

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

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COMMONWEALTH LNG, LLC

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DOCKET NO. 19-134-LNG

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

DOE/FECM ORDER NO. 5238-A

AUGUST 29, 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
EA	Environmental Assessment
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
FID	Final Investment Decision
FTA	Free Trade Agreement
GDP	Gross Domestic Product
IECA	Industrial Energy Consumers of America
LNG	Liquefied Natural Gas
MMBtu	Million British Thermal Units
mtpa	Million Metric Tons per Annum
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
Tcf	Trillion Cubic Feet

## I. INTRODUCTION

### A. Application Proceeding

On October 16, 2019, Commonwealth LNG, LLC (Commonwealth) filed an application (Application)<sup>1</sup> with the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM) (then the Office of Fossil Energy)<sup>2</sup> under section 3 of the Natural Gas Act (NGA).<sup>3</sup> Commonwealth supplemented its Application on April 14, 2020 (Supplement),<sup>4</sup> and amended its Application on September 11, 2020 (Application Amendment).<sup>5</sup>

Commonwealth requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume up to 9.5 million metric tons per annum (mtpa), which it states is equivalent to approximately 441.4 billion cubic feet per year (Bcf/yr) of natural gas, or 1.21 Bcf per day (Bcf/d).<sup>6</sup> Commonwealth seeks to export this LNG by vessel from its proposed natural gas liquefaction and export facilities to be located in Cameron Parish, Louisiana (the Commonwealth LNG Project or Project).<sup>7</sup> Commonwealth seeks to export the LNG to: (i) any country with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), under NGA section

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<sup>1</sup> Commonwealth LNG, LLC, Application for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations and Non-Free Trade Agreement Nations, Docket No. 19-134-LNG (Oct. 16, 2019) [hereinafter Commonwealth App.].

<sup>2</sup> The Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

<sup>3</sup> 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.

<sup>4</sup> Ltr. from Lisa M. Tonery and Mariah T. Johnston, Attorneys for Commonwealth, to Amy Sweeney, DOE, Docket No. 19-134-LNG (Apr. 14, 2020) [hereinafter Supp.].

<sup>5</sup> Commonwealth LNG, LLC, Application to Amend Requested Export Term in Pending Long-Term Application Through December 31, 2050, Docket No. 19-134-LNG (Sept. 11, 2020) [hereinafter App. Amendment]; *see infra* at 2.

<sup>6</sup> Commonwealth App. at 1, 4.

<sup>7</sup> *Id.* at 1.

3(c);<sup>8</sup> 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).<sup>9</sup> On April 17, 2020, in Order No. 4521, DOE granted the FTA portion of the Application in the requested volume of 441.4 Bcf/yr of natural gas for a 25-year term.<sup>10</sup>

Commonwealth requests the non-FTA authorization for a term commencing on the earlier of the date of first commercial export from the Project or seven years from the issuance of the requested authorization.<sup>11</sup> As set forth in the Application Amendment, Commonwealth requests a non-FTA export term through December 31, 2050.<sup>12</sup> Additionally, Commonwealth requests the authorization on its own behalf and as agent for other entities that hold title to the LNG at the point of export.<sup>13</sup>

DOE published a notice of the non-FTA portion of the Application in the *Federal Register* (Notice of Application) on November 26, 2019.<sup>14</sup> The Notice of Application called on interested persons to submit protests, motions to intervene, notices of intervention, and

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<sup>8</sup> 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

<sup>9</sup> *Id.* § 717b(a); see Commonwealth App. at 1-2.

<sup>10</sup> *Commonwealth LNG, LLC*, DOE/FE Order No. 4521, Docket No. 19-134-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations (Apr. 17, 2020) [hereinafter Commonwealth FTA Order].

<sup>11</sup> Commonwealth App. at 2, 4.

<sup>12</sup> App. Amendment at 1, 3-4. See also U.S. Dep't of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52,237 (Aug. 25, 2020) [hereinafter 2050 Policy Statement]. Additionally, 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).

<sup>13</sup> Commonwealth App. at 2, 4.

<sup>14</sup> U.S. Dep't of Energy, *Commonwealth LNG, LLC*; Application for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations; Notice of Application, 84 Fed. Reg. 65,144 (Nov. 26, 2019) [hereinafter Notice of App.].

comments by December 26, 2019.<sup>15</sup> DOE received a “Notice of Intervention, Protest, and Comment” opposing the Application filed by Industrial Energy Consumers of America (IECA).<sup>16</sup> In response to the IECA Pleading, Commonwealth submitted an “Answer of Commonwealth LNG, LLC to Notice of Intervention, Protest, and Comment” on January 6, 2020.<sup>17</sup>

DOE also published a notice of the Application Amendment in the *Federal Register* (Notice of Application Amendment) on October 2, 2020.<sup>18</sup> The Notice of Application Amendment called on interested persons to submit protests, motions to intervene, notices of intervention, and comments by October 19, 2020.<sup>19</sup> No protests or motions to intervene in opposition to the Application Amendment were filed, and therefore it is uncontested.

Additionally, in late 2023 and 2024, the following late-filed comments and pleadings were submitted to DOE in opposition to the Application:

- (i) 18,579 comments, which are largely form letters signed by various individuals;<sup>20</sup>
- (ii) A “Motion to Intervene and Protest Out of Time” filed by Sierra Club on November 22, 2024;<sup>21</sup>
- (iii) A “Motion for Leave to Intervene Out of Time and Protest” filed by Fisherman

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<sup>15</sup> 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).

<sup>16</sup> Industrial Energy Consumers of America, Notice of Intervention, Protest and Comment, Docket No. 19-134-LNG (Dec. 20, 2019) [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 IECA’s filing as a motion to intervene under 10 C.F.R. § 590.303(b).

<sup>17</sup> Commonwealth LNG, LLC, Answer to Notice of Intervention, Protest, and Comment, Docket No. 19-134-LNG (Jan. 6, 2020) [hereinafter Commonwealth Answer to IECA Pleading].

<sup>18</sup> U.S. Dep’t of Energy, Commonwealth LNG, LLC; Application to Amend Requested Export Term in Pending Long-Term Application Through December 31, 2050; Notice of Application, 85 Fed. Reg. 62,292 (Oct. 2, 2020) [hereinafter Notice of App. Amendment].

<sup>19</sup> 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).

<sup>20</sup> See Posting of Late-Filed Form Letter Comments as of Jan. 17, 2024, Docket No. 19-134-LNG, Docket Entry #21 (describing 13,357 comments expressing opposition to the Commonwealth Application); Posting of Late-Filed Form Letter Comments as of Feb. 5, 2025, Docket No. 19-134-LNG, Docket Entry #42 (describing 5,222 comments expressing opposition to the Commonwealth Application) [collectively, Late-Filed Form Comments].

<sup>21</sup> Sierra Club, Motion to Intervene and Protest Out of Time, Docket No. 19-134-LNG (Nov. 22, 2024) [hereinafter Sierra Club Late-Filed Pleading].

Involved in Sustaining Our Heritage (FISH), For a Better Bayou, Healthy Gulf, and The Vessel Project (collectively, FISH), on December 3, 2024;<sup>22</sup> and

- (iv) A “Motion for Leave to Intervene Out of Time and Protest” filed by Natural Resources Defense Council (NRDC) on December 26, 2024.<sup>23</sup>

Commonwealth submitted an Answer opposing the Late-Filed Pleadings of Sierra Club, FISH, and NRDC (collectively, Environmental Movants) on December 9, 2024,<sup>24</sup> December 18, 2024,<sup>25</sup> and January 8, 2025,<sup>26</sup> respectively.

## **B. Conditional Authorization**

On February 14, 2025, DOE conditionally granted the non-FTA portion of Commonwealth’s Application, as amended and supplemented, in DOE/FECM Order No. 5238 (Conditional Authorization),<sup>27</sup> under NGA section 3(a) and DOE’s regulation governing conditional orders, 10 C.F.R. § 590.402.<sup>28</sup>

First, DOE reviewed the IECA Pleading, the Late-Filed Form comments submitted by various individuals, the Late-Filed Pleadings submitted by Environmental Movants, and Commonwealth’s Answers to the various pleadings. Upon review of the arguments presented,

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<sup>22</sup> Fisherman Involved in Sustaining Our Heritage (FISH), *et al.*, Motion for Leave to Intervene Out of Time and Protest, Docket No. 19-134-LNG (Dec. 3, 2024) [hereinafter FISH Late-Filed Pleading].

<sup>23</sup> Natural Resources Defense Council, Motion for Leave to Intervene Out of Time and Protest, Docket No. 19-134-LNG (Dec. 26, 2024) [hereinafter NRDC Late-Filed Pleading].

<sup>24</sup> Commonwealth LNG, LLC, Answer in Opposition to Motion to Intervene Out-of-Time and Protest of Sierra Club, Docket No. 19-134-LNG (Dec. 9, 2024) [hereinafter Commonwealth Answer to Sierra Club’s Late-Filed Pleading].

<sup>25</sup> Commonwealth LNG, LLC, Answer in Opposition to Motion to Intervene Out-of-Time and Protest of FISH, *et al.*, Docket No. 19-134-LNG (Dec. 18, 2024) [hereinafter Commonwealth Answer to FISH’s Late-Filed Pleading].

<sup>26</sup> Commonwealth LNG, LLC, Answer in Opposition to Motion to Intervene Out-of-Time and Protest of Natural Resources Defense Council, Docket No. 19-134-LNG (Jan. 8, 2025) [hereinafter Commonwealth Answer to NRDC’s Late-Filed Pleading].

<sup>27</sup> *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) [hereinafter Conditional Order].

<sup>28</sup> *See id.* at 7. To avoid repetition, we incorporate by reference the following sections of the Conditional Order: §§ III (Description of Request), IV (Applicant’s Public Interest Analysis), V.C-G (portions of Current Proceeding Before DOE), and VI.A (Discussion and Conclusions, Procedural Matters).



DOE granted IECA's motion to intervene,<sup>29</sup> dismissed the Late-Filed Form Comments,<sup>30</sup> and denied each of the Environmental Movants' motion for leave to intervene out of time.<sup>31</sup>

Next, DOE provided its preliminary findings on the non-FTA portion of the Application, including responding to IECA's arguments opposing the Application.<sup>32</sup> DOE explained, however, that it had recently undertaken a 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),<sup>33</sup> and that the comment period on the 2024 Study would remain open until March 20, 2025.<sup>34</sup>

DOE further explained that it sought to balance the directive in Executive Order (E.O.) 14154, *Unleashing American Energy*, to review non-FTA export applications "as expeditiously as possible,"<sup>35</sup> with "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."<sup>36</sup> Given these circumstances, DOE "determined that it [was] appropriate to conditionally grant the non-FTA portion of the Commonwealth Application."<sup>37</sup> DOE further stated that the issues addressed in the Conditional Order would be "reexamined in a final order as informed by the 2024 LNG Export Study proceeding," along with "any additional

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<sup>29</sup> See Conditional Order at 31, 62 (Ordering Para. N).

<sup>30</sup> See *id.* at 31-32.

<sup>31</sup> See *id.* at 32-40, 62 (Ordering Para. O). Under 10 C.F.R. § 590.501(a), an application for rehearing of a conditional order must be filed by an aggrieved party within 30 days of issuance of the conditional order. We note that DOE did not receive any applications for rehearing of the Conditional Order—including for DOE's denial of the late-filed motions to intervene.

<sup>32</sup> See, e.g., Conditional Order at 7-8.

<sup>33</sup> U.S. Dep't of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, & Environmental Assessment of U.S. LNG Exports* (Dec. 2024), <https://fossil.energy.gov/app/docketindex/docket/index/30> [hereinafter 2024 LNG Export Study or 2024 Study] (providing links to the various study documents).

<sup>34</sup> See *id.* at 4-5; see also *infra* § III (discussing the 2024 Study).

<sup>35</sup> Exec. Order No. 14,154 of January 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8357 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf> [hereinafter E.O. 14154]; see *infra* § II.D.

<sup>36</sup> Conditional Order at 7.

