

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

VENTURE GLOBAL CP2 LNG, LLC

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DOCKET NO. 21-131-LNG

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

DOE/FECM ORDER NO. 5264-A

OCTOBER 21, 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
E.O.	Executive Order
EU	European Union
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
IECA	Industrial Energy Consumers of America
GDP	Gross Domestic Product
LNG	Liquefied Natural Gas
MMBtu	Million British Thermal Units
mtpa	Million Metric Tons per Annum
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
NRDC	Natural Resources Defense Council
Tcf	Trillion Cubic Feet

I. INTRODUCTION

A. Application Proceeding

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

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

CP2 LNG seeks to export the LNG to: (i) any country with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), under NGA section 3(c);⁷ and (ii) any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), under NGA section 3(a).⁸ On April 22,

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

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

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

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

⁵ CP2 LNG App. at 2. For purposes of this Order, DOE uses the terms "authorization" and "order" interchangeably.

⁶ *Id.* at 1.

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

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

2022, in Order No. 4812, DOE granted the FTA portion of the Application in the requested volume of 1,446 Bcf/yr of natural gas for a term through December 31, 2050.⁹

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

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

- (i) A “Motion to Intervene” filed by Public Citizen, Inc. (Public Citizen);¹⁴
- (ii) A “Notice of Intervention, Protest, and Comment” opposing the Application filed

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

¹⁰ CP2 LNG App. at 12. *See also* U.S. Dep’t of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52,237 (Aug. 25, 2020) [hereinafter 2050 Term Extension Policy Statement]. Additionally, DOE notes that, effective January 12, 2021, long-term export authorizations contain authority to export the same approved volume of LNG pursuant to transactions with terms of less than two years, including commissioning volumes, on a non-additive basis. *See* U.S. Dep’t of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2,243 (Jan. 12, 2021).

¹¹ CP2 LNG App. at 2, 13.

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

¹³ DOE finds that the requirement for public notice of applications in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).

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

by Industrial Energy Consumers of America (IECA);¹⁵

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

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

Additionally, after the close of the comment period on March 11, 2022, DOE received (through various channels) thousands of comments addressing the Application, which DOE compiled and docketed to the best of its ability. These late-filed comments, some filed as recently as December 2024, include eight unique comments filed by individuals or organizations and more than 30,000 late-filed comments that are largely form letters signed by various individuals. All of these late-filed comments oppose the Application.

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

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

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

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

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

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

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

B. Conditional Authorization

On March 19, 2025, DOE conditionally granted the non-FTA portion of CP2 LNG's Application, as supplemented, in DOE/FECM Order No. 5264 (Conditional Authorization),²² under NGA section 3(a) and DOE's regulation governing conditional orders, 10 C.F.R. § 590.402.²³

First, DOE reviewed the motion to intervene filed by Public Citizen, as well as the motions to intervene filed by IECA, NRDC, and Sierra Club, respectively (each filed with an accompanying protest), the timely-filed and late-filed comments submitted by various individuals and organizations, and CP2 LNG's Answer to the various pleadings. Upon review of the arguments presented, DOE granted the motions to intervene submitted by Public Citizen and IECA (and noted that the motions to intervene submitted by NRDC and Sierra Club were granted by operation of law) and dismissed the late-filed comments.²⁴

Next, DOE provided its preliminary findings on the non-FTA portion of the Application, including responding to certain arguments made by protestors opposing the Application.²⁵ 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,*

²² *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) [hereinafter Conditional Order].

²³ *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.B1-B2 (portions of Current Proceeding Before DOE), and VI.A.2 (Discussion and Conclusions, Procedural Matters).

²⁴ *See* Conditional Order at 6, 37-40, 61-62 (Ordering Para. N). Addressing a request for clarification made by CP2 LNG in its Answer (at 3), DOE also stated that the three commenters that timely filed their comments on the Application (Mr. Merendino, Mr. Twist, and Policy Integrity) are not "parties" to this proceeding under 10 C.F.R. § 590.102(l), but that DOE will consider their arguments in evaluating the public interest. *See* Conditional Order at 33, 37 n.226.

²⁵ *Id.* at 40-48.

and *Environmental Assessment of U.S. LNG Exports* (2024 LNG Export Study or 2024 Study),²⁶ and that the comment period on the 2024 Study would remain open until March 20, 2025.²⁷

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,”²⁸ 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.”²⁹ Given these circumstances, DOE “determined that it [was] appropriate to conditionally grant the non-FTA portion of the CP2 LNG’s Application.”³⁰ 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 issues or considerations examined in compliance with DOE’s obligations under NGA section 3(a) and NEPA.”³¹

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, the protests and relevant comments on the Application, the relevant portions of DOE’s 2024 LNG Export

²⁶ 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).

²⁷ See *id.* at 4-5; see also *infra* § III (discussing the 2024 Study).

²⁸ 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.

²⁹ Conditional Order at 7.

³⁰ *Id.*

³¹ *Id.* at 7-8 (stating that CP2 LNG may not commence export operations to non-FTA countries under the Conditional Order alone, “unless and until it receives a final order from DOE”).

Study, the public comments received on the 2024 Study, and DOE’s Response to Comments on the 2024 Study,³² among other evidence discussed below.

We also take administrative notice that there have been additional developments in CP2’s proceeding before the Federal Energy Regulatory Commission (FERC) described in the Conditional Order.³³ As explained in more detail below, on May 23, 2025, FERC issued an Order Addressing Arguments Raised on Rehearing and Granting Clarification (Clarification Order), in which FERC modified the discussion in its prior orders and “continue[d] to reach the same result” in authorizing CP2 LNG to site, construct, and operate the CP2 LNG Project and its affiliate, Venture Global CP Express, LLC, to construct a new interstate natural gas pipeline system for the Project (the CP Express Pipeline Project).³⁴ A coalition of petitioners is currently challenging the Clarification Order in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), together with FERC’s related orders that were modified or affirmed in the Clarification Order.³⁵

On the basis of this substantial administrative record, and taking into account the considerations directed by E.O. 14154,³⁶ DOE reaffirms that it has not been shown that CP2

³² 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/2025-10/ENERGY%20ECONOMIC%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_RESPONSE%20TO%20COMMENTS_0.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).

³³ See Conditional Order at 1 n.1.

³⁴ See *Venture Global CP2 LNG, LLC, et al.*, Order Addressing Arguments Raised on Rehearing and Granting Clarification, 191 FERC ¶ 61,153 (May 23, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250523-3082&optimized=false&sid=f47a721f-fbc4-4cda-bc02-e163dc1faac0 [hereinafter Clarification Order]; see *infra* § II.E (providing additional detail on the FERC proceeding).

³⁵ See *Dardar, et al. v. Fed. Energy Regul. Comm’n*, Joint Petition for Review, Case Nos. 24-1291, *et al.* (D.C. Cir. July 21, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250722-5036 [hereinafter Petition for Review of FERC Orders] (subsequently consolidating cases).

³⁶ 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”).

LNG'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 CP2 LNG is already authorized to export LNG from the Project in a volume equivalent to 1,446 Bcf/yr of natural gas to FTA countries,³⁷ this Order will give CP2 LNG the flexibility to allow exports to non-FTA countries consistent with the maximum production capacity authorized by FERC. Moreover, DOE finds that CP2 LNG's non-FTA exports are likely to yield economic benefits to the United States, diversify global LNG supplies, and improve energy security for U.S. allies and trading partners over the course of the export term. DOE further finds that granting the requested authorization is unlikely to adversely affect the availability of natural gas supplies to domestic consumers or result in natural gas price increases to the extent that they would negate the economic benefits to the United States.

To comply with the National Environmental Policy Act of 1969 (NEPA),³⁸ DOE is relying on a categorical exclusion from the preparation of an environmental impact statement (EIS) or environmental assessment (EA) under NEPA for the Application (Categorical Exclusion). Specifically, DOE is applying categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.³⁹ 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—1,446 Bcf/yr of natural gas, or 3.96 Bcf/d—subject to the Terms and Conditions and Ordering Paragraphs set forth herein. Because the export volumes authorized in CP2 LNG's

³⁷ See CP2 LNG FTA Order at 12 (Ordering Para. A).

³⁸ 42 U.S.C. § 4321 *et seq.*

³⁹ 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); *see infra* § II.C.

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 CP2 LNG's FTA order (DOE/FECM Order No. 4812).⁴⁰

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 42 final orders, including this Order).⁴¹

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;⁴²
- DOE's environmental study referred to as the Addendum,⁴³ 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

⁴⁰ See CP2 LNG FTA Order.

⁴¹ 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.

⁴² 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.

⁴³ 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)⁴⁴ and the 2019 LCA GHG Update (or the 2019 Update),⁴⁵ 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.⁴⁶ 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*),⁴⁷ and three in a consolidated, unpublished opinion issued in November 2017 (*Sierra Club II*).⁴⁸ Sierra Club withdrew its fifth and remaining petition for review.⁴⁹

In *Sierra Club I*, the D.C. Circuit concluded that DOE had complied with both NGA section 3(a) and NEPA in issuing the challenged non-FTA authorization to Freeport LNG

⁴⁴ 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 analyses.

⁴⁵ 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).

⁴⁶ See *infra* § III.

⁴⁷ *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.*).

⁴⁸ *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).

⁴⁹ 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).

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.”⁵⁰

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.”⁵¹ 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.⁵²

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.⁵³

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

⁵⁰ *Sierra Club I*, 867 F.3d at 203.

⁵¹ *Sierra Club II*, 703 Fed. App’x at *2.

⁵² *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).

⁵³ See, e.g., *id.* at 24.

categorical exclusion).⁵⁴

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.”⁵⁵ DOE found that “[s]uch impacts begin at the point of export and are limited to the marine transport effects.”⁵⁶

DOE explained that this revised categorical exclusion follows both the Supreme Court’s holding in *Department of Transportation v. Public Citizen (Public Citizen)*,⁵⁷ 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*,⁵⁸ that “potential environmental effects considered under NEPA do not include effects that the agency has no authority to prevent.”⁵⁹

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.”⁶⁰ 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.”⁶¹ In observing that “*Public Citizen* held that an agency has no obligation to ‘gather or consider environmental information if it has no

⁵⁴ 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.

⁵⁵ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197.

⁵⁶ *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.”).

⁵⁷ *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752 (2004) [hereinafter *Pub. Citizen*].

⁵⁸ *Sierra Club v. Fed. Energy Regul. Comm’n*, 827 F.3d 36 (D.C. Cir. 2016).

⁵⁹ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,198.

