Federal Register* a notice of availability (Notice of Availability)²⁴ of its most recent study evaluating exports of domestically produced LNG from the lower-48 states, entitled *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports* (2024 LNG Export Study or 2024 Study).²⁵ The 2024 Study, comprised of a summary report and four appendices, updates "DOE's understanding of the potential effects of [LNG] exports on the domestic economy; U.S. households and consumers; communities that live near locations where natural gas is produced or exported; domestic and international energy security, including effects of U.S. trading partners; and the environment and climate."²⁶

DOE originally invited public comment on the 2024 Study for a period of 60 days, ending no later than 4:30 p.m., Eastern time, on February 18, 2025.²⁷ However, on January 21,

²² See *infra* § V.B.2 (providing additional details about the late-filed comments).

²³ See, e.g., *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017) [*Sierra Club I*] (denying petition for review of DOE's LNG export authorization issued based in part on economic and environmental studies); *Commonwealth LNG, LLC*, Notice Dismissing Request for Rehearing, Docket No. 19-134-LNG, at 4-7 (Mar. 27, 2024) (discussing DOE's economic and environmental studies); *Sierra Club, et al.*, Order Denying Petition for Rulemaking on Exports of Liquefied Natural Gas, at 12-15 (July 18, 2023) [hereinafter Order Denying Petition].

²⁴ See U.S. Dep't of Energy, 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports; Notice of Availability and Request for Comments, 89 Fed. Reg. 104,132 (Dec. 20, 2024), <https://www.govinfo.gov/content/pkg/FR-2024-12-20/pdf/2024-30370.pdf> [hereinafter 2024 LNG Export Study Notice of Availability].

²⁵ The 2024 LNG Export Study and related documents are available on the 2024 Study webpage, <https://fossil.energy.gov/app/docketindex/docket/index/30>.

²⁶ 2024 LNG Export Study Notice of Availability, 89 Fed. Reg. at 104,132.

²⁷ See *id.*

2025, DOE announced on the 2024 Study webpage that DOE had extended the public comment period by an additional 30 days—to March 20, 2025, at 4:30 pm Eastern time.²⁸ On February 5, 2025, DOE also provided notice of this extension of the public comment period in the *Federal Register*.²⁹

In the Notice of Availability, DOE stated that it intends to use the 2024 Study to “inform its public interest review of, and ultimately decisions in, certain [non-FTA] export applications,” including this CP2 LNG proceeding and 13 other listed non-FTA proceedings, as well as in future non-FTA proceedings.³⁰ Additionally, DOE stated that “[p]ersons with an interest in the outcome of one or more of the affected dockets have been given an opportunity to intervene in or protest those matters by complying with the procedures established in the notice of application issued in each respective docket and published in the *Federal Register*.”³¹

Thus, DOE’s final decision on CP2 LNG’s Application will be informed by the 2024 Study and the public comments received in response, consistent with DOE’s long-standing practice.³² This Order, however, does not rely on the 2024 Study in light of the ongoing public comment period, as discussed in Section D below.

C. Executive Order Issued on January 20, 2025

On January 20, 2025, the President issued an Executive Order entitled *Unleashing American Energy* (Executive Order).³³ The Executive Order states that, to protect America’s

²⁸ See 2024 Study Webpage, <https://fossil.energy.gov/app/docketindex/docket/index/30>.

²⁹ U.S. Dept’ of Energy, 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports; Extension of Comment Period, 90 Fed. Reg. 9018 (Feb. 5, 2025), <https://www.govinfo.gov/app/details/FR-2025-02-05/2025-02238>.

³⁰ 2024 LNG Export Study Notice of Availability, 89 Fed. Reg. at 104,132.

³¹ *Id.* at 104,136.

³² See, e.g., U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251, 67,272-73 (Dec. 28, 2018).

³³ Exec. Order No. 14,154 of January 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf> [hereinafter Exec. Order].

national security, “the Secretary of Energy is directed to restart reviews of applications for approvals of [LNG] export projects as expeditiously as possible, consistent with applicable law.”³⁴ The Executive Order further states that, “[i]n assessing the ‘Public Interest’ to be advanced by any particular application, the Secretary of Energy shall consider the economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting the application.”³⁵

D. Conditional Authorization

DOE has reviewed the non-FTA portion of the Application, the most recent projections of the U.S. Energy Information Administration (EIA), the motions to intervene and/or protest the Application, the various comments received, CP2 LNG’s Answer, and other evidence discussed below.

First, for the reasons discussed in Section VI.A, DOE grants the motions to intervene and dismisses the late-filed comments. Next, based on a review of the record available at this time, DOE concludes that the opponents of the Application have not demonstrated that the requested authorization would be inconsistent with the public interest under NGA section 3(a). DOE finds that CP2 LNG’s non-FTA exports are likely to yield economic benefits to the United States, diversify global LNG supplies, and improve energy security for U.S. allies and trading partners over the course of the export term. DOE further finds that granting the requested authorization is unlikely to adversely affect the availability of natural gas supplies to domestic consumers or result in natural gas price increases and increased price volatility to the extent that they would negate the economic benefits to the United States.

³⁴ *Id.* § 8(a), 90 Fed. Reg. at 8357. Because DOE has jurisdiction to regulate exports of LNG under NGA section 3(a) (not approvals of export projects, which are under FERC’s jurisdiction), DOE interprets the Executive Order as directing DOE to review non-FTA export applications “as expeditiously as possible.”

³⁵ *Id.*

While satisfying the directive in the Executive Order to review non-FTA export applications “as expeditiously as possible,”³⁶ we acknowledge the importance of completing the ongoing 2024 LNG Export Study proceeding so that DOE’s decision-making may benefit from the 2024 Study and the public comments received on the Study. In addition, prior to issuing a final order DOE must comply with NEPA.³⁷ Accordingly, we have determined that it is appropriate to conditionally grant the non-FTA portion of CP2 LNG’s Application, pursuant to NGA section 3(a) and 10 C.F.R. § 590.402.³⁸

In sum, this Order makes preliminary findings and indicates DOE’s conditional determination at this time on the Application, based on the present record in this proceeding. This Order thus brings DOE’s cumulative total of approved non-FTA exports of LNG from the lower-48 states to 50.84 Bcf/d of natural gas (across 39 final orders, one previously authorized conditional Order, and this conditional Order).³⁹ All parties are advised, however, that the issues addressed herein regarding the export of natural gas will be reexamined in a final order as informed by the 2024 LNG Export Study proceeding, as well as any additional issues or considerations examined in compliance with DOE’s obligations under NGA section 3(a) and

³⁶ See *supra* note 34.

³⁷ 42 U.S.C. § 4321 *et seq.*

³⁸ DOE’s regulation on “Conditional orders” states that DOE “may issue a conditional order at any time during a proceeding prior to issuance of a final opinion and order.” 10 C.F.R. § 590.402. Further, “the conditional order shall include the basis for not issuing a final opinion and order at that time and a statement of findings and conclusions.” *Id.* Insofar as DOE’s existing Procedures for Liquefied Natural Gas Decisions “suspend [DOE’s] practice of issuing conditional decisions on applications to export LNG to non-FTA countries from the lower-48 states” (79 Fed. Reg. 48,132, 48,135 (Aug. 15, 2014)), we find that the Executive Order’s direction to act on these applications as expeditiously as possible warrants granting this Order on a conditional basis, as authorized by 10 C.F.R. § 590.402.

³⁹ Final non-FTA orders that were vacated or that expired are not included in this total volume. See *infra* § VI.E (identifying long-term orders vacated and expired to date). Additionally, DOE has issued one final long-term order authorizing exports of LNG produced from sources from a proposed facility to be constructed in Alaska to non-FTA countries. See *Alaska LNG Project LLC*, DOE/FE Order No. 3643-A, Docket No. 14-96-LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Aug. 20, 2020) (as subsequently amended in DOE/FECM Order No. 3643-C). The Alaska volume is not included in the volumes discussed herein, which involve the export of LNG produced from the lower-48 states. Because there is no natural gas pipeline interconnection between Alaska and the lower-48 states, DOE generally views those LNG export markets as distinct.

NEPA. Accordingly, CP2 LNG may not commence export operations to non-FTA countries under this Order alone, unless and until it receives a final order from DOE under NGA section 3(a).⁴⁰

II. PUBLIC INTEREST STANDARD

Section 3(a) of the NGA sets forth the standard of review for the non-FTA portion of the Application:

[N]o person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the [Secretary of Energy⁴¹] authorizing it to do so. The [Secretary] shall issue such order upon application, unless after opportunity for hearing, [the Secretary] finds that the proposed exportation or importation will not be consistent with the public interest. The [Secretary] may by [the Secretary's] order grant such application, in whole or in part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.⁴²

DOE, as affirmed by the U.S. Court of Appeals for the District of Columbia Circuit, has consistently interpreted NGA section 3(a) as creating a rebuttable presumption that a proposed export of natural gas is in the public interest.⁴³ Accordingly, DOE will conduct an informal adjudication and grant a non-FTA application unless DOE finds that the proposed exportation will not be consistent with the public interest.⁴⁴

⁴⁰ 15 U.S.C. § 717b(a); *see also* 10 C.F.R. § 590.404 (“Final opinions and orders”); *infra* § VIII.B (Term and Condition B). We note that CP2 LNG has not yet made a final investment decision on the proposed Project, and the Project is not currently under construction. *See, e.g.*, Venture Global CP2 LNG, LLC, Semi-Annual Report, Docket No. 21-131-LNG, at 2 (Oct. 1, 2024), <https://www.energy.gov/sites/default/files/2024-10/VG%20CP2%20October%202024%20DOE%20Progress%20Report%20Draft%20%28final%29.pdf>.

⁴¹ The Secretary’s authority was established by section 301(b) of the Department of Energy Organization Act, 42 U.S.C. § 7151(b), which transferred jurisdiction over import and export authorizations from the Federal Power Commission to the Secretary of Energy; *see also id.* § 7172(f) (section 402(f)).

⁴² 15 U.S.C. § 717b(a).

⁴³ *See Sierra Club I*, 867 F.3d at 203 (“We have construed [NGA section 3(a)] as containing a ‘general presumption favoring [export] authorization.’”) (quoting *W. Va. Pub. Serv. Comm’n v. U.S. Dep’t of Energy*, 681 F.2d 847, 856 (D.C. Cir. 1982)).

⁴⁴ *See id.* (“there must be ‘an affirmative showing of inconsistency with the public interest’ to deny the application”

NGA section 3(a) does not define “public interest” or identify criteria that must be considered in evaluating the public interest. In evaluating an export application under this standard, DOE applies the principles described in DOE’s 1984 Policy Guidelines⁴⁵ and other matters found to be appropriate to make a determination of the public interest, such as the domestic need for the natural gas to be exported. While the Policy Guidelines explicitly discuss only natural gas imports, in 1999 DOE held in Order No. 1473 that the same Policy Guidelines should be applied to natural gas export applications.⁴⁶

Specifically, DOE’s review focuses on: (i) the domestic need for the LNG proposed to be exported, (ii) whether the proposed exports pose a threat to the security of domestic natural gas supplies, (iii) whether the arrangement is consistent with DOE’s policy of promoting market competition, and (iv) any other factors bearing on the public interest as determined by DOE—which, to date, have included a variety of economic, international, and environmental considerations.⁴⁷ To conduct this review, DOE looks to record evidence developed in the application proceeding.⁴⁸ Before reaching a final decision, DOE must also comply with NEPA.⁴⁹

under NGA section 3(a)) (quoting *Panhandle Producers & Royalty Owners Ass’n v. Econ. Regul. Admin.*, 822 F.2d 1105, 1111 (D.C. Cir. 1987)). As of August 24, 2018, qualifying small-scale exports of natural gas to non-FTA countries are deemed to be consistent with the public interest under NGA section 3(a). *See* 10 C.F.R. §§ 590.102(p), 590.208(a).

⁴⁵ U.S. Dep’t of Energy, New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) [hereinafter 1984 Policy Guidelines].

⁴⁶ *Phillips Alaska Natural Gas Corp., et al.*, DOE/FE Order No. 1473, Docket No. 96-99-LNG, Order Extending Authorization to Export Liquefied Natural Gas from Alaska (Apr. 2, 1999), at 14 (citing *Yukon Pac. Corp.*, DOE/FE Order No. 350, Order Granting Authorization to Export Liquefied Natural Gas From Alaska, 1 FE ¶ 70,259, at p. 71,128 (1989)).

⁴⁷ *See, e.g.*, Order Denying Petition at 12.

⁴⁸ *See id.*

⁴⁹ *See supra* § I.

III. DESCRIPTION OF REQUEST

As relevant here, CP2 LNG is requesting long-term, multi-contract authorization to export LNG in a volume equivalent to 1,446 Bcf/yr of natural gas from the CP2 LNG Project to non-FTA countries.⁵⁰ Additional information is set forth below.

A. Description of Applicant

CP2 LNG is a Delaware limited liability company with its principal place of business in Arlington, Virginia. CP2 LNG states that it is a wholly-owned, direct subsidiary of Venture Global LNG, Inc. (Venture Global), a privately held Delaware corporation with the same principal place of business as CP2 LNG.⁵¹ The CP2 LNG Project is the third LNG export project developed by Venture Global.⁵² The Venture Global Calcasieu Pass Project is currently operating in Cameron Parish, Louisiana,⁵³ and the Venture Global Plaquemines LNG Project in Plaquemines Parish, Louisiana, has begun exporting commissioning cargoes in advance of beginning commercial operations.⁵⁴

At the time the Application was filed, 63.54% of the common equity in Venture Global was owned by Venture Global Partners, LLC (VG Partners), which in turn was 50% owned and controlled by each of Robert B. Pender and Michael A. Sabel (Principals).⁵⁵ The remaining 36.46% of the common equity in Venture Global was collectively owned by various institutional investors, with no single institutional investor holding 10% or more.⁵⁶

⁵⁰ CP2 LNG App. at 2, 13; *see also supra* § I.