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

issues or considerations examined in compliance with DOE’s obligations under NGA section 3(a) and NEPA.”<sup>38</sup>

### **C. Final Authorization**

Now that the 2024 LNG Export Study proceeding is complete, DOE is reexamining relevant portions of the Conditional Order as previously indicated. Specifically, in this final Order, DOE has reviewed the non-FTA portion of the Application, as supplemented and amended, IECA’s protest, the relevant portions of DOE’s 2024 LNG Export Study, the public comments received on the 2024 Study, and DOE’s Response to Comments on the 2024 Study,<sup>39</sup> among other evidence discussed below.

We also take administrative notice that, on June 18, 2025, the Federal Energy Regulatory Commission (FERC) issued an order affirming its prior orders authorizing Commonwealth to site, construct, and operate the proposed Commonwealth LNG Project, following remand by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit).<sup>40</sup>

On the basis of this substantial administrative record, and taking into account the considerations directed by E.O. 14154,<sup>41</sup> DOE reaffirms that it has not been shown that

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<sup>38</sup> *Id.* at 8 (stating that Commonwealth may not commence export operations to non-FTA countries under the Conditional Order alone, “unless and until it receives a final order from DOE”).

<sup>39</sup> U.S. Dep’t of Energy, Office of Fossil Energy & Carbon Management, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments (May 19, 2025), [https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study\\_Response%20to%20Comments\\_Final\\_05.19.2025.pdf](https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study_Response%20to%20Comments_Final_05.19.2025.pdf) [hereinafter Response to Comments]. DOE published a Notice of Availability of the Response to Comments on May 22, 2025. *See* U.S. Dep’t of Energy, Notice of Availability of Response to Comments for 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports, 90 Fed. Reg. 21,912 (May 22, 2025).

<sup>40</sup> *Commonwealth LNG, LLC*, Order on Remand, FERC Docket No. CP19-502-003, 191 FERC ¶ 61,205 (June 18, 2025), [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20250618-3106&optimized=false&sid=d9eb06d4-b684-483c-b35b-576f7e2a122c](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250618-3106&optimized=false&sid=d9eb06d4-b684-483c-b35b-576f7e2a122c) [hereinafter FERC Order on Remand]; *see infra* § II.E (providing additional detail on the FERC proceeding).

<sup>41</sup> *See* E.O. 14154 (directing the Secretary of Energy to “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 [non-FTA] application”).

Commonwealth's proposed exports of LNG to non-FTA countries will be inconsistent with the public interest, as would be required to deny the Application under NGA section 3(a).

DOE notes that, while Commonwealth is already authorized to export LNG from the Project in a volume equivalent to 441.4 Bcf/yr of natural gas to FTA countries, this Order will give Commonwealth the flexibility to allow exports to non-FTA countries consistent with the maximum production capacity authorized by FERC. Moreover, DOE finds that Commonwealth'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 to the extent that they would negate the economic benefits to the United States.

Concurrently with this final Order, DOE is relying on a categorical exclusion from the preparation of an environmental impact statement (EIS) or environmental assessment (EA) under the National Environmental Policy Act of 1969 (NEPA)<sup>42</sup> for the Application (Categorical Exclusion). Specifically, DOE is applying categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.<sup>43</sup> This Order grants, without further review, the non-FTA portion of the Application on the basis of this Categorical Exclusion.

In sum, DOE grants the non-FTA portion of the Application in the full volume requested—for a total export volume of 441.4 Bcf/yr of natural gas, or 1.21 Bcf per day (Bcf/d)—subject to the Terms and Conditions and Ordering Paragraphs set forth herein. Because

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

<sup>43</sup> See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7; *see also* U.S. Dep't of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020); *infra* § II.C.

the export volumes authorized in Commonwealth’s FTA order and this Order reflect the maximum liquefaction capacity of the Project as approved by FERC, the non-FTA volume in this Order is not additive to Commonwealth’s FTA order (DOE/FE Order No. 4521).<sup>44</sup>

Additionally, this final Order brings DOE’s cumulative total of approved non-FTA exports of LNG from the lower-48 states to 52.81 Bcf/d of natural gas (across one conditional order and 41 final orders, including this Order).<sup>45</sup>

## II. BACKGROUND

### A. DOE’s Prior LNG Studies

Previously, DOE has relied on the following studies to inform its review of applications to export LNG to non-FTA countries under NGA section 3(a):

- DOE’s economic study referred to as the 2018 LNG Export Study—the fifth economic study conducted by DOE for use in LNG export decisions—which assessed the effects of varying levels of LNG exports from the lower-48 states to non-FTA countries for the time period 2020-2050;<sup>46</sup>
- DOE’s environmental study referred to as the Addendum,<sup>47</sup> which was developed in 2014 to inform DOE’s public interest evaluation on potential environmental impacts of unconventional natural gas exploration and production activities, including hydraulic

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<sup>44</sup> See Commonwealth FTA Order.

<sup>45</sup> Final non-FTA orders that were later vacated or that expired are not included in this total volume. See *infra* § VII.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); see also *Sierra Club v. U.S. Dep’t of Energy*, 134 F.4th 568 (D.C. Cir. 2025) (denying petition for review of Alaska LNG order). The Alaska LNG volume (2.55 Bcf/d) is not included in the volumes discussed in this Order, which generally 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.

<sup>46</sup> See U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Notice of Availability of the 2018 LNG Export Study and Request for Comments, 83 Fed. Reg. 27,314 (June 12, 2018); U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251 (Dec. 28, 2018). Prior to the 2018 Study, DOE had relied on economic studies evaluating LNG exports conducted in 2011, 2012, 2014, and 2015. See *id.* at 67,254-55.

<sup>47</sup> See U.S. Dep’t of Energy, Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 Fed. Reg. 48,132 (Aug. 15, 2014); see also <https://www.energy.gov/fecm/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states> (related documents).

fracturing; and

- DOE’s environmental studies referred to as the 2014 Life Cycle Greenhouse Gas Report (or the LCA GHG Report)<sup>48</sup> and the 2019 LCA GHG Update (or the 2019 Update),<sup>49</sup> which calculated the life cycle greenhouse gas emissions for LNG exported from the United States.

DOE commenced the 2024 LNG Export Study to provide an updated understanding of the potential effects of U.S. LNG exports on both economic and environmental considerations.<sup>50</sup> As explained below, DOE finds that only the economic and energy security portions of the 2024 Study are relevant to this proceeding.

## **B. Judicial Decisions Upholding DOE’s Non-FTA Authorizations**

In 2015 and 2016, Sierra Club petitioned the D.C. Circuit for review of five long-term LNG export authorizations issued by DOE. The D.C. Circuit denied four of the five petitions for review: one in a published decision issued in August 2017 (*Sierra Club I*),<sup>51</sup> and three in a consolidated, unpublished opinion issued in November 2017 (*Sierra Club II*).<sup>52</sup> Sierra Club withdrew its fifth and remaining petition for review.<sup>53</sup>

In *Sierra Club I*, the D.C. Circuit concluded that DOE had complied with both NGA

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<sup>48</sup> See U.S. Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States, 79 Fed. Reg. 32,260 (June 4, 2014). DOE announced the availability of this report on its website on May 29, 2014. “LCA” refers to the life cycle analysis (LCA) model used in DOE’s greenhouse gas (GHG) analyses.

<sup>49</sup> See, e.g., Nat’l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL-2019/2041) (Sept. 12, 2019), <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf>; U.S. Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States; Notice of Availability of Report Entitled Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update and Request for Comments, 84 Fed. Reg. 49,278 (Sept. 19, 2019).

<sup>50</sup> See *infra* § III.

<sup>51</sup> *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189 (D.C. Cir. 2017) [hereinafter *Sierra Club I*] (denying petition for review of the LNG export authorization issued to Freeport LNG Expansion, L.P., *et al.*).

<sup>52</sup> *Sierra Club v. U.S. Dep’t of Energy*, 703 Fed. App’x 1 (D.C. Cir. 2017) [hereinafter *Sierra Club II*] (denying petitions for review in Nos. 16-1186, 16-1252, and 16-1253 of the LNG export authorizations issued to Dominion Cove Point LNG, LP; Sabine Pass Liquefaction, LLC; and Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC, respectively).

<sup>53</sup> See *Sierra Club v. U.S. Dep’t of Energy*, No. 16-1426, Per Curiam Order (D.C. Cir. 2018) (granting Sierra Club’s unopposed motion for voluntary dismissal).

section 3(a) and NEPA in issuing the challenged non-FTA authorization to Freeport LNG Expansion, L.P. and its related entities (collectively, Freeport). DOE had granted the Freeport application, finding that Freeport’s proposed exports were not inconsistent with the public interest under NGA section 3(a). DOE also considered and disclosed the potential environmental impacts of its decision under NEPA. Sierra Club petitioned for review of the Freeport authorization, arguing that DOE fell short of its obligations under both the NGA and NEPA. The D.C. Circuit rejected Sierra Club’s arguments in a unanimous decision, holding that, “Sierra Club has given us no reason to question the Department’s judgment that the [Freeport] application is not inconsistent with the public interest.”<sup>54</sup>

Subsequently, in the consolidated *Sierra Club II* opinion, the D.C. Circuit ruled that “[t]he court’s decision in [*Sierra Club I*] largely governs the resolution of the [three] instant cases.”<sup>55</sup> Upon its review of the remaining “narrow issues” in those cases, the Court again rejected Sierra Club’s arguments under the NGA and NEPA, and upheld DOE’s actions in issuing the non-FTA authorizations in those proceedings.<sup>56</sup>

The D.C. Circuit’s decisions in *Sierra Club I* and *II* continue to guide DOE’s review of applications to export LNG to non-FTA countries.<sup>57</sup>

### **C. DOE’s Categorical Exclusion and Marine Transport Technical Support Document**

In 2020, DOE revised its NEPA procedures that provide for a categorical exclusion if neither an EIS nor an EA is required—specifically, by promulgating a revised categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel* (B5.7

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<sup>54</sup> *Sierra Club I*, 867 F.3d at 203.

<sup>55</sup> *Sierra Club II*, 703 Fed. App’x at \*2.

<sup>56</sup> *Id.* For a more detailed discussion of *Sierra Club I* and *Sierra Club II*, see *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 21-24 (Mar. 3, 2023).

<sup>57</sup> See, e.g., *id.* at 24.

categorical exclusion).<sup>58</sup>

In the accompanying final rule, DOE stated that the revision to the B5.7 categorical exclusion was intended to “focus exclusively on the analysis of potential environmental impacts resulting from activities occurring at or after the point of export, which are within the scope of DOE’s export authorization authority under the NGA.”<sup>59</sup> DOE found that “[s]uch impacts begin at the point of export and are limited to the marine transport effects.”<sup>60</sup>

DOE explained that this revised categorical exclusion follows both the Supreme Court’s holding in *Department of Transportation v. Public Citizen (Public Citizen)*,<sup>61</sup> as well as the D.C. Circuit’s holding in a case evaluating FERC’s authority under the NGA, *Sierra Club v. Federal Energy Regulatory Commission*,<sup>62</sup> that “potential environmental effects considered under NEPA do not include effects that the agency has no authority to prevent.”<sup>63</sup>

Specifically, DOE stated that its discretionary authority under NGA section 3 “is limited to the authorization of exports of natural gas to non-FTA countries.”<sup>64</sup> DOE thus concluded that, because FERC, not DOE, exercises statutory authority to authorize construction and operation of natural gas export facilities, “DOE need not review potential environmental impacts associated with the construction or operation of [such] facilities.”<sup>65</sup> In observing that “*Public Citizen* held that an agency has no obligation to ‘gather or consider environmental information if it has no

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<sup>58</sup> See U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020) [hereinafter NEPA Implementing Procedures Final Rule]; see also 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

<sup>59</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197.

<sup>60</sup> *Id.* at 78,197; see also *id.* at n.9 (“DOE defines export activities as starting at the point of delivery to the export vessel, and extending to the territorial waters of the receiving country.”); *id.* at 78,198 (“These potential impacts would occur at or after the point of export to non-FTA countries.”).

<sup>61</sup> *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752 (2004) [hereinafter *Pub. Citizen*].

