

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

**In The Matter Of:**

**Rio Grande LNG, LLC  
Rio Grande LNG Train 4, LLC  
Rio Grande LNG Train 5, LLC**

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**FE Docket No. 15-190-LNG**

**APPLICATION OF RIO GRANDE LNG, LLC, RIO GRANDE LNG TRAIN 4, LLC AND  
RIO GRANDE LNG TRAIN 5, LLC FOR LIMITED AMENDMENT TO  
RIO GRANDE LNG, LLC’S AUTHORIZATIONS TO EXPORT LIQUEFIED  
NATURAL GAS TO FREE TRADE AND NON-FREE TRADE AGREEMENT NATIONS**

Pursuant to Section 3 of the Natural Gas Act (“NGA”)<sup>1</sup> and Part 590 of the Department of Energy’s (“DOE”) regulations,<sup>2</sup> Rio Grande LNG, LLC (“Rio Grande”), Rio Grande LNG Train 4, LLC (“RGLNG4”) and Rio Grande LNG Train 5, LLC (“RGLNG5”) (collectively, the “Rio Grande Entities”) hereby request that DOE’s Office of Fossil Energy and Carbon Management (“DOE/FECM”)<sup>3</sup> issue an order amending Rio Grande’s existing authorizations to export domestically-produced natural gas as liquefied natural gas (“LNG”)<sup>4</sup> from an LNG terminal to be located on the north embankment of the Brownsville Ship Channel in Cameron County, Texas (“Rio Grande LNG Terminal” or “Terminal”). Specifically, the Rio Grande Entities request a limited administrative amendment to the DOE Authorizations to add RGLNG4 and RGLNG5 as

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<sup>1</sup> 15 U.S.C. § 717b.

<sup>2</sup> 10 C.F.R. Part 590 (2023).

<sup>3</sup> 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.

<sup>4</sup> *Rio Grande LNG, LLC*, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel From the Proposed Rio Grande LNG Terminal In Brownsville, Texas, to Free Trade Agreement Nations, DOE/FE Order No. 3869, FE Docket No. 15-190-LNG (Aug. 17, 2016) ( “*Order No. 3869*”) & *Rio Grande LNG, LLC*, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FE Order No. 4492, FE Docket No. 15-190-LNG (Feb. 10, 2020) ( “*Order No. 4492*”), as amended, *Rio Grande LNG, LLC*, Order Extending Export Term for Authorization to Non-Free Trade Agreement Nations Through December 31, 2050, DOE/FE Order No. 4492-A, FE Docket No. 15-190-LNG (Oct. 21, 2020) (“*Order No. 4492-A*”, and together with *Order No. 3869* & *Order No. 4492*, “*DOE Authorizations*”).

additional authorization holders (“Limited Amendment”). The requested Limited Amendment involves no changes to the volumes and terms approved in the DOE Authorizations, nor any modifications to the planned facilities or operations at the Terminal, nor does it involve any new external or foreign upstream owners. This Limited Amendment reflects a change in the corporate structure of the DOE authorization holder to facilitate future financing and is purely administrative in nature.

In support of this application, the Rio Grande Entities state as follows:

**I.**  
**DESCRIPTION OF THE APPLICANTS**

The exact legal names of the Rio Grande Entities are Rio Grande LNG, LLC, a Texas limited liability company authorized to do business in the state of Texas, Rio Grande LNG Train 4, LLC, a Delaware limited liability company authorized to do business in the state of Texas, and Rio Grande LNG Train 5, LLC, a Delaware limited liability company authorized to do business in the state of Texas, each with a principal place of business at 1000 Louisiana Street, 33<sup>rd</sup> Floor, Houston, Texas, 77002. Rio Grande is indirectly and wholly owned by NextDecade Corporation (NASDAQ: NEXT), a Delaware corporation, GIP V Velocity Acquisition Partners, L.P., Devonshire Investment Pte. Ltd., Global LNG North America Corp., and MIC TI Holding Company 2 RSC Limited.<sup>5</sup>

RGLNG4 and RGLNG5 are both wholly-owned subsidiaries of NextDecade LNG, LLC, a Delaware limited liability company, which in turn is a wholly-owned subsidiary of NextDecade Corporation.

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<sup>5</sup> See *Rio Grande LNG, LLC*, Statement and Notice of Change in Control, FE Docket No. 15-190-LNG (Jan. 3, 2024); see also *Rio Grande LNG, LLC*, Statement and Notice of Change in Control, FE Docket No. 15-190-LNG (Oct. 31, 2024).