⁶⁰ *Id.*

⁶¹ *Id.* at 78,203.

statutory authority to act on that information,” DOE reiterated that “[t]his final rule is fully consistent with that holding.”⁶² In sum, “[i]mpacts beyond marine transport are beyond the scope of DOE’s NEPA review” in non-FTA export proceedings.⁶³

On the basis of data referenced in the accompanying Technical Support Document,⁶⁴ 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.”⁶⁵

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.”⁶⁶ DOE complied with this directive with its issuance of non-FTA export authorizations beginning in February 2025.⁶⁷ 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

⁶² *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”).

⁶³ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,200.

⁶⁴ *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>).

⁶⁵ *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.

⁶⁶ 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.”

⁶⁷ *See, e.g., 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, at 7 (Feb. 14, 2025).

impacts to the United States and the impact to the security of allies and partners that would result from granting the application.”⁶⁸ This Order likewise complies with that directive.

E. FERC Proceeding

On June 27, 2024, FERC issued an order authorizing: (i) CP2 LNG to site, construct, and operate the CP2 LNG Project with a peak liquefaction capacity of 28 mtpa of LNG (equivalent to 1,446 Bcf/yr of natural gas), and (ii) CP2 LNG’s affiliate, Venture Global CP Express, LLC, to construct and operate the CP Express Pipeline Project, which will connect the Project to the existing natural gas pipeline grid in east Texas and southwest Louisiana (Authorization Order).⁶⁹

Subsequently, on November 27, 2024, in response to requests for rehearing of the Authorization Order, FERC issued an order addressing arguments raised on rehearing except for those related to air quality claims (FERC Rehearing Order).⁷⁰ In light of a decision issued by the D.C. Circuit in July 2024 finding that FERC’s air quality analysis was inadequate in certain respects,⁷¹ FERC modified the discussion in the Authorization Order and set aside the related analysis for the purpose of conducting additional environmental review, with a further merits order to follow.⁷²

To address the issues raised by the Court, FERC prepared a supplemental environmental impact statement (SEIS) for the Project under NEPA, which it issued in final form on May 9,

⁶⁸ E.O. 14154, 90 Fed. Reg. at 8357 (§ 8(a)).

⁶⁹ See *Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC*, Order Granting Authorizations Under Section 3 and 7 of the Natural Gas Act, Docket Nos. CP22-21-000, *et al.*, 187 FERC ¶ 61,199 (June 27, 2024), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240627-3107&optimized=false&sid=f47a721f-fbc4-4cda-bc02-e163dc1faac0 [hereinafter Authorization Order].

⁷⁰ *Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC*, Order Addressing Arguments Raised on Rehearing and Setting Aside Prior Order, In Part, Docket Nos. CP22-21-000, *et al.*, 189 FERC ¶ 61,148 (Nov. 27, 2024), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241127-3065 [hereinafter Rehearing Order].

⁷¹ See *Healthy Gulf v. Fed. Energy Regul. Comm’n*, 107 F.4th 1033 (D.C. Cir. 2024).

⁷² See Rehearing Order at PP 2, 185.

2025.⁷³

Subsequently, on May 23, 2025, FERC issued the Clarification Order (discussed *supra* § I.C) in which it modified “the discussion in the Authorization Order and Rehearing Order and continue[d] to reach the same result.”⁷⁴ Specifically, FERC stated that, based on the information and analysis contained in the final EIS and final supplemental EIS, as supplemented or clarified, FERC found “that the Projects, if implemented as described in the applications and in compliance with the environmental conditions appended to the Authorization Order, are environmentally acceptable actions.”⁷⁵

On July 21, 2025, after FERC issued a Notice of Denial of Rehearing by Operation of Law,⁷⁶ a coalition of petitioners filed a petition for review challenging the Clarification Order and, by extension, the Authorization and Rehearing Orders that were modified or affirmed in the Clarification Order (as subsequently consolidated with other petitions for review).⁷⁷ That litigation is ongoing.

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

⁷³ See, e.g., Fed. Energy Regul. Comm’n; Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC; Notice of Availability of the Final Supplemental Environmental Impact Statement for the Proposed for the Proposed CP LNG and CP Express Pipeline Projects, 90 Fed. Reg. 20,663 (May 15, 2025).

⁷⁴ FERC Clarification Order at P 2.

⁷⁵ *Id.* at P 92.

⁷⁶ *Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, Docket Nos. CP22-21-003, *et al.*, 192 FERC ¶ 62,027 (July 21, 2025).

⁷⁷ See Petition for Review of FERC Orders, *supra* note 35.

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.⁷⁸

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 v. Eagle County, Colorado* (*Seven County Infrastructure Coalition*)),⁷⁹ this NEPA review is limited to the “potential effects associated with marine transport of LNG” to non-FTA countries.⁸⁰ 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.⁸¹ Accordingly, DOE’s discussion of the 2024 Study in this Order focuses only on the economic analysis in the 2024 Study, as well as DOE’s related findings on energy security.⁸²

B. Methodology

As relevant here, the 2024 Study included a Summary Report⁸³ and two appendices that

⁷⁸ See *infra* § VII.C.

⁷⁹ See *supra* § II.C.

⁸⁰ 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”).

⁸¹ 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).

⁸² 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.”

⁸³ 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/2025-10/ENERGY%2C%20ECONOMIC%2C%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_0.pdf.

provided 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.⁸⁴

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.⁸⁵

For each scenario in these Appendices, GCAM was used to estimate the global demand for U.S. LNG exports.⁸⁶ 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 sectors, and (ii) changes in energy prices experienced by American households.⁸⁷

⁸⁴ 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 [hereinafter 2024 Study Notice].

⁸⁵ *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.

⁸⁶ *Id.*

⁸⁷ *Id.*

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

- The 2024 Study contained three categories of policy assumptions: *Defined Policies*, *Commitments*, and *Net Zero 2050*.⁸⁹ For example, the *Defined Policies* scenario included an explicit representation of domestic policies in place at the time.⁹⁰
- The 2024 Study contained two categories of assumptions for technology availability: *High CCS* [Carbon Capture & Storage] and *Moderate CCS*.⁹¹
- 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*.⁹²
 - *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).⁹³
 - *Model Resolved Exports* assumed U.S. LNG exports estimated at a trajectory determined by the model.⁹⁴
 - *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 2050.⁹⁵

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*.⁹⁶ 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.⁹⁷

⁸⁸ See Study Summary Report at S-15.

⁸⁹ *Id.*

⁹⁰ *Id.* at S-16.

⁹¹ See *id.* at S-17.

⁹² *Id.* at S-18

⁹³ *Id.*

⁹⁴ Study Summary Report at S-18.

⁹⁵ *Id.*

⁹⁶ *Id.* at S-19.

⁹⁷ *Id.*

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.⁹⁸

C. DOE Proceeding

On December 17, 2024, DOE published the notice of availability of the 2024 LNG Export Study on its website.⁹⁹ The Notice of Availability was published in the *Federal Register* on December 20, 2024.¹⁰⁰ 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.¹⁰¹

DOE initially invited public comment on the 2024 Study for 60 days, but extended the comment period for an additional 30 days.¹⁰² In total, the comment period began on December 20, 2024, and extended through March 20, 2025.¹⁰³ 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.¹⁰⁴

DOE summarized and responded to these comments in a document entitled *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments*

⁹⁸ See *id.*

⁹⁹ See 2024 Study Notice.

¹⁰⁰ 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).

¹⁰¹ See *id.*

¹⁰² 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).

¹⁰³ *Id.*

¹⁰⁴ The public comments are posted on the 2024 LNG Export Study webpage at <https://fossil.energy.gov/app/docket/index/docket/index/30>.

(Response to Comments), published on DOE’s website on May 19, 2025.¹⁰⁵ On May 22, 2025, DOE published the Notice of Availability of the Response to Comments in the *Federal Register*.¹⁰⁶

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:¹⁰⁷

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.
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.

¹⁰⁵ See Response to Comments, *supra* note 32.

¹⁰⁶ See Notice of Availability of Response to Comments.

¹⁰⁷ 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.

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.”¹⁰⁸

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.¹⁰⁹ 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.”¹¹⁰

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.¹¹¹ 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.¹¹²

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

¹⁰⁸ Response to Comments at 47.

¹⁰⁹ *See, e.g., id.* at 46-50.

¹¹⁰ *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”).

¹¹¹ *Id.* at 46-49.

¹¹² *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).

minimal due to the abundant U.S. supply of natural gas.”¹¹³ 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.”¹¹⁴

DOE also stated that it continues to endorse the principle set forth in its 1984 Policy Guidelines¹¹⁵ 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.”¹¹⁶ DOE noted that technological innovations and industry investment are “two factors that influence market demand” for exports of U.S. LNG.¹¹⁷

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.”¹¹⁸

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]¹¹⁹ authorizing it to do so. The [Secretary] shall issue such order upon application, unless

¹¹³ *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).

¹¹⁴ Response to Comments at 47.

¹¹⁵ 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].

¹¹⁶ *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).

¹¹⁷ *Id.* at 50.

¹¹⁸ *Id.*

¹¹⁹ 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)).

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.¹²⁰

DOE, as affirmed by the D.C. Circuit, has consistently interpreted NGA section 3(a) as creating a rebuttable presumption that a proposed exportation of natural gas is in the public interest.¹²¹

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.”¹²²

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 domestic need for the natural gas to be exported.¹²³ The goals of the 1984 Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and

¹²⁰ 15 U.S.C. § 717b(a).

¹²¹ 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)).

¹²² 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).

¹²³ 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].

mixed energy resource system.¹²⁴ 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.¹²⁵

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.¹²⁶ To conduct this review, DOE looks to record evidence developed in the application proceeding.¹²⁷ Before reaching a final decision, DOE must also comply with NEPA.¹²⁸

V. PROJECT UPDATES

Since March 19, 2025, when DOE issued the Conditional Order, CP2 LNG has announced the following updates and submitted appropriate filings with DOE.¹²⁹

- On July 3, 2025, CP2 LNG announced that it had signed a sale and purchase agreement with PETRONAS LNG Ltd. (PLL), a subsidiary of Malaysia's national oil and gas

¹²⁴ 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").

¹²⁵ *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)).

¹²⁶ See DOE Order Denying Petition for Rulemaking at 12.

¹²⁷ See *id.*

¹²⁸ See *supra* § I.