<sup>62</sup> *Sierra Club v. Fed. Energy Regul. Comm’n*, 827 F.3d 36 (D.C. Cir. 2016).

<sup>63</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,198.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*; see also *id.* at 78,203.

statutory authority to act on that information,” DOE reiterated that “[t]his final rule is fully consistent with that holding.”<sup>66</sup> In sum, “[i]mpacts beyond marine transport are beyond the scope of DOE’s NEPA review” in non-FTA export proceedings.<sup>67</sup>

On the basis of data referenced in the accompanying Technical Support Document,<sup>68</sup> DOE concluded that “the transport of natural gas by marine vessels adhering to applicable maritime safety regulations and established shipping methods and safety standards normally does not pose the potential for significant environmental impacts.”<sup>69</sup>

#### **D. Executive Order Issued on January 20, 2025**

E.O. 14154, issued on January 20, 2025, directed the Secretary of Energy to “restart reviews of applications for approvals of [LNG] export projects as expeditiously as possible, consistent with applicable law.”<sup>70</sup> DOE complied with this directive with its issuance of non-FTA export authorizations beginning in February 2025.<sup>71</sup> Additionally, E.O. 14154 states that, “[i]n assessing the ‘Public Interest’ to be advanced by any particular application” to export LNG under NGA section 3(a), the Secretary of Energy “shall consider the economic and employment

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<sup>66</sup> *Id.* at 78,201 (quoting *Sierra Club v. Fed. Energy Regul. Comm’n*, 867 F.3d 1357, 1372 (D.C. Cir. 2017), in which the D.C. Circuit observed that this “rule was the touchstone of *Public Citizen*”); *see also Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. \_\_\_, 145 S.Ct. 1497, at 1516, 1518 (2025) (citing *Pub. Citizen*, 541 U.S. at 770, in observing that “agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority,” and that “[a]n agency may decline to evaluate environmental effects from separate projects upstream or downstream from the project at issue”).

<sup>67</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,200.

<sup>68</sup> *See id.* at 78,198 n.16 (citing U.S. Dep’t of Energy, Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020), <https://www.energy.gov/sites/prod/files/2021/01/f82/technical-support-document-10-cfr-1021-2020-11.pdf>).

<sup>69</sup> *Id.* at 78,200 (reiterating that “[i]mpacts beyond marine transport are beyond the scope of DOE’s NEPA review”); *see also id.* at 78,202.

<sup>70</sup> E.O. 14154, 90 Fed. Reg. at 8357 (§ 8(a)). 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 E.O. 14154 as directing DOE to review non-FTA export applications “as expeditiously as possible.”

<sup>71</sup> *See, e.g.*, Conditional Order at 7.



impacts to the United States and the impact to the security of allies and partners that would result from granting the application.”<sup>72</sup> This Order likewise complies with that directive.

### E. FERC Proceeding

On November 17, 2022, FERC issued an order authorizing Commonwealth to site, construct, and operate the proposed Commonwealth LNG Project with a peak liquefaction capacity of up to 441.4 Bcf/yr of natural gas (FERC Authorization Order).<sup>73</sup> Subsequently, on June 9, 2023, in response to requests for rehearing, FERC issued an order modifying the discussion in the FERC Authorization Order and reaffirming the authorization (Rehearing Order). On July 16, 2024, the D.C. Circuit issued a decision remanding both the FERC Authorization Order and Rehearing Order without vacatur for further proceedings.<sup>74</sup>

To address issues raised by the Court, FERC prepared a supplemental environmental impact statement (EIS) for the Project under NEPA, which it issued in final form on May 22, 2025.<sup>75</sup> On June 18, 2025, on the basis of this supplemental EIS, FERC issued the Remand Order affirming the FERC Authorization Order and Rehearing Order.<sup>76</sup> Specifically, FERC “affirm[ed] its earlier determinations that approval of the project would be an environmentally acceptable action and that the Commonwealth LNG Project is not inconsistent with the public interest.”<sup>77</sup>

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<sup>72</sup> E.O. 14154, 90 Fed. Reg. at 8357 (§ 8(a)).

<sup>73</sup> See *Commonwealth LNG, LLC*, Order Granting Authorization Under Section 3 of the Natural Gas Act, Docket Nos. CP19-502-000, *et al.*, 181 FERC ¶ 61,143 at P 4 (Nov. 17, 2022) [hereinafter FERC Authorization Order], *aff’d on reh’g*, *Commonwealth LNG, LLC*, Order Addressing Arguments Raised on Rehearing, 183 FERC ¶ 61,173 (June 9, 2023) [hereinafter Rehearing Order].

<sup>74</sup> See *Healthy Gulf v. Fed. Energy Regul. Comm’n*, 107 F.4th 1033 (D.C. Cir. 2024).

<sup>75</sup> See, e.g., Fed. Energy Regul. Comm’n; Commonwealth LNG, LLC; Notice of Availability of the Final Supplemental Environmental Impact Statement for the Proposed Commonwealth LNG Project, 90 Fed. Reg. 21,913 (May 22, 2025).

<sup>76</sup> See FERC Order On Remand, *supra* § I.C.

<sup>77</sup> *Id.* (Ordering Para. A); see also Commonwealth LNG, LLC, Notification of Final and Non-Appealable Status of FERC Authorization, Docket No. 19-134-LNG (July 29, 2025) (informing DOE that “[n]o requests for rehearing of the Remand Order were filed by the statutory deadline,” and therefore the Remand Order and Commonwealth’s underlying FERC authorization “are **final and not subject to appeal**”) (emphasis in original).

### III. DOE’S 2024 LNG EXPORT STUDY

#### A. Overview

The 2024 LNG Export Study (or 2024 Study) was conducted as a comprehensive update of DOE’s prior LNG studies (discussed *supra* § II.A), and aimed to capture the recent and complex dynamics of the LNG export market. As a preliminary matter, DOE acknowledges that the 2024 LNG Export Study included an environmental analysis. However, DOE finds that the environmental analysis in the 2024 Study is not required for DOE’s decision on the Application, as DOE’s NEPA review considers all relevant environmental effects from the proposed exports.<sup>78</sup>

Specifically, under DOE’s B5.7 categorical exclusion described above (and consistent with the Supreme Court’s holding in *Public Citizen* and, more recently, *Seven County Infrastructure Coalition*),<sup>79</sup> this NEPA review is limited to the “potential effects associated with marine transport of LNG” to non-FTA countries.<sup>80</sup> The environmental portions of the 2024 Study were not limited to marine transport effects, but rather included the integration of potential upstream and downstream environmental effects, which are not reasonably foreseeable environmental impacts of DOE’s export authorizations.<sup>81</sup> Accordingly, DOE’s discussion of the 2024 Study in this Order focuses only on the economic analysis in the 2024 Study, as well as

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<sup>78</sup> See *infra* § VII.C.

<sup>79</sup> See *supra* § II.C.

<sup>80</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199; see also *id.* at 78,197 (DOE’s NEPA review of applications to export LNG to non-FTA countries is based on “the legal principle that potential environmental effects to be considered by an agency under NEPA do not include effects that the agency has no authority to prevent”).

<sup>81</sup> See *id.*, 85 Fed. Reg. at 78,199 (stating “DOE’s conclusion that potential environmental effects associated with marine transport” are “the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations” under NEPA—and noting that these marine transport effects “are minimal”) (emphasis added); see also *id.* at 78,200-01 (explaining that potential upstream and downstream impacts are not part of DOE’s NEPA analyses for natural gas export approvals).

DOE's related findings on energy security.<sup>82</sup>

## **B. Methodology**

As relevant here, the 2024 Study included a Summary Report<sup>83</sup> and two appendices that provide more detail on the key elements within the Study.

First, *Appendix A: Global Energy and Greenhouse Gas Implications of U.S. LNG Exports* (Appendix A) presented, in relevant part, an analysis of the global market demand for U.S. LNG exports across a range of scenarios through 2050. This analysis used the Global Change Analysis Model (GCAM), which is an integrated multisector model of global energy, economy, agriculture, land use, water, and climate systems. DOE's Pacific Northwest National Laboratory (PNNL) conducted the principal modeling work in Appendix A.<sup>84</sup>

Second, *Appendix B: Domestic Energy, Economic, and Greenhouse Gas Assessment of U.S. LNG Exports* (Appendix B) presented an analysis of the implications of the various U.S. LNG export levels on the U.S. economy, among other considerations. The analysis in Appendix B was conducted using an updated and adapted version of U.S. Energy Information Administration's (EIA) National Energy Modeling System (NEMS) and Industrial Economics, Inc.'s (IEC) Household Energy Impact Distribution Model (HEIDM). OnLocation, Inc. and IEC performed the principal modeling work in Appendix B.<sup>85</sup>

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<sup>82</sup> This focus is also consistent with E.O. 14154 (*supra* § II.D), which directs DOE to review "economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting [an export] application."

<sup>83</sup> U.S. Dep't of Energy, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Summary Report* (Dec. 2024) [hereinafter Study Summary Report], [https://www.energy.gov/sites/default/files/2024-12/LNGUpdate\\_SummaryReport\\_Dec2024\\_230pm.pdf](https://www.energy.gov/sites/default/files/2024-12/LNGUpdate_SummaryReport_Dec2024_230pm.pdf).

<sup>84</sup> 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, at 4 (Dec. 17, 2024), [https://www.energy.gov/sites/default/files/2024-12/2024%20LNG%20Export%20Study%20FRN\\_signed\\_Study%20Statement%20Added%2012172024.pdf](https://www.energy.gov/sites/default/files/2024-12/2024%20LNG%20Export%20Study%20FRN_signed_Study%20Statement%20Added%2012172024.pdf) [hereinafter 2024 Study Notice].

<sup>85</sup> *Id.* at 4-5. The 2024 Study included two other appendices (Appendices C and D) focused on evaluating various environmental and community effects that are beyond the scope of DOE's review in this Order and thus are not summarized here.

For each scenario in these Appendices, GCAM was used to estimate the global demand for U.S. LNG exports.<sup>86</sup> These projections of the global demand for U.S. LNG for key scenarios were put into NEMS and HEIDM to evaluate domestic impacts, including: (i) changes in natural gas prices and consumption across economic sections, and (ii) changes in energy prices experienced by American households.<sup>87</sup>

The 2024 Study evaluated scenarios that analyzed a combination of assumptions about policy, technology availability, and U.S. LNG export levels.<sup>88</sup> Briefly:

- The 2024 Study contained three categories of policy assumptions: *Defined Policies*, *Commitments*, and *Net Zero 2050*.<sup>89</sup> For example, the *Defined Policies* scenario included an explicit representation of domestic policies in place at the time.<sup>90</sup>
- The 2024 Study contained two categories of assumptions for technology availability: *High CCS* [Carbon Capture & Storage] and *Moderate CCS*.<sup>91</sup>
- Within each scenario of policy and technology assumptions, the 2024 Study considered three assumptions of U.S. LNG exports levels: *Existing/FID Exports*, *Model Resolved Exports*, and *High Exports*.<sup>92</sup>
  - *Existing/FID Exports* assumed U.S. LNG exports were held at levels equivalent to 90% of the LNG capacity that was operational or had export authorizations from DOE and reached a final investment decision (FID) as of December 2023 (23.7 Bcf/d).<sup>93</sup>
  - *Model Resolved Exports* assumed U.S. LNG exports estimated at a trajectory determined by the model.<sup>94</sup>
  - *High Exports* assumed U.S. LNG exports increased incrementally above *Model Resolved* levels starting in 2035 to reach 20 Bcf/d above *Model Resolved* levels in 2050.<sup>95</sup>

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<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> See Study Summary Report at S-15.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at S-16.

<sup>91</sup> See *id.* at S-17.

<sup>92</sup> *Id.* at S-18.

<sup>93</sup> *Id.*

<sup>94</sup> Study Summary Report at S-18.