## **II.**

### **COMMUNICATIONS AND CORRESPONDENCE**

All correspondence and communications concerning this application, including all service of pleadings and notices, should be directed to the following persons:

Vera de Gyarfas  
General Counsel and Corporate Secretary  
NextDecade Corporation  
1000 Louisiana Street, Suite 3300  
Houston, TX 77002  
Telephone: (832) 703-0938  
Email: [vdegyarfas@next-decade.com](mailto:vdegyarfas@next-decade.com)

Lisa M. Tonery  
Mariah T. Johnston  
Jacob I. Cunningham  
Orrick, Herrington & Sutcliffe LLP  
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Pursuant to Section 590.103(b) of DOE's regulations,<sup>6</sup> the Rio Grande Entities hereby certify that the persons listed above and the undersigned are the duly authorized representatives of the Rio Grande Entities.

## **III.**

### **BACKGROUND**

On August 17, 2016, DOE/FECM issued Order No. 3869, granting Rio Grande authorization to export up to 1,318 billion cubic feet per year ("Bcf/y") of LNG from the Terminal to any country with which the United States currently has, or in the future enters into, a free trade agreement requiring national treatment for trade in natural gas ("FTA Nations") for a 30-year term, beginning on the earlier of the date of first export or ten years from the date the authorization was issued.<sup>7</sup> On February 10, 2020, DOE/FECM issued Order No. 4492, granting Rio Grande authorization to export up to 1,318 Bcf/y of LNG, on a non-additive basis with the volumes

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<sup>6</sup> 10 C.F.R. § 590.103(b).

<sup>7</sup> See Order No. 3869.

authorized in Order No. 3869, to any other country with which trade is not prohibited by U.S. law or policy (“Non-FTA Nations”) for a term of 20 years beginning on the date of first commercial export.<sup>8</sup> On October 21, 2020, DOE/FECM issued Order No. 4492-A, which amended Order No. 4492 and extended the term of Rio Grande’s authorization to export LNG to Non-FTA Nations through the year 2050.<sup>9</sup>

On November 22, 2019, the Federal Energy Regulatory Commission (“FERC” or “Commission”) issued an order authorizing Rio Grande to site, construct, and operate the Terminal (“FERC Authorization”).<sup>10</sup> The Terminal facilities authorized by FERC include, as modified, five natural gas liquefaction trains, each with a nominal capacity of 5.4 million metric tons per annum (“MTPA”).<sup>11</sup> On May 23, 2024, the Commission issued an order authorizing the partial transfer of Rio Grande’s FERC Authorization to RGLNG4 and RGLNG5.<sup>12</sup> Specifically, the FERC Partial Transfer Order authorized the transfer of Rio Grande’s existing FERC Authorization to site, construct and operate the Terminal, to RGLNG4 with regard to the Terminal’s fourth liquefaction train (“Train 4”) and to RGLNG5 with regard to the Terminal’s fifth liquefaction train (“Train 5”). As noted in the FERC Partial Transfer Order, this change in structure is “purely administrative in

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<sup>8</sup> See Order No. 4492.

<sup>9</sup> See Order No. 4492-A.

<sup>10</sup> See *Rio Grande LNG, LLC*, 169 FERC ¶ 61,131 (2019). On August 3, 2021, the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) remanded the FERC Authorization back to the Commission for further consideration of two discrete environmental issues. See *Vecinos Para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021). In response to the D.C. Circuit’s remand, the Commission issued an order on April 21, 2023, revising its environmental analysis for the project and reaffirming its prior determination that the construction and operation of the Terminal was not inconsistent with the public interest. *Rio Grande LNG, LLC & Rio Bravo Pipeline, LLC*, 183 FERC ¶ 61,046 (2023) (“2023 Remand Order”). On August 6, 2024, D.C. Circuit issued an opinion in *City of Port Isabel v. FERC*, which vacated and remanded the 2023 Remand Order. 111 F.4th 1198 (D.C. Cir. 2024). On March 18, 2025, the D.C. Circuit partially granted rehearing and remanded the proceeding without vacatur. A final order from the Commission on the D.C. Circuit’s remand is pending.

<sup>11</sup> *Rio Grande LNG, LLC*, Letter Order Granting Approval of Design Change Proposals, Docket No. CP16-454-000 (Aug. 13, 2020) (granting Rio Grande authorization to modify the project by “reducing the number of liquefaction trains from six (6) to five (5)” and “increasing the liquefaction capacity of the five remaining trains to 5.4 [MTPA] each while keeping the total export capacity of 27 MTPA.”).