¹²⁹ See generally DOE/FECM, Venture Global CP2 LNG, LLC Facility Long-Term Contract Information and Registrations, <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility> (providing links to CP2 LNG's filings concerning contract information and registrations).

company, to purchase 1 mtpa of LNG for 20 years from the Project.¹³⁰

- On July 9, 2025, CP2 LNG announced an amendment to an existing sale and purchase agreement for additional volumes with SEFE Energy GmbH (SEFE). Under this long-term agreement, SEFE will purchase an additional 0.75 mtpa of LNG from the Project for a period of 20 years, increasing the total volume of LNG purchased by SEFE from CP2 LNG to 3.0 mtpa.¹³¹

- On July 16, 2025, CP2 LNG announced that it had signed a sale and purchase agreement with Eni S.P.A. of Italy for the purchase of 2 mtpa of LNG for 20 years from the Project.¹³²

In sum, CP2 LNG has now entered into long-term offtake agreements totaling 13.5 mtpa of the Project's 28 mtpa LNG production capacity.¹³³

Additionally, DOE takes administrative notice that, on July 28, 2025, while the Application was pending, CP2 LNG announced that it had reached FID for the development, construction and operation of the CP2 LNG Phase 1 Project, together with the associated CP Express Pipeline.¹³⁴

¹³⁰ See Venture Global, Inc., "Venture Global Announces 20-Year Sales and Purchase Agreement with PETRONAS" (July 3, 2025), <https://ventureglobal.com/2025/07/03/venture-global-announces-20-year-sales-and-purchase-agreement-with-petronas/>; see also <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility> (letter posted for Contract No. 9).

¹³¹ See Venture Global, Inc., "Venture Global and SEFE Announce Expansion of LNG Partnership," (July 9, 2025), <https://ventureglobal.com/2025/07/09/venture-global-and-sefe-announce-expansion-of-lng-partnership/>; see also <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility> (letter posted for Contract No. 8).

¹³² See Venture Global, Inc., "Venture Global and Eni announce 20-year LNG Sales and Purchase Agreement," (July 16, 2025), <https://ventureglobal.com/2025/07/16/venture-global-and-eni-announce-20-year-lng-sales-and-purchase-agreement/>; see also <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility> (letter posted for Contract No. 10).

¹³³ See generally DOE/FECM, Venture Global CP2 LNG, LLC Facility Long-Term Contract Information and Registrations, <https://www.energy.gov/fecm/articles/venture-global-cp2-lng-llc-facility>.

¹³⁴ See "Venture Global Announces Final Investment Decision and Financial Close for Phase 1 of CP2 LNG" (Jul. 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> [hereinafter CP2 LNG FID Announcement].

VI. CURRENT PROCEEDING BEFORE DOE

Public Citizen, IECA, NRDC, and Sierra Club are intervenors in this proceeding, as determined in the Conditional Order.¹³⁵ DOE also received three timely-filed comments, of which two are still relevant here.¹³⁶ For ease of reference, DOE provides below the summary of the protests (or the protest portions of the pleadings), the timely-filed responsive comments of Mr. Merendino and Institute for Policy Integrity at New York University School of Law (Policy Integrity), and CP2 LNG's Answer to the pleadings and comments, which were set forth in the Conditional Order.¹³⁷

A. Timely-Filed Non-Intervenor Comments

In his comment opposing the Application, Mr. Merendino raises concerns about the extraction of fossil fuel in general, and about the “combined” environmental impact of LNG projects on people and wildlife in and around Cameron Parish, Louisiana, in particular.¹³⁸ Mr. Merendino contends that “the cumulative impacts on local air and water [from CP2 LNG and other nearby projects] will make this small region largely uninhabitable for people and wildlife.”¹³⁹ For example, Mr. Merendino asserts that “[t]he coastline where Venture Global plans to build CP2 LNG is an important habitat for endangered and threatened species like the E. Black Rail [bird species],” and that the CP2 LNG Project (combined with impacts from the Venture Global Calcasieu Pass Project) “will destroy much of their remaining habitat.”¹⁴⁰ Mr.

¹³⁵ See *supra* § I.B; see also Conditional Order at 61-62 (Ordering Para. N). DOE granted Public Citizen's motion to intervene in the Conditional Order (see *id.* at 37-38), and thus takes no further action on the motion in this Order.

¹³⁶ See *supra* § I.B; see also Conditional Order at 18-21. Mr. Twist's comment addressed sale and purchase agreements that CP2 LNG's parent company, Venture Global, signed for the export of LNG from Venture Global's other LNG export projects (the Venture Global Calcasieu Pass and Venture Global Plaquemines LNG Projects). DOE responded to this comment in its entirety in the Conditional Order. See *id.* at 47 n.271.

¹³⁷ See Conditional Order at § V.A-G.

¹³⁸ See Merendino Comment at 1.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

Merendino adds that “the region is susceptible to hurricane and storm surge damage, which “[c]ompounds the inherent risks of LNG export facilities.”¹⁴¹ Mr. Merendino also states that the Project is in neither the U.S. public interest nor in the interest of foreign trading partners, particularly because “[i]t would take years for this project to come online and [it] won’t have any bearing on the . . . tensions over Russia.”¹⁴² Finally, Mr. Merendino asserts that “the best way to save Europe’s energy sector is to adopt renewable sources and move away from fossil fuels altogether.”¹⁴³

The Institute for Policy Integrity at New York University School of Law (Policy Integrity) also submitted comments but did not take a position on the Application. Rather, Policy Integrity recommends five suggestions for how DOE may “better conduct” its public interest review of CP2 LNG’s Application.¹⁴⁴ These recommendations include the following:

- DOE should consider the indirect greenhouse gas emissions associated with CP2 LNG in its public interest analysis, as such impacts are reasonably foreseeable;¹⁴⁵
- DOE should use reasonable assumptions to quantify indirect greenhouse gas emissions;¹⁴⁶
- DOE should analyze substitution impacts from LNG exports in more detail. Specifically, DOE should acknowledge, as part of its NGA and NEPA analyses, that higher LNG exports will “lead to lower prices and increase the quantity of [natural] gas demanded,” thereby increasing total consumption while also displacing other fuel sources such as renewable energy;¹⁴⁷
- DOE should not use the revised B5.7 categorical exclusion for CP2 LNG’s Application, as the categorical exclusion has “severe legal deficiencies;”¹⁴⁸ and
- DOE’s and FERC’s authorizations for the requested export authorization and CP2 LNG Project, respectively, are “connected actions” under NEPA and should be

¹⁴¹ *Id.*

¹⁴² *Id.* at 2.

¹⁴³ *Id.*

¹⁴⁴ See Policy Integrity Comments at 2.

¹⁴⁵ *Id.* at 4-6.

¹⁴⁶ *Id.* at 2; see also *id.* at 7-11.

¹⁴⁷ *Id.* at 11-12.

¹⁴⁸ *Id.* at 2; see also *id.* at 14-16.

considered together.¹⁴⁹

Policy Integrity maintains that “[t]hese recommendations can ensure [that] DOE obtains and uses available information to ensure that CP2 LNG’s application is not inconsistent with the public interest.”¹⁵⁰

B. IECA’s Pleading

IECA states that it is a nonpartisan association of leading manufacturing companies with \$1.1 trillion in annual sales and more than 1.8 million employees worldwide. IECA’s stated purpose is to promote the interests of manufacturing companies. IECA states that its membership represents a diverse set of industries including chemicals, plastics, aluminum, fertilizer, automotive, and many more.¹⁵¹ IECA challenges CP2 LNG’s proposed exports and DOE’s approval of LNG exports generally as contrary to the public interest.¹⁵²

DOE’s evaluation of the public interest under NGA section 3(a). According to IECA, the NGA is intended to protect the public interest by encouraging the orderly development of plentiful supplies of natural gas at reasonable prices, and by protecting consumers against exploitation by natural gas companies.¹⁵³ IECA maintains that these statutory purposes are frustrated by LNG exports because the exports will tend to reduce domestic supplies and increase domestic prices.¹⁵⁴ In IECA’s view, “[a]ssuring U.S. natural gas and electricity reliability is DOE’s number one responsibility,” and “[e]xisting cumulative LNG approval volumes already jeopardize both natural gas and electricity reliability.”¹⁵⁵ For this reason, IECA opposes DOE’s

¹⁴⁹ *Id.* at 2; *see also id.* at 17-20.

¹⁵⁰ Policy Integrity Comments at 2.

¹⁵¹ *See* IECA Pleading at 1.

¹⁵² A portion of IECA’s Pleading consists of IECA’s comments on prior DOE studies, including the 2018 LNG Export Study and other DOE documents. *See id.* at 9-15. These comments were addressed in those individual proceedings (as applicable) and are not summarized or addressed here.

¹⁵³ *See id.* at 10 (citing *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976)).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* at 2.

approval of the Application.¹⁵⁶

IECA further argues that annual increases in LNG exports have significantly increased natural gas, electricity, and natural gas feedstock prices.¹⁵⁷ IECA argues that “[i]f there were no LNG exports, the U.S. would have sufficient supply[,] and prices would not have been impacted.”¹⁵⁸ According to IECA, DOE should change from an “LNG export driven policy to one that places the U.S. economy first and exports second”—specifically, a policy that “would only allow surplus natural gas to be exported.”¹⁵⁹

U.S. manufacturing sector. IECA asserts that DOE’s policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements “directly damages U.S. manufacturing ability to negotiate free trade (fair trade) deals” for the export of manufacturing products.¹⁶⁰ IECA further states that the United States is shipping natural gas to countries with which U.S. manufacturing is in direct competition, and this competition is increased because “many of these countries control energy prices and subsidize energy to increase the competitiveness of their own manufacturing sectors.”¹⁶¹ Thus, IECA claims, “we are shipping away the U.S. manufacturing competitive advantage.”¹⁶²

According to IECA, excessive volumes of LNG exports harm the entire domestic manufacturing industry, which contributes \$2.2 trillion in GDP and provides 12.5 million high paying jobs.¹⁶³ IECA compares the manufacturing sector to the oil and gas industry, which (according to IECA) employs “less than one million and that number has decreased in recent

¹⁵⁶ *Id.* at 1.

¹⁵⁷ IECA Pleading at 9.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at 4-5.

¹⁶⁰ *Id.* at 5.

¹⁶¹ *Id.*

¹⁶² *Id.* at 3.