⁵¹ *Id.* at 3-4.

⁵² *See* CP2 LNG App. at 6.

⁵³ *See id.* at 4-5 & n.8; *see also* Docket Nos. 13-69-LNG, 14-88-LNG, and 15-25-LNG (DOE docket proceedings for Calcasieu Pass).

⁵⁴ *See* CP2 LNG App. at 5-6 & n.11; *see also* Docket No. 16-28-LNG (DOE docket proceeding for Plaquemines LNG).

⁵⁵ CP2 LNG App. at 4.

⁵⁶ *Id.*

Pursuant to a series of reorganization transactions effective as of September 25, 2023 (Transactions), Venture Global became a wholly-owned subsidiary of a new Delaware corporation named Venture Global Holdings, Inc. (VG Holdings), which has the same principal place of business as Venture Global.⁵⁷ The Principals currently own approximately 83.79% of the common equity and voting power of VG Holdings, resulting in an increase in their ownership share of Venture Global and CP2 LNG.⁵⁸ Additionally, the Principals now hold their ownership interest in an entity named Venture Global Partners II, LLC, which is a Delaware limited liability company with the same principal place of business as Venture Global.⁵⁹

Following the Transactions, the institutional investors now own a total of 16.21% of the common equity in VG Holdings, with funds managed and/or controlled by Pacific Investment Management LLC (PIMCO) owning 15.10%, and other passive institutional investors together owning the remaining 1.11%.⁶⁰

B. Proposed CP2 LNG Project

CP2 LNG states that the Project will involve construction of the CP2 LNG Terminal, a proposed liquefaction and LNG export terminal to be located on an approximately 737.3-acre site in Cameron Parish, Louisiana.⁶¹ Specifically, the Project will be located immediately adjacent to the Calcasieu Pass LNG Project, on the east side of the Calcasieu Ship Channel, as well as on nearby Monkey Island, which separates the Calcasieu Ship Channel and Calcasieu

⁵⁷ CP2 LNG provided notice of this change in control to DOE, in compliance with DOE's Change in Control Procedures. 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. 65,541,65,542 (Nov. 5, 2014); see also U.S. Dep't of Energy, Response to Notification of Change in Ownership Structure, Docket Nos. 21-131-LNG, *et.al.* (May 24, 2024) [hereinafter DOE Response to Change of Control].

⁵⁸ DOE Response to Change of Control at 4.

⁵⁹ *Id.*

⁶⁰ *Id.* at 4-5.

⁶¹ CP2 LNG App. at 7-8.

Pass.⁶² CP2 LNG states that the Terminal Facilities will consist of the mainland-based Terminal site (totaling approximately 600.2 acres), marine facilities on Monkey Island (approximately 122.2 acres), and LNG transfer lines and associated utilities (approximately 14.9 acres).⁶³

CP2 LNG states that it has contractually secured the land required for construction and operation of the Project through agreements with landowners.⁶⁴ In the Supplement to the Application, CP2 LNG provides six lease or lease option agreements, which it states relate to its “direct or indirect exclusive right to lease, or exclusive agreement for an option to lease ... a total of 1,069.5 acres for the terminal site and adjacent areas required for the construction and operation of the CP2 LNG Project.”⁶⁵

CP2 LNG states that the Project design will follow the approach pioneered by Venture Global with its Calcasieu Pass and Plaquemines LNG projects. The CP2 LNG Project will consist of two phases with a peak achievable liquefaction and export capacity of up to 28 mtpa of LNG, or approximately 1,446 Bcf/yr of natural gas, under optimal operating conditions.⁶⁶ In total for both Phase 1 and Phase 2, the Project will consist of:

- 18 integrated single mixed refrigerant LNG blocks;
- Four 200,000 cubic meter (m³) above-ground full-containment LNG storage tanks;
- Natural gas pre-treatment systems;
- Two marine loading berths designed to accommodate ocean-going LNG carriers; and

⁶² See *id.* at 8. CP2 LNG provides maps showing the location of the Project and the site plan showing the major Project components as Appendix C to the Application.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ CP2 LNG Supp. to App. at 1 (stating that, prior to construction, each agreement either will be assigned to CP2 LNG by the relevant affiliate or the relevant affiliate will grant CP2 LNG a license to access the property during the period of construction).

⁶⁶ See CP2 LNG App. at 8.

- On-site electric power generation of up to 1,440 megawatts of collective generating capacity.⁶⁷

CP2 LNG states that, although it plans to commence construction of Phase 1 of the Project first (with Phase 2 to be constructed subject to sufficient market demand), it is requesting to export the total volume of Phase 1 and 2 under optimal design conditions.⁶⁸

Additionally, CP2 LNG states that it will “add facilities at the Terminal to capture and sequester approximately 500,000 tons of carbon dioxide (CO₂) emissions per year.”⁶⁹

According to CP2 LNG, these CO₂ emissions “will be captured from operations and compressed at the Terminal, then transported and injected deep into subsurface saline aquifers for permanent storage.”⁷⁰ CP2 LNG states that these facilities will allow it to “reduce its emissions from the production of LNG and thereby help to mitigate the overall greenhouse gas (‘GHG’) emissions of the Project.”⁷¹

C. Project Pipeline

CP2 LNG states that it has entered into a precedent agreement as the anchor shipper on a natural gas pipeline proposed by its affiliate, Venture Global CP Express, LLC (CP Express).⁷²

CP2 LNG states the natural gas will be transported on the proposed CP Express Pipeline and liquefied at the CP2 LNG Project. CP2 LNG adds that it has contracted for 100% of the firm capacity of the CP Express Pipeline for an initial term of 20 years.⁷³

According to CP2 LNG, the first phase of the CP Express Pipeline system will include:

- An 85.4 mile, 48-inch mainline extending through Jasper and Newton Counties, Texas, and Calcasieu and Cameron Parishes, Louisiana;

⁶⁷ See *id.* at 8-9 (identifying the specific components of Phase 1 and 2).

⁶⁸ See *id.* at 9-10 (noting that both phases of the Project were part of its FERC application, see *supra* note 6).

⁶⁹ CP2 LNG App. at 9.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² CP2 LNG App. at 2, 11.

⁷³ *Id.* at 11.

- A 6.0 mile, 24-inch lateral pipeline connecting to the mainline in Calcasieu Pass, Louisiana; and
- A compressor station with 69,600 horsepower of natural gas-fired compressor units located near Moss Lake in Calcasieu Parish, as well as appurtenant facilities.⁷⁴

CP2 LNG states that the second phase of the Pipeline system will consist of additional gas-fired compression added at the Moss Lake station.⁷⁵

D. Source of Supply

According to CP2 LNG, the CP Express Pipeline will have numerous direct interconnections with other pipelines. Therefore, CP2 LNG asserts that the Project will have access to a wide, geographically diverse range of conventional and nonconventional natural gas supply sources in the United States.⁷⁶ CP2 LNG adds that the natural gas supply will be sourced in requisite volumes in the spot market or purchased under long-term arrangements.⁷⁷

E. Business Model

CP2 LNG requests this authorization on its own behalf and as agent for other entities that will hold title to the LNG at the time of export.⁷⁸ CP2 LNG states that it will comply with all DOE requirements for exporters and agents, including registration requirements.⁷⁹

At the time the Application was filed, CP2 LNG stated it had not yet entered into long-term natural gas supply or export contracts for the requested exports.⁸⁰ CP2 LNG states that it will file all long-term, binding contracts associated with the exports of LNG from the Project, once executed, in accordance with DOE's established policy and precedent.⁸¹ DOE notes that,

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 11-12.

⁷⁷ *Id.* at 12.

⁷⁸ CP2 LNG App. at 2, 13.

⁷⁹ *Id.* at 13-14.

⁸⁰ *See id.* at 10, 12.

⁸¹ *Id.* at 10-11, 12.

on March 16, 2022, CP2 LNG submitted to DOE its first executed contract associated with the long-term export of LNG from the Project—a “LNG Sales and Purchase Agreement by and between CP2 LNG and NFE North Trading, LLC, dated as of March 2, 2022.”⁸² Since that time, CP2 LNG has filed seven additional executed contracts to DOE associated with the long-term export of LNG from the Project.⁸³

IV. APPLICANT’S PUBLIC INTEREST ANALYSIS

A. Overview

CP2 LNG states that NGA section 3(a) creates a presumption that the proposed export of natural gas is the public interest, which opponents bear the burden of overcoming.⁸⁴ CP2 LNG further asserts that its requested non-FTA authorization is consistent with and will advance the public interest under NGA section 3(a).⁸⁵ In support of this position, CP2 LNG addresses the following factors: (i) impacts on domestic natural gas supply and demand; (ii) the economic impacts of the proposed exports, including regional benefits; (iii) geopolitical benefits, and (iv) international environmental benefits.

B. Domestic Natural Gas Supply and Demand

CP2 LNG asserts that domestic natural gas resources are abundant, environmentally friendly, and affordable, and are sufficient to meet both the domestic consumption demand and any expected level of LNG exports—including all those proposed by CP2 LNG—in the long-term.⁸⁶ CP2 LNG highlights the “tremendous growth in natural gas production in recent

⁸² See Venture Global CP2 LNG, LLC, Informational Filing Regarding Off-Take Agreement, Docket No. 21-131-LNG (Mar. 16, 2022), <https://www.energy.gov/sites/default/files/2022-04/CP2%20LNG%20DOE%20Filing%20of%20NFE%20North%20Trading%20SPA.pdf>.

⁸³ See Venture Global CP2 LNG, LLC, Public Summary of Delivery Contracts (as of Mar. 18, 2025), Docket No. 21-131-LNG, <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility>.

⁸⁴ See CP2 LNG App. at 15-16.

⁸⁵ *Id.* at 18.

⁸⁶ *Id.* at 23.

years.”⁸⁷ Pointing to the U.S. Energy Information Administration’s (EIA) *Annual Energy Outlook 2021* (AEO 2021)—the most recent data from EIA of the date of the Application—CP2 LNG states that “[t]he abundant reserves and growing surplus of natural gas over consumption sets the stage for the U.S. to continue to be a major exporter of natural gas.”⁸⁸

Next, CP2 LNG asserts that, at the same time that natural gas production has grown, proven reserves have dramatically increased as well.⁸⁹ Specifically, CP2 LNG states that, based on data from the Potential Gas Committee’s biennial reports combined with EIA data from AEO 2021, the “total U.S. future supply of natural gas stands at an all-time record 3,863 Tcf [trillion cubic feet], which is well in excess of 100 years of supply at current consumption levels.”⁹⁰ Thus, according to CP2 LNG, over the time period that DOE is considering LNG exports, “the conclusion that the U.S. has ample gas for both all natural gas use and LNG export demand has only strengthened.”⁹¹

Noting DOE’s findings in “its many long-term export authorizations” issued to date, CP2 LNG contends that granting its requested authorization “is unlikely to affect the availability of natural gas to domestic consumers or to have negative economic effects.”⁹² Rather, according to CP2 LNG, “the proposed LNG exports will provide net economic benefits to the United States, regardless of the amount of LNG that is exported by others.”⁹³

C. Public Benefits

CP2 LNG asserts that its Project will benefit the economy in numerous ways, including

⁸⁷ *Id.*

⁸⁸ *Id.* at 23 (citing U.S. Energy Info. Admin., *Annual Energy Outlook 2021* (with projections to 2050), at Table 13, <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2021&cases=ref2021&sourcekey=0> [hereinafter AEO 2021]).

⁸⁹ *Id.* at 24.

⁹⁰ CP2 LNG App. at 24. (citing, *e.g.*, the Potential Gas Committee’s biennial report released on October 19, 2021).

⁹¹ *Id.*

⁹² *Id.* at 27.

⁹³ *Id.*

through economic benefits, increased employment, increased tax revenues, and reductions in the U.S. trade deficit.⁹⁴

Specifically, CP2 LNG states that the Project will result in the creation of new jobs that will provide regional economic benefits. According to CP2 LNG, the Project will create an estimated 2,200 jobs during the peak of the construction period for each of the two phases, as well as a total of 250 permanent jobs once both Phase 1 and 2 of the Project are operational. Additionally, the related pipeline construction will require 950 workers for Phase 1, with an estimated peak workforce of 125 workers during Phase 2.⁹⁵ CP2 LNG adds that the operation of the Project “will provide stable and long-term employment and economic stimulus to the local and regional areas, which will further stimulate state and regional economies.”⁹⁶

Turning to international benefits, CP2 LNG states that its proposed exports will help to “realign the U.S. balance of trade” which, in turn, will “help[] to reduce the overall trade deficit.”⁹⁷

D. Geopolitical Benefits

CP2 LNG states that its requested non-FTA authorization will continue to further “the geopolitical benefits of U.S. LNG exports.”⁹⁸ CP2 LNG maintains that the export of LNG from the United States “has the potential to fundamentally alter the world’s energy and economic map, and it is already beginning to do so.”⁹⁹ In particular, CP2 LNG states that increased access to U.S. natural gas will provide new supplies to U.S. allies and trade partners around the world, while positioning the United States as an alternative to traditional suppliers in Russia and the

⁹⁴ *Id.* at 28-29.

⁹⁵ CP2 LNG App. at 28-29.

⁹⁶ *Id.* at 29.

⁹⁷ *Id.*

⁹⁸ *Id.* at 31.

⁹⁹ *Id.* at 30.