<sup>95</sup> *Id.*

Additionally, the 2024 Study explored three additional assumptions related to the economic competitiveness of U.S. natural gas: *High U.S. Supply*, *Low U.S. Supply*, and *High Middle East Supply*.<sup>96</sup> The analysis in Appendix B used only the levels of LNG exports derived under the global *Defined Policies* assumptions found in Appendix A, while varying the size of U.S. natural oil and gas supply and technological improvements in natural gas extraction.<sup>97</sup>

In sum, using a combination of these assumptions, Appendix A evaluated 14 primary scenarios, as well as six additional sensitivity scenarios on economic competitiveness, and Appendix B evaluated six scenarios spanning a range of U.S. LNG export levels.<sup>98</sup>

### **C. DOE Proceeding**

On December 17, 2024, DOE published the notice of availability of the 2024 LNG Export Study on its website.<sup>99</sup> The Notice of Availability was published in the *Federal Register* on December 20, 2024.<sup>100</sup> The Notice of Availability informed the public that DOE intended to use the 2024 Study to inform its public interest review in pending and future non-FTA applications, invited submission of comments regarding the use of the 2024 Study, and entered the 2024 Study into the administrative record of the 14 pending non-FTA export proceedings identified in the caption of the Notice of Availability.<sup>101</sup>

DOE initially invited public comment on the 2024 Study for 60 days, but extended the comment period for an additional 30 days.<sup>102</sup> In total, the comment period began on December

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<sup>96</sup> *Id.* at S-19.

<sup>97</sup> *Id.*

<sup>98</sup> *See id.*

<sup>99</sup> *See* 2024 Study Notice.

<sup>100</sup> 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).

<sup>101</sup> *See id.*

<sup>102</sup> *See* U.S. Dep't 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).

20, 2024, and extended through March 20, 2025.<sup>103</sup> DOE received more than 100,000 comments on the 2024 Study from a variety of sources, including participants in the natural gas industry, industrial users, environmental organizations, think-tanks, academics, and individuals.<sup>104</sup>

DOE summarized and responded to these comments in a document entitled *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments* (Response to Comments), published on DOE’s website on May 19, 2025.<sup>105</sup> On May 22, 2025, DOE published the Notice of Availability of the Response to Comments in the *Federal Register*.<sup>106</sup>

## **D. DOE’s Findings and Conclusions**

### **1. Key Findings**

Upon consideration of the material reviewed (*i.e.*, the 2024 Study, comments, and materials submitted in support of comments), DOE made the following “Key Findings” in the Response to Comments on the 2024 Study, as relevant here:<sup>107</sup>

1. U.S. domestic natural gas supply is sufficient to meet domestic and market-based global demand for U.S. natural gas (including LNG).
2. Increasing U.S. LNG exports increases U.S. gross domestic product (GDP).
3. Higher levels of U.S. LNG exports will have a beneficial impact on the U.S. trade balance.

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

<sup>104</sup>

The public comments are posted on the 2024 LNG Export Study webpage at <https://fossil.energy.gov/app/docketindex/docket/index/30>.

<sup>105</sup> See Response to Comments.

<sup>106</sup> See Notice of Availability of Response to Comments.

<sup>107</sup> The 2024 Study, as summarized in the Response to Comments, included other Key Findings and Conclusions describing various environmental and community effects that are beyond the scope of DOE’s review in this Order and thus are omitted here and in the next subsection (§ III.D.2), respectively.

4. Increased LNG exports are projected to have relatively modest impacts on prices and there has not been a consistent effect of U.S. LNG exports on prices to date. The potential price impacts from increased LNG exports modeled in the 2024 Study are within the range of prices observed over the past five years, and those price impacts are below the price increases from U.S. LNG exports modeled in the 2018 LNG Export Study.

5. Increased U.S. LNG exports would enhance national and energy security for the United States, as well as U.S. allies and trading partners.

DOE determined that the public comments received on the 2024 Study “either support or do not provide a sufficient basis to invalidate or undermine these findings.”<sup>108</sup>

## **2. Conclusions**

DOE conducted the 2024 LNG Export Study to identify and assess potential effects of continued expansion of U.S. LNG exports to non-FTA countries. As relevant here, DOE determined in the Response to Comments that the 2024 Study provides support for additional exports of U.S. LNG to non-FTA countries.<sup>109</sup> A primary conclusion of the 2024 Study—which DOE affirmed in the Response to Comments—is that “domestic natural gas supply is sufficient to meet both domestic demand and the modeled global demand for U.S. LNG in all scenarios, including sensitivity scenarios on U.S. oil and gas supply.”<sup>110</sup>

DOE further concluded that the export of LNG generates net economic benefits for the United States, including increasing GDP in all cases; has a beneficial impact on the U.S. trade balance; and enhances energy security for the United States and its allies and trading partners.<sup>111</sup>

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<sup>108</sup> Response to Comments at 47.

<sup>109</sup> *See, e.g., id.* at 46-50.

<sup>110</sup> *Id.* at 47; *see also id.* at 43 (observing that “market forces work to match supply and demand, such that enough natural gas would be produced to satisfy U.S. demand regardless of export levels, given the very large American resource base”).

<sup>111</sup> *Id.* at 46-49.

For example, DOE found that the destination flexibility of its FTA and non-FTA authorizations—in which a buyer can deliver LNG to any destination not prohibited by law or policy—enhances global energy security, regardless of the destination region.<sup>112</sup>

DOE also determined that LNG export levels to date have not demonstrated a “consistent effect” on domestic natural gas prices, but that “any domestic price impact is expected to be minimal due to the abundant U.S. supply of natural gas.”<sup>113</sup> As some commenters noted, and DOE agreed, “natural gas supply curves used in modeling show the ability to add significant supply with only small changes in prices.”<sup>114</sup>

DOE also stated that it continues to endorse the principle set forth in its 1984 Policy Guidelines<sup>115</sup> that the market is generally the most efficient means of allocating natural gas supplies. Specifically, DOE observed that market forces ultimately determine the success of any particular LNG export project and, in turn, the “market-derived level of U.S. LNG exports.”<sup>116</sup> DOE noted that technological innovations and industry investment are “two factors that influence market demand” for exports of U.S. LNG.<sup>117</sup>

For all of these reasons, DOE concluded that the 2024 Study and the public comments received “support the proposition that exports of LNG from the United States will not be inconsistent with the public interest.”<sup>118</sup>

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<sup>112</sup> *Id.* at 48; *see also id.* at 40 (stating that DOE “agrees that LNG exports from the United States contribute to global energy security” due to the destination flexibility of its export authorizations).

<sup>113</sup> *Id.* at 48; *see also id.* at 17 (stating that the “many simultaneous changes that have occurred in natural gas production and markets in recent years . . . make it challenging to parse out [the] separate effects” of U.S. export levels on domestic prices of natural gas).

<sup>114</sup> Response to Comments at 47.

<sup>115</sup> 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].

<sup>116</sup> *See* Response to Comments at 8-9 (noting that an authorization to export LNG “does not guarantee that any particular project will succeed”); *see also id.* at 42 (discussing market forces and changing market conditions).

<sup>117</sup> *Id.* at 50.

<sup>118</sup> *Id.*



#### IV. 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 Energy]<sup>119</sup> 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.<sup>120</sup>

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.<sup>121</sup> Accordingly, DOE will continue to conduct individual adjudication and grant non-FTA applications unless DOE finds that a proposed exportation “will not be consistent with the public interest.”<sup>122</sup>

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 Guidelines and “such other matters as [DOE] finds in the circumstances of a particular case to be appropriate,” including the

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<sup>119</sup> 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)).

<sup>120</sup> 15 U.S.C. § 717b(a).

<sup>121</sup> *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)).

<sup>122</sup> *See id.* (“there must be ‘an affirmative showing of inconsistency with the public interest’ to deny the application” 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).

domestic need for the natural gas to be exported.<sup>123</sup> The goals of the 1984 Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.<sup>124</sup> While the 1984 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.<sup>125</sup>

Thus, DOE’s review of non-FTA applications 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.<sup>126</sup> To conduct this review, DOE looks to record evidence developed in the application proceeding.<sup>127</sup> Before issuing a final decision, DOE must also comply with NEPA.<sup>128</sup>

## V. PROJECT UPDATES

Since February 14, 2025, when DOE issued the Conditional Order, Commonwealth has

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<sup>123</sup> DOE Delegation Order No. 0204-111 (Feb. 22, 1984), at 1 (¶ (b)). Although Delegation Order No. 0204-111 was later rescinded, the focus on the domestic need for natural gas was set forth in the 1984 Policy Guidelines. *See* 49 Fed. Reg. at 6685, 6690 (incorporating DOE Delegation Order No. 0204-111); *see also, e.g.*, U.S. Dep’t of Energy, Order Denying Petition for Rulemaking on Exports of Liquefied Natural Gas, at 11-12 (July 18, 2023), <https://www.energy.gov/sites/default/files/2023-07/DOE%20Response%20to%20Sierra%20Club%27s%20Petition%20for%20Rulemaking%207.18.2023%20%28002%29.pdf> [hereinafter DOE Order Denying Petition for Rulemaking].

<sup>124</sup> 1984 Policy Guidelines, 49 Fed. Reg. at 6685 (stating that “[t]he market, not government, should determine the price and other contract terms of imported [or exported] natural gas,” and emphasizing the importance of “minimizing regulatory impediments to a freely operating market”).

<sup>125</sup> *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)).

<sup>126</sup> *See* DOE Order Denying Petition for Rulemaking at 12.

<sup>127</sup> *See id.*

<sup>128</sup> *See supra* § I.

announced the following updates and submitted appropriate filings with DOE.<sup>129</sup>

**Termination of existing sale and purchase agreements:** As of April 28, 2025, Commonwealth's two long-term sale and purchase agreements with Woodside Energy Trading Singapore PTE TD, a subsidiary of Woodside Energy Group Ltd., have been terminated. These agreements were for the sale of approximately 2.0 and 0.5 mtpa of LNG, respectively.<sup>130</sup>

**Announcement of new sale and purchase agreements:**

- On May 5, 2025, Commonwealth announced that it had signed a sale and purchase agreement with “a major Asian energy buyer,”<sup>131</sup> which Commonwealth subsequently identified as PETRONAS LNG, Ltd. (PETRONAS), a subsidiary of Malaysia's national oil and gas company.<sup>132</sup> Under this long-term agreement, PETRONAS will purchase 1 mtpa of LNG from the Project for a period of 20 years.<sup>133</sup>
- On May 13, 2025, Commonwealth announced that it had finalized a binding long-term agreement with Glencore LTD to purchase 2 mtpa of LNG for 20 years from the Project.<sup>134</sup>
- On June 11, 2025, Commonwealth announced that it had signed a sale and

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<sup>129</sup> See generally DOE/FECM, Commonwealth LNG Terminal Long-Term Contract Information and Registrations, <https://www.energy.gov/fecm/articles/commonwealth-lng-terminal> (providing links to Commonwealth's filings concerning contract information and registrations).

<sup>130</sup> See *id.* (letters posted for Contract Nos. 1-2).

<sup>131</sup> See Commonwealth LNG, LLC, “Commonwealth LNG Signs 20-Year Sale and Purchase Agreement with Major Asian Buyer” (May 5, 2025), <https://commonwealthlng.com/commonwealth-lng-signs-20-year-sale-and-purchase-agreement-with-major-asian-buyer/>.

<sup>132</sup> See Commonwealth LNG, LLC, “Commonwealth LNG Confirms 20-Year Sale and Purchase Agreement with PETRONAS” (June 17, 2025), <https://commonwealthlng.com/commonwealth-lng-confirms-20-year-sale-and-purchase-agreement-with-petronas/>; see also <https://www.energy.gov/fecm/articles/commonwealth-lng-terminal> (letter posted for Contract No. 3).