¹⁶³ IECA Pleading at 5-6.

years.”¹⁶⁴ IECA thus argues that, in approving LNG exports, DOE is putting manufacturing assets and jobs at risk.¹⁶⁵ More broadly, IECA argues that only “a handful of exporting companies” benefit from LNG exports, while the cost of natural gas and electricity increases for everyone else in the country.¹⁶⁶

Pipeline Capacity. IECA contends that DOE should not approve more LNG export volumes in light of a “serious” ongoing decline in available pipeline capacity.¹⁶⁷ According to IECA, pipeline capacity has not expanded at the same rate as DOE’s approved export volumes.¹⁶⁸ IECA further contends that firm access pipeline arrangements by LNG exporters have “locked-up” pipeline capacity, which decreases available pipeline capacity for domestic consumers, particularly during peak seasonal winter demand.¹⁶⁹ IECA asserts that, “[i]f a manufacturer wants to build a new facility, it may not have sufficient pipeline capacity.”¹⁷⁰ According to IECA, DOE has not undertaken a study to determine whether pipeline capacity will be adequate to support both peak domestic demand and exports of LNG. IECA also argues that “[p]otential new FERC regulatory changes to pipeline permitting and certain anti-fossil energy states and activists” could make it more difficult and time-consuming to build or expand needed interstate pipelines and take-away pipeline capacity to meet demand.¹⁷¹

Domestic price impacts. Addressing natural gas prices, IECA asserts that the “policy of the U.S. should be to export LNG volumes at levels where domestic pricing is not determined by

¹⁶⁴ *Id.*

¹⁶⁵ *Id.* at 8.

¹⁶⁶ *Id.* at 2-3.

¹⁶⁷ *Id.* at 4.

¹⁶⁸ *Id.*

¹⁶⁹ IECA Pleading at 4.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

global demand.”¹⁷² IECA contends that, when global demand increases, so will U.S. natural gas prices—thereby depriving U.S. consumers of the benefits of U.S. natural gas resources.¹⁷³

IECA also maintains that DOE has failed to consider that state-owned enterprises (SOEs) and foreign government-controlled utilities in importing nations have the capacity to purchase U.S. LNG in great volumes during high demand periods in the United States without regard to price (due to the market power of the SOEs and their use of automatic cost pass-through provisions), thereby driving up natural gas prices for U.S. consumers.¹⁷⁴ IECA asserts that, “[i]f domestic production cannot always exceed total U.S. and export demand, to where there is no surplus of supply, the global LNG market price begins to set the marginal cost of LNG for ALL U.S. natural gas,” and thus “directly sets the marginal price of electricity nationwide.”¹⁷⁵

C. NRDC’s Motion to Intervene and Protest

NRDC states that it has over 1,100 members in Louisiana, including in Cameron and Calcasieu Parishes, and that it “has a longstanding and active interest” in “curbing harmful fossil fuel expansion, expanding clean energy resources, and protecting the public from environmental threats,” among others.¹⁷⁶ In its protest, NRDC argues that the Application should be denied because the proposed exports are not in the public interest.¹⁷⁷ NRDC emphasizes that CP2 LNG’s proposed Project and requested export authorization “are large in scale and request more export volume than any previous single application.”¹⁷⁸

First, NRDC argues that the proposed exports would adversely impact domestic energy prices and supply. Specifically, NRDC asserts that CP2 LNG’s “historically voluminous”

¹⁷² *Id.* at 10.

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 3.

¹⁷⁵ IECA Pleading at 3.

¹⁷⁶ NRDC Pleading at 2.

¹⁷⁷ *Id.* at 4.

¹⁷⁸ *Id.* at 8.

exports would impact domestic gas prices and supply, such that “[a]pproving export of LNG at this . . . scale, *and* until 2050—a point at which EIA anticipates that domestic need will be at its highest—would be an action squarely outside of the public interest from a supply, competitiveness, and pricing perspective.”¹⁷⁹ NRDC thus contends that, “[a]t a minimum, DOE must not approve the application without reviewing whether current gas price spikes and domestic demand projections call into question DOE’s prior analyses and assumptions about the effects of increased exports on domestic gas production and prices.”¹⁸⁰ Additionally, in challenging CP2 LNG’s Application, NRDC argues that DOE’s 2050 Term Extension Policy Statement is “arbitrary” and “ripe for reconsideration,” and that DOE should impose a different, more “suitable” term for long-term non-FTA authorizations, if they are granted at all.¹⁸¹

Addressing environmental issues, NRDC asserts that authorizing CP2 LNG’s requested exports could “jeopardize our ability” to meet climate goals and would be contrary to the public interest.¹⁸² NRDC maintains that these environmental impacts occur across the entire LNG lifecycle, which both the NGA and NEPA require DOE to consider.¹⁸³

Specifically, NRDC argues that “increasing LNG exports will increase natural gas production” which, in turn, will increase “ozone pollution, including risking [the] creation of new or expanded ozone non-attainment areas or exacerbating existing non-attainment areas.”¹⁸⁴ NRDC further argues that CP2 LNG did not provide important information necessary to inform DOE’s review and to facilitate a “full and accurate lifecycle analysis” for the requested exports,

¹⁷⁹ *Id.* at 6-7.

¹⁸⁰ *Id.* at 16.

¹⁸¹ NRDC Pleading at 5.

¹⁸² *Id.* at 9-10.

¹⁸³ *Id.* at 7.

¹⁸⁴ *Id.* NRDC cites the D.C. Circuit’s decision in *Sierra Club v. Federal Energy Regulatory Commission*, 827 F.3d 36 (D.C. Cir. 2016), in arguing that natural gas production, and all other upstream impacts, “are highly relevant to DOE’s review of the application and public interest determination,” and thus DOE “must consider” them. NRDC Pleading at 8.

such as the expected source of the feed gas for the exports.¹⁸⁵ Additionally, NRDC argues that, “[a]s the scale of export is large, so are the associated climate impacts from downstream uses of the LNG,” and DOE is required to consider these downstream impacts.¹⁸⁶ In sum, NRDC contends that DOE must not grant the authorization “without taking a hard look at foreseeable environmental impacts occurring throughout the LNG lifecycle and ensuring it has the information in the record ... to make a fulsome and accurate assessment of those foreseeable impacts.”¹⁸⁷

D. Sierra Club’s Motion to Intervene and Protest

Sierra Club states that the proposed CP2 LNG exports will harm its members by increasing natural gas production and associated air pollution, including emissions of greenhouse gases and ozone precursors.¹⁸⁸ Additionally, Sierra Club states that increasing export volumes will increase shipping traffic beyond levels that would otherwise occur.¹⁸⁹ Sierra Club argues that this additional shipping will increase air pollution and harm wildlife that its organization’s members enjoy viewing, including the threatened giant manta ray, threatened oceanic whitetip shark, and endangered Rice’s whale.¹⁹⁰ Sierra Club adds that “[p]roposals, such as this one, that encourage long-term use of carbon-intensive fossil fuels will increase and prolong greenhouse gas emissions, increasing the severity of climate change and [other] harms.”¹⁹¹

In protesting the requested non-FTA authorization, Sierra Club contends that CP2 LNG’s proposed exports are not in the public interest and “should be denied or, in the alternative,

¹⁸⁵ *Id.* at 10.

¹⁸⁶ *Id.* at 9.

¹⁸⁷ *Id.*

¹⁸⁸ Sierra Club Pleading at 3.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* (citations omitted).

¹⁹¹ *Id.* (discussing alleged harms from climate change including rising sea levels, extreme weather events, and increased wildfires).

heavily conditioned” for several reasons, as summarized below.¹⁹²

Global strategic interests. Sierra Club acknowledges that, when DOE conducts its public interest review of a non-FTA application under NGA section 3(a), DOE considers global strategic concerns. Addressing “recent events in Ukraine,” Sierra Club contends that the proposed CP2 LNG Project “will not provide any help in reducing reliance on Russian gas in the short term” due to the construction schedule necessary for the Project.¹⁹³ According to Sierra Club, export capacity that will be brought online several years from now will not address the immediate energy needs of Europe, the United States, or other energy consumers.¹⁹⁴ Nor, Sierra Club asserts, is the CP2 LNG Project needed in the medium or long term, as “better solutions are available” for these non-immediate needs.¹⁹⁵ Sierra Club points to the use of heat pumps, building efficiency, and similar measures as tools that can “significantly reduce” the European Union’s natural gas use—and thus the impact of Russian energy.¹⁹⁶

Sierra Club also maintains that there is no “strategic need” for export capacity beyond that provided by existing U.S. LNG export terminals, and “*clearly*” no need for capacity beyond the existing approved projects that have not yet been constructed or become operational. Sierra Club states that “these not yet-operational facilities have a combined capacity of over 30 bcf/d, nearly three times the volume of US LNG exports [that] EIA predicts for 2022.”¹⁹⁷

Sierra Club thus concludes that “[r]ecent events in Ukraine have demonstrated yet another reason why the world needs to transition away from fossil energy as quickly as

¹⁹² *Id.*

¹⁹³ Sierra Club Pleading at 4.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.* at 5.

¹⁹⁶ *Id.* (citing, *e.g.*, a report issued by the International Energy Agency in March 2022 recommending a plan to reduce the EU’s reliance on Russian natural gas).

¹⁹⁷ *Id.* at 5 & n.13 (citing FERC, North American LNG Export Terminals (Feb. 17, 2022), <https://cms.ferc.gov/media/north-american-lng-export-terminals>).

possible,” and that the CP2 LNG Project “is not part of a solution to current geopolitical problems.”¹⁹⁸

Domestic energy prices and supply. Next, Sierra Club asserts that CP2 LNG’s proposed exports would increase the prices that its members pay for energy, both natural gas and electricity.¹⁹⁹ According to Sierra Club, “exports are increasingly linking domestic [natural] gas prices to prices in the global market,” and these alleged price increases “harm American households and energy intensive industry.”²⁰⁰ For example, Sierra Club argues that “[w]holesale gas prices for the winter of 2021-2022 were vastly higher than for the prior winter, and FERC concluded that the increase was driven largely by competition with demand for LNG exports.”²⁰¹

Sierra Club further contends that DOE must address distributional aspects of potential natural gas price impacts.²⁰² Sierra Club argues that DOE has never grappled with the distributional impacts of LNG exports, beyond acknowledging that LNG exports have some positive and some negative economic impacts.²⁰³ Pointing to statements by IECA and others, Sierra Club maintains that “all Americans must pay energy bills, but few own shares (even indirectly, through pension plans and the like) in the gas companies that are benefiting from high gas prices and LNG sales.”²⁰⁴ Sierra Club thus emphasizes that the “distributional and equity impacts of export-driven gas price increases require careful consideration,” so that all consumers are protected through reasonable natural gas prices as contemplated by the NGA.²⁰⁵

¹⁹⁸ *Id.* at 20.

¹⁹⁹ Sierra Club Pleading at 2.

²⁰⁰ *Id.* at 6.

²⁰¹ *Id.* & n.16 (citing FERC, Winter Energy Market and Reliability Assessment (Oct. 21, 2021) at 2, <https://ferc.gov/sites/default/files/2021-10/Winter%20Assessment%202021-2022%20-%20Report.pdf>).

²⁰² *Id.* at 8-9.

²⁰³ *Id.* at 8.

²⁰⁴ *Id.* at 7-8 (citations omitted).