Middle East.¹⁰⁰ CP2 LNG states that it is currently “advancing these developments” with contracting from its Calcasieu Pass and Plaquemines LNG export projects (discussed *supra* § III.A).¹⁰¹

E. International Environmental Benefits

CP2 LNG states that its proposed exports will benefit the United States internationally by “encourag[ing] the use of more environmentally friendly natural gas for the generation of electricity as opposed to coal, diesel, or heavy fuel oil used in foreign countries.”¹⁰² Pointing to studies by DOE and other sources, CP2 LNG contends that LNG exports from the United States that substitute for coal or fuel oil usage overseas will help the United States to share “the environmental benefits of natural gas with other nations in the quest to reduce global greenhouse gas emissions.”¹⁰³

V. CURRENT PROCEEDING BEFORE DOE

A. Overview

DOE published the Notice of Application in the *Federal Register* on January 10, 2022, setting a deadline for protests, motions to intervene, and written comments on the Application “no later than 4:30 p.m., Eastern time, March 11, 2022.”¹⁰⁴

In response, DOE received the following timely-filed documents: a motion to intervene from Public Citizen; three motions to intervene and protest the Application filed by IECA, NRDC, and Sierra Club, respectively; comments opposing the Application filed by Caleb Merendino and C. Russell Twist, respectively; and a comment by the Institute for Policy Integrity at New York University School of Law (Policy Integrity) that addresses the Application

¹⁰⁰ *Id.*

¹⁰¹ CP2 LNG App. at 30-31.

¹⁰² *Id.* at 31.

¹⁰³ *Id.* (citations omitted); *see generally id.* at 31-34.

¹⁰⁴ Notice of App., 87 Fed. Reg. at 1,133.

but takes no position.¹⁰⁵ Subsequently, CP2 LNG submitted its Answer to Interventions and Protests.¹⁰⁶ These filings are summarized below.

Additionally, DOE received more than 30,000 late-filed comments from March 11, 2022 (after the 4:30 p.m. Eastern deadline for the comment period) through December 2024—all of which oppose CP2 LNG’s Application.¹⁰⁷

B. Non-Intervenor Comments

1. Timely-Filed Comments

In his comment opposing the Application, Caleb Merendino raises concerns about the extraction of fossil fuel in general, and about the “combined” environmental impact of LNG projects on people and wildlife in and around Cameron Parish, Louisiana, in particular.¹⁰⁸ Mr. Merendino contends that “the cumulative impacts on local air and water [from CP2 LNG and other nearby projects] will make this small region largely uninhabitable for people and wildlife.”¹⁰⁹ For example, Mr. Merendino states that “[t]he coastline where Venture Global plans to build CP2 LNG is an important habitat for endangered and threatened species like the E. Black Rail [bird species],” yet he alleges that the CP2 LNG Project “will destroy much of [the] remaining habitat.”¹¹⁰ Mr. Merendino adds that “the region is susceptible to hurricane and storm surge damage, which “[c]ompounds the inherent risks of LNG export facilities.”¹¹¹ Mr. Merendino also states that the Project is in neither the U.S. public interest nor in the interest of foreign trading partners, particularly because “[i]t would take years for this project to come

¹⁰⁵ See *supra* § I.A (also noting that DOE received an additional comment that was timely-filed but not responsive to the Application).

¹⁰⁶ See CP2 LNG Answer.

¹⁰⁷ See *supra* § I.A.

¹⁰⁸ See Merendino Comment at 1.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

online and [it] won't have any bearing on the ... tensions over Russia.”¹¹² Finally, Mr. Merendino asserts that “the best way to save Europe’s energy sector is to adopt renewable sources and move away from fossil fuels altogether.”¹¹³

Next, C. Russell Twist nominally mentions the CP2 LNG Application, but the focus of his comment appears to be two sales and purchase agreements that CP2 LNG’s parent company, Venture Global, entered into with Chinese entities Sinopec and CNOOC Gas and Power for the export of LNG from Venture Global’s other export projects (the Venture Global Calcasieu Pass and Venture Global Plaquemines LNG Projects). Mr. Twist asks whether Venture Global had “existing export authority” from DOE at the time these contractual agreements were made in 2021.¹¹⁴ Mr. Twist argues that, if Venture Global did not have existing authority to enter into these sales and purchase agreements, “then the [CP2 LNG] application should be rejected.”¹¹⁵

Finally, the Institute for Policy Integrity at New York University School of Law (Policy Integrity) submitted comments but did not take a position on the Application. Rather, Policy Integrity recommends five suggestions for how DOE may “better conduct” its public interest review of CP2 LNG’s Application.¹¹⁶ These recommendations include the following:

- DOE should consider the indirect greenhouse gas emissions associated with CP2 LNG in its public interest analysis, as such impacts are reasonably foreseeable;¹¹⁷
- DOE should use reasonable assumptions to quantify indirect greenhouse gas emissions;
- DOE should analyze substitution impacts from LNG exports in more detail. Specifically, DOE should acknowledge, as part of its NGA and NEPA analyses, that higher LNG exports will lead to lower prices and higher natural gas demand, thereby increasing total consumption while also displacing other fuel sources such

¹¹² *Id.* at 2.

¹¹³ *Id.*

¹¹⁴ Twist Comment at 2-3.

¹¹⁵ *Id.* at 3.

¹¹⁶ *See* Policy Integrity Comments at 2.

¹¹⁷ *Id.* at 4-6.

as renewable energy;

- DOE should not use the revised B5.7 categorical exclusion for CP2 LNG’s Application, as the categorical exclusion has “severe legal deficiencies;” and
- DOE’s and FERC’s authorizations for the requested export authorization and CP2 LNG Project, respectively, are “connected actions” under NEPA and should be considered together.¹¹⁸

Policy Integrity maintains that “[t]hese recommendations can ensure [that] DOE obtains and uses available information to ensure that CP2 LNG’s application is not inconsistent with the public interest.”¹¹⁹

2. Late-Filed Comments

To date, DOE has received more than 30,000 late-filed comments opposing the Application. For all but eight, DOE determined that these late-filed comments are largely form letters, with their language being similar, if not identical.¹²⁰ The individuals submitting these late-filed comments generally assert that DOE’s approval of non-FTA exports from the proposed CP2 LNG Project will have significant repercussions on the economy, national security, climate, and local communities along the Louisiana Coast. On this basis, they urge DOE to deny CP2 LNG’s Application for a non-FTA authorization.

Given the duplicative format and significant number of the late-filed form letter comments, DOE posted a sample for representative purposes in various entries in the CP2 LNG

¹¹⁸ *Id.* at 17-20.

¹¹⁹ *Id.* at 2.

¹²⁰ The eight late-filed comments that appear to be unique filings (*i.e.*, not form letters) include comments submitted by the following: Sierra Club (signed by 1,454 individuals); Pam Elders; Natasha Yergin; Presente.org; Melanie Heacox; Sierra Club, together with numerous other organizations; Rich Prager; and Kai Martin. *See* Venture Global CP2 LNG, LLC, Docket No. 22-131-LNG, Docket Entries #12, 16, 17, 22, 23, 25, 28, 31. On December 21, 2023, Sierra Club filed a “Motion for Clarification Regarding December 12, 2023 Comments” (*i.e.*, Docket Entry #27). Consistent with Sierra Club’s request, the comment filed by Sierra Club (together with other organizations) on December 21, 2023, is no longer designated as an off-the-record filing, but because it was filed after the close of the comment period in March 2022, it is still considered a late-filed comment.

docket, together with a cover page providing additional information.¹²¹

C. Public Citizen’s Motion to Intervene

Public Citizen timely filed its Motion to Intervene.¹²² Public Citizen states that it is a national, not-for-profit, non-partisan research and advocacy organization representing the interests of household consumers.¹²³ Public Citizen states that its organization and members “have a direct interest in Venture Global’s applications to export LNG”—including the CP2 LNG Application.¹²⁴ Public Citizen states that “LNG exports have a profound impact on domestic energy prices, contribute to an increase in greenhouse gas emissions, and exacerbate environmental justice concerns in Louisiana.”¹²⁵

D. IECA’s Pleading

IECA states that it is a nonpartisan association of leading manufacturing companies with \$1.1 trillion in annual sales and more than 1.8 million employees worldwide. IECA’s stated purpose is to promote the interests of manufacturing companies. IECA states that its membership represents a diverse set of industries including chemicals, plastics, aluminum, fertilizer, automotive, and many more.¹²⁶ IECA makes a wide range of arguments challenging CP2 LNG’s proposed exports and DOE’s approval of LNG exports generally as contrary to the public interest.¹²⁷

DOE’s evaluation of the public interest under NGA section 3(a). According to IECA, the NGA is intended to protect the public interest by encouraging the orderly development of

¹²¹ See Venture Global CP2 LNG, LLC, Docket No. 22-131-LNG, Docket Entries #29, 30, 34, 35, 36, 40.

¹²² See Public Citizen Mot.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ See IECA Pleading at 1.

¹²⁷ A portion of IECA’s Pleading consists of IECA’s comments on prior DOE studies, including the 2018 LNG Export Study and other DOE documents. See *id.* at 9-15. These comments were addressed in those individual proceedings (as applicable) and are not summarized or addressed here.

plentiful supplies of natural gas at reasonable prices, and by protecting consumers against exploitation by natural gas companies.¹²⁸ IECA maintains that these statutory purposes are frustrated by LNG exports because the exports will tend to reduce domestic supplies and increase domestic prices.¹²⁹ In IECA’s view, “[a]ssuring U.S. natural gas and electricity reliability is DOE’s number one responsibility,” and “[e]xisting cumulative LNG approval volumes already jeopardize both natural gas and electricity reliability.”¹³⁰ For this reason, IECA opposes DOE’s approval of the Application.¹³¹

IECA further argues that annual increases in LNG exports have significantly increased natural gas, electricity, and natural gas feedstock prices.¹³² IECA argues that “[i]f there were no LNG exports, the U.S. would have sufficient supply[,] and prices would not have been impacted.”¹³³ According to IECA, DOE should change from an “LNG export driven policy to one that places the U.S. economy first and exports second”—specifically, a policy that “would only allow surplus natural gas to be exported.”¹³⁴

U.S. manufacturing sector. IECA asserts that DOE’s policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements “directly damages U.S. manufacturing ability to negotiate free trade (fair trade) deals” for the export of manufacturing products.¹³⁵ IECA further states that the United States is shipping natural gas to countries with which U.S. manufacturing is in direct competition, and this competition is increased because “many of these countries control energy prices and subsidize

¹²⁸ See *id.* at 10 (citing *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976)).

¹²⁹ *Id.*

¹³⁰ *Id.* at 2.

¹³¹ *Id.* at 1.

¹³² IECA Pleading at 9.

¹³³ *Id.*

¹³⁴ *Id.* at 4-5.

¹³⁵ *Id.* at 5.

energy to increase the competitiveness of their own manufacturing sectors.”¹³⁶ Thus, IECA claims, “we are shipping away the U.S. manufacturing competitive advantage.”¹³⁷

According to IECA, excessive volumes of LNG exports harm the entire domestic manufacturing industry, which contributes \$2.2 trillion in gross domestic product (GDP) and provides 12.5 million high paying jobs.¹³⁸ IECA compares the manufacturing sector to the oil and gas industry, which (according to IECA) employs “less than one million and that number has decreased in recent years.”¹³⁹ IECA thus argues that, in approving LNG exports, DOE is putting manufacturing assets and jobs at risk.¹⁴⁰ More broadly, IECA argues that only “a handful of exporting companies” benefit from LNG exports, while the cost of natural gas and electricity increases for everyone else in the country.¹⁴¹

Pipeline Capacity. IECA contends that DOE should not approve more LNG export volumes in light of a “serious” ongoing decline in available pipeline capacity.¹⁴² According to IECA, pipeline capacity has not expanded at the same rate as DOE’s approved export volumes.¹⁴³ IECA further contends that firm access pipeline arrangements by LNG exporters have “locked-up” pipeline capacity, which decreases available pipeline capacity for domestic consumers, particularly during peak seasonal winter demand.¹⁴⁴ IECA asserts that, “[i]f a manufacturer wants to build a new facility, it may not have sufficient pipeline capacity.”¹⁴⁵ According to IECA, DOE has not undertaken a study to determine whether pipeline capacity will

¹³⁶ *Id.*

¹³⁷ *Id.* at 3.

¹³⁸ IECA Pleading at 5-6.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 8.

¹⁴¹ *Id.* at 2-3.

¹⁴² *Id.* at 4.

¹⁴³ *Id.*

¹⁴⁴ IECA Pleading at 4.

¹⁴⁵ *Id.*

be adequate to support both peak domestic demand and exports of LNG. IECA also argues that “[p]otential new FERC regulatory changes to pipeline permitting and certain anti-fossil energy states and activists” could make it more difficult and time-consuming to build or expand needed interstate pipelines and take-away pipeline capacity to meet demand.¹⁴⁶

Domestic price impacts. Addressing natural gas prices, IECA asserts that the “policy of the U.S. should be to export LNG volumes at levels where domestic pricing is not determined by global demand.”¹⁴⁷ IECA contends that, when global demand increases, so will U.S. natural gas prices—thereby depriving U.S. consumers of the benefits of U.S. natural gas resources.¹⁴⁸

IECA also maintains that DOE has failed to consider that state-owned enterprises (SOEs) and foreign government-controlled utilities in importing nations have the capacity to purchase U.S. LNG in great volumes during high demand periods in the United States without regard to price (due to the market power of the SOEs and their use of automatic cost pass-through provisions), thereby driving up natural gas prices for U.S. consumers.¹⁴⁹ IECA asserts that, “[i]f domestic production cannot always exceed total U.S. and export demand, to where there is no surplus of supply, the global LNG market price begins to set the marginal cost of LNG for ALL U.S. natural gas,” and thus “directly sets the marginal price of electricity nationwide.”¹⁵⁰

E. NRDC’s Motion to Intervene and Protest

In support of its motion to intervene, NRDC states that it has over 1,100 members in Louisiana, including in Cameron and Calcasieu Parishes, and that it “has a longstanding and active interest” in “curbing harmful fossil fuel expansion, expanding clean energy resources, and

¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 10.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 3.

