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June 23, 2025

Ms. Amy Sweeney
Director, Office of Regulation, Analysis, and Engagement (FE-34)
Office of Resource Sustainability
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

via email to FERGAS@hq.doe.gov

Re: Freeport LNG Expansion, L.P. & FLNG Liquefaction 4, LLC
DOE/FE Order No. 4374
FE Docket No. 18-26-LNG
Request for Extension of Non-Free Trade Agreement Export Commencement Deadline

Dear Ms. Sweeney:

On May 28, 2019, the U.S. Department of Energy's ("DOE") Office of Fossil Energy and Carbon Management ("DOE/FECM")¹ issued Order No. 4374² in the above-captioned docket, which granted long-term authorization to Freeport LNG Expansion, L.P. ("Freeport Expansion") and FLNG Liquefaction 4, LLC ("FLIQ4" and together with Freeport Expansion, "FLEX4") to export liquefied natural gas ("LNG") from a proposed fourth natural gas liquefaction train and pretreatment unit, as well as associated infrastructure ("Train 4 Project" or "Project"), to be located at the existing LNG export terminal, owned and operated by FLEX4's affiliates,³ in Brazoria County, Texas (the "Terminal"). Specifically, Order No. 4374 authorized FLEX4 to export LNG from the Train 4 Project to any nation that has, or in the future develops, the capacity to import LNG, with which the United States does not have a free trade agreement ("FTA") requiring the national treatment for trade in natural gas and LNG, and with which trade is not prohibited by U.S. law or policy. Order No. 4374 provided that "FLEX4 must commence export operations using the planned liquefaction facilities no later than seven years from the date of issuance of" Order No. 4374, or by May 28, 2026.⁴ As explained herein, and for good cause shown, FLEX4 hereby respectfully requests DOE/FECM issue

¹ DOE/FECM was previously known as the Department of Energy, Office of Fossil Energy or "DOE/FE". In this regard, DOE/FECM is used herein except with respect to citations to documents.

² *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FE Order No. 4374, FE Docket No. 18-26-LNG (May 28, 2019) (hereinafter "*Order No. 4374*").

³ FLEX4's affiliates are Freeport LNG Development, L.P. ("Freeport LNG"), FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC.

⁴ *Id.* at Ordering Para. (D).



an order granting an extension of the export commencement deadline in Order No. 4374, until **December 1, 2031**.⁵

Background

Although FLEX4 has undertaken significant efforts and expended substantial capital towards the development of the Train 4 Project, FLEX4 encountered unanticipated circumstances after the issuance of Order No. 4374 that have hindered progress and rendered the May 28, 2026 deadline infeasible. First, the onset of the COVID-19 pandemic shortly after issuance of Order No. 4374 resulted in widespread global health and economic impacts. These impacts had long-lasting effects on global markets, including global LNG markets, the global supply-chain and the financing of large-scale infrastructure, which made it extremely difficult to secure long-term LNG commercial commitments for the Project for several years. Second, in June 2020, KBR, Inc. (“KBR”), Freeport LNG and FLIQ4’s engineering, procurement and construction (“EPC”) contractor, announced its decision to exit the LNG EPC business, requiring Freeport LNG and FLIQ4 to restart the years-long bidding process to select a new EPC contractor.

In light of the above, Freeport LNG and FLIQ4 requested and received two extensions of time from FERC to complete construction and place the Train 4 Project in service.⁶ Notably, the Commission found “that good cause exists for an extension and that Freeport LNG [and FLIQ4] ha[ve] made a good faith effort at meeting the deadline in [their] authorization.”⁷ Unfortunately, on June 8, 2022, less than a month after submitting the 2022 FERC Extension Request, an explosion occurred at the Terminal, which resulted in the entire Terminal being taken offline (“June 8 Incident”).⁸ Following the June 8 Incident, FERC staff issued a letter requiring Freeport LNG to “receive written

⁵ An extension until December 1, 2031 is consistent with the request for an extension of time to complete construction and place the Project in service filed by FLIQ4 and Freeport LNG on June 18, 2025, which is currently pending before the Federal Energy Regulatory Commission (“FERC” or “Commission”). *See Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Request for Extension of Time, Docket No. CP17-470-000 (June 18, 2025).

⁶ *See Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Request for Extension of Time, Docket No. CP17-470-000 (July 27, 2020), *granted*, *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Letter Order Granting Extension of Time, Docket No. CP17-470-000 (Sept. 10, 2020); *see also Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Request for Extension of Time, Docket No. CP17-470-000 (May 16, 2022) (the “2022 FERC Extension Request”), *granted*, *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, 181 FERC ¶ 61,023 (2022) (the “2022 FERC Extension Order”).