<sup>133</sup> *Id.*

<sup>134</sup> See Commonwealth LNG, LLC, “Glencore to Offtake 2 MTPA of LNG from Commonwealth LNG's Export Facility in Cameron Parish, Louisiana” (May 13, 2025), <https://commonwealthlng.com/glencore-to-offtake-2-mtpa-of-lng-from-commonwealth-lngs-export-facility/>; see also <https://www.energy.gov/fecm/articles/commonwealth-lng-terminal> (letter posted for Contract No. 4).

purchase agreement with JERA Co., Inc. (JERA), Japan’s largest power generation company.<sup>135</sup>

Under this long-term agreement, JERA will purchase 1 mtpa of LNG from the Project for a period of 20 years.<sup>136</sup>

In sum, Commonwealth states that it now has entered into long-term offtake agreements totaling 4 mtpa of the Project’s 9.5 mtpa LNG production capacity.<sup>137</sup>

Additionally, on August 4, 2025, Commonwealth announced that it had signed an engineering, procurement, and construction (EPC) contract with Technip Energies for the Project.<sup>138</sup> Commonwealth is anticipating that it will reach FID on the Project “in the second half of 2025.”<sup>139</sup>

## **VI. CURRENT PROCEEDING BEFORE DOE**

IECA is the sole intervenor in this proceeding, as determined in the Conditional Order.<sup>140</sup> For ease of reference, DOE provides below the summary of IECA’s Pleading (specifically, its protest) and Commonwealth’s Answer to the IECA Pleading, which were set forth in the Conditional Order.<sup>141</sup>

### **A. IECA’s Pleading**

IECA states that it is a nonpartisan association of leading manufacturing companies with \$1.0 trillion in annual sales and more than 1.7 million employees worldwide. IECA’s stated purpose is to promote the interests of manufacturing companies. IECA states that its

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<sup>135</sup> See Commonwealth LNG, LLC, “Commonwealth LNG Signs 20-Year Sale and Purchase Agreement with Global Energy Leader JERA” (June 11, 2025), <https://commonwealthlng.com/commonwealth-lng-signs-20-year-sale-and-purchase-agreement-with-global-energy-leader-jera/>; see also <https://www.energy.gov/fecm/articles/commonwealth-lng-terminal> (letter posted for Contract No. 5).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> See Commonwealth LNG, LLC, “Commonwealth LNG Awards EPA Contract to Technip Energies” (Aug. 4, 2025), <https://commonwealthlng.com/commonwealth-lng-awards-epc-contract-to-technip-energies/>.

<sup>139</sup> *Id.*

<sup>140</sup> See *supra* § I.B; see also Conditional Order at 31, 62 (Ordering Para. N).

<sup>141</sup> See Conditional Order at § V.A-B.

membership represents a diverse set of industries including chemicals, plastics, aluminum, fertilizer, automotive, and many more.<sup>142</sup> IECA challenges Commonwealth’s proposed exports and DOE’s approval of LNG exports generally as contrary to the public interest.<sup>143</sup>

**DOE’s evaluation of the public interest under NGA section 3(a).** IECA contends that DOE should not rely upon the 1984 Policy Guidelines (discussed *supra* § IV) in reviewing LNG export applications.<sup>144</sup> IECA argues that the 1984 Policy Guidelines were drafted to address natural gas imports, which—at that time—were in the public interest because they reduced risks for domestic consumers and manufacturers. IECA argues that “[t]he reverse is true for LNG exports” because, as IECA contends, exports increase consumer prices of natural gas and reliability risks.<sup>145</sup> Therefore, IECA claims that DOE’s reliance on the 1984 Policy Guidelines to inform its decision-making on LNG exports is inconsistent with Congress’s intent under the NGA.<sup>146</sup>

According to IECA, the NGA is intended to protect the public interest by encouraging the orderly development of plentiful supplies of natural gas at reasonable prices, and by protecting consumers against exploitation by natural gas companies.<sup>147</sup> IECA maintains that these statutory purposes are frustrated by LNG exports because the exports will tend to reduce domestic supplies and increase domestic prices.<sup>148</sup>

In addressing the phrase “public interest,” IECA cites then-U.S. Attorney General William Barr’s summary of the “The Special Counsel’s Report,” submitted to Congress on

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<sup>142</sup> See IECA Pleading at 1.

<sup>143</sup> *Id.* at 1, 11.

<sup>144</sup> See *id.* at 8-9.

<sup>145</sup> *Id.* at 9.

<sup>146</sup> See *id.* at 8-9 (citing U.S. Government Accountability Office, “Federal Approval Process for Liquefied Natural Gas Exports” (Sept. 2014)).

<sup>147</sup> See *id.* at 9 (citing *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976)).

<sup>148</sup> See IECA Pleading at 9-10.

March 24, 2019.<sup>149</sup> IECA states that Attorney General Barr’s use of the phrase “public interest” demonstrates that (in IECA’s words), “[t]he public interest is about people,” and “not about *net economic benefits* nor *markets*.”<sup>150</sup> In IECA’s view, “LNG exports exploit U.S. consumers when low domestic prices rise due to high global LNG demand.”<sup>151</sup>

**Pipeline capacity.** IECA contends that DOE should not approve more LNG export volumes in light of “a serious growing problem of inadequate natural gas pipeline capacity today and going forward, as significant LNG export capacity comes online.”<sup>152</sup> IECA asserts that “LNG export volumes decrease available pipeline capacity for the domestic market because the exported natural gas is going offshore to supply other countries, not U.S. consumers.”<sup>153</sup> IECA further contends that firm access pipeline arrangements “lock in” pipeline capacity for LNG exporters and reduce available pipeline capacity for domestic consumers, particularly during peak seasonal winter demand.<sup>154</sup> According to IECA, DOE has not undertaken a study to determine whether pipeline and storage capacity will be adequate to support both peak domestic demand and exports of LNG.<sup>155</sup> Citing a 2019 study by the Interstate Natural Gas Association of America, IECA also argues that FERC has not approved enough miles of new pipeline to meet this demand.<sup>156</sup>

**U.S. manufacturing sector.** IECA claims that DOE has “committed itself to approv[ing] every LNG export application[,]” which “threatens the U.S. manufacturing sector

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<sup>149</sup> *Id.* at 9 (citing Att’y Gen. Barr, The Special Counsel’s Report (Mar. 24, 2019)).

<sup>150</sup> *Id.* (emphasis in original).

<sup>151</sup> *Id.*

<sup>152</sup> *Id.* at 2.

<sup>153</sup> *Id.* (emphasis removed).

<sup>154</sup> IECA Pleading at 6; *see also id.* at 2 (stating that, by the end of 2019, LNG exports will reduce pipeline capacity by nearly 10 Bcf/d).

<sup>155</sup> *See id.* at 4, 5.

<sup>156</sup> *Id.* at 3 (citation omitted).

long-term.”<sup>157</sup> According to IECA, the global competitiveness of the manufacturing sector is dependent upon low-cost natural gas, feedstock, and natural gas-fired power generation. IECA states that the U.S. manufacturing sector contributes \$2,321.2 billion to the U.S. economy, 11.3 percent of U.S. GDP, and 13 million jobs.<sup>158</sup> IECA compares the manufacturing sector to the oil and gas industry, which (according to IECA) contributes “only \$236.8 billion to the economy, just 1.2 percent of U.S. GDP and employs only 415[,000] jobs, less than 4 percent of that of manufacturing.”<sup>159</sup> IECA thus asserts that the economic importance of the oil and gas sector “pales in comparison to the economic importance of the manufacturing sector,” and that—in approving LNG exports—DOE is putting trillions of dollars of manufacturing assets at risk.<sup>160</sup>

More broadly, IECA argues that only natural gas producers and exporters benefit from LNG exports. According to IECA, “everyone else in the U.S. economy are losers”—and will face significantly higher natural gas prices, wage decrease, capital investment decreases (especially in manufacturing), and reduced indirect economic income.<sup>161</sup>

**Domestic price impacts.** Addressing natural gas prices, IECA asserts that DOE’s 2018 LNG Export Study, as well as DOE’s prior macroeconomic studies, have shown that “the public does not benefit from LNG exports and[,] in fact, are damaged by them” due to rising natural gas prices.<sup>162</sup> IECA further argues that DOE’s approval of LNG export volumes will connect low U.S. natural gas prices to high global LNG prices, which will drive up prices for U.S. consumers.<sup>163</sup> IECA points to increased U.S. crude oil prices, which it states are connected to

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<sup>157</sup> *Id.* at 2.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> IECA Pleading at 2.

<sup>161</sup> *Id.* at 7-8.

<sup>162</sup> *Id.* at 7, 10-11.

<sup>163</sup> *Id.* at 4-5.

the global market price.<sup>164</sup> IECA also argues that U.S. natural gas prices will be driven up because importing nations (via state-owned enterprises or government-controlled utilities) will compete with U.S. consumers for U.S.-sourced natural gas without regard to price.<sup>165</sup>

### **B. Commonwealth's Answer to IECA's Pleading**

In its Answer to IECA's pleading filed on January 6, 2020 (and as relevant here), Commonwealth asks DOE to dismiss IECA's protest.<sup>166</sup>

Commonwealth maintains that IECA's argument that the requested non-FTA authorization is inconsistent with the public interest is a "baseless assertion."<sup>167</sup> Commonwealth specifically challenges IECA's claims that the adequacy of "domestic supply at reasonable prices and available pipeline capacity" could be at risk, and that authorizing non-FTA exports could hamper competitive advantages of U.S. manufacturing.<sup>168</sup>

Addressing domestic supply, Commonwealth stresses that IECA should raise concerns about potential pipeline capacity with FERC, "as [DOE] does not have any jurisdictional nexus over the siting, construction, and operation of interstate pipelines."<sup>169</sup> Commonwealth adds that "current short and long term projections demonstrate sufficient supply to support both domestic consumption and expanding LNG exports," emphasizing record-high natural gas production and growing storage capacity.<sup>170</sup>

Turning to competitive advantage, Commonwealth contends that IECA's arguments about retaining a "competitive advantage in favor of the U.S. manufacturing industry" are

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<sup>164</sup> *Id.* at 4, 10.

<sup>165</sup> *See id.* at 4-5.

<sup>166</sup> *See* Commonwealth Answer to IECA Pleading at 2-3, 7.

<sup>167</sup> *Id.*

<sup>168</sup> *See id.*

<sup>169</sup> Commonwealth Answer to IECA Pleading at 4.

<sup>170</sup> *Id.* (citing EIA data).



inapposite to DOE’s “general policy approach of allowing the market to drive competition.”<sup>171</sup>

Specifically, Commonwealth disputes IECA’s contention that a grant of the Application “could or would negatively impact U.S. manufacturing, as both natural gas production and pipeline construction [are] market-driven, and will rise to meet growing demand.”<sup>172</sup>

Finally, Commonwealth counters IECA’s argument that DOE should not rely on its 1984 Policy Guidelines because they “originally contemplated LNG imports, rather than LNG exports.” Among other arguments, Commonwealth claims that DOE has “used the Guidelines as a criterion when evaluating export applications for decades,” and that IECA “has presented no compelling rationale for a shift away from this long-standing practice.”<sup>173</sup> In particular, Commonwealth notes that DOE previously found in Order No. 1473 that the Policy Guidelines should apply to natural gas import and export applications alike—a position that DOE has continued to express in more recent export orders.<sup>174</sup> Commonwealth also contends that the 1984 Policy Guidelines “are not the sum total of DOE/FE’s analysis of the public interest,” and that DOE “has conducted numerous studies which demonstrate that LNG exports are not inconsistent with the public interest.”<sup>175</sup>

## VII. DISCUSSION AND CONCLUSIONS

In reviewing the non-FTA portion of Commonwealth’s Application, DOE has considered its obligations under NGA section 3(a) and NEPA, as well as the directives of E.O. 14154. To accomplish these purposes, DOE has examined a range of information addressing economic and non-economic factors, including but not limited to:

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<sup>171</sup> *Id.* at 5.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.* at 6.

<sup>174</sup> *Id.* (citing *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG *et al.*, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 20 (Mar. 5, 2019)).

<sup>175</sup> Commonwealth Answer to IECA Pleading at 6.