¹⁵⁰ IECA Pleading at 3.

protecting the public from environmental threats,” among others.¹⁵¹ NRDC also contends that the proposed CP2 LNG exports “would harm NRDC and its members by increasing the prices they pay for energy, including both gas and electricity,” as well as other harms.¹⁵²

Turning to its protest, NRDC argues that the Application should be denied because the proposed exports are not in the public interest.¹⁵³ NRDC emphasizes that CP2 LNG’s proposed Project and requested export authorization “are large in scale and request more export volume than any previous single application.”¹⁵⁴

NRDC argues that the proposed exports would adversely impact domestic energy prices and supply. Specifically, NRDC asserts that CP2 LNG’s “historically voluminous” exports would impact domestic gas prices and supply, such that “[a]pproving export of LNG at this ... scale, *and* until 2050—a point at which EIA anticipates that domestic need will be at its highest—would be an action squarely outside of the public interest from a supply, competitiveness, and pricing perspective.”¹⁵⁵ NRDC thus contends that, “[a]t a minimum, DOE must not approve the application without reviewing whether current gas price spikes and domestic demand projections call into question DOE’s prior analyses and assumptions about the effects of increased exports on domestic gas production and prices.”¹⁵⁶ Additionally, in challenging CP2 LNG’s Application, NRDC argues that DOE’s 2050 Term Extension Policy Statement (*supra* note 10) is “arbitrary” and “ripe for reconsideration,” and that DOE should impose a different, more “suitable” term for long-term non-FTA authorizations, if they are granted at all.¹⁵⁷

¹⁵¹ NRDC Pleading at 2.

¹⁵² *Id.*

¹⁵³ *Id.* at 4.

¹⁵⁴ *Id.* at 8.

¹⁵⁵ *Id.* at 6-7.

¹⁵⁶ *Id.* at 16.

¹⁵⁷ NRDC Pleading at 5.

Addressing environmental issues, NRDC asserts that authorizing CP2 LNG’s requested exports could “jeopardize our ability” to meet climate goals and would be contrary to the public interest.¹⁵⁸ NRDC maintains that these environmental impacts occur across the entire LNG lifecycle, which both the NGA and NEPA require DOE to consider.¹⁵⁹

Specifically, NRDC argues that “increasing LNG exports will increase natural gas production” which, in turn, will increase “ozone pollution, including risking [the] creation of new or expanded ozone non-attainment areas or exacerbating existing non-attainment areas.”¹⁶⁰ NRDC further argues that CP2 LNG did not provide important information necessary to inform DOE’s review and to facilitate a “full and accurate lifecycle analysis” for the requested exports, such as the expected source of the feed gas for the exports.¹⁶¹ Additionally, NRDC argues that, “[a]s the scale of export is large, so are the associated climate impacts from downstream uses of the LNG,” and DOE is required to consider these downstream impacts.¹⁶² In sum, NRDC contends that DOE must not grant the authorization “without taking a hard look at foreseeable environmental impacts occurring throughout the LNG lifecycle and ensuring it has the information in the record . . . to make a fulsome and accurate assessment of those foreseeable impacts.”¹⁶³

F. Sierra Club’s Motion to Intervene and Protest

In moving to intervene in opposition to the Application, Sierra Club states that its “interests are based on the impact the proposed additional exports will have on its members and

¹⁵⁸ *Id.* at 9-10.

¹⁵⁹ *Id.* at 7.

¹⁶⁰ *Id.* NRDC cites the decision by the U.S. Court of Appeals for the District of Columbia Circuit in *Sierra Club v. Federal Energy Regulatory Commission*, 827 F.3d 36 (D.C. Cir. 2016) in arguing that natural gas production, and all other upstream impacts, “are highly relevant to DOE’s review of the application and public interest determination,” and thus DOE “must consider” them. NRDC Pleading at 8.

¹⁶¹ *Id.* at 10.

¹⁶² *Id.* at 9.

¹⁶³ *Id.*

mission.”¹⁶⁴ Specifically, Sierra Club states that it “has over 3,500 members in Louisiana, including many in the Barnett Shale region and other areas that will likely be impacted by increased gas production.”¹⁶⁵ Sierra Club contends that the proposed CP2 LNG exports will harm its members by increasing natural gas production and associated air pollution, including emissions of greenhouse gases and ozone precursors. Additionally, Sierra Club states that increasing export volumes will increase shipping traffic beyond levels that would otherwise occur.¹⁶⁶ Sierra Club argues that this additional shipping will increase air pollution and harm wildlife that its organization’s members enjoy viewing, including the threatened giant manta ray, threatened oceanic whitetip shark, and endangered Rice’s whale.¹⁶⁷ Sierra Club adds that “[p]roposals, such as this one, that encourage long-term use of carbon-intensive fossil fuels will increase and prolong greenhouse gas emissions, increasing the severity of climate change and thus of these harms.”¹⁶⁸

In protesting the requested non-FTA authorization, Sierra Club contends that CP2 LNG’s proposed exports are not in the public interest and “should be denied or, in the alternative, heavily conditioned” for several reasons, as summarized below.¹⁶⁹

Global strategic interests. Sierra Club acknowledges that, when DOE conducts its public interest review of a non-FTA application under NGA section 3(a), DOE considers global strategic concerns. Addressing “recent events in Ukraine,” Sierra Club contends that the proposed CP2 LNG Project “will not provide any help in reducing reliance on Russian gas in the short term” due to the construction schedule necessary for the Project.¹⁷⁰ According to Sierra

¹⁶⁴ Sierra Club Pleading at 2.

¹⁶⁵ *Id.* at 3.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* (citations omitted).

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Sierra Club Pleading at 4.

Club, export capacity that will be brought online several years from now will not address the immediate energy needs of Europe, the United States, or other energy consumers.¹⁷¹ Nor, Sierra Club asserts, is the proposed Project needed in the medium or long term, as “better solutions are available” for these non-immediate needs.¹⁷² Sierra Club points to the use of heat pumps, building efficiency, and similar measures as tools that can “significantly reduce” the European Union’s natural gas use—and thus the impact of Russian energy.¹⁷³

Sierra Club also maintains that there is no “strategic need” for export capacity beyond that provided by existing U.S. LNG export terminals, and “*clearly*” no need for capacity beyond the existing approved projects that have not yet been constructed or become operational. Sierra Club states that “these not yet-operational facilities have a combined capacity of over 30 bcf/d, nearly three times the volume of US LNG exports [that] EIA predicts for 2022.”¹⁷⁴

Sierra Club thus concludes that “[r]ecent events in Ukraine have demonstrated yet another reason why the world needs to transition away from fossil energy as quickly as possible,” and that CP2 LNG’s proposed Project “is not part of a solution to current geopolitical problems.”¹⁷⁵

Domestic energy prices and supply. Next, Sierra Club asserts that CP2 LNG’s proposed exports would increase the prices that its members pay for energy, both natural gas and electricity.¹⁷⁶ According to Sierra Club, “exports are increasingly linking domestic [natural] gas prices to prices in the global market,” and these alleged price increases “harm American

¹⁷¹ *Id.*

¹⁷² *Id.* at 5.

¹⁷³ *Id.* (citing, *e.g.*, a report issued by the International Energy Agency in March 2022 recommending a plan to reduce the European Union’s reliance on Russian natural gas).

¹⁷⁴ *Id.* at 5 & n.13 (citing FERC, North American LNG Export Terminals (Feb. 17, 2022), <https://cms.ferc.gov/media/north-american-lng-export-terminals>).

¹⁷⁵ *Id.* at 20.

¹⁷⁶ Sierra Club Pleading at 2.

households and energy intensive industry.”¹⁷⁷ For example, Sierra Club argues that “[w]holesale gas prices for the winter of 2021-2022 were vastly higher than for the prior winter, and FERC concluded that the increase was driven largely by competition with demand for LNG exports.”¹⁷⁸

Sierra Club further contends that DOE must address distributional aspects of potential natural gas price impacts.¹⁷⁹ Sierra Club argues that DOE has never grappled with the distributional impacts of LNG exports, beyond acknowledging that LNG exports have some positive and some negative economic impacts.¹⁸⁰ Pointing to statements by IECA and others, Sierra Club maintains that “all Americans must pay energy bills, but few own shares (even indirectly, through pension plans and the like) in the gas companies that are benefiting from high gas prices and LNG sales.”¹⁸¹ Sierra Club thus emphasizes that the “distributional and equity impacts of export-driven gas price increases require careful consideration,” so that all consumers are protected through reasonable natural gas prices as contemplated by the NGA.¹⁸²

Environmental impacts. Turning to environmental issues, Sierra Club argues that CP2 LNG’s proposed exports will cause environmental harm occurring across the entire LNG lifecycle, which both the NGA and NEPA require DOE to consider.¹⁸³

According to Sierra Club, CP2 LNG’s proposed exports cannot qualify for DOE’s existing categorical exclusion for exports of LNG that was revised in 2020—categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel* (revised

¹⁷⁷ *Id.* at 6.

¹⁷⁸ *Id.* & n.16 (citing FERC, Winter Energy Market and Reliability Assessment (Oct. 21, 2021) at 2, <https://ferc.gov/sites/default/files/2021-10/Winter%20Assessment%202021-2022%20-%20Report.pdf>).

¹⁷⁹ *Id.* at 8-9.

¹⁸⁰ *Id.* at 8.

¹⁸¹ *Id.* at 7-8 (citations omitted).

¹⁸² Sierra Club Pleading at 9 (citing *Minisink Residents for Env'tl. Pres. & Safety v. Fed. Energy Regul. Comm'n*, 762 F.3d 97, 101 (D.C. Cir. 2014)).

¹⁸³ *Id.* at 10-11.

B5.7 categorical exclusion or 2020 categorical exclusion).¹⁸⁴ Sierra Club argues that this revised categorical exclusion is “arbitrary and unlawful.”¹⁸⁵ Specifically, Sierra Club states that, “in promulgating the 2020 exclusion, DOE improperly excluded from NEPA review all impacts occurring upstream of the point of export, based on a basic and fundamental legal error.”¹⁸⁶ Sierra Club claims that, because DOE does, in fact, have authority to consider “the impacts of export-induced natural gas production,” the revised B5.7 categorical exclusion “was adopted unlawfully, cannot be relied upon here, and provides no evidence to suggest that all environmental effects occurring before the point of exports will be insignificant.”¹⁸⁷ Similarly, Sierra Club argues that DOE’s treatment of downstream impacts under the revised B5.7 categorical exclusion was also arbitrary. According to Sierra Club, DOE asserted in revising the categorical exclusion that some downstream impacts are outside of DOE’s scope of NEPA analysis (*e.g.*, downstream impacts relating to regasification and use of exported natural gas) when, in fact, “DOE has authority to consider these impacts when making its public interest determination.”¹⁸⁸

Sierra Club adds that, “[e]ven if the 2020 Categorical Exclusion was valid, DOE would be unable to rely on it” for CP2 LNG’s Application “without determining that the proposed action has the ‘integral elements’ of excluded actions as defined in Appendix B to 10 C.F.R. Part 2021.”¹⁸⁹ According to Sierra Club, the Application does not satisfy “integral element 1” (among others) because it “threaten[s] a violation” of Executive Order 14008, *Tackling the*

¹⁸⁴ Sierra Club references 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7, and DOE’s associated rulemaking (*see* U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020)).

¹⁸⁵ Sierra Club Pleading at 12.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.* (citing, *e.g.*, *Sierra Club v. Fed. Energy Regul. Comm’n*, 827 F.3d 36 (D.C. Cir. 2016)).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 14.

Climate Crisis at Home and Abroad (then in effect).¹⁹⁰

Next, Sierra Club maintains that DOE’s prior life cycle analyses evaluating the greenhouse gas impacts associated with LNG exports “are not a substitute for NEPA review” and do not demonstrate that the greenhouse gas emissions caused by CP2 LNG’s proposed exports are consistent with the public interest.¹⁹¹ Sierra Club maintains that, although the life cycle analyses may inform NEPA review, “DOE must address the impacts of [the CP2 LNG Application] and other LNG proposals within the NEPA framework.”¹⁹²

Sierra Club also argues that DOE’s prior life cycle analyses “ask the wrong questions” by looking only to the “short term.”¹⁹³ Sierra Club asserts that any such life cycle analysis must include a “discussion of whether increasing LNG export[s] will help or hinder achievement of the long-term drastic emission reductions that are essential to avoiding the most catastrophic levels of climate change” over an export term lasting through the year 2050.¹⁹⁴ Sierra Club further contends that natural gas production emits greater amounts of methane than what DOE’s prior analyses have assumed.¹⁹⁵ For these and other reasons, Sierra Club argues that DOE must revisit its prior life cycle analyses and take a “hard look at the climate impact of increasing U.S. LNG exports,” including considering the impact of such exports on domestic emissions and reasonable forecasting about global impacts.¹⁹⁶

Finally, Sierra Club contends that the United States has set ambitious goals for reducing greenhouse gas emissions and that, because CP2 LNG’s exports cannot be reconciled with those

¹⁹⁰ *Id.* (citing Exec. Order No. 14008 of Jan. 27, 2021, Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7619 (Feb. 1, 2021)).

¹⁹¹ Sierra Club Pleading at 16.

¹⁹² *Id.*

¹⁹³ *Id.* at 17.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.* at 19.

