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February 27, 2026

Ms. Amy Sweeney  
Director, Office of Global Energy Security (EX-34)  
Hydrocarbons and Geothermal Energy Office  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585  
via email Fergas@hq.doe.gov

**Re: Rio Grande LNG, LLC,  
Rio Grande LNG Train 4, LLC &  
Rio Grande LNG Train 5, LLC,  
FE Docket No. 15-190-LNG  
Request for Extension of Non-FTA Authorization Export Commencement Deadline**

Dear Ms. Sweeney:

Pursuant to the Non-FTA Authorization<sup>1</sup> issued by the U.S. Department of Energy (“DOE”) in the above-captioned docket, Rio Grande LNG, LLC (“RGLNG”), Rio Grande LNG Train 4, LLC (“RGLNG 4”), and Rio Grande LNG Train 5, LLC (“RGLNG 5”, and collectively with RGLNG and RGLNG 4, the “RGLNG Entities”) are authorized to export liquefied natural gas (“LNG”) in an amount up to 1,318 billion cubic feet per year (“Bcf/y”) to non-free trade agreement (“Non-FTA”) countries for a term extending through December 31, 2050, from the LNG terminal on the north embankment of the Brownsville Ship Channel in Cameron County, Texas (the “Rio Grande LNG Terminal” or “Terminal”), which is currently under construction.<sup>2</sup> Under the Non-FTA Authorization, the RGLNG Entities “must commence commercial LNG export operations no later

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<sup>1</sup> *Rio Grande LNG, LLC*, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FE Order No. 4492, FE Docket No. 15-190-LNG (Feb. 10, 2020) (hereinafter, “*Order No. 4492*”), as amended, *Rio Grande LNG, LLC*, Order Extending Export Term for Authorization to Non-Free Trade Agreement Nations Through December 31, 2050, DOE/FE Order No. 4492-A, FE Docket No. 15-190-LNG (Oct. 21, 2020) (hereinafter, “*Order No. 4492-A*”), as amended, *Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC & Rio Grande LNG Train 5, LLC*, Order Granting Request to Amend Authorizations to Export Liquefied Natural Gas to Add Authorization Holders, DOE/FECM Order Nos. 3869-A & 4492-B, FE Docket No. 15-190-LNG (Aug. 20, 2025) (collectively hereinafter, the “*Non-FTA Authorization*”).

<sup>2</sup> On December 17, 2025, the RGLNG Entities filed an application with DOE requesting to update the RGLNG Entities’ existing authorizations to: (1) reflect the expected composition and heating value of LNG that will be exported from the Terminal using DOE’s standard conversion factor, thereby increasing authorized exports from 1,318 Bcf/y to approximately 1,397.25 Bcf/y; and (2) authorize additional exports of 163.01 Bcf/y. An order on the application remains pending. See *Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC & Rio Grande LNG Train 5, LLC*, Application for Amendment to Authorizations to Export Liquefied Natural Gas to Free Trade and Non-Free Trade Agreement Countries, FE Docket No. 15-190-LNG (Dec. 17, 2025).



than seven years from the date of issuance of [Order No. 4492]<sup>3</sup> (i.e., by February 10, 2027). As explained below, for good cause shown, the RGLNG Entities respectfully request an extension of the Non-FTA Authorization’s export commencement deadline until **September 30, 2027** (“Extension Request”).

There is considerable evidence demonstrating good cause to grant the instant Extension Request. The RGLNG Entities have made significant progress with regard to the development of the Rio Grande LNG Terminal, including satisfying key financial, commercial and construction milestones, and have convincingly demonstrated their good faith efforts to meet the export commencement deadline. First, on July 12, 2023, NextDecade Corporation (“NextDecade”), a parent company of the RGLNG Entities, announced that it made a positive final investment decision (“FID”) and achieved financial close with respect to the first phase of the Terminal (“Phase 1”), consisting of the first three liquefaction trains (each a “Train”) and related common infrastructure.<sup>4</sup> Subsequently, on September 9, 2025, NextDecade announced it had made a positive FID and achieved financial close on the fourth Train at the Terminal, and on October 16, 2025, NextDecade announced a positive FID and financial close on the fifth Train.<sup>5</sup> In each of the foregoing instances, NextDecade concurrently issued a full notice to proceed to its engineering, procurement and construction (“EPC”) contractor. Moreover, the RGLNG Entities have entered into, and filed with DOE, 17 long-term LNG sale and purchase agreements for all of the currently authorized export capacity of the Rio Grande LNG Terminal. Thus, since issuance of the Non-FTA Authorization, the RGLNG Entities have fully commercialized and financed the Terminal.