- Commonwealth’s Application, Supplement, and Application Amendment;
- IECA’s Motion to Intervene and Protest, and Commonwealth’s Answer thereto; and
- Relevant portions of the 2024 LNG Export Study, including related comments received in response to the 2024 Study.<sup>176</sup>

## **A. Economic Issues**

### **1. Significance of the 2024 LNG Export Study on Economic Issues**

As discussed above, DOE commissioned the 2024 LNG Export Study and invited public comments on the 2024 Study. DOE evaluated this material in its Response to Comments on the 2024 LNG Export Study, published in the *Federal Register* on May 22, 2025.<sup>177</sup>

DOE concluded in the Response to Comments that U.S. domestic natural gas supply is sufficient to meet domestic and market-based global demand for U.S. natural gas, including LNG, in all scenarios.<sup>178</sup> Additionally, DOE found that increasing LNG exports results in an increase to U.S. GDP in all cases examined, including by an estimated \$410 billion cumulatively for the period 2020 through 2050 under the Reference case.<sup>179</sup> Indeed, the 2024 Study shows macroeconomic benefits to the U.S. economy across the range of scenarios analyzed.<sup>180</sup> DOE also concluded that higher levels of U.S. LNG exports will provide additional economic benefits through improvements to the U.S. trade balance, increased federal and state tax revenues, and increased jobs.<sup>181</sup>

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<sup>176</sup> Where appropriate, some portions of this Discussion are included from the Conditional Order for completeness.

<sup>177</sup> See *supra* § III.C.

<sup>178</sup> Response to Comments at 43; see also *id.* at 21.

<sup>179</sup> See *id.* at 47.

<sup>180</sup> See *id.*

<sup>181</sup> *Id.* at 48 (stating that, although the 2024 Study does not specifically quantify the U.S. trade balance, DOE finds that an increase in the quantity of U.S. products sold abroad works to improve the balance of trade, and thus “DOE agrees that an improved trade balance would be an important benefit of greater LNG exports”); see also *id.* at 49 (stating that the 2024 Study “did not quantify job or wage revenues attributable to the construction and operation of LNG facilities,” but that DOE “postulates that LNG export facilities have a positive impact on the U.S. job market” based on quantitative information provided by several commenters).

Turning to the potential impact of LNG exports on domestic natural gas prices, IECA alleges that higher volumes of LNG exports, including Commonwealth’s proposed exports, will lead to large increases in domestic prices of natural gas.<sup>182</sup> DOE found, however, that “[i]ncreased LNG exports are projected to have relatively modest impacts on prices.”<sup>183</sup> In particular, “any domestic price impact is expected to be minimal due to the abundant supply of natural gas in the United States.”<sup>184</sup> DOE further determined that U.S. LNG exports have not had a “consistent effect” on the price of domestic natural gas to date.<sup>185</sup> Specifically, DOE found that the potential price impacts from increased LNG exports modeled in the 2024 Study “are within the range of prices observed over the past five years” (*i.e.*, since 2018)—and, moreover, are below the long-term price increases from U.S. LNG exports projected in DOE’s prior economic study, the 2018 LNG Export Study.<sup>186</sup>

Table 1 below shows a comparison of EIA’s projections in the *Annual Energy Outlook 2017* (AEO 2017)<sup>187</sup> that formed the basis of the 2018 LNG Export Study and DOE’s projections in the 2024 Study.<sup>188</sup> For the year 2050, the 2024 Study projects LNG exports of 56.3 Bcf/d of natural gas—more than quadruple the level projected in the 2018 LNG Export Study at 12.7 Bcf/d.<sup>189</sup> Over the same projection period, the 2024 Study projects an average Henry Hub

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<sup>182</sup> See IECA Pleading at 2, 4, 6, 11.

<sup>183</sup> Response to Comments at 46, 48.

<sup>184</sup> *Id.* at 48.

<sup>185</sup> Response to Comments at 46-47.

<sup>186</sup> *Id.*

<sup>187</sup> U.S. Energy Info. Admin., *Annual Energy Outlook 2017* (with projections to 2050) (Jan. 5, 2017), <https://www.eia.gov/outlooks/archive/aeo17/> [hereinafter AEO 2017].

<sup>188</sup> 2024 Study Appendix A; *see also* 2024 Study Appendix B at B-57 – B-59.

<sup>189</sup> See AEO 2017, Table 62 (Natural Gas Imports and Exports), [https://www.eia.gov/outlooks/aeo/data/browser/#/?id=76-AEO2017&region=0-0&cases=ref\\_no\\_cpp&start=2015&end=2050&f=A&sourcekey=0](https://www.eia.gov/outlooks/aeo/data/browser/#/?id=76-AEO2017&region=0-0&cases=ref_no_cpp&start=2015&end=2050&f=A&sourcekey=0). AEO 2017 included two versions of the Reference case—one with, and one without, the implementation of a rulemaking by the U.S. Environmental Protection Agency (EPA) called the Clean Power Plan. EPA repealed the Clean Power Plan in 2019. Therefore, we refer only to the AEO 2017 Reference case without the Clean Power Plan.

natural gas price of \$4.62/MMBtu, a decrease of 28% from \$6.40/MMBtu in real dollars projected under the 2018 Study.

**Table 1: Year 2050 Reference Case Comparisons in AEO 2017 (Basis of 2018 LNG Export Study) and 2024 LNG Export Study**

	<b>AEO 2017 Reference Case Without Clean Power Plan</b>	<b>2024 LNG Export Study – Defined Policies: Market Resolved Scenario</b>
<b>Lower-48 Dry Natural Gas Production (Bcf/d)</b>	107.9	139.6
<b>Total Natural Gas Consumption (Bcf/d)</b>	92.4	80.3
<b>Electric Power Sector Consumption (Bcf/d)</b>	31.8	17.8
<b>LNG Exports – Total (Bcf/d)</b>	12.7	56.3
<b>Henry Hub Spot Price (\$/MMBtu) <sup>(Note 1)</sup></b>	<b>\$6.40 (2022\$)</b>	<b>\$4.62 (2022\$)</b>

Note 1: Prices adjusted to 2022\$ with the AEO 2017 projection of a Gross Domestic Product price index.

For these reasons and those set forth in the Response to Comments, we find that IECA’s arguments concerning price impacts are not sufficiently supported by record evidence to overcome DOE’s finding based on the 2024 Study that Commonwealth’s proposed exports will generate net economic benefits to the U.S. economy and will not be inconsistent with the public interest.

## **2. Commonwealth’s Application**

Upon review of the Application, DOE finds that several factors identified in the Application, as supplemented and amended, support a grant of Commonwealth’s requested

authorization.

First, IECA has not explained how its broader concerns about LNG exports pertain to Commonwealth'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.<sup>190</sup> The Project, however, would connect—via its own proposed pipeline—to the existing interstate and intrastate pipeline systems of Kinetica Partners, LLC and EnLink Bridgeline Holdings LP.<sup>191</sup> The Project thus will have access to multiple interstate and intrastate pipelines with multiple interconnection points.

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, of the new interstate natural gas pipeline capacity added in 2024 totaling approximately 11 Bcf/d across all U.S. regions, approximately 6 Bcf/d in pipeline capacity was added to transport natural gas into and within the South Central region.<sup>192</sup> Most of this additional capacity is expected to serve growing LNG export demand, primarily by better connecting other interstate pipelines with LNG export terminals.<sup>193</sup> Further, six interstate pipeline projects have added over 5 Bcf/d of additional takeaway capacity to the South Central Region since the beginning of 2025.<sup>194</sup> Accordingly, we find that the existing and projected natural gas pipeline systems have more than enough capacity

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<sup>190</sup> See IECA Pleading at 2-7.

<sup>191</sup> See Conditional Order at 11-12.

<sup>192</sup> See U.S. Energy Info. Admin., Natural Gas Pipelines Tracker (last accessed Aug. 25, 2025), <https://www.eia.gov/naturalgas/pipelines/EIA-NaturalGasPipelineProjects.xlsx>; see also U.S. Energy Info. Admin., *Today in Energy* (Mar. 17, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=64744>.

<sup>193</sup> See U.S. Energy Info. Admin., *Today in Energy* (Dec. 12, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=61062>; see also U.S. Energy Info. Admin., *Today in Energy* (Dec. 30, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=64128>.

<sup>194</sup> See U.S. Energy Info. Admin., Natural Gas Pipelines Tracker (last accessed Aug. 25, 2025), <https://www.eia.gov/naturalgas/pipelines/EIA-NaturalGasPipelineProjects.xlsx>.

to support Commonwealth’s requested export volume of 441.4 Bcf/yr, or 1.21 Bcf/d, of natural gas.

Additionally, under NGA section 7, FERC has exclusive authority over the construction and operation of interstate natural gas pipelines and related facilities.<sup>195</sup> We agree with Commonwealth 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.<sup>196</sup> To the extent these arguments are relevant to this proceeding, they do not overcome the statutory presumption favoring export authorization.<sup>197</sup>

Second, Commonwealth points to EIA data and projections in asserting that the United States has abundant natural gas resources available to meet both projected future domestic needs and demand for the proposed exports.<sup>198</sup> We agree. In addition to the 2024 LNG Export Study, we take administrative notice of EIA’s recent authoritative projections, set forth in the *Annual Energy Outlook 2025* (AEO 2025),<sup>199</sup> to evaluate current and future natural gas supply, demand, and prices. Specifically, DOE has assessed AEO 2025 to evaluate any differences from AEO 2023, which formed the basis for the 2024 Study. We find that EIA’s projections in AEO 2025 continue to show market conditions that will accommodate increased exports of natural gas—well above what is required to meet projected increases in domestic consumption.<sup>200</sup> DOE therefore rejects IECA’s claim that forecasted demand for natural gas, including the demand related to the proposed export of LNG, will outstrip new resources.

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<sup>195</sup> 15 U.S.C. § 717f.

<sup>196</sup> See Commonwealth Answer at 4; see also IECA Pleading at 3 & n.3 (acknowledging FERC’s role in approving and regulating interstate natural gas pipelines).

<sup>197</sup> See *supra* § IV.

<sup>198</sup> See, e.g., Commonwealth App. at 6, 7.

<sup>199</sup> U.S. Energy Info. Admin., *Annual Energy Outlook 2025* (with projections to 2050) (Apr. 15, 2025), <https://www.eia.gov/outlooks/aeo/> [hereinafter AEO 2025].

<sup>200</sup> U.S. Energy Info. Admin., AEO 2025, Table 13 (last visited Aug. 25, 2025), <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2025&cases=ref2025&sourcekey=0>.

Third, in response to IECA’s concerns about the costs of LNG exports falling on American citizens and manufacturers such that U.S. consumers will be “damage[d]” by such exports,<sup>201</sup> 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).<sup>202</sup> Moreover, IECA has not provided an analysis of the distributional consequences of authorizing LNG exports at the household level to support its concerns. Commonwealth 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,<sup>203</sup> and IECA did not contest those benefits.

We also emphasize a principal finding of the 2024 Study: increasing U.S. LNG exports increases U.S. GDP.<sup>204</sup> More specifically, we note that DOE acknowledged the concerns raised about IECA and others about “the potential impact of higher natural gas and electricity prices on households and the potentially disproportionate impact on low-income households.”<sup>205</sup> Indeed, the 2024 Study employed an analytical tool (the “HEIDM tool”) for the purpose of examining impacts by income class.<sup>206</sup>

DOE also found that, with respect to changes in the price of industrial inputs such as natural gas (which, under IECA’s view, could adversely impact U.S. manufacturers), “the impact of any price changes on industrial inputs and thus the cost of other goods is uncertain in a

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<sup>201</sup> IECA Pleading at 7.

<sup>202</sup> *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).

<sup>203</sup> Commonwealth App. at 8.

<sup>204</sup> *See* Response to Comments at 46; *see also id.* at 47 (Key Conclusions).

<sup>205</sup> *Id.* at 25.

<sup>206</sup> *Id.*

dynamic economy over a period of 25 years.”<sup>207</sup> DOE thus concluded that “impacts on household and industrial energy expenditures, which may be as small as the margin of error of the analysis,” are “insufficient to overcome the other economic benefits associated with increased LNG exports, including GDP, balance of trade, tax revenue, and employment effects.”<sup>208</sup> Accordingly, we find that the record does not support IECA’s arguments.