¹⁹⁶ *Id.*

goals, its Application should be denied.¹⁹⁷

G. CP2 LNG's Answer

In its Answer, CP2 LNG addresses all timely-filed comments and pleadings except for the anonymous, non-responsive comment. CP2 LNG first argues that DOE should not recognize Mr. Merendino, Mr. Twist, or Policy Integrity as a party to the proceeding because they filed comments, rather than seeking intervention.¹⁹⁸ CP2 LNG asserts that IECA and Public Citizen, in addition to mistakenly calling their submissions “notices” of intervention, either expressed general concerns about LNG exports or did not mention intervention despite substantive comments, and therefore should not be admitted as intervenors.¹⁹⁹ Finally, CP2 LNG acknowledges that Sierra Club and NRDC “likely satisfy the established standards for intervention here.”²⁰⁰

Addressing the protests, CP2 LNG contends that the protestors “fall far short” of demonstrating that the proposed exports are inconsistent with the public interest, as would be required to overcome the presumption in favor of granting the Application under NGA section 3(a).²⁰¹ Specifically, CP2 LNG states that the protests “concern very general opposition to the export of LNG from the U.S., and challenge long-established DOE/FE policies.”²⁰² CP2 LNG adds that “most of the arguments offered have been consistently rejected by DOE/FE in numerous decisions over more than a decade through three presidential administrations.”²⁰³

Next, CP2 LNG argues that the global need for “abundant, low-cost, and clean-burning” U.S. LNG is clear, and the “economic, geopolitical, and environmental benefits” of such exports

¹⁹⁷ Sierra Club Pleading at 20.

¹⁹⁸ CP2 LNG Answer at 2-3.

¹⁹⁹ *Id.* at 3.

²⁰⁰ *Id.*

²⁰¹ *Id.* at 5.

²⁰² *Id.* at 4.

²⁰³ CP2 LNG Answer at 4.

are “manifestly in the public interest.”²⁰⁴ CP2 LNG focuses on the energy security concerns in Europe following Russia’s invasion of Ukraine, rejecting Sierra Club’s contention that LNG exports from the CP2 LNG Project will not help in reducing reliance on Russian natural gas in the short term.²⁰⁵ CP2 LNG acknowledges that this argument may be true “as far as alleviating the immediate demand for additional natural gas in Europe,” but contends that “there is no basis to believe that the geopolitical importance of U.S. gas supplies will suddenly disappear or diminish, nor that the world’s demand for U.S. LNG will be short-lived.”²⁰⁶

CP2 LNG also refutes Sierra Club’s argument that there is no strategic need for additional LNG export capacity beyond the existing facilities. CP2 LNG states that, contrary to this contention, the annual Shell LNG Outlook shows that expected LNG demand will exceed available supply (including facilities under construction) beginning almost immediately, then by steadily-growing amounts over the coming years.²⁰⁷ CP2 LNG further states that its parent company, Venture Global, has been at the forefront of “contracting success” for its LNG export projects, which provides concrete evidence disproving Sierra Club’s arguments about the role of U.S. natural gas supplies in the global marketplace.²⁰⁸

CP2 LNG next contends that LNG exports have well-established macroeconomic benefits and asserts that “Sierra Club and IECA have never accepted the conclusions” of DOE’s prior studies identifying these benefits.²⁰⁹ In particular, CP2 LNG argues that Sierra Club continues to emphasize ““distributional impacts of LNG exports,”” without acknowledging that DOE has

²⁰⁴ *Id.* at 5.

²⁰⁵ *Id.* at 6-8.

²⁰⁶ *Id.* at 8.

²⁰⁷ *Id.* at 8.

²⁰⁸ CP2 LNG Answer at 10; *see also id.* at 9 (“Venture Global LNG has demonstrated that it can deliver LNG to the market faster and at a lower cost than competing projects”).

²⁰⁹ *Id.* at 10.

consistently rejected these arguments over the years, including in proceedings in which the D.C. Circuit ruled in DOE’s favor on this issue.²¹⁰

CP2 LNG argues that “IECA, NRDC, and Sierra Club all emphasize recent [2022-era] increases in domestic natural gas prices in their effort to oppose additional LNG exports.”²¹¹ CP2 LNG maintains, however, that the increased prices for domestic natural gas in 2021 and 2022 were due to numerous factors including weather disruptions, low inventories, and the “extraordinary events leading up to and following Russia’s invasion of Ukraine.”²¹² Citing EIA’s projections, CP2 LNG argues that these price increases will be short-lived, “with low prices returning ... then continuing throughout the period of the requested export authorization through 2050.”²¹³ CP2 LNG further states that “the current EIA pricing data” is supportive of LNG exports and “continues to demonstrate that arguments against LNG exports are based on misplaced concerns about insufficient supplies or domestic natural gas prices.”²¹⁴

Addressing IECA’s arguments concerning U.S. manufacturing, CP2 LNG counters that domestic resources are sufficient to meet both domestic consumption demand and LNG export demand.²¹⁵ CP2 LNG refutes IECA’s arguments that “domestic manufacturers should be protected with preferential access to domestic natural gas and should not have to compete on price with overseas markets.”²¹⁶ According to CP2 LNG, IECA fails to recognize that overseas consumers of U.S. LNG must also bear the costs of liquefaction, transportation by ocean-going vessel, and regasification—“which ought to provide ample competitive advantage to domestic

²¹⁰ *Id.* at 11 (citing, *e.g.*, *Sierra Club v. U.S. Dep’t of Energy*, Nos. 16-1186, 16-1252, 16-1253, 703 Fed. Appx. 1, at *3 (D.C. Cir. Nov. 1, 2017)).

²¹¹ *Id.* at 13.

²¹² *Id.* at 14.

²¹³ CP2 LNG Answer at 14.

²¹⁴ *Id.* at 15.

²¹⁵ *Id.* at 16.

²¹⁶ *Id.*

manufacturing.”²¹⁷

CP2 LNG also questions IECA’s claim that LNG exporters are taking firm pipeline capacity to the detriment of domestic consumers. CP2 LNG highlights FERC’s open access regulation of interstate natural gas pipelines, which makes pipelines available to all potential customers.²¹⁸ CP2 LNG reiterates that FERC (not DOE) regulates such pipelines, and maintains that “[n]othing prevents manufacturers needing natural gas from making their own investments in pipeline capacity.”²¹⁹

Finally, turning to environmental concerns raised by the protestors as well as by Policy Integrity, CP2 LNG emphasizes that its proposed Project is undergoing “full NEPA review” by FERC.²²⁰ As for greenhouse gas emissions, CP2 LNG emphasizes the benefits of “encouraging the use of more environmentally friendly natural gas ... as opposed to coal, diesel or heavy fuel oil used in other countries.”²²¹ CP2 LNG states that “this conclusion is bolstered by statements of [Venture Global] customers” that have emphasized “the benefits of U.S. gas supply to their long-term climate and carbon emissions goals.”²²²

Rebutting protestor arguments concerning new natural gas production associated with the proposed exports, CP2 LNG points to its statement in the Application that “[t]he Project by design is not dependent upon any particular natural gas supply.”²²³ According to CP2 LNG, the particular natural gas supplies that will be transported on the CP Express Pipeline and liquefied at the Project cannot be known at this time and “undoubtedly” will change over the life of the

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ CP2 LNG Answer at 16-17.

²²⁰ *Id.*; *see also supra* note 6.

²²¹ *Id.* at 19.

²²² *Id.* at 18.

²²³ *Id.* at 21 (quoting CP2 LNG App. at 11-12).

Project.²²⁴

For all of these reasons, CP2 LNG asks DOE to “recognize that the proposed LNG exports ... are unquestionably not inconsistent with the public interest.”²²⁵

VI. DISCUSSION AND CONCLUSIONS

In reviewing the non-FTA portion of CP2 LNG’s Application for purposes of this Order, DOE has considered its obligations under NGA section 3(a), as set forth below.

A. Procedural Matters

1. Motions to Intervene

DOE has considered the motion to intervene filed by Public Citizen, as well as the motions to intervene filed by IECA, NRDC, and Sierra Club, respectively (each filed with an accompanying protest).²²⁶ CP2 LNG was afforded an opportunity to respond to these motions pursuant to 10 C.F.R. § 590.304(f), and it did so. In its Answer, CP2 LNG acknowledges that Sierra Club and NRDC “likely satisfy the established standards for intervention,” and thus does not contest those motions.²²⁷ Accordingly, the motions to intervene filed by Sierra Club and NRDC are deemed granted.²²⁸

Next, CP2 LNG urges DOE to deny the motion to intervenes filed by both Public Citizen and IECA, pointing to the fact that each is titled a “Notice of Intervention”—which, under DOE’s regulations, applies only to state commissions.²²⁹ We previously have explained—and

²²⁴ *Id.* (quoting CP2 LNG App. at 11-12).

²²⁵ CP2 LNG Answer at 23.

²²⁶ As noted above, CP2 LNG asks DOE to distinguish the intervenors from the three commenters, and “recognize that none of [the] three commenters is a party to this proceeding.” CP2 LNG Answer at 3. Under DOE’s regulations, any person that files a comment in response to a notice of application, without an accompanying motion to intervene, is not a “party” to this application proceeding. 10 C.F.R. § 50.1021 (defining “Party” as “an applicant, any person who has filed a motion for and been granted intervenor status or whose motion to intervene is pending, and any state commission who has intervened by notice ...”). Accordingly, the three commenters referenced above are not “parties,” but DOE will consider their arguments in evaluating the public interest.

²²⁷ CP2 LNG Answer at 3.

²²⁸ 10 C.F.R. § 590.303(g).

²²⁹ *Id.* at 3 (referencing 10 C.F.R. § 590.303(a)).

repeat again—that any movant other than a state commission should file a “motion to intervene” instead of a “notice of intervention,” as set forth in 10 C.F.R. § 590.303(a). Nonetheless, neither DOE’s regulations nor DOE precedent support the argument that a movant’s use of inapposite terminology provides grounds to deny the requested intervention. Thus, consistent with past practice, DOE will construe each of Public Citizen’s and IECA’s “notice of intervention” as a motion to intervene.²³⁰

With this issue aside, CP2 LNG acknowledges that “Public Citizen did ‘move to intervene’ in the proceeding and asserted that it has a ‘direct interest’ in CP2 LNG’s Application based on a single sentence expressing the organization’s very general concerns with LNG exports.”²³¹ Although we agree that Public Citizen’s motion is minimal, Public Citizen does state—as CP2 LNG observes—that its organization and members have a direct interest in the Application due to concerns with the requested exports on domestic energy prices, greenhouse gas emissions, and environmental justice in Louisiana, where the Project is proposed to be located.²³² On this basis, we find that Public Citizen meets the threshold for intervention set forth in 10 C.F.R. § 590.303(b) and (c), and we grant its motion to intervene.²³³

Turning to IECA’s motion to intervene, CP2 LNG contends that, “[o]ther than the inapposite caption, IECA does not otherwise mention intervention anywhere in its pleading, does

²³⁰ See, e.g., *Magnolia LNG LLC*, DOE/FECM Order No. 3909-C, Docket No. 13-132-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 5 n.33 (Apr. 27, 2022) (construing IECA’s filing as a motion to intervene under 10 C.F.R. § 590.303(b)).

²³¹ CP2 LNG Answer at 3.

²³² *Compare Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 5125, Docket No. 24-28-LNG, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas by Vessel to Free Trade Agreement and Non-Free Trade Agreement Nations, at 8-10 (June 6, 2024) (denying Public Citizen’s motion to intervene due to lack of specificity).

²³³ 10 C.F.R. § 590.303(a). On May 4, 2022, Public Citizen filed an “Answer” to CP2 LNG’s Answer to Interventions and Protests filed on March 28, 2022. DOE’s regulations do not provide for such a surreply, and Public Citizen did not seek to establish good cause for DOE to accept this pleading. Nonetheless, as noted above, we are granting Public Citizen’s motion to intervene over CP2 LNG’s opposition.

not move for intervention, nor present facts to support its claim of interest in CP2 LNG's Application."²³⁴ We disagree that IECA has failed to meet the requirement for intervention set forth above. Although, as noted above, a portion of IECA's Pleading consists of IECA's comments on prior DOE studies and other documents that are not at issue in this application proceeding (and which we disregard), we find that IECA has presented sufficient facts and argument to advise both the parties and DOE "as to the specific issues of policy, fact, or law to be controverted" concerning the proposed exports.²³⁵ Further, in granting IECA's motion to intervene in the original Calcasieu Pass proceeding (Docket Nos. 13-69-LNG, *et seq.*), we found "that the economic consequences of granting each of the [Calcasieu Pass] Applications could be far-reaching and could affect the public interest generally and, specifically, the interests of the proposed intervenors and their members," including IECA.²³⁶ We find that the same is true based on IECA's motion in this proceeding. Accordingly, we grant IECA's motion to intervene.²³⁷

2. Late-Filed Comments

Upon review, we find that the organizations and individuals who collectively submitted more than 30,000 late-filed comments (including form letters) do not assert any basis for DOE to accept the comments as part of the record in this proceeding at this time, nor do they address the harm to CP2 LNG and lack of compliance with DOE's regulations that would result from DOE

²³⁴ CP2 LNG Answer at 3.

²³⁵ 10 C.F.R. § 590.303(c).

²³⁶ *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG, 14-88-LNG, 15-25-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 52-53 (Mar. 5, 2019).

²³⁷ *Id.*

accepting these comments years after the comment period in this proceeding closed in 2022.²³⁸

For these reasons, we dismiss all of the late-filed comments.

B. Evaluation of Public Interest Factors for Conditional Authorization

1. CP2 LNG's Application

Upon review of the Application and the protestors' arguments in opposition, DOE finds that several factors identified in the Application, as supplemented, support a conditional grant of CP2 LNG's authorization on the record presently before us.

First, IECA has not explained how its broader concerns about LNG exports pertain to CP2 LNG's requested exports and will detract from available pipeline capacity. Specifically, IECA asserts that increased exports of U.S. LNG will take pipeline capacity away from U.S. manufacturers and consumers.²³⁹ Here, however, the natural gas supplies will be transported on the CP Express Pipeline and liquefied at the proposed Project.²⁴⁰ In its Answer, CP2 LNG states that the proposed CP Express Pipeline system "includes over 90 miles of pipeline and related facilities."²⁴¹ Thus, through the CP Express Pipeline, the Project "will have numerous direct interconnections with other pipelines," including to the existing interstate pipeline grid in Louisiana and Texas.²⁴²

Likewise, IECA has not demonstrated that there are regular or longstanding pipeline constraints within the Gulf Coast, or "South Central," region that could be impacted by the requested authorization. DOE takes administrative notice that, in 2024, completed pipeline

²³⁸ See, e.g., 10 C.F.R. § 590.205; *supra* § I.A; see also *Freeport LNG Expansion, L.P., et al.*, DOE/FECM Order No. 4961, Docket No. 21-98-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 33 n.150 (Mar. 3, 2023) (rejecting both supporting and opposing comments submitted to DOE after the close of the comment period).