²⁰⁵ Sierra Club Pleading at 9 (citing *Minisink Residents for Env'tl. Pres. & Safety v. Fed. Energy Regul. Comm'n*, 762 F.3d 97, 101 (D.C. Cir. 2014)).

Environmental impacts. Turning to environmental issues, Sierra Club argues that CP2 LNG’s proposed exports will cause environmental harm occurring across the entire LNG lifecycle, which both the NGA and NEPA require DOE to consider.²⁰⁶

According to Sierra Club, CP2 LNG’s proposed exports cannot qualify for DOE’s existing categorical exclusion for exports of LNG that was revised in 2020—categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel* (revised B5.7 categorical exclusion or 2020 categorical exclusion).²⁰⁷ Sierra Club argues that this revised categorical exclusion is “arbitrary and unlawful.”²⁰⁸ Specifically, Sierra Club states that, “in promulgating the 2020 exclusion, DOE improperly excluded from NEPA review all impacts occurring upstream of the point of export, based on a basic and fundamental legal error.”²⁰⁹ Sierra Club claims that, because DOE does, in fact, have authority to consider “the impacts of export-induced natural gas production,” the revised B5.7 categorical exclusion “was adopted unlawfully, cannot be relied upon here, and provides no evidence to suggest that all environmental effects occurring before the point of exports will be insignificant.”²¹⁰ Similarly, Sierra Club argues that DOE’s treatment of downstream impacts under the revised B5.7 categorical exclusion was also arbitrary. According to Sierra Club, DOE asserted in revising the categorical exclusion that some downstream impacts are outside of DOE’s scope of NEPA analysis (*e.g.*, downstream impacts relating to regasification and use of exported natural gas) when, in fact, “DOE has authority to consider these impacts when making its public interest

²⁰⁶ *Id.* at 10-11.

²⁰⁷ Sierra Club references 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7, and DOE’s associated rulemaking (*see* U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020)).

²⁰⁸ Sierra Club Pleading at 12.

²⁰⁹ *Id.*

²¹⁰ *Id.* (citing, *e.g.*, *Sierra Club v. Fed. Energy Regul. Comm’n*, 827 F.3d 36 (D.C. Cir. 2016)).

determination.”²¹¹

Sierra Club adds that, “[e]ven if the 2020 Categorical Exclusion was valid, DOE would be unable to rely on it” for CP2 LNG’s Application “without determining that the proposed action has the ‘integral elements’ of excluded actions as defined in Appendix B to 10 C.F.R. Part 2021.”²¹² According to Sierra Club, the Application does not satisfy “integral element 1” (among others) because it “‘threaten[s] a violation’” of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (then in effect).²¹³

Next, Sierra Club maintains that DOE’s prior life cycle analyses evaluating the greenhouse gas impacts associated with LNG exports “are not a substitute for NEPA review” and do not demonstrate that the greenhouse gas emissions caused by CP2 LNG’s proposed exports are consistent with the public interest.²¹⁴ Sierra Club maintains that, although the life cycle analyses may inform NEPA review, “DOE must address the impacts of [the CP2 LNG Application] and other LNG proposals within the NEPA framework.”²¹⁵

Sierra Club also argues that DOE’s prior life cycle analyses “ask the wrong questions” by looking only to the “short term.”²¹⁶ Sierra Club asserts that any such life cycle analysis must include a “discussion of whether increasing LNG export[s] will help or hinder achievement of the long-term drastic emission reductions that are essential to avoiding the most catastrophic levels of climate change” over an export term lasting through the year 2050.²¹⁷ Sierra Club further contends that natural gas production emits greater amounts of methane than what DOE’s

²¹¹ *Id.*

²¹² *Id.* at 14.

²¹³ *Id.* (citing Exec. Order No. 14008 of Jan. 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Feb. 1, 2021)).

²¹⁴ Sierra Club Pleading at 16.

²¹⁵ *Id.*

²¹⁶ *Id.* at 17.

²¹⁷ *Id.*

prior analyses have assumed.²¹⁸ For these and other reasons, Sierra Club argues that DOE must revisit its prior life cycle analyses and take a “hard look at the climate impact of increasing U.S. LNG exports,” including considering the impact of such exports on domestic emissions and reasonable forecasting about global impacts.²¹⁹

Finally, Sierra Club contends that the United States has set ambitious goals for reducing greenhouse gas emissions and that, because CP2 LNG’s exports cannot be reconciled with those goals, its Application should be denied.²²⁰

E. CP2 LNG’s Answer

Addressing the protests in its Answer, CP2 LNG contends that the protestors “fall far short” of demonstrating that the proposed exports are inconsistent with the public interest, as would be required to overcome the presumption in favor of granting the Application under NGA section 3(a).²²¹ Specifically, CP2 LNG states that the protests “concern very general opposition to the export of LNG from the U.S., and challenge long-established DOE/FE policies.”²²² CP2 LNG adds that “most of the arguments offered have been consistently rejected by [DOE] in numerous decisions over more than a decade through three presidential administrations.”²²³

Next, CP2 LNG argues that the global need for “abundant, low-cost, and clean-burning” U.S. LNG is clear, and the “economic, geopolitical, and environmental benefits” of such exports are “manifestly in the public interest.”²²⁴ CP2 LNG focuses on the energy security concerns in Europe following Russia’s invasion of Ukraine, rejecting Sierra Club’s contention that LNG exports from the CP2 LNG Project will not help in reducing reliance on Russian natural gas in

²¹⁸ *Id.* at 19.

²¹⁹ *Id.*

²²⁰ Sierra Club Pleading at 20.

²²¹ *Id.* at 5.

²²² *Id.* at 4.

²²³ CP2 LNG Answer at 4.

²²⁴ *Id.* at 5.

the short term.²²⁵ CP2 LNG acknowledges that this argument may be true “as far as alleviating the immediate demand for additional natural gas in Europe,” but contends that “there is no basis to believe that the geopolitical importance of U.S. gas supplies will suddenly disappear or diminish, nor that the world’s demand for U.S. LNG will be short-lived.”²²⁶

CP2 LNG also refutes Sierra Club’s argument that there is no strategic need for additional LNG export capacity beyond the existing facilities. CP2 LNG states that, contrary to this contention, the annual Shell LNG Outlook shows that expected LNG demand will exceed available supply (including facilities under construction) beginning almost immediately, then by steadily-growing amounts over the coming years.²²⁷ CP2 LNG further states that its parent company, Venture Global, has been at the forefront of “contracting success” for its LNG export projects, which provides concrete evidence disproving Sierra Club’s arguments about the role of U.S. natural gas supplies in the global marketplace.²²⁸

CP2 LNG next contends that LNG exports have well-established macroeconomic benefits and asserts that “Sierra Club and IECA have never accepted the conclusions” of DOE’s prior studies identifying these benefits.²²⁹ In particular, CP2 LNG argues that Sierra Club continues to emphasize ““distributional impacts of LNG exports,”” without acknowledging that DOE has consistently rejected these arguments over the years, including in proceedings in which the D.C. Circuit ruled in DOE’s favor on this issue.²³⁰

²²⁵ *Id.* at 6-8.

²²⁶ *Id.* at 8.

²²⁷ *Id.*

²²⁸ CP2 LNG Answer at 10; *see also id.* at 9 (“Venture Global LNG has demonstrated that it can deliver LNG to the market faster and at a lower cost than competing projects”).

²²⁹ *Id.* at 10.

²³⁰ *Id.* at 11 (citing, *e.g.*, *Sierra Club v. U.S. Dep’t of Energy*, Nos. 16-1186, 16-1252, 16-1253, 703 Fed. Appx. 1, at *3 (D.C. Cir. Nov. 1, 2017)).

CP2 LNG argues that “IECA, NRDC, and Sierra Club all emphasize recent [2022-era] increases in domestic natural gas prices in their effort to oppose additional LNG exports.”²³¹ CP2 LNG maintains, however, that the increased prices for domestic natural gas in 2021 and 2022 were due to numerous factors including weather disruptions, low inventories, and the “extraordinary events leading up to and following Russia’s invasion of Ukraine.”²³² Citing EIA’s projections, CP2 LNG argues that these price increases will be short-lived, “with low prices returning . . . then continuing throughout the period of the requested export authorization through 2050.”²³³ CP2 LNG further states that “the current EIA pricing data” is supportive of LNG exports and “continues to demonstrate that arguments against LNG exports are based on misplaced concerns about insufficient supplies or domestic natural gas prices.”²³⁴

Addressing IECA’s arguments concerning U.S. manufacturing, CP2 LNG counters that domestic resources are sufficient to meet both domestic consumption demand and LNG export demand.²³⁵ CP2 LNG refutes IECA’s arguments that “domestic manufacturers should be protected with preferential access to domestic natural gas and should not have to compete on price with overseas markets.”²³⁶ According to CP2 LNG, IECA fails to recognize that overseas consumers of U.S. LNG must also bear the costs of liquefaction, transportation by ocean-going vessel, and regasification—“which ought to provide ample competitive advantage to domestic manufacturing.”²³⁷

CP2 LNG also questions IECA’s claim that LNG exporters are taking firm pipeline capacity to the detriment of domestic consumers. CP2 LNG highlights FERC’s open access

²³¹ *Id.* at 13.

²³² *Id.* at 14.

²³³ CP2 LNG Answer at 14.

²³⁴ *Id.* at 15.

²³⁵ *Id.* at 16.

²³⁶ *Id.*

²³⁷ *Id.*

regulation of interstate natural gas pipelines, which makes pipelines available to all potential customers.²³⁸ CP2 LNG reiterates that FERC (not DOE) regulates such pipelines, and maintains that “[n]othing prevents manufacturers needing natural gas from making their own investments in pipeline capacity.”²³⁹

Finally, turning to environmental concerns raised by the protestors as well as by Policy Integrity, CP2 LNG emphasizes that its Project is undergoing “full NEPA review” by FERC.²⁴⁰ As for greenhouse gas emissions, CP2 LNG emphasizes the benefits of “encouraging the use of more environmentally friendly natural gas . . . as opposed to coal, diesel or heavy fuel oil used in other countries.”²⁴¹ CP2 LNG states that “this conclusion is bolstered by statements of [Venture Global] customers” that have emphasized “the benefits of U.S. gas supply to their long-term climate and carbon emissions goals.”²⁴²

Rebutting protestor arguments concerning new natural gas production associated with the proposed exports, CP2 LNG points to its statement in the Application that “[t]he Project by design is not dependent upon any particular natural gas supply.”²⁴³ According to CP2 LNG, the particular natural gas supplies that will be transported on the CP Express Pipeline and liquefied at the Project cannot be known at this time and “undoubtedly” will change over the life of the Project.²⁴⁴

For all of these reasons, CP2 LNG asks DOE to “recognize that the proposed LNG exports . . . are unquestionably not inconsistent with the public interest.”²⁴⁵

²³⁸ *Id.*

²³⁹ CP2 LNG Answer at 16-17.