Second, the RGLNG Entities have made substantial progress in constructing the Terminal. The same day FID was announced for Phase 1 of the Terminal, RGLNG issued a full notice to proceed with construction to Bechtel Energy Inc., the RGLNG Entities’ EPC contractor.<sup>6</sup> Since then, construction has progressed continuously, as noted in the RGLNG Entities’ semi-annual reports filed with DOE, including production piling, concrete foundation work, structural steel erection, LNG spill trench and impoundment basin installation, underground firewater piping installation and testing, aboveground piping installation within Trains 1, 2, and 3, equipment installation within Trains 1 and 2, dredging activities in the turning basin, and construction of the material offloading facility, LNG storage tanks, marine jetties, and the Terminal perimeter levee and security fence.<sup>7</sup> On average, approximately

<sup>3</sup> See Order No. 4492, at 55 and Ordering Para. (D).

<sup>4</sup> See *Rio Grande LNG, LLC*, Semi-Annual Progress Report, FE Docket No. 15-190-LNG (Oct. 2, 2023).

<sup>5</sup> Press Release, *NextDecade Announces Positive Final Investment Decision and Financial Close on Train 4 at Rio Grande LNG*, NEXTDECADE (Sept. 9, 2025), available at <https://investors.next-decade.com/news-releases/news-release-details/nextdecade-announces-positive-final-investment-decision-and->; Press Release, *NextDecade Announces Positive Final Investment Decision and Financial Close on Train 5 at Rio Grande LNG*, NEXTDECADE (Oct. 16, 2025), available at <https://investors.next-decade.com/news-releases/news-release-details/nextdecade-announces-positive-final-investment-decision-and-0>.

<sup>6</sup> See *Rio Grande LNG, LLC*, Semi-Annual Progress Report, FE Docket No. 15-190-LNG (Oct. 2, 2023).

<sup>7</sup> See *Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC & Rio Grande LNG Train 5, LLC*, Semi-Annual Report - April 1, 2025 through September 30, 2025, FE Docket No. 15-190-LNG (Oct. 1, 2025); *Rio Grande LNG, LLC*, Semi-Annual Report – April 2025, FE Docket No. 15-190-LNG (Apr. 1, 2025); *Rio Grande LNG, LLC*, Semi-Annual Report – October 2024, FE Docket No. 15-190-LNG (Oct. 1, 2024); *Rio Grande LNG, LLC*, Semi-Annual Report,



4,200 construction and engineering personnel commute daily to the Rio Grande LNG Terminal site and, as of September 30, 2025, the RGLNG Entities have expended approximately \$8.5 billion towards development of the Terminal. Additionally, the RGLNG Entities have received and continue to maintain all required permits and authorizations necessary for the construction and operation of the Rio Grande LNG Terminal.

Despite these substantial milestones, the RGLNG Entities encountered circumstances beyond their control, which may prevent the RGLNG Entities from commencing LNG export operations prior to the deadline set forth in the Non-FTA Authorization. In particular, the RGLNG Entities experienced delays in reaching FID for Phase 1 of the Terminal as a result of litigation involving the RGLNG Entities' Natural Gas Act ("NGA") authorization issued by the Federal Energy Regulatory Commission ("FERC"), and related delays in receipt of an order on remand,<sup>8</sup> and market-related impacts due to COVID-19, which occurred mere months after issuance of the Non-FTA Authorization. In light of these circumstances, RGLNG requested and received a two-year extension of time from FERC to complete construction and make the Rio Grande LNG Terminal available for service by November 22, 2028.<sup>9</sup>

Although the RGLNG Entities have continued to construct the Terminal in a prudent and diligent manner since reaching Phase 1 FID, and achieved significant commercial and financing milestones, the RGLNG Entities anticipate that a minor extension of the export commencement deadline of approximately seven months is necessary to account for the delay in declaring FID, which resulted in commensurate delays to the completion timeline for Train 1 pursuant to the RGLNG Entities' EPC contract. To ensure that the RGLNG Entities have sufficient time for start-up and commissioning of Train 1 at the Terminal, the RGLNG Entities seek a minor extension of the export commencement deadline.

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FE Docket No. 15-190-LNG (Apr. 1, 2024); *Rio Grande LNG, LLC*, Semi-Annual Progress Report, FE Docket No. 15-190-LNG (Oct. 2, 2023).