Fourth, we agree 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 Commonwealth LNG Project, a similar size project exporting at its peak capacity for one year (1.21 Bcf/d or 441.4 Bcf/yr) could reduce the trade deficit by up to approximately \$2.8 billion annually based on observed average U.S. LNG export prices for January through December 2024.<sup>209</sup> Further, the increased value of Commonwealth’s exports would spur other domestic economic activity and benefits, including the potential for supporting upstream production and related employment.

In sum, based on the 2024 Study, the most recent data in AEO 2025, and other evidence provided by Commonwealth, DOE finds that the market will be capable of sustaining the level of non-FTA exports requested in Commonwealth’s Application over the authorization term without negative economic impacts that overcome the economic benefits derived from such exports. We also find that Commonwealth’s requested non-FTA export volume is consistent with U.S. policy.

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<sup>207</sup> *Id.*

<sup>208</sup> *Id.*

<sup>209</sup> Specifically, \$6.41/Mcf \* 441.4 Bcf. See U.S. Energy Info. Admin., Natural Gas Monthly, Table 5, LNG Export Prices (p. 20) at [https://www.eia.gov/naturalgas/monthly/pdf/table\\_05.pdf](https://www.eia.gov/naturalgas/monthly/pdf/table_05.pdf) (July 31, 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).



## B. Energy Security

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 of Russian natural gas supplied to those regions until recently,<sup>210</sup> with continued risk due to the now-expired agreement for the supply of Russian natural gas to Europe.<sup>211</sup> By authorizing increased exports of U.S.-sourced LNG to non-FTA countries, including to U.S. allies in Europe and elsewhere, this Order will enable Commonwealth to help mitigate energy security concerns once it commences exports.<sup>212</sup> 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.<sup>213</sup> We further note that, like all authorizations for the export of natural gas, no export will be permitted to any country for which exports are otherwise restricted by U.S. law or policy. For these reasons, we reiterate our finding that authorizing Commonwealth's volume of exports to non-FTA countries will not be

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<sup>210</sup> 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>.

<sup>211</sup> 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/>.

<sup>212</sup> We note that Europe was the primary destination of U.S. LNG exports 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](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* (Feb. 29, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=61483> (noting that the United States supplied nearly half of Europe's LNG imports in 2023).

<sup>213</sup> As of June 2025, 18% of U.S. LNG exports have gone to FTA countries, and 82% have gone to non-FTA countries. See U.S. Dep't of Energy, *Natural Gas Imports and Exports Monthly*, at 45 (Aug. 2025), <https://www.energy.gov/sites/default/files/2025-08/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20June%202025.pdf>.

inconsistent with the public interest.

DOE also notes that, in the 2024 LNG Export Study, DOE projected continued high global demand for natural gas through 2050, demonstrating a need for additional LNG export facilities in the United States such as the Project.<sup>214</sup> For example, DOE projected in its *Defined Policies: Market Resolved* scenario that U.S. natural gas production will increase 54%, up to 51.0 trillion cubic feet (Tcf) of natural gas, and LNG exports will increase to 20.5 Tcf, between 2020 and 2050.<sup>215</sup> 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) natural gas supply. As the agreement allowing the transit of Russian natural gas through Ukraine expired 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."<sup>216</sup> 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."<sup>217</sup> 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."<sup>218</sup> This analysis further supports a key

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<sup>214</sup> See 2024 Study Appendix A at A-17 – A-22.

<sup>215</sup> 2024 Study Appendix B at B-57, [https://www.energy.gov/sites/default/files/2024-12/LNGUpdate\\_AppendixB\\_Dec2024.pdf](https://www.energy.gov/sites/default/files/2024-12/LNGUpdate_AppendixB_Dec2024.pdf); 2024 Study Appendix A at A-22, [https://www.energy.gov/sites/default/files/2024-12/LNGUpdate\\_AppendixA\\_Dec2024.pdf](https://www.energy.gov/sites/default/files/2024-12/LNGUpdate_AppendixA_Dec2024.pdf).

<sup>216</sup> Official website of the European Union (Energy, LNG) (last accessed Aug. 25, 2025), [https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/liquefied-natural-gas\\_en](https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/liquefied-natural-gas_en).

<sup>217</sup> *Id.*

<sup>218</sup> 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](https://www.eia.gov/outlooks/ieo/pdf/IEO2023_Narrative.pdf).

objective of the “EU’s energy union strategy,” as “[LNG] can contribute to diversifying gas supplies, thus improving EU energy security in the short-term.”<sup>219</sup>

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.”<sup>220</sup> 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.”<sup>221</sup> 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.

In light of these benefits to U.S. and global energy security, we reaffirm our finding in the Conditional Order that Commonwealth’s requested non-FTA export volume will advance the public interest for reasons that are distinct from and additional to the benefits discussed above.<sup>222</sup>

### **C. Issuance of Categorical Exclusion Under NEPA**

DOE’s NEPA procedures provide for a categorical exclusion for actions that normally do not require preparation of either an EIS or an EA—specifically, categorical exclusion B5.7 (10 C.F.R. Part 1021, Subpart D, Appendix B5), *Export of natural gas and associated transportation by marine vessel*.<sup>223</sup> In establishing this revised categorical exclusion, DOE concluded that the “potential environmental effects associated with marine transport, the only reasonably

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<sup>219</sup> Official website of the European Union (Energy, LNG), *supra* note 216.

<sup>220</sup> The Institute of Energy Economics, Japan, IEEJ 2025 Outlook (Oct. 18, 2024), <https://eneken.ieej.or.jp/data/12114.pdf>.

<sup>221</sup> *Id.*

<sup>222</sup> *See* Conditional Order at 49.

<sup>223</sup> *See* 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. *See* U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020); *see also supra* § II.C.

foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal.”<sup>224</sup>

Specifically, “[b]ased on prior NEPA reviews and technical reports” summarized in DOE’s Technical Support Document, DOE “determined that transport of natural gas by marine vessel normally does not pose the potential for significant environmental impacts.”<sup>225</sup> DOE also observed that LNG shipments associated with export authorizations “comprise less than one percent of vessel calls from U.S. ports annually.”<sup>226</sup> Further, “[e]ven with increased LNG exports, the relative proportion of LNG shipments to total shipping is not expected to change substantially.”<sup>227</sup> On this basis, DOE concluded that “marine transport from DOE’s actions does not have the potential to markedly affect the global environmental impacts associated with the commercial shipping industry.”<sup>228</sup>

DOE finds that these marine transport effects are the only reasonably foreseeable environmental impacts from Commonwealth’s proposed exports, and DOE has considered these impacts in accordance with NEPA.<sup>229</sup> DOE also finds that there is no legal requirement to consider any other environmental impacts.<sup>230</sup> Accordingly, on August 29, 2025, DOE issued a

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<sup>224</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199 (emphasis added) (citing *Pub. Citizen*, 541 U.S. at 767-68).

<sup>225</sup> *Id.* at 78,198 (citing DOE’s Technical Support Document, *see supra* § II.C); *see also id.* at 78,202 (stating that the Technical Support Document was focused on the potential impacts associated with transporting LNG cargo, and “includes consideration of accidents (including spills and fires), safety and security during transport, and some 50 years of experience transporting LNG on marine vessels”); *id.* (finding that “the effectiveness of [agency] regulations and industry practices over decades of LNG transport provide strong evidence that there is normally no potential for significant environmental impacts due to marine transport of LNG”).

<sup>226</sup> *Id.* at 78,202.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> *See id.* at 78,199.

<sup>230</sup> *See supra* §§ II.C, III.A; *see also, e.g., Seven Cnty. Infrastructure Coal.*, 605 U.S. \_\_\_, 145 S.Ct. at 1510-11 (emphasizing that NEPA, as a “purely procedural” statute, “‘does not mandate particular results, but simply prescribes the necessary process’ for an agency’s environmental review of a project”) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)); *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976) (discussing the “content and meaning” of the words “public interest” in the NGA based on the statute’s “principal purpose” of encouraging “the orderly development of plentiful supplies” of natural gas at reasonable prices).

categorical exclusion B5.7 determination for the non-FTA portion of Commonwealth’s Application.<sup>231</sup>

We acknowledge that this position is a departure from DOE’s past practice of broadly considering the potential upstream and downstream environmental effects of authorizing exports of LNG to non-FTA countries, beyond the transportation of the LNG by marine vessel. However, this position is informed by and consistent with the Supreme Court’s holdings in *Public Citizen* and, most recently, *Seven County Infrastructure Coalition*, which make clear that “agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority.”<sup>232</sup> As noted, this position is also consistent with DOE’s review of its statutory authority in the B5.7 categorical exclusion rulemaking in 2020, which was expressly based on DOE’s statutory authority and the legal principle enunciated in *Public Citizen*.<sup>233</sup>

#### **D. Other Considerations**

DOE notes the continuing uncertainty that all 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.<sup>234</sup>

More generally, DOE continues to subscribe to the principle set forth in the 1984 Policy Guidelines that, under most circumstances, the market is the most efficient means of allocating

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<sup>231</sup> U.S. Dep’t of Energy, Categorical Exclusion Determination, Commonwealth LNG, LLC, Docket No. 19-134-LNG (Aug. 29, 2025).

<sup>232</sup> *Seven Cnty. Infrastructure Coal.*, 605 U.S. \_\_\_, 145 S.Ct. at 1516 (discussing *Pub. Citizen*, 541 U.S. at 770, and concluding that “nothing in NEPA required the Board to go further and study environmental impacts from upstream or downstream projects separate in time or place from the 88-mile railroad line’s construction and operation”).

<sup>233</sup> See NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197 (discussing DOE’s limited review in considering environmental effects associated with the export of LNG to non-FTA countries under NEPA, citing *Pub. Citizen*); *id.* at 78,198-99, 78,201.

<sup>234</sup> See *infra* § VII.E (identifying long-term orders vacated to date); see also, e.g., *Sierra Club vs. U.S. Dep’t of Energy*, 134 F.4th 568, 574 (D.C. Cir. 2025) (discussing DOE’s findings as to “the uncertainties in the global energy markets” affecting the “supply and demand responses” for exports of U.S. LNG in the future).

natural gas supplies.<sup>235</sup> 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.<sup>236</sup>

## **E. Conclusion**

Upon review of the record evidence and relevant precedent in earlier non-FTA export decisions, DOE has not found an adequate basis to conclude that Commonwealth's proposed exports of U.S. LNG to non-FTA countries will be inconsistent with the public interest. We find that IECA has failed to overcome the statutory presumption that the proposed export authorization is consistent with the public interest. For that reason, we are authorizing Commonwealth's proposed exports to non-FTA countries as set forth below.

In deciding whether to grant a final non-FTA export authorization, DOE also considers the cumulative impacts of the total volume of all non-FTA export authorizations. With the issuance of this Order and the vacatur or expiration of previous long-term non-FTA export authorizations,<sup>237</sup> there are currently 42 non-FTA authorizations from the lower-48 states (one conditional order and 41 final orders, including this Order) in a cumulative volume of exports

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<sup>235</sup> 1984 Policy Guidelines, 49 Fed. Reg. at 6684.

<sup>236</sup> 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).

<sup>237</sup> 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).

totaling approximately 52.81 Bcf/d of natural gas, or approximately 19.3 trillion cubic feet per year, as follows:<sup>238</sup> Sabine Pass Liquefaction, LLC (2.2 Bcf/d),<sup>239</sup> Cameron LNG, LLC (1.7 Bcf/d),<sup>240</sup> FLEX I (1.4 Bcf/d),<sup>241</sup> FLEX II (0.4 Bcf/d),<sup>242</sup> Cove Point LNG, LP (0.77 Bcf/d),<sup>243</sup> Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (2.1 Bcf/d),<sup>244</sup> Sabine Pass Liquefaction, LLC Expansion Project (1.38 Bcf/d),<sup>245</sup> American LNG Marketing LLC (0.008 Bcf/d),<sup>246</sup> Sabine Pass Liquefaction, LLC Design Increase (0.56 Bcf/d),<sup>247</sup> Cameron LNG, LLC

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<sup>238</sup> Subsequent amendments to each order, where applicable, are omitted. 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 June 20, 2025), <https://www.energy.gov/fecm/articles/summary-lng-export-applications-lower-48-states> (identifying small-scale applications and status).