²⁴⁰ *Id.*

²⁴¹ *Id.* at 19.

²⁴² *Id.* at 18.

²⁴³ *Id.* at 21-22 (quoting CP2 LNG App. at 11-12).

²⁴⁴ *Id.*

²⁴⁵ CP2 LNG Answer at 23.

VII. DISCUSSION AND CONCLUSIONS

In reviewing the non-FTA portion of CP2 LNG 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:

- CP2 LNG's Application and Supplement to Application;
- Public Citizen's Motion to Intervene; as well as the Motions to Intervene filed by IECA, NRDC, and Sierra Club, respectively (each filed with an accompanying protest), and CP2 LNG's Answer thereto; and
- Relevant portions of the 2024 LNG Export Study, including comments received in response to the 2024 Study.²⁴⁶

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, 2025.²⁴⁷

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.²⁴⁸ 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.²⁴⁹ Indeed, the 2024 Study shows macroeconomic benefits to the U.S. economy across the range of scenarios analyzed.²⁵⁰ DOE

²⁴⁶ Where appropriate, some portions of this Discussion are included from the Conditional Order for completeness.

²⁴⁷ See *supra* § III.C.

²⁴⁸ Response to Comments at 43; see also *id.* at 21.

²⁴⁹ See *id.* at 47.

²⁵⁰ See *id.*

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.²⁵¹

Turning to the potential impact of LNG exports on domestic natural gas prices, IECA and NRDC allege that higher volumes of LNG exports, including CP2 LNG’s proposed exports, will lead to large increases in domestic prices of natural gas.²⁵² DOE found, however, that “[i]ncreased LNG exports are projected to have relatively modest impacts on prices.”²⁵³ In particular, “any domestic price impact is expected to be minimal due to the abundant supply of natural gas in the United States.”²⁵⁴ DOE further determined that U.S. LNG exports have not had a “consistent effect” on the price of domestic natural gas to date.²⁵⁵ 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.²⁵⁶

Table 1 below shows a comparison of EIA’s projections in the *Annual Energy Outlook 2017* (AEO 2017)²⁵⁷ that formed the basis of the 2018 LNG Export Study and DOE’s projections in the 2024 Study.²⁵⁸ For the year 2050, the 2024 Study projects LNG exports of 56.3 Bcf/d of

²⁵¹ *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).

²⁵² *See* IECA Pleading at 1, 3, 9; NRDC Pleading at 2-3,6.

²⁵³ Response to Comments at 46, 48.

²⁵⁴ *Id.* at 46.

²⁵⁵ Response to Comments at 46-47.

²⁵⁶ *Id.*

²⁵⁷ 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].

²⁵⁸ 2024 Study Appendix A; *see also* 2024 Study Appendix B at B-57 – B-59.

natural gas—more than quadruple the level projected in the 2018 LNG Export Study at 12.7 Bcf/d.²⁵⁹ Over the same projection period, the 2024 Study projects an average Henry Hub 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

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

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

For these reasons and those set forth in the Response to Comments, we find that IECA and NRDC’s arguments concerning price impacts are not sufficiently supported by record

²⁵⁹ See AEO 2017, Table 62 (Natural Gas Imports and Exports), https://www.eia.gov/outlooks/aeo/data/browser/#/?id=76-AEO2017®ion=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.

evidence to overcome DOE’s finding based on the 2024 Study that CP2 LNG’s proposed exports will generate net economic benefits to the U.S. economy and will not be inconsistent with the public interest.

2. CP2 LNG’s Application

Upon review of the Application, DOE finds that several factors identified in the Application, as supplemented, support a grant of CP2 LNG’s requested authorization.

First, IECA has not explained how its broader concerns about LNG exports pertain to CP2 LNG’s requested exports and will detract from available pipeline capacity. Specifically, IECA asserts that increased exports of U.S. LNG will take pipeline capacity away from U.S. manufacturers and consumers.²⁶⁰ Here, however, the natural gas supplies will be transported on the CP Express Pipeline and liquefied at the CP2 LNG Project.²⁶¹ In its Answer, CP2 LNG states that the proposed CP Express Pipeline system “includes over 90 miles of pipeline and related facilities.”²⁶² Thus, through the CP Express Pipeline, the Project “will have numerous direct interconnections with other pipelines,” including to the existing interstate pipeline grid in Louisiana and Texas.²⁶³

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

²⁶⁰ See IECA Pleading at 2-7.

²⁶¹ CP2 LNG App. at 11.

²⁶² CP2 LNG Answer at 2 n.2.

²⁶³ See *id.*; see also *id.* at 16-17.

South Central region.²⁶⁴ Most of this additional capacity is expected to serve growing LNG export demand, primarily by better connecting other interstate pipelines with LNG export terminals.²⁶⁵ Further, six interstate pipeline projects have added over 5 Bcf/d of additional takeaway capacity to the South Central Region since the beginning of 2025.²⁶⁶ Accordingly, we find that the existing and projected natural gas pipeline systems have more than enough capacity to support CP2 LNG's requested export volume of 1,446 Bcf/yr, or 3.96 Bcf/d, of natural gas. We also note CP2 LNG's observation that "[n]othing prevents manufacturers needing natural gas from making their own investments in pipeline capacity to support new infrastructure as needed."²⁶⁷

Additionally, under NGA section 7, FERC has exclusive authority over the construction and operation of interstate natural gas pipelines and related facilities.²⁶⁸ We agree with CP2 LNG that IECA's generalized arguments concerning the permitting and regulation of interstate pipelines are beyond the scope of this proceeding and are properly raised with FERC, not DOE.²⁶⁹ To the extent these arguments are relevant to this proceeding, they do not overcome the statutory presumption favoring export authorization.²⁷⁰

Second, CP2 LNG 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

²⁶⁴ See U.S. Energy Info. Admin., Natural Gas Pipelines Tracker (last visited Oct. 20, 2025), <https://www.eia.gov/naturalgas/pipelines/EIA-NaturalGasPipelineProjects.xlsx> [hereinafter EIA Pipelines Tracker]; see also U.S. Energy Info. Admin., *Today in Energy* (Mar. 17, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=64744>.

²⁶⁵ 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>.

²⁶⁶ See EIA Pipelines Tracker.

²⁶⁷ CP2 LNG Answer at 17.

²⁶⁸ 15 U.S.C. § 717f.

²⁶⁹ See CP2 LNG Answer at 16-17; see also IECA Pleading at 4 (acknowledging FERC's role in permitting pipelines).

²⁷⁰ See *supra* § IV.

demand for the proposed exports.²⁷¹ We agree. In addition to the 2024 LNG Export Study, we take administrative notice of EIA’s most recent authoritative projections, set forth in the *Annual Energy Outlook 2025* (AEO 2025),²⁷² 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.²⁷³ DOE therefore rejects the protestors’ claim that forecasted demand for natural gas, including the demand related to the proposed export of LNG, will outstrip new resources.

Third, in response to IECA’s and Sierra Club’s concerns about the costs of LNG exports falling on American citizens and manufacturers such that U.S. consumers will be adversely affected by such exports,²⁷⁴ 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).²⁷⁵ Moreover, neither IECA nor Sierra Club have provided an analysis of the distributional consequences of authorizing LNG exports at the household level to support their concerns. CP2 LNG described in its Application the various public benefits that will be produced by the construction and operation of the Project to Louisiana and the United States more broadly, including increased employment to support the Project,²⁷⁶ and no party contested those benefits.

²⁷¹ See CP2 LNG App. at 22-24.

²⁷² U.S. Energy Info. Admin., *Annual Energy Outlook 2025* (Apr. 15, 2025), <https://www.eia.gov/outlooks/aeo/> [hereinafter AEO 2025].

²⁷³ U.S. Energy Info. Admin., AEO 2025, Table 13 (last visited Oct. 20, 2025), <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2025&cases=ref2025&sourcekey=0>.

²⁷⁴ IECA Pleading at 2-3; Sierra Club Pleading at 6.

²⁷⁵ 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).

²⁷⁶ CP2 LNG App. at 28-29.

We also emphasize a principal finding of the 2024 Study: increasing U.S. LNG exports increases U.S. GDP.²⁷⁷ More specifically, we note that DOE acknowledged the concerns raised by Sierra Club and others that “low-income [] American households all face dramatically higher energy burdens.”²⁷⁸ Indeed, the 2024 Study employed an analytical tool (the “HEIDM tool”) for the purpose of examining impacts by income class.²⁷⁹

DOE also found that, with respect to changes in the price of industrial inputs such as natural gas (which, under IECA and Sierra Club’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 dynamic economy over a period of 25 years.”²⁸⁰ 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.”²⁸¹ Accordingly, we find that the record does not support IECA and Sierra Club’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 CP2 LNG Project, a similar size project exporting at its peak capacity for one year (3.96 Bcf/d or 1,446 Bcf/yr) could reduce the trade deficit by up to approximately \$9.3 billion annually based on observed average

²⁷⁷ See Response to Comments at 46; *see also id.* at 47 (Key Conclusions).

²⁷⁸ *Id.* at 25.

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.*

U.S. LNG export prices for January through December 2024.²⁸² Further, the increased value of CP2 LNG'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 CP2 LNG, DOE finds that the market will be capable of sustaining the level of non-FTA exports requested in CP2 LNG's Application over the authorization term without negative economic impacts that overcome the economic benefits derived from such exports. We also find that CP2 LNG's requested non-FTA export volume is consistent with U.S. policy.

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,²⁸³ with continued risk due to the now-expired agreement for the supply of Russian natural gas to Europe.²⁸⁴

In his comment, Mr. Merendino argues the Project is in neither the U.S. public interest nor in the interest of foreign trading partners because "[i]t would take years for this project to

²⁸² Specifically, \$6.41/Mcf * 1,446 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 (Sept. 30, 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).

²⁸³ 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>.

²⁸⁴ 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/>.

come online and [it] won't have any bearing on the . . . tensions over Russia.”²⁸⁵ Sierra Club similarly asserts that export capacity brought online several years from now will not address the immediate energy needs of Europe, the United States, or other energy consumers.²⁸⁶

These arguments, however, are not supported by current facts. As noted above, on July 28, 2025—following issuance of the Conditional Order—CP2 LNG and Venture Global CP Express, LLC reached FID for the development, construction and operation of the CP2 LNG Phase 1 Project and the CP Express Pipeline, respectively.²⁸⁷ Both projects are now under construction, with CP2 LNG estimating that its export operations will commence in 2027.²⁸⁸ Further, the European Commission recently proposed a legally binding ban on European Union (EU) imports of Russian natural gas by the end of 2027, and signaled that, to replace Russian supplies, the EU “could import more U.S. LNG” among other measures.²⁸⁹ CP2 LNG’s proposed exports will be a source of global supplies for the EU to utilize in light of its declining use of Russian natural gas, particularly if a ban on Russian supplies takes effect in 2027 as CP2 LNG is commencing exports from the Project.