<sup>12</sup> *Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC & Rio Grande LNG Train 5, LLC*, 187 FERC ¶ 61,097 (2024) (“FERC Partial Transfer Order”).

nature”<sup>13</sup> and was “required to finance Trains 4 and 5 and facilitate continued development of the already authorized Rio Grande LNG Terminal.”<sup>14</sup>

#### **IV. PROPOSED LIMITED AMENDMENT**

The Rio Grande Entities respectfully request that DOE/FECM issue an order granting a limited amendment to Rio Grande’s existing DOE Authorizations, to add RGLNG4 and RGLNG5 as authorization holders. RGLNG4 and RGLNG5 are special purpose entities created for the purpose of owning Train 4 and Train 5, respectively, in order to facilitate financing and the continued development of the Terminal. Rio Grande will continue to own the first three liquefaction trains (“Trains 1-3”) at the Rio Grande LNG Terminal, which are currently under construction. Once constructed, the Terminal will be operated as a single integrated facility by virtue of several agreements between and among the Rio Grande Entities and their affiliates.<sup>15</sup> Including RGLNG4 and RGLNG5 as permit holders on the DOE Authorizations will serve to better align the DOE Authorizations with the ownership of the Terminal, as well as the associated FERC Authorization, as modified by the FERC Partial Transfer Order, and the corporate structure required for financing of Train 4 and Train 5.

The Limited Amendment requested herein does not implicate DOE’s Change in Control Procedures as it involves no new external or foreign upstream owners.<sup>16</sup> While RGLNG4 and

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<sup>13</sup> *Id.* at P 15.

<sup>14</sup> *Id.* at P 4.

<sup>15</sup> *See id.* at PP 6-7.

<sup>16</sup> *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) (“*Change in Control Procedures*”) (defining a change in control as “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.”).

RGLNG5 do not have the same ownership structure as Rio Grande,<sup>17</sup> they are affiliates of Rio Grande and share an ultimate parent company, NextDecade Corporation.<sup>18</sup> The Limited Amendment involves no changes to the: (i) terms and conditions of the DOE Authorizations, other than the named authorization holders, (ii) scope of the project, (iii) total volumes of gas, (iv) date of commencement or completion, (v) source and security of gas supply, (vi) price and other transactional terms, or (vii) proven need for the supply.<sup>19</sup> Moreover, as further discussed below, the Limited Amendment will have no effect on the grounds underlying the public interest determinations previously made by DOE/FECM in issuing the DOE Authorizations.

**V.**  
**THE LIMITED AMENDMENT DOES NOT IMPACT DOE/FECM'S**  
**PRIOR PUBLIC INTEREST ANALYSIS OR ANY OTHER CONSIDERATIONS**  
**UNDERLYING THE DOE AUTHORIZATIONS**

DOE/FECM has previously found that exports from the Terminal are not inconsistent with the public interest. The Limited Amendment does not adversely, or otherwise, impact the public interest considerations specifically considered by DOE/FECM in issuing the DOE Authorizations, including: (i) the domestic need for the natural gas to be exported; (ii) impacts on natural gas markets; (iii) economic benefits associated with the project; and (iv) international considerations.<sup>20</sup> Therefore, the Limited Amendment will have no effect on the grounds underlying the public interest determinations previously made by DOE/FECM in issuing the DOE Authorizations.

As detailed herein, the requested Limited Amendment to add two additional authorization holders to the existing DOE Authorizations is a purely administrative modification, and involves no new external or foreign upstream owners. The Limited Amendment requires no changes to the

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<sup>17</sup> As reflected in Section I. herein, RGLNG4 and RGLNG5 are both wholly-owned subsidiaries of NextDecade LNG, LLC, which in turn is a wholly-owned subsidiary of NextDecade Corporation.

<sup>18</sup> See *supra* n.5.

<sup>19</sup> See *Brooklyn Union Gas Company, et al.*, Order Granting Transfer of Long-Term Import Authorization and Granting Intervention, DOE/FE Opinion and Order No. 561, DOE/ERA Docket Nos. 86-48-NG, *et al.*, at 2-3, 7 (Dec. 19, 1991).