⁷ 2022 FERC Extension Order, at P 12 (noting that “[t]he Commission order authorizing Freeport LNG [and FLIQ4] to construct and operate [the Train 4 Project] issued in May 2019, less than a year before the global COVID pandemic.”); *see also id.* (further noting that Freeport LNG and FLIQ4 “among other things, maintained [their] permits for the project, actively pursued commercial agreements, and [are] actively pursuing a new engineering, procurement, and actively pursuing a new [EPC] contractor (after the unanticipated withdrawal of [their] previous contractor), all of which we find evidence continued commitment to proceeding with the project.”).

⁸ *See Freeport LNG Development, L.P.*, Letter Discussing LNG Terminal Operation, Docket Nos. CP03-75-000, *et al.* (June 30, 2022) (“June 30 FERC Letter”); *see also Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, 182 FERC ¶ 61,112 (2023) (noting that “the explosion that took the facility offline occurred on June 8, 2022”, the day after comments on the 2022 FERC Extension Request were due).



authorization before restarting any non-emergency operations in existing facilities, constructing new or modified facilities, and commissioning and placing any facilities back into service.”⁹

Since the June 8 Incident, Freeport LNG has undertaken significant efforts to restore and return the Terminal to service in a safe and diligent manner, including repairing and replacing damaged equipment and facilities. During this time, Freeport LNG also made substantial improvements to its existing operations, including enhancements related to operational excellence, process safety management, equipment reliability and vendor quality management, and to its staffing, including increasing its operations and maintenance personnel, safety personnel and engineering resources. On May 21, 2025, FERC staff authorized Freeport LNG to return the Terminal to full service.¹⁰

To account for delays to the Train 4 Project schedule resulting from the June 8 Incident-related restoration activities, on June 18, 2025, Freeport LNG and FLIQ4 submitted a third request to FERC seeking an extension of time to complete construction and place the Train 4 Project in service by December 1, 2031.¹¹ FLEX4 is requesting DOE/FECM issue an extension of the export commencement deadline in Order No. 4374 consistent with the new in-service deadline requested from FERC, to align the timelines under the Natural Gas Act (“NGA”) authorizations for the Train 4 Project from both agencies.¹²

Extension Request

Under Section 3(a) of the NGA, “no person shall export any natural gas from the United States to a foreign country without first having secured an order ... authorizing it to do so.”¹³ Further, DOE “may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order ... as it may find necessary or appropriate.”¹⁴ DOE considers requests for

⁹ See June 30 FERC Letter.

¹⁰ *Freeport LNG Development, L.P.*, Letter Order Granting Approval to Return to Service Phase 3 Facilities, Docket Nos. CP03-75-000, *et al.* (May 21, 2025). This authorization was preceded by FERC staff’s partial in-service approvals for Freeport LNG’s first phase of restoration on February 21, 2023, and its second phase of restoration on November 22, 2023. See *Freeport LNG Development, L.P.*, Letter Order Granting Approval to Return to Service Certain Phase 1 Facilities, Docket Nos. CP03-75-000, *et al.* (Feb. 21, 2023) & *Freeport LNG Development, L.P.*, Letter Order Granting Approval to Return to Service Phase II Facilities, Docket Nos. CP03-75-000, *et al.* (Nov. 22, 2023).

¹¹ See *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Request for Extension of Time, Docket No. CP17-470-000 (June 18, 2025).

¹² DOE has previously granted requests to extend export commencement deadlines that align with the in-service deadline in FERC’s authorization. See, e.g., *Cameron LNG, LLC*, Order Granting Application for Extension of Commencement Deadlines, DOE/FE Order Nos. 3680-A & 3846-A, FE Docket Nos. 15-36-LNG & 15-90-LNG (Nov. 2, 2020) (“*Cameron LNG*”).

¹³ 15 U.S.C. § 717b(a).

¹⁴ *Port Arthur LNG, LLC*, Order Granting Application to Extend Term to Begin Exports of Liquefied Natural Gas to Free Trade Agreement Countries to Extend Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries, DOE/FECM Order Nos. 3698-C & 4372-B, Docket Nos. 15-53-LNG, *et al.*, at 12 (Apr. 21, 2023) (“*Port Arthur LNG*”) (quoting 15 U.S.C. § 717b(a)).



extensions of the export commencement deadlines in its orders “on a case-by-case basis.”¹⁵ However, DOE has found that when no facts associated with the original non-FTA application, and no requirements of the non-FTA authorization, are affected by an extension beyond the additional time period to commence export operations, an extension “does not alter DOE’s public interest determination” in the underlying order.¹⁶