In sum, 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 CP2 LNG to help mitigate energy security concerns once it commences exports.²⁹⁰ More generally, to the extent

²⁸⁵ Merendino Comment at 2.

²⁸⁶ See Sierra Club Pleading at 4.

²⁸⁷ See *supra* § V (CP2 LNG FID Announcement).

²⁸⁸ See *id.*

²⁸⁹ See Reuters, *EU proposes ban on Russian gas imports by end of 2027* (June 18, 2025), <https://www.reuters.com/sustainability/boards-policy-regulation/eu-readies-ban-russian-gas-imports-by-end-2027-2025-06-17/>.

²⁹⁰ We note that Europe was the primary destination of U.S. LNG throughout 2023 and 2024. In December 2024, for example, more than 70% of all U.S. LNG exports went to Europe. See U.S. Dep’t of Energy, *Natural Gas Imports and Exports Monthly*, at 1 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-02/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20December%202024_2.pdf; see also U.S. Energy Info. Admin., *Today in Energy* (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).

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.²⁹¹

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 CP2 LNG's volume of exports to non-FTA countries will not be 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.²⁹² 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 2050.²⁹³ 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 EU's 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."²⁹⁴ According to the EU, "[e]ach step to

²⁹¹ As of July 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 (Sept. 2025), <https://www.energy.gov/sites/default/files/2025-09/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20July%202025.pdf>.

²⁹² See 2024 Study Appendix A, at A-17 – A-22.

²⁹³ 2024 Study Appendix B at B-57, https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixB_Dec2024.pdf; 2024 Study Appendix A at A-22, https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixA_Dec2024.pdf.

²⁹⁴ Official website of the European Union (Energy, LNG) (last visited Oct. 20, 2025), https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/liquefied-natural-gas_en.

phase out Russian fossil fuels brings the EU closer to a more secure and sustainable energy supply.”²⁹⁵ 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.”²⁹⁶ This analysis further supports a key 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.”²⁹⁷

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.”²⁹⁸ 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.”²⁹⁹ 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 CP2 LNG’s requested non-FTA export volume will advance the public interest for reasons that are distinct from and additional to the benefits discussed above.³⁰⁰

²⁹⁵ *Id.*

²⁹⁶ 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.

²⁹⁷ Official website of the European Union (Energy, LNG), *supra* note 294.

²⁹⁸ The Institute of Energy Economics, Japan, IEEJ 2025 Outlook (Oct. 18, 2024), <https://eneken.ieej.or.jp/data/12114.pdf>.

²⁹⁹ *Id.*

³⁰⁰ *See* Conditional Order at 47.

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*.³⁰¹ In establishing this revised categorical exclusion, DOE concluded that the “potential environmental effects associated with marine transport, the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal.”³⁰²

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.”³⁰³ DOE also observed that LNG shipments associated with export authorizations “comprise less than one percent of vessel calls from U.S. ports annually.”³⁰⁴ Further, “[e]ven with increased LNG exports, the relative proportion of LNG shipments to total shipping is not expected to change

³⁰¹ 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. Policy Integrity opposes the revised B5.7 categorical exclusion, and its use in this proceeding, due to the alleged “severe legal deficiencies” of the categorical exclusion. Policy Integrity Comment at 2, 14-16. Sierra Club similarly asserts that the B5.7 categorical exclusion is “arbitrary” and “was adopted unlawfully,” among other arguments. Sierra Club Pleading at 12. We note, however, that neither Sierra Club nor Policy Integrity challenged the rulemaking, and DOE is properly relying on the categorical exclusion, consistent with NEPA. Further, DOE’s determination that the B5.7 categorical exclusion applies to the Application is entitled to “substantial deference.” *Seven Cnty. Infrastructure Coal.*, 605 U.S. ___, 145 S.Ct. at 1512; see also *id.* at 1513 (in evaluating agency decision-making under NEPA, “[c]ourts should afford substantial deference and should not micromanage those agency choices so long as they fall within a broad zone of reasonableness”).

³⁰² NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199 (emphasis added) (citing *Pub. Citizen*, 541 U.S. at 767-68).

³⁰³ *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”).

³⁰⁴ *Id.* at 78,202.

substantially.”³⁰⁵ 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.”³⁰⁶

In this proceeding, Sierra Club, NRDC, and Mr. Merendino raise numerous environmental arguments in opposition to the Application, including that CP2 LNG’s proposed exports will increase natural gas production and associated air pollution (including emissions of greenhouse gases and ozone precursors), will increase the severity of climate change, and will harm wildlife.³⁰⁷ Sierra Club specifically contends that the proposed exports will increase shipping traffic which allegedly could, in turn, increase air pollution and adversely impact marine life.³⁰⁸ NRDC and Sierra Club also assert that DOE must conduct a “full and accurate lifecycle analysis” before it can accurately assess the foreseeable impacts from CP2 LNG’s exports.³⁰⁹

DOE finds that marine transport effects are the only reasonably foreseeable environmental impacts from CP2 LNG’s proposed exports. As to Sierra Club’s arguments related to shipping traffic and other alleged marine transport effects, DOE has considered these impacts in accordance with NEPA.³¹⁰ DOE also finds that there is no legal requirement to consider any other environmental impacts raised by the protestors or commenters.³¹¹

³⁰⁵ *Id.*

³⁰⁶ *Id.*

³⁰⁷ *See supra* § VI.

³⁰⁸ *See* Sierra Club Pleading at 3.

³⁰⁹ NRDC Pleading at 10; *see also* Sierra Club Pleading at 10-11 (DOE must “take a hard look at environmental impacts occurring throughout the entire LNG lifecycle”).

³¹⁰ *See* NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199.

³¹¹ *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).

Accordingly, on October 20, 2025, DOE issued a categorical exclusion B5.7 determination for the non-FTA portion of CP2 LNG’s Application.³¹²

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.”³¹³ As relevant here, DOE’s authority under section 3 of the NGA extends only to the export of natural gas (including LNG) as a commodity,³¹⁴ not to the end use of natural gas, over which DOE has no control.³¹⁵ 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*.³¹⁶

D. Other Considerations

DOE notes the continuing uncertainty that all of the proposed LNG export projects will

³¹² U.S. Dep’t of Energy, Categorical Exclusion Determination, Venture Global CP2 LNG, LLC, Docket No. 21-131-LNG (Oct. 20, 2025).

³¹³ *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”).

³¹⁴ *See, e.g., Sierra Club*, 827 F.3d at 40 (recognizing that DOE “maintains exclusive jurisdiction over the export of natural gas as a commodity”); NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197-98, 78,201 (stating that “DOE’s discretionary authority under Section 3 of the NGA is limited to the authorization of exports of natural gas to non-FTA countries,” and that DOE’s review under NEPA “is limited to the marine transport effects” of such exports); *see also supra* § II.C.

³¹⁵ *See, e.g., Sierra Club*, 134 F.4th at 575 (holding, in denying petition for review of LNG export authorization issued by DOE under NGA section 3(a), that “the impacts of downstream emissions [from U.S. LNG] in foreign countries are not reasonably foreseeable” under NEPA).

³¹⁶ *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.

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.³¹⁷

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 natural gas supplies.³¹⁸ 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.³¹⁹

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 CP2 LNG's proposed exports of U.S. LNG to non-FTA countries will be inconsistent with the public interest. We find that the intervenors and relevant commenters have failed to overcome the statutory presumption that the proposed export authorization is consistent with the public interest. For that reason, we are authorizing CP2 LNG'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

³¹⁷ See *infra* § VII.E (identifying long-term orders vacated or expired to date); see also, e.g., *Sierra Club*, 134 F.4th at 574 (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).

³¹⁸ 1984 Policy Guidelines, 49 Fed. Reg. at 6684.

³¹⁹ 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).

authorizations,³²⁰ there are currently 42 final non-FTA authorizations from the lower-48 states in a cumulative volume of exports totaling approximately 52.81 Bcf/d of natural gas, or approximately 19.3 trillion cubic feet per year, as follows:³²¹ Sabine Pass Liquefaction, LLC (2.2 Bcf/d),³²² Cameron LNG, LLC (1.7 Bcf/d),³²³ FLEX I (1.4 Bcf/d),³²⁴ FLEX II (0.4 Bcf/d),³²⁵ Cove Point LNG, LP (0.77 Bcf/d),³²⁶ Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (2.1 Bcf/d),³²⁷ Sabine Pass Liquefaction, LLC Expansion Project (1.38

³²⁰ 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).

³²¹ 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 Sept. 24, 2025), <https://www.energy.gov/fecm/articles/summary-lng-export-applications-lower-48-states> (identifying small-scale applications and status).

³²² *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).

³²³ *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).

³²⁴ *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).

³²⁵ *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).

Bcf/d),³²⁸ American LNG Marketing LLC (0.008 Bcf/d),³²⁹ Sabine Pass Liquefaction, LLC Design Increase (0.56 Bcf/d),³³⁰ Cameron LNG, LLC Design Increase (0.42 Bcf/d),³³¹ Cameron LNG, LLC Expansion Project (1.41 Bcf/d),³³² Lake Charles Exports, LLC (2.0 Bcf/d),³³³ Lake Charles LNG Export Company, LLC,³³⁴ Carib Energy (USA), LLC (0.004),³³⁵ Southern LNG Company, L.L.C. (0.36 Bcf/d),³³⁶ the FLEX Design Increase (0.34 Bcf/d),³³⁷ Golden Pass LNG

³²⁸ *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).

³²⁹ *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).

³³⁰ *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).

³³¹ *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).

³³² *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).

³³³ *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).

³³⁴ *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).

³³⁵ *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).

³³⁶ *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).

³³⁷ *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).