<sup>8</sup> See *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021) (remanding RGLNG's NGA Section 3 authorization back to FERC). On April 21, 2023, FERC issued the order on remand in response to the U.S. Court of Appeals for the D.C. Circuit's ("D.C. Circuit") opinion in *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, in which it continued to find the construction and operation of the Terminal was not inconsistent with the public interest. *Rio Grande LNG, LLC & Rio Bravo Pipeline Company, LLC*, 183 FERC ¶ 61,046 (2023). On August 6, 2024, as modified March 18, 2025, the D.C. Circuit remanded the order on remand back to FERC to prepare a supplemental environmental impact statement and analyze certain discrete environmental issues. *City of Port Isabel v. FERC*, 111 F.4th 1198 (D.C. Cir. 2024), *reh'g granted in part*, 130 F.4th 1034 (D.C. Cir. 2025). On August 29, 2025, FERC issued its order on remand in response to the D.C. Circuit's opinion in *City of Port Isabel v. FERC*, again affirming that construction and operation of the Terminal was not inconsistent with the public interest. *Rio Grande LNG, LLC, et al.*, 192 FERC ¶ 61,198 (2025).

<sup>9</sup> See *Rio Grande LNG, LLC*, 181 FERC ¶ 61,032, at P 13 (2022) ("We find that good cause exists for an extension and that [RGLNG] has made a good faith effort at meeting the deadline in its authorization. The Commission order authorizing [RGLNG] to construct and operate its LNG Terminal issued November 22, 2019, only a few months before the global COVID pandemic. As recited above, the Sierra Club and others sought rehearing of that order and subsequently petitioned the D.C. Circuit for review of the Authorization and Rehearing orders, which ultimately remanded those orders, albeit without vacatur, to the Commission for further consideration.").



Section 3(a) of the NGA authorizes the exportation of natural gas from the United States unless DOE determines that doing so “will not be consistent with the public interest.”<sup>10</sup> NGA Section 3(a) also authorizes DOE to, “after opportunity for hearing, and for good cause shown, make such supplemental order... as it may find necessary or appropriate.”<sup>11</sup> Additionally, under Section 16 of the NGA, DOE may “prescribe, issue, make, amend, and rescind such orders . . . as it may find necessary or appropriate to carry out the provisions of this chapter.”<sup>12</sup> DOE considers requests for extensions “on a case-by-case basis[.]”<sup>13</sup> and has observed that, “to demonstrate good cause for an export commencement extension, it is sufficient for an authorization holder to demonstrate that it has made good faith efforts to meet its existing export commencement deadline but encountered circumstances that prevented it from doing so.”<sup>14</sup> In general, DOE has considered the same factors in each proceeding where it has granted an extension of an export commencement deadline:

- (i) whether FERC had approved an extension of the construction and in-service deadline for the proposed LNG export facility;
- (ii) the project-specific facts presented in the extension application, including the authorization holder’s progress in constructing the proposed export facility, additional time necessary for the authorization holder to commence exports, and any unique delays and challenges faced by the authorization holder; and
- (iii) following notice of the extension application in the *Federal Register*, any protests, motions to intervene, and comments submitted in response to the application during the public comment period.<sup>15</sup>

Although DOE “has the responsibility to independently evaluate any application to extend the deadline by which export must commence”,<sup>16</sup> the RGLNG Entities have already received an extension from FERC, which DOE has found “to be a compelling factor”<sup>17</sup> in analogous instances. Further, as noted above, the RGLNG Entities have made substantial progress in commercializing, financing, and

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<sup>10</sup> 15 U.S.C. § 717b(a).

<sup>11</sup> *Id.*

<sup>12</sup> 15 U.S.C. § 717o.

<sup>13</sup> *Louisiana LNG Infrastructure LLC*, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, DOE/FECM Order No. 4373-C, Docket No. 16-144-LNG, at 4 (Dec. 16, 2025) (hereinafter, “*Order No. 4373-C*”) (quoting U.S. Dep’t of Energy, Recission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 90 Fed. Reg. 14,411 (Apr. 2, 2025)).

<sup>14</sup> *Order No. 4373-C*, at 11-12 (internal citations and quotation marks omitted); *see also Lake Charles LNG Export Company, LLC*, Order Denying Request for Rehearing of Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, DOE/FECM Order Nos. 3868-F & 4010-F, Docket Nos. 13-04-LNG & 16-109-LNG, at 20-21 (Oct. 17, 2025) (hereinafter, “*Order Nos. 3868-F et al.*”).

<sup>15</sup> *Order Nos. 3868-F et al.*, at 20.

<sup>16</sup> *Order No. 4373-C*, at 9.

<sup>17</sup> *Id.*



constructing the Rio Grande LNG Terminal, despite encountering circumstances which delayed the initial development timeline of the Terminal. Thus, there is sufficient evidence of good cause supporting the Extension Request, which satisfies DOE's requirements.