<sup>20</sup> See *Order No. 4492*, at 26-31.

volumes or term granted under the DOE Authorizations, nor changes in any construction activities, modification of existing or approved facilities, or changes in Terminal operations. Consistent with DOE/FECM decisions to grant similar requests,<sup>21</sup> DOE/FECM should find that the proposed Limited Amendment is not inconsistent with the public interest, and thus should be granted pursuant to Section 3 of the NGA, and DOE's regulations and procedures thereunder. In this regard, the Rio Grande Entities' request to amend the authorization in Order No. 3869 for exports to FTA Nations is deemed consistent with the public interest and should be authorized without modification or delay.<sup>22</sup> Amendment of the authorization granted in Order No. 4492 and 4492-A for exports to Non-FTA Nations should be granted promptly consistent with the general presumption in favor of approval.<sup>23</sup>

## **VI. ENVIRONMENTAL IMPACT**

No changes to the Rio Grande LNG Terminal would be required for the instant Limited Amendment. Consistent with the FERC Partial Transfer Order, the RGLNG Entities' proposal, which simply adds two additional entities to the existing DOE Authorizations, entities which are affiliated with the current authorization holder, "will not result in the construction, modification, or operation of any facilities that have not been previously reviewed and approved[.]" and "will not result in any environmental impacts...."<sup>24</sup> Consequently, granting this application will not be

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<sup>21</sup> See, e.g., *Freeport LNG Expansion, L.P., et al.*, Order Amending Applications in Docket Nos. 10-160-LNG, 10-161-LNG, and 12-06-LNG and Granting Request in Docket No. 11-161-LNG to Add FLNG Liquefaction 2, LLC and FLNG Liquefaction 3, LLC As Applications and Authorization Holders, DOE/FE Order Nos. 2913-A, *et al.*, FE Docket Nos. 10-160-LNG, *et al.* (Feb. 7, 2014); see also *Cheniere Marketing, LLC*, Order Amending Application in Docket No. 12-97-LNG to Add Corpus Christi Liquefaction, LLC as Application, and Granting Request in DOE/FE Order No. 3164, Docket No. 12-99-LNG, to Add Corpus Christi Liquefaction, LLC as Authorization Holder, DOE/FE Order Nos. 3538 & 3164-A, FE Docket Nos. 12-97-LNG & 12-99-LNG (Oct. 29, 2014).

<sup>22</sup> 15 U.S.C. § 717b(c).

<sup>23</sup> *Id.* § 717b(a); *Sierra Club v. DOE*, 867 F.3d 189, 203 (D.C. Cir. 2017) ("We have construed [NGA section 3(a)] as containing a 'general presumption favoring [export] authorization.'" (quoting *W. Va. Pub. Serv. Comm'n v. DOE*, 681 F.2d 847, 856 (D.C. Cir. 1982))).

<sup>24</sup> *FERC Partial Transfer Order*, at P 16.

a Federal action significantly affecting the human environment within the meaning of the National Environmental Policy Act.<sup>25</sup> Therefore, an environmental impact statement or environmental assessment is not required.

## **VII.** **APPENDICES**

The following appendices are attached hereto and incorporated by reference herein:

Appendix A: Verification  
Appendix B: Opinion of Counsel

## **VIII.** **CONCLUSION**

For the foregoing reasons, the Rio Grande Entities respectfully request that DOE/FECM grant the request for a limited amendment to the DOE Authorizations as expeditiously as possible but no later than August 15, 2025 to facilitate anticipated financing timelines.

Respectfully submitted,

Vera de Gyrfas  
General Counsel and Corporate Secretary  
Rio Grande LNG, LLC  
1000 Louisiana Street, Suite 3300  
Houston, TX 77002  
Telephone: (832) 703-0938  
Email: [vdegyrfas@next-decade.com](mailto:vdegyrfas@next-decade.com)

/s/ Lisa M. Tonery  
Lisa M. Tonery  
Mariah T. Johnston  
Jacob I. Cunningham  
Orrick, Herrington & Sutcliffe LLP  
51 West 52<sup>nd</sup> Street  
New York, N.Y. 10019-6142  
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Email: [jacob.cunningham@orrick.com](mailto:jacob.cunningham@orrick.com)

Dated: June 10, 2025

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<sup>25</sup> 42 U.S.C. §§ 4321 *et seq.*



## APPENDIX A

### Verification

**VERIFICATION**

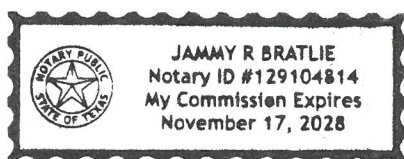
State of       **Texas**                               )