<sup>239</sup> *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).

<sup>240</sup> *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).

<sup>241</sup> *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).

<sup>242</sup> *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).

<sup>243</sup> *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).

<sup>244</sup> *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).

<sup>245</sup> *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).

<sup>246</sup> *American 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).

<sup>247</sup> *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).

Design Increase (0.42 Bcf/d),<sup>248</sup> Cameron LNG, LLC Expansion Project (1.41 Bcf/d),<sup>249</sup> Lake Charles Exports, LLC (2.0 Bcf/d),<sup>250</sup> Lake Charles LNG Export Company, LLC,<sup>251</sup> Carib Energy (USA), LLC (0.004),<sup>252</sup> Southern LNG Company, L.L.C. (0.36 Bcf/d),<sup>253</sup> the FLEX Design Increase (0.34 Bcf/d),<sup>254</sup> Golden Pass LNG Terminal LLC (2.57 Bcf/d),<sup>255</sup> Delfin LNG LLC (1.8 Bcf/d),<sup>256</sup> the Lake Charles LNG Export Company, LLC Design Increase (0.33 Bcf/d),<sup>257</sup> the

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<sup>248</sup> *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).

<sup>249</sup> *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).

<sup>250</sup> *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).

<sup>251</sup> *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).

<sup>252</sup> *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).

<sup>253</sup> *Southern 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).

<sup>254</sup> *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).

<sup>255</sup> *Golden Pass LNG Terminal LLC (formerly Golden Pass Products 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).

<sup>256</sup> *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).

<sup>257</sup> *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).



Lake Charles Exports, LLC Design Increase,<sup>258</sup> Mexico Pacific Limited LLC (1.7 Bcf/d),<sup>259</sup> Venture Global Calcasieu Pass, LLC (1.76 Bcf/d),<sup>260</sup> ECA Liquefaction, S. de R.L. de C.V. (Mid-Scale Project) (0.44 Bcf/d),<sup>261</sup> Energía Costa Azul, S. de R.L. de C.V. (Large-Scale Project) (1.74 Bcf/d),<sup>262</sup> Port Arthur LNG, LLC (1.91 Bcf/d),<sup>263</sup> Louisiana LNG Infrastructure LLC (formerly Driftwood LNG LLC) (3.88 Bcf/d),<sup>264</sup> FLEX4 (0.72 Bcf/d),<sup>265</sup> Gulf LNG Liquefaction Company, LLC (1.53 Bcf/d),<sup>266</sup> Eagle LNG Partners Jacksonville LLC (0.14 Bcf/d),<sup>267</sup> Venture Global Plaquemines LNG, LLC (3.40 Bcf/d),<sup>268</sup> Texas LNG Brownsville LLC (0.56 Bcf/d),<sup>269</sup> Corpus Christi Liquefaction, LLC (formerly Corpus Christi Liquefaction Stage

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<sup>258</sup> *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).

<sup>259</sup> *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).

<sup>260</sup> *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).

<sup>261</sup> *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).

<sup>262</sup> *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).

<sup>263</sup> *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).

<sup>264</sup> *Louisiana LNG Infrastructure LLC (formerly 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).

<sup>265</sup> *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).

<sup>266</sup> *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).

<sup>267</sup> *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).

<sup>268</sup> *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).

<sup>269</sup> *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).

III, LLC) (1.59 Bcf/d),<sup>270</sup> Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (3.61 Bcf/d),<sup>271</sup> Epsilon LNG LLC (1.083 Bcf/d),<sup>272</sup> Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (0.3 Bcf/d),<sup>273</sup> Sabine Pass Liquefaction, LLC (0.42 Bcf/d),<sup>274</sup> Vista Pacifico LNG, S.A.P.I. de C.V. (Mid-Scale Project) (0.55 Bcf/d),<sup>275</sup> FLEX Design Increase (0.24 Bcf/d),<sup>276</sup> NFE Altamira FLNG, S. de R.L. de C.V. (0.40 Bcf/d),<sup>277</sup> Venture Global CP2 LNG, LLC (conditional authorization of 3.96 Bcf/d),<sup>278</sup> Port Arthur LNG Phase II, LLC (1.91 Bcf/d),<sup>279</sup> and this Order which finalizes Commonwealth's Conditional Order (1.21 Bcf/d).

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

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<sup>270</sup> *Corpus Christi Liquefaction, LLC (formerly 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).

<sup>271</sup> *Rio Grande LNG, LLC, et. al.* 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).

<sup>272</sup> *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).

<sup>273</sup> *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).

<sup>274</sup> *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).

<sup>275</sup> *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).

<sup>276</sup> *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).

<sup>277</sup> *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).

<sup>278</sup> *Venture Global CP2 LNG, LLC*, DOE/FECM Order No. 5264, Docket No. 21-131-LNG, Order Conditionally Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 19, 2025).

<sup>279</sup> *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292, Docket No. 20-23-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 29, 2025).

Terminal.<sup>280</sup>

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 15 mid- or large-scale export projects with a non-FTA export authorization from DOE is 31.12 Bcf/d of natural gas.<sup>281</sup>

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.

Two reasons support this approach. First, the 2024 LNG Export Study, like any study based on assumptions and economic projections, is inherently limited in its predictive accuracy. Second, 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.

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<sup>280</sup> *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.

<sup>281</sup> This 31.12 Bcf/d volume representing export capacity approved to non-FTA countries currently operating or under construction is comprised of:

- (i) 29.02 Bcf/d of non-FTA volumes under construction or operating in the United States calculated by adding Columns “Under Construction Pursuant to FID” & “Operating (see U.S. Dep’t of Energy, Liquefied Natural Gas (LNG) Exports Snapshot (June 2025), [https://www.energy.gov/sites/default/files/2025-07/LNG%20Snapshot%20Jun%2030%202025\\_0.pdf](https://www.energy.gov/sites/default/files/2025-07/LNG%20Snapshot%20Jun%2030%202025_0.pdf));
- (ii) 0.06 Bcf/d of non-FTA exports authorized to Venture Global Calcasieu Pass, LLC, in Order No. 4346-B (Aug.4, 2025); and
- (iii) 2.04 Bcf/d in export capacity for Venture Global CP2 LNG, LLC reaching FID on Phase 1 of its project on July 28, 2025, <https://investors.ventureglobal.com/news/news-details/2025/Venture-Global-Announces-Final-Investment-Decision-and-Financial-Close-for-Phase-1-of-CP2-LNG/default.aspx>.

## VIII. FINDINGS

On the basis of the findings and conclusions set forth above, we find that it has not been shown that a grant of the requested authorization will be inconsistent with the public interest. Accordingly, DOE reaffirms its grant of the non-FTA portion of Commonwealth's Application (as supplemented and amended) in the Conditional Order, subject to the Terms and Conditions and Ordering Paragraphs set forth below.<sup>282</sup>

## IX. TERMS AND CONDITIONS

To ensure that the authorization issued by this Order is not inconsistent with the public interest, DOE has attached the following Terms and Conditions to the authorization. Commonwealth must abide by each Term and Condition or face appropriate sanction.

### A. Term of the Authorization

Consistent with DOE's current practice and Commonwealth's request, DOE grants Commonwealth's authorization for a term to commence on the date of first export from the proposed Commonwealth LNG Project and to extend through December 31, 2050.<sup>283</sup> However, Commonwealth will be permitted to continue exporting the approved volume of LNG for a total of three years following the end of the export term on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export period (the Make-Up Volume). The three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053.<sup>284</sup>

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<sup>282</sup> The Terms and Conditions and Ordering Paragraphs in this Order supersede those set forth in the Conditional Order.

<sup>283</sup> See 2050 Policy Statement, 85 Fed. Reg. at 52,247.

<sup>284</sup> See *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292-A, Docket No. 20-23-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 3-5 (June 30, 2025).

## **B. Commencement of Operations Within Seven Years**

Commonwealth 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.<sup>285</sup>

Consistent with DOE's final and conditional non-FTA authorizations to date, DOE adds as a condition of this authorization that Commonwealth must commence export operations of the Project no later than seven years from the date of issuance of this Order. 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.<sup>286</sup> 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

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<sup>285</sup> Commonwealth App. at 2.

<sup>286</sup> 10 C.F.R. § 590.405.

indirect means.<sup>287</sup> 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.<sup>288</sup>

#### **D. Agency Rights**

Commonwealth requests authorization to export LNG on its own behalf and as agent for other 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, an 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.<sup>289</sup>

To ensure that the public interest is served, this authorization will require that, where Commonwealth proposes to export LNG as agent for other entities that hold title to the LNG (Registrants), Commonwealth 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 Commonwealth file or cause to be filed with DOE any relevant long-term commercial agreements pursuant to which Commonwealth exports LNG on its own behalf or as agent for a Registrant. DOE finds that the submission of all such agreements or

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<sup>287</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).

<sup>288</sup> See *id.*

<sup>289</sup> 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).

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).<sup>290</sup>

In addition, DOE finds that section 590.202(c) of DOE’s regulations<sup>291</sup> requires that Commonwealth 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 Commonwealth or the Registrant, within 30 days of their execution.

DOE recognizes that some information in Commonwealth’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 Commonwealth the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) Commonwealth 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.

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<sup>290</sup> 10 C.F.R. § 590.202(b).

<sup>291</sup> *Id.* § 590.202(c).

## **F. Export Quantity**

This Order grants Commonwealth's Application to export LNG to non-FTA countries in the full volume requested, equivalent to 441.4 Bcf/yr of natural gas.

## **G. Combined FTA and Non-FTA Export Authorization Volumes**

Commonwealth is currently authorized in DOE/FE Order No. 4521 to export domestically produced LNG to FTA countries in a volume equivalent to 441.4 Bcf/yr of natural gas. The source of LNG for that FTA Order and this Order reflect the planned liquefaction capacity of the Commonwealth LNG Project, as approved by FERC. Accordingly, Commonwealth may not treat the FTA and non-FTA export volumes as additive to one another.

## **X. ORDER**

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. Commonwealth LNG, LLC (Commonwealth) is authorized to export domestically produced LNG by vessel from the proposed Commonwealth LNG Project, to be located in Cameron Parish, Louisiana. The volume authorized in this Order is equivalent to 441.4 Bcf/yr of natural gas for a term to commence on the date of first export and to extend through December 31, 2050. Commonwealth may continue exporting any Make-Up Volume for a three-year Make-Up Period following this export term, *i.e.*, through December 31, 2053.<sup>292</sup> Commonwealth 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.<sup>293</sup>

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<sup>292</sup> See Term & Condition A, *supra* § IX.A. This three-year Make-Up Period does not affect or modify the export volume previously authorized in Commonwealth's FTA authorization or in this Order. Insofar as Commonwealth may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

<sup>293</sup> See U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).



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

D. Commonwealth 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.

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

F. (i) Commonwealth 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) Commonwealth 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. Commonwealth 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 Commonwealth with all information necessary to permit Commonwealth 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. Commonwealth, or others for whom Commonwealth 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. 5238-A, issued August 29, 2025, in Docket No. 19-134-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 Commonwealth 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

Commonwealth 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, Commonwealth shall provide written notification of the date of first export to DOE.

J. Commonwealth 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, Commonwealth must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.<sup>294</sup>

L. Monthly Reports: With respect to the exports authorized by this Order, Commonwealth 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 30<sup>th</sup> 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>.

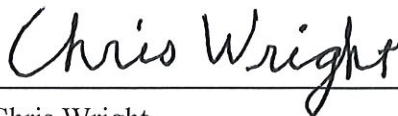
(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

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<sup>294</sup> See 79 Fed. Reg. at 65,541-42.

M. All monthly report filings on Form FE-746R shall be made to the Office of Regulation, Analysis, and Engagement according to the methods of submission listed on the Form FE-746R reporting instructions available at <https://www.energy.gov/fecm/regulation>.

Issued in Washington, D.C., on August 29, 2025.

A handwritten signature in black ink that reads "Chris Wright". The signature is written in a cursive style with a horizontal line underneath it.

Chris Wright  
U.S. Secretary of Energy