There is good cause to grant an extension of FLEX4’s export commencement deadline. Prudently, FLEX4 and its affiliates have prioritized restoration efforts and the return of the existing facilities at the Terminal to service since the June 8 Incident. Moreover, the new facilities approved by the Commission for the Train 4 Project require use of the shared Terminal facilities. At this point, the impacts of the COVID-19 pandemic have subsided, restoration of the Terminal is now complete,¹⁷ the Terminal has returned to full service and normal operations have resumed.¹⁸ Further, FLIQ4 has maintained a valid EPC contract for the Train 4 Project with Kiewit Energy Group Inc., who continues to provide assistance with development of the Project. As a result, FLEX4 is actively marketing the Train 4 Project and engaging in discussions with a number of potential customers, including those in more recently emerging markets and in markets with renewed strategic emphasis on securing long-term U.S. LNG supply.

Although FLEX4 intends to move forward with pursuing financing and commencement of construction on the Train 4 Project as soon as practicable, given the anticipated minimum 48-56 month period required to construct the Train 4 Project, and longer than anticipated lead times associated with ordering and obtaining required equipment, material and components, it is not possible to meet the current May 28, 2026 export commencement deadline. The inability to meet this schedule is impeding, and will continue to impede, FLEX4’s efforts to commercialize the Train 4 Project and structure the complex financing associated with reaching a final investment decision. The upfront, long-term commercial commitments required to be made by LNG customers, and the unique nature of financing LNG projects, necessitates certainty that FLEX4’s permits and authorizations will remain valid throughout construction of the Train 4 Project.

FLEX4 has attempted in good faith to meet the export commencement deadline in Order No. 4374, obtaining and maintaining all required permits and expending approximately \$111 million in capital to progress the development of the Train 4 Project. FLEX4 also expended a significant amount of

¹⁵ See U.S. Dep’t of Energy, *Rescission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 90 Fed. Reg. 14,411 (Apr. 2, 2025)

¹⁶ See, e.g., *Port Arthur LNG*, at 13; see also *Cameron LNG*, at 6; and *Golden Pass LNG Terminal LLC*, Order Granting Request for Extension of Export Commencement Deadlines, DOE/FE Order Nos. 3147-B & 3978-C, FE Docket Nos. 12-88-LNG & 12-156-LNG, at 9 (Mar. 24, 2020) (“*Golden Pass LNG*”).

¹⁷ *Freeport LNG Development, L.P.*, Letter Order Granting Approval to Return to Service Phase 3 Facilities, Docket Nos. CP03-75-000, *et al.* (May 21, 2025).

¹⁸ See *Freeport LNG Development, L.P.*, Letter Order Granting Determination of Satisfaction of Ordering Paragraph B Condition, Docket No. CP21-47-000 (May 30, 2025) (letter order from FERC staff finding “LNG facilities being fit for service and that acceptable measures have been put into place to safely return facilities to operation, including operation to increase the maximum output of the facilities. This includes successful implementation of all measures applicable to all facilities and prior demonstration of successful operations at previously authorized maximum production levels....”).



time, effort and cost to rebid the EPC contract for the Project after KBR exited that market. As a result of the loss of KBR, its original EPC contractor, the COVID-19 pandemic and the June 8 Incident, substantial progress on the Project was delayed for a number of years. Nevertheless, during the COVID-19 pandemic and while June 8 Incident-related restoration activities were ongoing, FLEX4 and its affiliates have continued to develop the Project, to the extent prudent and feasible, incorporating lessons learned and operational improvements into the Train 4 Project execution.

FLEX4 notes that the extension requested herein does not alter any facts associated with FLEX4's original non-FTA application and does not affect any requirements of its non-FTA authorization beyond providing for additional time to commence export operations. Thus, nothing in the instant request alters DOE/FECM's public interest determinations nor any of its conclusions in Order No. 4374. Under these circumstances, granting the instant request is consistent with DOE/FECM precedent.¹⁹ Additionally, DOE/FECM has granted requests for extensions of export commencement deadlines where a project developer experienced challenges associated with the COVID-19 pandemic²⁰ as well as where an EPC contractor exited the project.²¹

Granting FLEX4's request for an extension of the export commencement deadline will assist with the timely commercialization and completion of the Train 4 Project, providing needed LNG exports that DOE/FECM has already found to be consistent with the public interest, and which DOE recently confirmed will "enhance national and energy security for the United States as well as U.S. allies and trading partners."²² Additionally, granting the extension requested herein will help the United States realize the benefits articulated in the 2024 LNG Export Study, including increased gross domestic product, beneficial impacts on the U.S. trade balance, and increased levels of employment and economic support in communities where natural gas infrastructure is located.²³

Conclusion

As explained above, FLEX4 has demonstrated good cause for an extension of the export commencement deadline in Order No. 4374. FLEX4 has obtained and is maintaining all required permits, and has expended significant capital to progress the development of the Train 4 Project. Although FLEX4 encountered unanticipated circumstances following the issuance of Order No. 4374,

¹⁹ See, e.g., *Port Arthur LNG*, at 13; *Cameron LNG*, at 6; and *Golden Pass LNG*, at 9.