²³⁹ See IECA Pleading at 2-7.

²⁴⁰ CP2 LNG App. at 11.

²⁴¹ CP2 LNG Answer at 2 n.2.

²⁴² See *id.*; see also CP2 LNG Answer at 2 n.2, 16-17; *supra* § III.C.

projects increased takeaway capacity by approximately 6.5 Bcf/d in major producing regions and added approximately 8.5 Bcf/d of capacity for delivery of natural gas to LNG export terminals in Texas and Louisiana.²⁴³ Accordingly, we find that the existing and projected natural gas pipeline systems have more than enough capacity to support CP2 LNG’s requested export volume of 1,446 Bcf/yr, or 3.96 Bcf/d, of natural gas. We also note CP2 LNG’s observation that “[n]othing prevents manufacturers needing natural gas from making their own investments in pipeline capacity to support new infrastructure as needed.”²⁴⁴

Additionally, under NGA section 7, FERC has exclusive authority over the construction and operation of interstate natural gas pipelines and related facilities.²⁴⁵ We agree with CP2 LNG that IECA’s generalized arguments concerning the permitting and regulation of interstate pipelines are beyond the scope of this proceeding and are properly raised with FERC, not DOE.²⁴⁶ To the extent these arguments are relevant to this proceeding, they do not overcome the statutory presumption favoring export authorization.²⁴⁷

Second, CP2 LNG points to EIA data and projections in asserting that the United States has significant natural gas resources available to meet both projected future domestic needs and demand for the proposed exports.²⁴⁸ We agree. To evaluate current and future natural gas supply, demand, and prices, we take administrative notice of EIA’s most recent authoritative projections, set forth in the *Annual Energy Outlook 2023* (AEO 2023), issued on March 16,

²⁴³ See U.S. Energy Info. Admin., “Natural gas pipeline project completions increase takeaway capacity in producing regions” (Mar. 18, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=64744>.

²⁴⁴ CP2 LNG Answer at 17.

²⁴⁵ 15 U.S.C. § 717f.

²⁴⁶ See CP2 LNG Answer at 16-17; *see also* IECA Pleading at 4 (acknowledging FERC’s role in permitting pipelines).

²⁴⁷ See *supra* § II.

²⁴⁸ See CP2 LNG App. at 22-24.

2023.²⁴⁹ We find that AEO 2023 projects robust domestic supply conditions that are more than adequate to satisfy both domestic needs and exports of LNG, including those proposed in the Application.²⁵⁰ DOE therefore rejects the protestors' claim that forecasted demand for natural gas, including the demand related to the proposed export of LNG, will outstrip new resources. As discussed herein, however, DOE will reexamine these long-term supply and demand issues in connection with the 2024 LNG Export Study proceeding in a final order.²⁵¹

Third, in response to IECA's and Sierra Club's concerns about the costs of LNG exports falling on American citizens and manufacturers such that U.S. consumers will be adversely affected by such exports,²⁵² we note that the D.C. Circuit previously rejected an argument by Sierra Club that DOE "erred by failing to consider distributional impacts" when evaluating the public interest under NGA section 3(a).²⁵³ Moreover, neither IECA nor Sierra Club have provided an analysis of the distributional consequences of authorizing LNG exports at the household level to support their concerns. Additionally, CP2 LNG described in its Application the various public benefits that will be produced by the construction and operation of the proposed Project to Louisiana and the United States more broadly, including increased employment to support the Project,²⁵⁴ and no protestor contested those benefits. Accordingly,

²⁴⁹ U.S. Energy Info. Admin., *Annual Energy Outlook 2023* (with projections to 2050) (Mar. 16, 2023), https://www.eia.gov/outlooks/aeo/pdf/AEO2023_Narrative.pdf [hereinafter AEO 2023]. DOE is continuing to rely on AEO 2023 following EIA's announcement that it is not publishing an AEO in 2024 to focus on improvements to its National Energy Modeling System. See U.S. Energy Info. Admin., "Statement on the *Annual Energy Outlook* and EIA's plan to enhance long-term modeling capabilities," <https://www.eia.gov/pressroom/releases/press537.php> (July 26, 2023).

²⁵⁰ U.S. Energy Info. Admin., *Today in Energy* (Apr. 27, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=56320>; see also U.S. Energy Info. Admin., AEO 2023 data, Table 13, <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2023&cases=ref2023&sourcekey=0>.

²⁵¹ See *supra* § I.D.

²⁵² IECA Pleading at 2-3; Sierra Club Pleading at 6.

²⁵³ See *Sierra Club v. U.S. Dep't of Energy*, 703 F. App'x 1, *3 (D.C. Cir. 2017) (consolidated case denying three petitions for review of LNG export authorizations).

²⁵⁴ CP2 LNG App. at 28-29.

we find that the record before us does not support these opposition arguments, but DOE will make a final determination on these and other issues raised by the protestors—including concerns involving U.S. manufacturing interests—in connection with the 2024 LNG Export Study proceeding in a final order.

Fourth, we agree with CP2 LNG that, over the term of the authorization, the proposed exports will improve the United States' ties with its allies and trade partners and make a positive contribution to the United States' economy, including the trade balance. For instance, even beyond the multi-billion dollar economic investment and jobs created from constructing the proposed CP2 LNG Project, a similar size project exporting at its peak capacity for one year (3.96 Bcf/d or 1,446 Bcf/yr) could reduce the trade deficit by up to approximately \$9.3 billion annually based on observed average U.S. LNG export prices for January through December 2024.²⁵⁵ This annual amount would spur other domestic economic activity and benefits as well, including the potential for supporting upstream production and related employment. Other benefits of this international trade are discussed below. For these reasons, we find that CP2 LNG's requested non-FTA authorization is consistent with U.S. policy.

In sum, based on the most recent data in AEO 2023 and other evidence discussed above, DOE conditionally finds that the market will be capable of sustaining the level of non-FTA exports requested in CP2 LNG's Application over the authorization term without negative economic impacts, including domestic price impacts (discussed below).

²⁵⁵ Specifically, \$6.41/Mcf * 1,446 Bcf. See Natural Gas Monthly, Table 5, LNG Export Prices (p. 19) at https://www.eia.gov/naturalgas/monthly/pdf/table_05.pdf (Feb. 28, 2025). We note that this value could fluctuate based on U.S. LNG export prices, but the values would have been higher based on export prices in 2023 and 2022 (\$7.57/Mcf) and (\$12.24/Mcf), respectively.

2. Price Impacts

IECA and NRDC allege that higher volumes of LNG exports, including CP2 LNG's proposed exports, will lead to large increases in domestic prices of natural gas.²⁵⁶ DOE, however, has analyzed price projections in the AEO 2023 Reference case, which project market conditions in the lower-48 states that include higher natural gas production and increased LNG exports coupled with lower prices.²⁵⁷ Additionally, in its May 2023 report, *Issues in Focus: Effects of Liquefied Natural Gas Exports on the U.S. Natural Gas Market*, EIA found that “[t]he resulting variation in natural gas prices in [its analysis] ... was narrower than recent in history and [in the] AEO 2023, despite a wide variety of U.S. LNG export volumes.”²⁵⁸ Thus, based on the evidence available at this time, we find that these arguments concerning domestic price increases are not supported.

3. Energy Security and Benefits of International Trade

We have also considered the international consequences of our decision. As discussed above, we review applications to export LNG to non-FTA countries under section 3(a) of the NGA. As Sierra Club acknowledges, the foreign policy and trade impacts to the United States of such exports are factors bearing on that review.

Additionally, an efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and our allies. For example, in light of the 2022 Russian invasion of Ukraine, there continue to be concerns about energy security for Europe and Central Asia, particularly given the relative share

²⁵⁶ See IECA Pleading at 1, 3, 9; NRDC Pleading at 2-3, 6.

²⁵⁷ See AEO 2023 Reference Case, Table 13: Natural Gas Supply, Disposition, and Prices, <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2023&cases=ref2023&sourcekey=0>.

²⁵⁸ Energy Info. Admin., AEO 2023 *Issues in Focus: Effects of Liquefied Natural Gas Exports on the U.S. Natural Gas Market* (May 23, 2023), https://www.eia.gov/outlooks/aeo/IIF_LNG/ (Exec. Summary).

of Russian natural gas supplies into those regions until recently,²⁵⁹ with continued risk due to the now expired volumes of Russian natural gas that supply Europe.²⁶⁰ Sierra Club and Mr. Merendino dispute that CP2 LNG's proposed Project will provide geopolitical benefits, due to the fact that the Project has yet to be constructed. However, by authorizing exports of U.S.-sourced LNG to non-FTA countries, including to U.S. allies in Europe and elsewhere, this Order will enable CP2 LNG to help mitigate energy security concerns once it begins exporting U.S. LNG.²⁶¹ More generally, to the extent U.S. exports diversify global LNG supplies and increase the volumes of destination-flexible LNG available globally, these exports will improve energy security for many U.S. allies and trading partners.²⁶² We further note that, like all authorizations for the export of natural gas, no export will be permitted to a country for which exports are otherwise restricted by U.S. law or policy. For these reasons, we reiterate our finding that authorizing CP2 LNG's exports of U.S.-sourced LNG to non-FTA countries will advance the public interest.

DOE also notes that, in the AEO 2023, EIA projected continued high global demand for natural gas through 2050 making it economical to build additional LNG export facilities in the

²⁵⁹ According to EIA data, until immediately before Russia attacked Ukraine, natural gas imports delivered by pipeline into Europe provided most imported volumes into Europe, with imports sourced from Russia pre-2022 comprising the largest share. See U.S. Energy Info. Admin., *Today in Energy* (Feb. 11, 2022), <https://www.eia.gov/todayinenergy/detail.php?id=51258>.

²⁶⁰ Reuters reports that the five-year agreement between Moscow and Kyiv for the transit of Russian natural gas to Europe via Ukraine expired on January 1, 2025, as Kyiv refused to renew a transit agreement extending or developing a new deal. See Reuters, *Russian gas era in Europe ends as Ukraine stops transit* (Jan. 1, 2025), <https://www.reuters.com/business/energy/russia-halts-gas-exports-europe-via-ukraine-2025-01-01/>.

²⁶¹ We note that Europe has been the primary destination of U.S. LNG throughout 2023 and 2024. In December 2024, for example, more than 70% of all U.S. LNG exports went to Europe. See U.S. Dep't of Energy, *Natural Gas Imports and Exports Monthly*, at 1 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-02/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20December%202024_2.pdf; see also U.S. Energy Info. Admin., *Today in Energy* (Apr. 15, 2024) (noting that the United States supplied nearly half of Europe's LNG imports in 2023), <https://www.eia.gov/todayinenergy/detail.php?id=55920>.

²⁶² As of December 2024, 19% of U.S. LNG exports have gone to FTA countries, and 81% have gone to non-FTA countries. See U.S. Dep't of Energy, *Natural Gas Imports and Exports Monthly*, at 45 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-02/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20December%202024_2.pdf.

United States, such as the CP2 LNG Project.²⁶³ For example, EIA projected, in its Reference case, that U.S. natural gas production will increase 15%, up to 42.1 Tcf of natural gas, and LNG exports will increase 152%, to almost 10 Tcf, between 2022 and 2050.²⁶⁴ This level of LNG demand growth through to 2050 will require substantial investments in new natural gas and LNG projects.

Further, the United States has an increasingly important role in the European Union's (EU) gas supply. With the end of the Russian natural gas transit agreement via Ukraine at the end of 2024, "[i]ncreasing LNG imports from trustworthy global partners is key to fully eliminating the EU's reliance on Russian fossil fuels."²⁶⁵ According to the EU, "[e]ach step to phase out Russian fossil fuels brings the EU closer to a more secure and sustainable energy supply."²⁶⁶ In EIA's *International Energy Outlook 2023* (IEO 2023), EIA projected that "slow but increasing natural gas demand growth, coupled with the region's decreasing natural gas production, increases Western Europe's net natural gas imports by between 2.3 Tcf and 6.2 Tcf by 2050 across all cases."²⁶⁷ This analysis further supports a key objective of the "EU's energy union strategy," as "[LNG] can contribute to diversifying gas supplies ... while more sustainable solutions towards full decarbonization by 2050 are established."²⁶⁸

²⁶³ See U.S. Energy Info. Admin., *Today in Energy* (Apr. 27, 2023) <https://www.eia.gov/todayinenergy/detail.php?id=56320>; see also U.S. Energy Info. Admin., *Annual Energy Outlook 2023* (with projections to 2050) (Mar. 16, 2023), https://www.eia.gov/outlooks/aeo/pdf/AEO2023_Narrative.pdf.

²⁶⁴ U.S. Energy Info. Admin., *Today in Energy* (Apr. 27, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=56320>; see also U.S. Energy Info. Admin., AEO 2023 data, Table 13, <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2023&cases=ref2023&sourcekey=0>.

²⁶⁵ Official website of the European Union (Energy, LNG) (last visited Mar. 18, 2025), https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/liquefied-natural-gas_en.

²⁶⁶ *Id.*

²⁶⁷ U.S. Energy Info. Admin., *International Energy Outlook 2023* (with projections to 2050), at 45 (Oct. 11, 2023), https://www.eia.gov/outlooks/ieo/pdf/IEO2023_Narrative.pdf.

²⁶⁸ Official website of the European Union (Energy, LNG), *supra* note 265.