Terminal LLC (2.57 Bcf/d),³³⁸ Delfin LNG LLC (1.8 Bcf/d),³³⁹ the Lake Charles LNG Export Company, LLC Design Increase (0.33 Bcf/d),³⁴⁰ the Lake Charles Exports, LLC Design Increase,³⁴¹ Mexico Pacific Limited LLC (1.7 Bcf/d),³⁴² Venture Global Calcasieu Pass, LLC (1.76 Bcf/d),³⁴³ ECA Liquefaction, S. de R.L. de C.V. (Mid-Scale Project) (0.44 Bcf/d),³⁴⁴ Energía Costa Azul, S. de R.L. de C.V. (Large-Scale Project) (1.74 Bcf/d),³⁴⁵ Port Arthur LNG, LLC (1.91 Bcf/d),³⁴⁶ Louisiana LNG Infrastructure LLC (formerly Driftwood LNG LLC) (3.88 Bcf/d),³⁴⁷ FLEX4 (0.72 Bcf/d),³⁴⁸ Gulf LNG Liquefaction Company, LLC (1.53 Bcf/d),³⁴⁹ Eagle

³³⁸ *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).

³³⁹ *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).

³⁴⁰ *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).

³⁴¹ *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).

³⁴² *Mexico Pacific 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).

³⁴³ *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).

³⁴⁴ *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).

³⁴⁵ *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).

³⁴⁶ *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).

³⁴⁷ *Louisiana LNG Infrastructure LLC (formerly Driftwood LNG LLC)*, DOE

LNG Partners Jacksonville LLC (0.14 Bcf/d),³⁵⁰ Venture Global Plaquemines LNG, LLC (3.40 Bcf/d),³⁵¹ Texas LNG Brownsville LLC (0.56 Bcf/d),³⁵² Corpus Christi Liquefaction, LLC (formerly Corpus Christi Liquefaction Stage III, LLC) (1.59 Bcf/d),³⁵³ Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (3.61 Bcf/d),³⁵⁴ Epsilon LNG LLC (1.083 Bcf/d),³⁵⁵ Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (0.3 Bcf/d),³⁵⁶ Sabine Pass Liquefaction, LLC (0.42 Bcf/d),³⁵⁷ Vista Pacifico LNG, S.A.P.I. de C.V. (Mid-Scale Project) (0.55 Bcf/d),³⁵⁸ FLEX Design Increase (0.24 Bcf/d),³⁵⁹ NFE Altamira FLNG, S. de R.L. de C.V. (0.40 Bcf/d),³⁶⁰ Port Arthur LNG Phase II, LLC (1.91 Bcf/d),³⁶¹

³⁵⁰ *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).

³⁵¹ *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).

³⁵² *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).

³⁵³ *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).

³⁵⁴ *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).

³⁵⁵ *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).

³⁵⁶ *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).

³⁵⁷ *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).

³⁵⁸ *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).

³⁵⁹ *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).

Commonwealth LNG, LLC (1.21 Bcf/d),³⁶² and this Order.

We note that the volumes authorized for export in the *Lake Charles Exports* and *Lake Charles LNG Export* orders are both 2.0 Bcf/d and 0.33 Bcf/d, respectively, yet are not additive to one another because the source of LNG approved under all of those orders is the Lake Charles Terminal.³⁶³

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 34.54 Bcf/d of natural gas.³⁶⁴

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

³⁶² *Commonwealth LNG, LLC*, DOE/FECM Order No. 5238-A, Docket No. 19-134-LNG, Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Aug. 29, 2025).

³⁶³ *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.

³⁶⁴ This 34.54 Bcf/d volume representing export capacity approved to non-FTA countries currently operating or under construction is comprised of:

- (i) 33.82 Bcf/d of non-FTA volumes under construction or operating in the United States calculated by adding Columns “Under Construction Pursuant to FID” & “Operating,” U.S. Dep’t of Energy, Liquefied Natural Gas (LNG) Exports Snapshot (Sept. 2025), https://www.energy.gov/sites/default/files/2025-09/LNG%20Snapshot%20Sep%2030%202025_final.pdf; and
- (ii) 0.72 Bcf/d in export capacity for Rio Grande LNG, LLC reaching FID on Train 5 of its project on October 16, 2025, <https://investors.next-decade.com/news-releases/news-release-details/nextdecade-announces-positive-final-investment-decision-and-0>.

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.

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 CP2 LNG's Application (as supplemented) in the Conditional Order, subject to the Terms and Conditions and Ordering Paragraphs set forth below.³⁶⁵

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. CP2 LNG must abide by each Term and Condition or face appropriate sanction.

A. Term of the Authorization

Consistent with DOE's current practice and CP2 LNG's request, DOE grants CP2 LNG's authorization for a term to commence on the date of first export from the CP2 LNG Project and to extend through December 31, 2050.³⁶⁶ However, CP2 LNG 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

³⁶⁵ The Terms and Conditions and Ordering Paragraphs in this Order supersede those set forth in the Conditional Order.

³⁶⁶ See 2050 Policy Statement, 85 Fed. Reg. at 52,237.

which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053.³⁶⁷

B. Commencement of Operations Within Seven Years

CP2 LNG requests its non-FTA authorization to commence on the earlier of the date of first export or seven years from the date the authorization is granted by DOE.³⁶⁸ Consistent with DOE's final and conditional non-FTA authorizations to date, DOE adds as a condition of this authorization that CP2 LNG must commence export operations of the Project no later than seven 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.³⁶⁹ 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

³⁶⁷ 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).

³⁶⁸ CP2 LNG App. at 12.

³⁶⁹ 10 C.F.R. § 590.405.

stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means.³⁷⁰ 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.³⁷¹

D. Agency Rights

CP2 LNG 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, a LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.³⁷²

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

E. Contract Provisions for the Sale or Transfer of LNG

DOE will require that CP2 LNG file or cause to be filed with DOE any relevant long-term commercial agreements pursuant to which CP2 LNG exports LNG on its own behalf or as agent for a Registrant. DOE finds that the submission of all such agreements or contracts within 30 days of their execution using the procedures described below will be consistent with the “to

³⁷⁰ 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).

³⁷¹ See *id.*

³⁷² 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).

the extent practicable” requirement of section 590.202(b).³⁷³

In addition, DOE finds that section 590.202(c) of DOE’s regulations³⁷⁴ requires that CP2 LNG file, or cause to be filed, all long-term contracts associated with the long-term supply of natural gas to the Project, whether signed by CP2 LNG or the Registrant, within 30 days of their execution.

DOE recognizes that some information in CP2 LNG’s or a Registrant’s long-term commercial agreements associated with the export of LNG, and/or long-term contracts associated with the long-term supply of natural gas to the Project, may be commercially sensitive. DOE therefore will provide CP2 LNG the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) CP2 LNG may file, or cause to be filed, long-term contracts under seal, but it also will file either: (i) a copy of each long-term contract with commercially sensitive information redacted, or (ii) a summary of all major provisions of the contract(s) including, but not limited to, the parties to each contract, contract term, quantity, any take or pay or equivalent provisions/conditions, destination, re-sale provisions, and other relevant provisions; and (B) the filing must demonstrate why the redacted or non-disclosed information should be exempted from public disclosure.

To ensure that DOE destination and reporting requirements included in this Order are conveyed to subsequent title holders, DOE will include as a condition of this authorization that future contracts for the sale or transfer of LNG exported pursuant to this Order shall include an acknowledgement of these requirements.

³⁷³ 10 C.F.R. § 590.202(b).

³⁷⁴ *Id.* § 590.202(c).

F. Export Quantity

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

G. Combined FTA and Non-FTA Export Authorization Volumes

CP2 LNG is currently authorized in DOE/FECM Order No. 4812 to export domestically produced LNG to FTA countries in a volume equivalent to 1,446 Bcf/yr of natural gas. The source of LNG for that FTA Order and this Order reflect the planned liquefaction capacity of the CP2 LNG Project, as approved by FERC. Accordingly, CP2 LNG 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. Venture Global CP2 LNG, LLC (CP2 LNG) is authorized to export domestically produced LNG by vessel from the CP2 LNG Project (Project), to be located on the east side of the Calcasieu Ship Channel, and on Monkey Island, in Cameron Parish, Louisiana. The volume authorized in this Order is equivalent to 1,446 Bcf/yr of natural gas for a term to commence on the date of first export and to extend through December 31, 2050. CP2 LNG may continue exporting any Make-Up Volume for a three-year Make-Up Period following this export term, *i.e.*, through December 31, 2053.³⁷⁵ CP2 LNG is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.³⁷⁶

³⁷⁵ See Term & Condition A, *supra* § IX.A. This three-year Make-Up Period does not affect or modify the export volume previously authorized in CP2 LNG's FTA authorization or in this Order. Insofar as CP2 LNG may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

³⁷⁶ 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. CP2 LNG must commence export operations using the planned Project no later than seven years from the date of issuance of this Order.

D. CP2 LNG shall ensure that all transactions authorized by this Order are permitted and lawful under U.S. laws and policies, including the rules, regulations, orders, policies, and other determinations of the Office of Foreign Assets Control of the U.S. Department of the Treasury. Failure to comply with these requirements could result in rescission of this authorization and/or other civil or criminal penalties.

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

F. (i) CP2 LNG shall file, or cause others to file, with the U.S. Department of Energy, Office of Fossil Energy and Carbon Management, Office of Resource Sustainability, Office of Regulation, Analysis, and Engagement (FE-34) a non-redacted copy of all executed long-term contracts associated with the long-term export of LNG from the Project on its own behalf or as agent for other entities. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

(ii) CP2 LNG shall file, or cause others to file, with the Office of Regulation, Analysis, and Engagement a non-redacted copy of all executed long-term contracts associated with the long-term supply of natural gas to the Project. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

G. CP2 LNG is permitted to use its authorization to export LNG as agent for other LNG title-holders (Registrants), after registering those entities with DOE. Registration materials shall include an agreement by the Registrant to supply CP2 LNG with all information necessary to permit CP2 LNG to register that person or entity with DOE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 C.F.R. Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed; and (4) within 30 days of execution, a copy of any long-term contracts not previously filed with DOE, described in Ordering Paragraph F of this Order.

Any change in the registration materials—including changes in company name, contact information, length of the long-term contract, termination of the long-term contract, or other relevant modification—shall be filed with DOE within 30 days of such change(s).

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

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

countries.

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

J. CP2 LNG shall file with the Office of Regulation, Analysis, and Engagement, on a semi-annual basis, written reports describing the status of the Project. The reports shall be filed on or by April 1 and October 1 of each year, and shall include information on the status of the Project, the date the Project is expected to commence first exports of LNG, and the status of any associated long-term supply and export contracts.

K. With respect to any change in control of the authorization holder, CP2 LNG must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.³⁷⁷

L. Monthly Reports: With respect to the exports authorized by this Order, CP2 LNG shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports have been made. The first monthly report required by this Order is due not later than the 30th day of the month following the month of first export. In subsequent months, if exports have not occurred, a report of "no activity" for that month must be filed. If exports have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at <https://www.energy.gov/fecm/guidelines-filing-monthly-reports>.

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

³⁷⁷ 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 October 21, 2025.


Chris Wright
U.S. Secretary of Energy