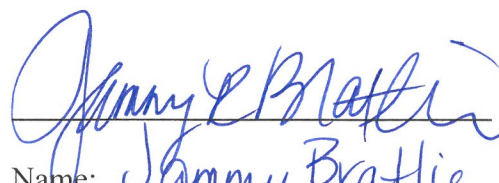
County of     **Harris**                             )

BEFORE ME, the undersigned authority, on this day personally appeared **Vera de Gyarfas**, who, having been by me first duly sworn, on oath says that she is the **General Counsel and Corporate Secretary** for NextDecade Corporation and is duly authorized to make this Verification; that she has read the foregoing instrument and that the facts therein stated are true and correct to the best of her knowledge, information and belief.

  
**Brent Wahl**  
**Chief Financial Officer**

SWORN TO AND SUBSCRIBED before me on the 10<sup>th</sup> day of June, 2025.



  
Name: Jammy Brattlie  
Title: Notary Public

My Commission expires: 11-17-2028

## APPENDIX B

### Opinion of Counsel

June 10, 2025

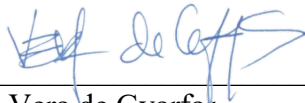
U.S. Department of Energy  
Office of Fossil Energy and Carbon Management, FE-34  
1000 Independence Avenue, SW  
Washington, D.C. 20585

**RE: Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC**  
**FE Docket No. 15-190-LNG**  
**Application for Limited Amendment to Authorizations to Export Liquefied Natural Gas to Free Trade and Non-Free Trade Agreement Nations**

Dear Sir or Madam:

This opinion of counsel is provided in accordance with the requirements of section 590.202(c) of the U.S. Department of Energy's regulations, 10 C.F.R. § 590.202(c) (2023). I have examined the organizational and internal governance documents of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (collectively, "Rio Grande Entities") and other authorities as necessary and have concluded that the proposed exportation of liquefied natural gas is within the Rio Grande Entities' company powers.

Respectfully submitted,



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By: Vera de Gyrfas  
General Counsel and Corporate Secretary  
NextDecade Corporation  
1000 Louisiana Street, 33rd Floor  
Houston, TX 77002  
(832) 703-0938

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

**In The Matter Of:**

**Rio Grande LNG, LLC  
Rio Grande LNG Train 4, LLC  
Rio Grande LNG Train 5, LLC**

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**FE Docket No. 15-190-LNG**

**CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Lisa M. Tonery, hereby certify that I am a duly authorized representative of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 10th Day of June, 2025.

/s/ Lisa M. Tonery

Lisa M. Tonery  
Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, N.Y. 10019-6142  
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*Attorney for  
Rio Grande LNG, LLC,  
Rio Grande LNG Train 4, LLC, and  
Rio Grande LNG Train 5, LLC*

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

**In The Matter Of:**

**Rio Grande LNG, LLC  
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Rio Grande LNG Train 5, LLC**

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**FE Docket No. 15-190-LNG**

**CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Mariah T. Johnston, hereby certify that I am a duly authorized representative of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC the foregoing documents and in the above captioned proceeding.

Dated at New York, N.Y., this 10th Day of June, 2025.

/s/ Mariah T. Johnston

Mariah T. Johnston  
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(212) 506-3542

*Attorney for  
Rio Grande LNG, LLC  
Rio Grande LNG Train 4, LLC, and  
Rio Grande LNG Train 5, LLC*

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

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**FE Docket No. 15-190-LNG**

**CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b) (2023), I, Jacob I. Cunningham, hereby certify that I am a duly authorized representative of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC the foregoing documents and in the above captioned proceeding.

Dated at Washington, D.C., this 10th Day of June, 2025.

/s/ Jacob I. Cunningham

Jacob I. Cunningham  
Orrick, Herrington & Sutcliffe LLP  
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(202) 339-8454

*Attorney for  
Rio Grande LNG, LLC,  
Rio Grande LNG Train 4, LLC, and  
Rio Grande LNG Train 5, LLC*

**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, N.Y. this 10<sup>th</sup> day of June, 2025.

/s/ Dionne McCallum-George  
Dionne McCallum-George  
*Executive Assistant on behalf of*  
*Rio Grande LNG, LLC,*  
*Rio Grande LNG Train 4, LLC &*  
*Rio Grande LNG Train 5, LLC*