Additionally, we take administrative notice of a report published in October 2024 by the Institute of Energy Economics, Japan (IEEJ) which found that “[g]lobal LNG demand in 2050 is projected to increase by 74% from the present level.”²⁶⁹ According to the IEEJ, “[o]ne of the focal points of increasing demand is Southeast Asia’s emerging markets, notably the power generation sector,” and “[i]f the energy efficiency improvements assumed in these scenarios are not realised, LNG demand would increase further.”²⁷⁰ Similarly, other forecasts project varying levels of global demand for LNG, with many analysts predicting moderate to significant growth in LNG demand globally, particularly driven by Asia.

For these reasons and those set forth above, we conditionally find that CP2 LNG’s requested exports may advance the public interest for reasons that are distinct from and additional to the benefits discussed above.²⁷¹

C. Environmental Considerations

In protesting the Application, Sierra Club and NRDC raise a variety of environmental concerns under both NGA section 3(a) and NEPA. Additionally, Mr. Merendino raises environmental arguments in his comment, and Policy Integrity makes several recommendations regarding DOE’s environmental review.²⁷² As we have explained, this Conditional Order makes

²⁶⁹ The Institute of Energy Economics, Japan, IEEJ 2025 Outlook (Oct. 18, 2024), <https://eneken.ieej.or.jp/data/12114.pdf>.

²⁷⁰ *Id.*

²⁷¹ In his comment, Mr. Twist argues that, if CP2 LNG’s parent company, Venture Global, “did not have DOE authority” to enter into sales and purchase agreements with Sinopec and CNOOC Gas and Power, then DOE should reject CP2 LNG’s Application. Twist Comment at 2; *see also supra* § V.B.1. CP2 LNG responded that it was CP2 LNG’s affiliates, Calcasieu Pass and Plaquemines LNG, that entered into these sales and purchase agreements. CP2 LNG further states that these agreements “are fully consistent with existing export authorizations [issued to Calcasieu Pass and Plaquemines LNG] and have been submitted to DOE/FE in accordance with the terms of those authorizations.” CP2 LNG Answer at 2 n.5. We agree with CP2 LNG that the factual circumstances of those sales and purchase agreements comply with DOE requirements and, in any event, are outside the scope of this application proceeding for CP2 LNG. *See supra* at III.E (citing DOE’s webpage for CP2 LNG’s contracts to date, which do not include the Sinopec and CNOOC Gas and Power referenced by Mr. Twist).

²⁷² *See supra* § V.

preliminary findings and a conditional determination at this time on CP2 LNG's Application.²⁷³ Once DOE completes the ongoing 2024 LNG Export Study proceeding, DOE will issue a final order as informed by that Study and any other relevant considerations. In that final order, DOE will evaluate the environmental issues and arguments raised herein in compliance with DOE's obligations under NGA section 3(a) and NEPA.

D. Other Considerations

DOE notes the continuing uncertainty that all or even most of the proposed LNG export projects will ever be realized because of the time, difficulty, and expense of commercializing, financing, and constructing LNG export terminals, as well as the uncertainties and competition inherent in the global market for LNG.²⁷⁴

More generally, DOE continues to subscribe to the principle set forth in our 1984 Policy Guidelines²⁷⁵ that, under most circumstances, the market is the most efficient means of allocating natural gas supplies. However, agency intervention may be necessary to protect the public in the event there is insufficient domestic natural gas for domestic use, or as a result of other facts or circumstances beyond those presented here.²⁷⁶

E. Conclusion

DOE has reviewed the evidence in the record and relevant precedent in earlier non-FTA export decisions and has not found an adequate basis to conclude that CP2 LNG's proposed exports of U.S. LNG to non-FTA countries will be inconsistent with the public interest.

²⁷³ See *supra* § I.D.

²⁷⁴ See *infra* § VI.E (identifying long-term orders vacated to date).

²⁷⁵ 1984 Policy Guidelines, 49 Fed. Reg. 6684.

²⁷⁶ In previous orders, some commenters asked DOE to clarify the circumstances under which the agency would exercise its authority to revoke (in whole or in part) final LNG export authorizations. DOE stated that it could not precisely identify all the circumstances under which such action might be considered. Subsequently, in 2018, DOE issued a policy statement addressing this issue. See U.S. Dep't of Energy, Policy Statement Regarding Long-Term Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 83 Fed. Reg. 28,841 (June 21, 2018).

With today's issuance of this conditional Order and the vacatur or expiration of previous long-term non-FTA export authorizations,²⁷⁷ there are currently 41 non-FTA authorizations from the lower-48 states (39 final orders, one previously authorized conditional Order, and this conditional Order) in a cumulative volume of exports totaling 50.84 Bcf/d of natural gas, or approximately 18.6 Tcf per year, as follows:²⁷⁸ Sabine Pass Liquefaction, LLC (2.2 Bcf/d),²⁷⁹ Cameron LNG, LLC (1.7 Bcf/d),²⁸⁰ FLEX I (1.4 Bcf/d),²⁸¹ FLEX II (0.4 Bcf/d),²⁸² Cove Point LNG, LP (0.77 Bcf/d),²⁸³ Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (2.1

²⁷⁷ To date, DOE has vacated nine long-term non-FTA authorizations (none over the objection of the authorization holder) in the following proceedings: *Eagle LNG Partners Jacksonville II LLC*, Docket No. 17-79-LNG (Mar. 12, 2023), *Bear Head Energy Inc. (formerly Bear Head LNG Corp.) and Bear Head LNG (USA), LLC*, Docket No. 15-33-LNG (Jan. 20, 2023); *Jordan Cove Energy Project L.P.*, Docket No. 12-32-LNG (Apr. 22, 2022); *Air Flow N. Am. Corp.*, Docket No. 14-206-LNG (Dec. 30, 2021); *Emera CNG, LLC*, Docket No. 13-157-CNG (Oct. 20, 2021); *Annova LNG Common Infrastructure, LLC*, Docket No. 19-34-LNG (Apr. 23, 2021); *Floridian Natural Gas Storage Co., LLC*, Docket No. 15-38-LNG (Oct. 22, 2020); *Carib Energy (USA) LLC*, Docket No. 11-141-LNG (Nov. 17, 2020); *Flint Hills Res., LP*, Docket No. 15-168-LNG (Feb. 5, 2019). Additionally, two long-term non-FTA authorizations in the following proceedings have expired: *Pieridae Energy (USA) Ltd.*, Docket No. 14-179-LNG (Jan. 17, 2025); *Magnolia LNG, LLC*, Docket No. 13-132-LNG (Dec. 8, 2023).

²⁷⁸ Any number discrepancies are due to rounding. Additionally, this cumulative volume of non-FTA exports from the lower-48 states does not include export volumes granted pursuant to DOE's regulations for small-scale exports of natural gas. See 10 C.F.R. §§ 590.102(p), 208(a); U.S. Dep't of Energy, Office of Fossil Energy and Carbon Management, Long Term Applications Received by DOE to Export Domestically Produced LNG, CNG, CGL from the Lower-48 States, at 14 (as of Jan. 22, 2025), <https://www.energy.gov/fecm/articles/summary-lng-export-applications-lower-48-states> (identifying small-scale applications and status).

²⁷⁹ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2961-A, Docket No. 10-111-LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Sabine Pass LNG Terminal to Non-Free Trade Agreement Nations (Aug. 7, 2012).

²⁸⁰ *Cameron LNG, LLC*, DOE/FE Order No. 3391-A, Docket No. 11-162-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron LNG Terminal in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (Sept. 10, 2014).

²⁸¹ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3282-C, Docket No. 10-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014) (FLEX I Final Order).

²⁸² *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3357-B, Docket No. 11-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014) (FLEX II Final Order).

²⁸³ *Cove Point LNG, LP*, DOE/FE Order No. 3331-A, Docket No. 11-128-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point LNG Terminal in Calvert County, Maryland, to Non-Free Trade Agreement Nations (May 7, 2015), *reh'g denied*, DOE/FE Order No. 3331-B (Apr. 18, 2016), *amended by* DOE/FE Order No. 3331-C (Aug. 4, 2017), *further amended by* DOE/FE Order No. 3331-D (Dec. 2, 2020).

Bcf/d),²⁸⁴ Sabine Pass Liquefaction, LLC Expansion Project (1.38 Bcf/d),²⁸⁵ American LNG Marketing LLC (0.008 Bcf/d),²⁸⁶ Sabine Pass Liquefaction, LLC Design Increase (0.56 Bcf/d),²⁸⁷ Cameron LNG, LLC Design Increase (0.42 Bcf/d),²⁸⁸ Cameron LNG, LLC Expansion Project (1.41 Bcf/d),²⁸⁹ Lake Charles Exports, LLC (2.0 Bcf/d),²⁹⁰ Lake Charles LNG Export Company, LLC,²⁹¹ Carib Energy (USA), LLC (0.004),²⁹² Southern LNG Company, L.L.C. (0.36 Bcf/d),²⁹³

²⁸⁴ *Cheniere Mktg., LLC and Corpus Christi Liquefaction, LLC*, DOE/FE Order No. 3638, Docket No. 12-97-LNG, Final Order and Opinion Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas, to Non-Free Trade Agreement Nations (May 12, 2015).

²⁸⁵ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3669, Docket Nos. 13-30-LNG, 13-42-LNG, & 13-121-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (June 26, 2015).

²⁸⁶ *Am. LNG Mktg. LLC*, DOE/FE Order No. 3690, Docket No. 14-209-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas in ISO Containers Loaded at the Proposed Hialeah Facility Near Medley, Florida, and Exported by Vessel to Non-Free Trade Agreement Nations (Aug. 7, 2015).

²⁸⁷ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3792, Docket No. 15-63-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (Mar. 11, 2016).

²⁸⁸ *Cameron LNG, LLC*, DOE/FE Order No. 3797, Docket No. 15-67-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron Terminal Located in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (Mar. 18, 2016).

²⁸⁹ *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal Located in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (July 15, 2016).

²⁹⁰ *Lake Charles Exports, LLC*, DOE/FE Order No. 3324-A, Docket No. 11-59-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Calcasieu Parish, Louisiana, to Non-Free Trade Agreement Nations (July 29, 2016).

²⁹¹ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868, Docket No. 13-04-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Calcasieu Parish, Louisiana to Non-Free Trade Agreement Nations (July 29, 2016).

²⁹² *Carib Energy (USA) LLC*, DOE/FE Order No. 3937, Docket No. 16-98-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas in ISO Containers Loaded at Designated Pivotal LNG, Inc. Facilities and Exported by Vessel to Non-Free Trade Agreement Nations in Central America, South America, or the Caribbean (Nov. 28, 2016).

²⁹³ *S. LNG Co., L.L.C.*, DOE/FE Order No. 3956, Docket No. 12-100-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Elba Island Terminal in Chatham County, Georgia, to Non-Free Trade Agreement Nations (Dec. 16, 2016).

the FLEX Design Increase (0.34 Bcf/d),²⁹⁴ Golden Pass LNG Terminal LLC (2.57 Bcf/d),²⁹⁵ Delfin LNG LLC (1.8 Bcf/d),²⁹⁶ the Lake Charles LNG Export Company, LLC Design Increase (0.33 Bcf/d),²⁹⁷ the Lake Charles Exports, LLC Design Increase,²⁹⁸ Mexico Pacific Limited LLC (1.7 Bcf/d),²⁹⁹ Venture Global Calcasieu Pass, LLC (1.7 Bcf/d),³⁰⁰ ECA Liquefaction, S. de R.L. de C.V. (Mid-Scale Project) (0.44 Bcf/d),³⁰¹ Energía Costa Azul, S. de R.L. de C.V. (Large-Scale

²⁹⁴ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3957, Docket No. 16-108-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Dec. 19, 2016).

²⁹⁵ *Golden Pass LNG Terminal LLC*, DOE/FE Order No. 3978, Docket No. 12-156-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Golden Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations (Apr. 25, 2017), *amended by* DOE/FE Order No. 3978-B, Order Granting Request to Transfer Authorizations and Responding to Statement of Change in Control (Mar. 4, 2020) (transferring authorization from Golden Pass Products LLC to Golden Pass LNG Terminal LLC), *further amended by* DOE/FECM Order No. 3978-E (Apr. 27, 2022) (increasing export volume).

²⁹⁶ *Delfin LNG LLC*, 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). Although this non-FTA authorization would have expired on June 1, 2024, the expiration is currently tolled pending action by DOE on Delfin's request for an extension of time to commence exports. *See Delfin LNG LLC*, Notice Tolling Expiration of Non-FTA Authorization Pending DOE Action (May 31, 2024).

²⁹⁷ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, Docket No. 16-109-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Lake Charles, Louisiana, to Free Trade Agreement and Non-Free Trade Agreement Nations (June 29, 2017).

²⁹⁸ *Lake Charles Exports, LLC*, DOE/FE Order No. 4011, Docket No. 16-110-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Lake Charles, Louisiana, to Free Trade Agreement and Non-Free Trade Agreement Nations (June 29, 2017).

²⁹⁹ *Mexico Pac. Ltd. LLC*, DOE/FE Order No. 4312, Docket No. 18-70-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export U.S.-Sourced Natural Gas by Pipeline to Mexico for Liquefaction and Re-Export in the Form of Liquefied Natural Gas to Non-Free Trade Agreement Countries (Dec. 14, 2018).

³⁰⁰ *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG, 14-88-LNG, 15-25-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 5, 2019).

³⁰¹ *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order No. 4364, Docket No. 18-144-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (ECA Mid-Scale Project) (Mar. 29, 2019), *amended by* DOE/FE Order No. 4364-A (Oct. 7, 2019) (transferring authorization from Energía Costa Azul, S. de R.L. de C.V. to ECA Liquefaction, S. de R.L. de C.V.).