Moreover, the RGLNG Entities note that the Extension Request concerns only the timing of the proposed exports, and does not modify the Rio Grande LNG Terminal. Nor does it extend the term or increase the volume of the export authorization. Thus, no changes to DOE's prior public interest determinations, nor any of its conclusions in the Non-FTA Authorization, will result from granting the Extension Request. Further, DOE has recently granted similar requests for extensions by LNG companies for longer periods of time than requested by the RGLNG Entities.<sup>18</sup> Granting the Extension Request will provide regulatory certainty to the RGLNG Entities, its contractors, investors, offtakers, and other commercial partners that the Non-FTA Authorization will not prematurely terminate prior to the RGLNG Entities' first export of LNG from the Terminal, which DOE/FECM has already found to be consistent with the public interest. As DOE concluded in its "Key Findings" enumerated in the Response to Comments<sup>19</sup> on the 2024 LNG Export Study,<sup>20</sup> there are a myriad of benefits to increased LNG exports, including: increasing U.S. gross domestic product; beneficially impacting the U.S. trade balance; enhancing national and energy security for the United States, as well as U.S. allies and trading partners; and increasing the levels of employment and economic support in communities where natural gas infrastructure is located.<sup>21</sup> Thus, granting the Extension Request, and ensuring the export of LNG from the Rio Grande LNG Terminal, will allow the United States to realize these benefits and is itself consistent with the public interest.

In sum, good cause exists to grant the Extension Request because the RGLNG Entities: (1) have made good faith efforts to meet the export commencement deadline in the Non-FTA Authorization, and have made substantial progress in constructing the Rio Grande LNG Terminal; (2) have fully commercialized and financed the Rio Grande LNG Terminal, and (3) encountered unforeseeable circumstances that initially delayed commercial progress of the Terminal but which have since been resolved. Moreover, DOE's findings underlying the Non-FTA Authorization's conclusion that exports from the Rio Grande LNG Terminal are not inconsistent with the public interest remain valid;

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<sup>18</sup> See, e.g., *Order No. 4373-C* (granting 44-month extension of Non-FTA export commencement deadline); see also *Delfin LNG LLC*, *Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Countries*, DOE/FECM Order Nos. 3393-E & 4028-F, Docket Nos. 13-129-LNG & 13-147-LNG (Nov. 25, 2025) (granting two-year extension of Non-FTA export commencement deadline); see also *Lake Charles LNG Export Company, LLC*, *Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries*, DOE/FECM Order Nos. 3868-E & 4010-E, Docket Nos. 13-04-LNG & 16-109-LNG (Aug. 22, 2025) (granting six-year extension of Non-FTA export commencement deadline).

<sup>19</sup> See U.S. Dept. of Energy, Office of Fossil Energy and Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments* (May 19, 2025) (hereinafter, "*Response to Comments*").

<sup>20</sup> U.S. Dept. of Energy, Office of Fossil Energy and Carbon Management, *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*, 89 Fed. Reg. 104,132 (Dec. 20, 2024) (hereinafter, "*2024 LNG Export Study*").

<sup>21</sup> *Response to Comments*, at 46-49.



and the RGLNG Entities' request is consistent with recent orders from DOE granting similar requests for extensions by LNG companies for longer periods of time than requested here.<sup>22</sup>

Based on the above, the RGLNG Entities hereby request that DOE grant an approximately seven-month extension of the Non-FTA Authorization's export commencement deadline, until **September 30, 2027**. The RGLNG Entities respectfully request that DOE grant the Extension Request by no later than **May 20, 2026** in order to provide regulatory certainty in advance of the export commencement deadline in the Non-FTA Authorization.

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

Respectfully submitted,

*/s/ Lisa M. Tonery* \_\_\_\_\_

Lisa M. Tonery  
Mariah T. Johnston  
Jacob I. Cunningham  
*Attorneys for  
Rio Grande LNG, LLC,  
Rio Grande LNG Train 4, LLC &  
Rio Grande LNG Train 5, LLC*

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<sup>22</sup> See *supra* n.18.

**VERIFICATION**

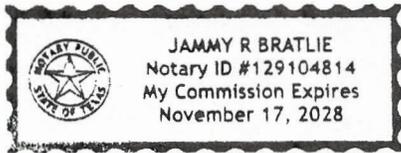
State of Texas )

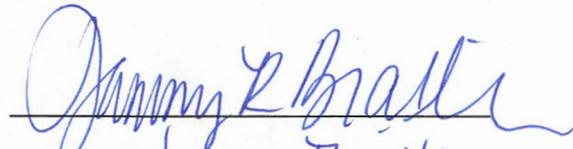
County of Harris )

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

  
\_\_\_\_\_  
Vera de Gyarfas  
General Counsel and Corporate Secretary

SWORN TO AND SUBSCRIBED before me on the 27th day of February, 2026.



  
\_\_\_\_\_  
Name: Jammy Bratlje

Title: Notary Public

My Commission expires: Nov. 17, 2028

## **Certificate of Service**

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

Dated at New York, NY this 27<sup>th</sup> day of February, 2026.

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