²⁰ See *Port Arthur LNG*, at 6 (finding good cause for an extension where the authorization holder experienced "unanticipated contracting and logistical delays due to the COVID-19 pandemic and its effects on the global LNG market.").

²¹ See *Golden Pass LNG Terminal LLC*, Order Amending Authorization to Export Liquefied Natural Gas to Free Trade Agreement Countries and Second Extension of Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries, DOE/FECM Order Nos. 3147-F & 3978-G, Docket Nos. 12-88-LNG & 12-156-LNG, at 10 (Mar. 5, 2025) (finding good cause for an extension where authorization holder's lead construction contractor exited the project due to bankruptcy).

²² See U.S. Dept. of Energy, Office of Fossil Energy and Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments*, at 48 (May 19, 2025) ("*Response to Comments*"); see also U.S. Dept. of Energy, *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*, 89 Fed. Reg. 104,132 (Dec. 20, 2024) ("*2024 LNG Export Study*").

²³ *Response to Comments*, at 47-49.



such circumstances have now abated and FLEX4 is committed to moving forward with the Train 4 Project and the requested extension will provide the necessary certainty to allow FLEX4 to do so. Moreover, the instant request for an extension is consistent with DOE/FECM precedent and the public interest, which will be served by facilitating the delivery of needed LNG to our global allies and trading partners, and current U.S. policy to “unleash America’s affordable and reliable energy and natural resources.”²⁴

Given the foregoing, FLEX4 hereby requests that DOE/FECM grant an extension of time so that it may commence export operations from the Train 4 Project by no later than **December 1, 2031**. To assist with the timely commercialization of the Project, FLEX4 respectfully requests that DOE/FECM issue an order on the instant request by no later than **July 23, 2025**.²⁵

Should you have any questions about the instant filing, please feel free to contact the undersigned at (212) 506-3710.

Respectfully submitted,

/s/ Lisa M. Tonery
Lisa M. Tonery
Mariah T. Johnston
Jacob I. Cunningham
Attorneys for
Freeport LNG Expansion, L.P. and
FLNG Liquefaction 4, LLC

²⁴ See Exec. Order No. 14,154, Unleashing American Energy, 90 Fed. Reg. 8,353 (Jan. 20, 2025).

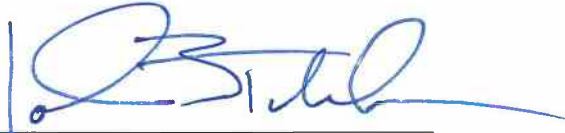
²⁵ FLEX4 notes that FLIQ4 and Freeport LNG requested that the Commission issue an order on their request for an extension of time by no later than July 18, 2025. See *Freeport LNG Development, L.P. & FLNG Liquefaction 4, LLC*, Request for Extension of Time, Docket No. CP17-470-000 (June 18, 2025).

VERIFICATION

State of Texas)

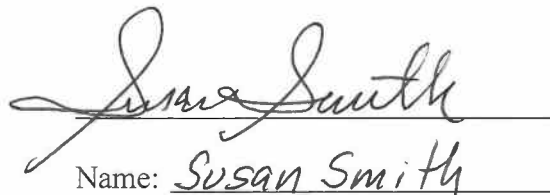
County of Harris)

BEFORE ME, the undersigned authority, on this day personally appeared John Tobola who, having been by me first duly sworn, on oath says that he is the President for Freeport LNG Development, L.P. and is duly authorized to make this Verification; that he has read the foregoing filing and that the facts therein stated are true and correct to the best of his knowledge, information and belief.



John Tobola
President, Freeport LNG Development, L.P.

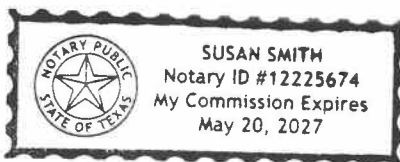
SWORN TO AND SUBSCRIBED before me on the 23 day of June, 2025.



Name: Susan Smith

Title: Notary Public

My Commission expires:



Certificate of Service

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding.

Dated at New York, NY this 23rd day of June, 2025.

/s/Dionne McCallum-George

Dionne McCallum-George

Executive Assistant on behalf of

Freeport LNG Expansion, L.P. and

FLNG Liquefaction 4, LLC