Project) (1.74 Bcf/d),³⁰² Port Arthur LNG, LLC (1.91 Bcf/d),³⁰³ Driftwood LNG LLC (3.88 Bcf/d),³⁰⁴ FLEX4 (0.72 Bcf/d),³⁰⁵ Gulf LNG Liquefaction Company, LLC (1.53 Bcf/d),³⁰⁶ Eagle LNG Partners Jacksonville LLC (0.14 Bcf/d),³⁰⁷ Venture Global Plaquemines LNG, LLC (3.40 Bcf/d),³⁰⁸ Texas LNG Brownsville LLC (0.56 Bcf/d),³⁰⁹ Corpus Christi Liquefaction Stage III, LLC (1.59 Bcf/d),³¹⁰ Rio Grande LNG, LLC (3.61 Bcf/d),³¹¹ Epsilon LNG LLC (1.083 Bcf/d),³¹² Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (0.3 Bcf/d),³¹³ Sabine Pass Liquefaction, LLC (0.42 Bcf/d),³¹⁴ Vista Pacifico LNG, S.A.P.I. de C.V. (Mid-Scale Project)

³⁰² *Energía Costa Azul, S. de R.L. de C.V.*, DOE/FE Order No. 4365, Docket No. 18-145-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (ECA Large-Scale Project) (Mar. 29, 2019), *amended by* DOE/FE 4365-A (Dec. 10, 2020), *further amended by* DOE/FECM Order No. 4365-B (Dec. 20, 2022) (increasing export volume).

³⁰³ *Port Arthur LNG, LLC*, DOE/FE Order No. 4372, Docket No. 15-96-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 2, 2019).

³⁰⁴ *Driftwood LNG LLC*, DOE/FE Order No. 4373, Docket No. 16-144-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 2, 2019).

³⁰⁵ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 4374, Docket No. 18-26-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 28, 2019).

³⁰⁶ *Gulf LNG Liquefaction Co., LLC*, DOE/FE Order No. 4410, Docket No. 12-101-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (July 31, 2019).

³⁰⁷ *Eagle LNG Partners Jacksonville LLC*, DOE/FE Order No. 4445, Docket No. 16-15-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Oct. 3, 2019).

³⁰⁸ *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446, Docket No. 16-28-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Oct. 16, 2019).

³⁰⁹ *Texas LNG Brownsville LLC*, DOE/FE Order No. 4489, Docket No. 15-62-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

³¹⁰ *Corpus Christi Liquefaction Stage III, LLC*, DOE/FE Order No. 4490, Docket No. 18-78-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

³¹¹ *Rio Grande LNG, LLC*, DOE/FE Order No. 4492, Docket No. 15-190-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

³¹² *Epsilon LNG LLC*, DOE/FE Order No. 4629, Docket No. 20-31-LNG, Opinion and Order Granting Long-Term Authorization to Export Natural Gas to Mexico for Liquefaction, and to Re-Export U.S. Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Free Trade Agreement and Non-Free Trade Agreement Nations (Dec. 8, 2020).

³¹³ *Cheniere Mktg., LLC and Corpus Christi Liquefaction, LLC*, DOE/FECM Order No. 4799, Docket No. 19-124-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 16, 2022).

³¹⁴ *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4800, Docket No. 19-125-LNG, Order Granting Long Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 16, 2022).

(0.55 Bcf/d),³¹⁵ FLEX Design Increase (0.24 Bcf/d),³¹⁶ NFE Altamira FLNG, S. de R.L. de C.V. (0.40 Bcf/d),³¹⁷ Commonwealth LNG, LLC (conditional authorization of 1.21 Bcf/d),³¹⁸ and this Conditional Order.

We note that the volumes authorized for export in the *Lake Charles Exports* and *Lake Charles LNG Export* orders are both 2.0 Bcf/d and 0.33 Bcf/d, respectively, yet are not additive to one another because the source of LNG approved under all of those orders is the Lake Charles Terminal.³¹⁹

DOE further notes that, to date, the cumulative total of U.S. and Mexico LNG export capacity, using U.S.-sourced natural gas, that is operating or under construction across 13 mid- or large-scale export projects with a non-FTA export authorization from DOE is 26.69 Bcf/d of natural gas.³²⁰

DOE will continue taking a measured approach in reviewing the other pending applications to export natural gas. Specifically, DOE will continue to assess the cumulative impacts of each succeeding request for export authorization on the public interest with due regard to the effect on domestic natural gas supply and demand fundamentals.

The reasons in support of proceeding in this manner are that: (1) EIA's projections in

³¹⁵ *Vista Pacifico LNG, S.A.P.I. de C.V.*, DOE/FECM Order No. 4929, Docket No. 20-153-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Dec. 20, 2022).

³¹⁶ *Freeport LNG Expansion, L.P., et al.*, DOE/FECM Order No. 4961, Docket No. 21-98-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 3, 2023).

³¹⁷ *NFE Altamira FLNG, S. de R.L. de C.V.*, DOE/FECM Order No. 5156, Docket No. 22-110-LNG, Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Aug. 31, 2024).

³¹⁸ *Commonwealth LNG, LLC*, DOE/FECM Order No. 5238, Docket No. 19-134-LNG, Order Conditionally Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 14, 2025).

³¹⁹ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, at 55; *see also Lake Charles Exports, LLC*, DOE/FE Order No. 4011, at 54.

³²⁰ U.S. Dep't of Energy, Liquefied Natural Gas (LNG) Exports Snapshot (Dec. 2024), https://www.energy.gov/sites/default/files/2025-01/LNG%20Snapshot%20Dec%2031%202024_Final2.pdf.

AEO 2023 are inherently limited in their predictive accuracy, including for the time period that corresponds with the term of this authorization, and (2) the market for natural gas has experienced changes due to economic, geopolitical, technological, and regulatory developments. The market of the future very likely will not resemble the market of today. In recognition of these factors, DOE intends to monitor developments that could potentially undermine the public interest in grants of successive applications for exports of domestically produced LNG and to attach terms and conditions to LNG export authorizations to protect the public interest.

VII. FINDINGS

On the basis of the findings and conclusions set forth above, DOE conditionally grants the non-FTA portion of CP2 LNG's Application, as supplemented, subject to the Terms and Conditions and Ordering Paragraphs set forth below.

VIII. TERMS AND CONDITIONS

A. Term of the Authorization

Consistent with DOE's current practice and CP2 LNG's request, DOE conditionally grants CP2 LNG's authorization for a term to commence on the date of first export from the proposed CP2 LNG Project and to extend through December 31, 2050.

B. Commencement of Operations Within Seven Years

CP2 LNG requests its non-FTA authorization to commence on the earlier of the date of first export or seven years from the date the authorization is granted by DOE.³²¹ Consistent with DOE's final and conditional non-FTA authorizations to date, DOE adds as a condition of this authorization that CP2 LNG must commence export operations of the Project no later than seven

³²¹ CP2 LNG App. at 12.

years from the date of issuance of this Order.³²² The purpose of this condition is to ensure that other entities that may seek similar authorizations are not frustrated in their efforts to obtain those authorizations by authorization holders that are not engaged in actual export operations.

C. Transfer, Assignment, or Change in Control

DOE's natural gas regulations prohibit authorization holders from transferring or assigning authorizations to import or export natural gas without specific authorization by the Assistant Secretary for Fossil Energy and Carbon Management.³²³ DOE has found that this requirement applies to any change of control of the authorization holder. This condition was deemed necessary to ensure that DOE will be given an adequate opportunity to assess the public interest impacts of such a transfer or change.

DOE construes a change in control to mean a change, directly or indirectly, of the power to direct the management or policies of an entity whether such power is exercised through one or more 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.³²⁴ 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.³²⁵

D. Agency Rights

CP2 LNG requests authorization to export LNG on its own behalf and as agent for other

³²² We emphasize that CP2 LNG may not commence export operations to non-FTA countries under this conditional authorization alone, unless and until it receives a final order from DOE under NGA section 3(a), 15 U.S.C. § 717b(a). *See also* 10 C.F.R. § 590.404 ("Final opinions and orders"). Accordingly, this seven-year export commencement period will be reset in any future final order approving CP2 LNG's requested non-FTA authorization.

³²³ 10 C.F.R. § 590.405.

³²⁴ *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, 65,542 (Nov. 5, 2014).

³²⁵ *See id.*

entities that hold title to the LNG at the time of export, pursuant to long-term contracts. DOE previously has determined that, in LNG export orders in which Agency Rights have been granted, DOE shall require registration materials filed for, or by, a LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.³²⁶

To ensure that the public interest is served, this authorization will require that, where CP2 LNG proposes to export LNG as agent for other entities that hold title to the LNG (Registrants), CP2 LNG must register those entities with DOE in accordance with the procedures and requirements described herein.

E. Contract Provisions for the Sale or Transfer of LNG

DOE will require that CP2 LNG file or cause to be filed with DOE any relevant long-term commercial agreements pursuant to which CP2 LNG exports LNG on its own behalf or as agent for a Registrant. DOE finds that the submission of all such agreements or 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).³²⁷

In addition, DOE finds that section 590.202(c) of DOE’s regulations³²⁸ requires that CP2 LNG file, or cause to be filed, all long-term contracts associated with the long-term supply of natural gas to the Project, whether signed by CP2 LNG or the Registrant, within 30 days of their execution.

³²⁶ See, e.g., *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal to Non-Free Trade Agreement Nations, at 128-29 (July 15, 2016); *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 the Freeport LNG Terminal to Free Trade Agreement Nations, at 7-8 (Feb. 10, 2011).

³²⁷ 10 C.F.R. § 590.202(b).

³²⁸ *Id.* § 590.202(c).

DOE recognizes that some information in CP2 LNG's or a Registrant's long-term commercial agreements associated with the export of LNG, and/or long-term contracts associated with the long-term supply of natural gas to the Project, may be commercially sensitive. DOE therefore will provide CP2 LNG the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) CP2 LNG 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.

To ensure that DOE destination and reporting requirements included in this 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 this Order shall include an acknowledgement of these requirements.

F. Export Quantity

This Order conditionally grants CP2 LNG's Application to export LNG to non-FTA countries in the full volume requested, equivalent to 1,446 Bcf/yr of natural gas.

G. Combined FTA and Non-FTA Export Authorization Volumes

CP2 LNG is currently authorized in DOE/FECM Order No. 4812 to export domestically produced LNG to FTA countries in a volume equivalent to 1,446 Bcf/yr of natural gas. Because the source of LNG for that FTA Order and this Order reflect the planned liquefaction capacity of the CP2 LNG Project, CP2 LNG may not treat the FTA and non-FTA export volumes as additive to one another.

IX. ORDER

Pursuant to section 3 of the Natural Gas Act and 10 C.F.R. § 402, it is ordered that:

A. Venture Global CP2 LNG, LLC (CP2 LNG) is conditionally authorized to export domestically produced LNG by vessel from the proposed CP2 LNG Project, to be located on the east side of the Calcasieu Ship Channel, and on Monkey Island, in Cameron Parish, Louisiana. The volume authorized in this Order is equivalent to 1,446 Bcf/yr of natural gas for a term to commence on the date of first export and to extend through December 31, 2050. CP2 LNG is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.³²⁹

B. This LNG may be exported to any country with which the United States does not have a FTA requiring national treatment for trade in natural gas, which currently has or in the future develops the capacity to import LNG, and with which trade is not prohibited by U.S. law or policy.

C. CP2 LNG must commence export operations using the planned CP2 LNG Project no later than seven years from the date of issuance of this Order.³³⁰

D. CP2 LNG 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 U.S. Department of the Treasury. Failure to comply with these requirements could result in rescission of this authorization and/or other civil or criminal penalties.

³²⁹ 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, 86 Fed. Reg. 2243 (Jan. 12, 2021).

³³⁰ See *supra* § VIII.B & note 322.

E. This Order is conditioned on CP2 LNG's on-going compliance with any other preventative and mitigative measures at the Project imposed by federal or state agencies.

F. (i) CP2 LNG 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 export of LNG from the Project on its own behalf or as agent for other entities. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

(ii) CP2 LNG 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 natural gas to the Project. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

G. CP2 LNG is permitted to use its authorization to export LNG as agent for other LNG title-holders (Registrants), after registering those entities with DOE. Registration materials shall include an agreement by the Registrant to supply CP2 LNG with all information necessary to permit CP2 LNG 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 F of this Order.

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).

H. CP2 LNG, or others for whom CP2 LNG acts as agent, shall include the following provision in any agreement or other contract for the sale or transfer of LNG exported pursuant to this Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer LNG purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/FECM Order No. 5264, issued March 19, 2025, in Docket No. 21-131-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of such LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Venture Global CP2 LNG, LLC that identifies the country (or countries) into which the LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Venture Global CP2 LNG, LLC is made aware of all such actual destination countries.

I. Within two weeks after the first export authorized in Ordering Paragraph A occurs, CP2 LNG shall provide written notification of the date of first export to DOE.

J. CP2 LNG shall file with the Office of Regulation, Analysis, and Engagement, on a semi-annual basis, written reports describing the status of the proposed Project. 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 Project, the date the Project is expected to commence first exports of LNG, and the status of any associated long-term supply and export contracts.

K. With respect to any change in control of the authorization holder, CP2 LNG must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.³³¹

L. Monthly Reports: With respect to the exports authorized by this Order, CP2 LNG 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 have been made. The first monthly report required by this Order is due not later than the 30th day of the month following the month of first export. In subsequent months, if exports have not occurred, a report of "no activity" for that month must be filed. If exports have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at <https://www.energy.gov/fecm/guidelines-filing-monthly-reports>.

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

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>.

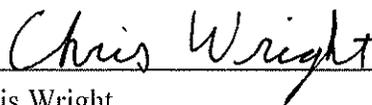
N. The Motions to Intervene submitted by NRDC and Sierra Club are deemed granted by operation of law.³³² The Motions to Intervene submitted by Public Citizen and IECA are

³³¹ See 79 Fed. Reg. at 65,541-42.

³³² 10 C.F.R. § 590.303(g).

granted.

Issued in Washington, D.C., on March 19, 2025.

A handwritten signature in cursive script that reads "Chris Wright". The signature is written in black ink and is positioned above a solid horizontal line.

Chris Wright
U.S. Secretary of Energy