To the Department of Energy, Hydrocarbons and Geothermal Energy Office:

I submits these comments on Texas LNG Brownsville LLC's September 28, 2026 request in Docket No. 15-62-LNG. Texas LNG seeks to extend the deadline to commence exports under DOE/FE Order No. 4489 from February 10, 2027 to February 10, 2032, and to add a three-year make-up period through December 31, 2053. These comments address only that requested amendment. They do not ask DOE to relitigate the underlying FERC authorization or the original export authorization, and they do not oppose LNG exports as a category. They ask DOE to make a reasoned, evidence-based decision on the specific additional time and export window now requested.

I. DOE must independently determine whether good cause supports the full relief requested

Section 3(a) of the Natural Gas Act governs the export authorization, and Section 16 permits DOE to issue supplemental orders "for good cause shown" when necessary or appropriate. 15 U.S.C. §§ 717b(a), 717o. DOE rescinded its 2023 export-commencement policy in April 2025 and returned to a case-by-case good-cause approach. These comments therefore do not rely on the rescinded policy's former physical-construction test. The question is whether the evidence in this record demonstrates good-faith efforts to meet the existing deadline and circumstances that prevented compliance—and, separately, whether those facts justify the particular duration and conditions requested. [2, 3]

The FERC extension is relevant, but it is not dispositive. DOE itself has stated that it retains independent responsibility to decide when exports must commence and may impose a deadline different from FERC's construction or in-service deadline. DOE should explain the relationship between the two schedules rather than treating the FERC extension as an automatic entitlement to a matching DOE extension. [4]

DOE's July 2026 Gulf LNG order is an important comparator, but it is not a rule that every project with litigation and a FERC extension receives five more years. In Gulf LNG, DOE relied on a specific record that included pandemic impacts shortly after authorization, affiliate litigation that affected the ability to secure offtake contracts, nearly all permits and authorizations, active work with a development group that included an EPC company, and ongoing commercial efforts. DOE should compare those factors with Texas LNG's record one by one and explain which are present, which are different, and why the same duration is justified here. Texas LNG has reported meaningful progress, including Kiewit's limited notice to proceed and a $500 million investment announcement; its own report also says FID remains ahead, additional offtake is still under discussion, and gas-supply contracting has not yet begun. A reasoned decision should address both sides of that record rather than cite Gulf LNG as a shorthand. [4, 5]

II. The record does not yet establish the causal link between litigation and the full five-year extension

Texas LNG identifies years of litigation and remand proceedings concerning the FERC authorization and litigation over the state air permit. It also acknowledges that the FERC authorization was not formally stayed or enjoined during the litigation. The absence of a stay does not prove that the litigation caused no commercial uncertainty; it is relevant, however, to what project work could proceed, when it could proceed, and which specific milestones were actually delayed. DOE should not accept the general assertion that litigation made financing and commercial commitments more difficult without testing that causal explanation against contemporaneous evidence. [1]

The record should identify, by date and milestone: (1) what Texas LNG planned to complete under its original schedule; (2) what work was delayed by each judicial or administrative proceeding; (3) what work continued while those proceedings were pending; (4) what financing or commercial counterparties made commitments

conditional on the litigation ending; and (5) how the resolution of each proceeding changed the project's critical path. DOE should distinguish delay attributable to litigation from ordinary project-development risks, financing conditions, commercial negotiations, design decisions, and the applicant's own sequencing of work. This is not an allegation of bad faith. It is the evidence needed to determine whether the claimed circumstances actually prevented compliance with the existing deadline.

III. Texas LNG's progress is real, but the reported milestones do not by themselves establish readiness or a five-year need

Texas LNG's September 30, 2026 progress report describes a Limited Notice to Proceed issued to Kiewit in July 2026 for long-lead equipment purchase orders, EPC-phase engineering, and geotechnical work. It also reports a $500 million investment led by HPS Investment Partners to support continued development and early pre-construction activities. Glenfarne's announcement described the investment as subject to customary conditions. These are meaningful steps, and DOE should credit them. But the public report does not disclose whether the investment has been funded, the conditions to funding, the amount available for construction rather than development, the project's total capital requirement, or the remaining conditions to final investment decision (FID). A limited notice to proceed is not the same thing as an unconditional full notice to proceed or a positive FID. [5]

The same report identifies four 20-year binding offtake arrangements totaling 2.5 million tonnes per annum and states that Texas LNG remains in discussions for the remaining capacity necessary to achieve FID. It also says Texas LNG has not yet contracted gas supply because it considers supply contracting premature while regional gas is plentiful and the terminal will not need gas for at least four years. The 30-year Valley Crossing pipeline precedent agreement is relevant, but it does not answer whether firm gas supply, full project financing, and the remaining offtake arrangements will be available when required. DOE should require a current, milestone-based financing and commercial plan, including the status and conditions of the $500 million investment, the full EPC commitment, the remaining offtake requirement, and the expected timing of gas-supply arrangements. Confidential commercial terms may be submitted under the applicable procedures, but DOE should place a meaningful non-confidential summary in the public docket. [5]

These are not collateral details. Under 10 C.F.R. § 590.202(b), an application must, to the extent applicable, support factual matters with necessary data or documents and address project scope, commencement and completion dates, the source and security of gas supply, contract volumes, transaction participants and relevant transaction terms. Section 590.202(c) calls for copies of relevant contracts and purchase agreements; § 590.202(d) authorizes DOE to require supplemental information needed to resolve issues raised by the application; and § 590.202(e) places supporting information in the official docket unless the applicant makes a sufficient showing for confidential treatment. The Request's appendix list identifies a verification statement and an opinion of counsel, but does not identify the underlying investment, EPC, pipeline, or offtake agreements. DOE should identify whether those agreements are already in the docket, require the relevant agreements or supporting evidence to be filed, and make the non-confidential portions available for meaningful public review. If Texas LNG seeks confidential treatment, it should identify the specific information and legal basis rather than withhold the commercial evidence wholesale. [1, 2]

IV. The requested 60 months must be tied to a credible critical-path schedule and permit-continuity plan

Texas LNG states that FERC extended the project's construction and in-service deadline to November 22, 2029, and requests a DOE commencement deadline of February 10, 2032. That leaves approximately 26 months between the FERC date and the requested DOE date. Texas LNG should identify the work expected during that interval—commissioning, performance testing, regulatory approvals, commercial start-up, or

other activities—and provide a dated schedule showing why each step requires the time requested. A general statement that the DOE authorization should remain in effect through construction and commissioning is not a substitute for a critical-path schedule. [1, 5]

The progress report also identifies approvals with dates earlier than the requested DOE deadline: the FAA Determination of No Hazard was extended through October 21, 2027, and the TCEQ air permit expires May 12, 2030. The FERC construction and in-service deadline is November 22, 2029. These dates do not establish that the project cannot proceed; approvals may be renewed or extended. They do require a permit-continuity plan showing what must be renewed, by whom, on what schedule, and what happens if a renewal is delayed or denied. DOE should require Texas LNG to identify all approvals and FERC environmental conditions necessary for construction, commissioning, and operation, and to explain how each will remain effective through the anticipated first export date. [5]

V. DOE should analyze the three-year make-up period separately and define its limits

Texas LNG separately requests a make-up period through December 31, 2053, for approved export volumes that it is unable to export during the existing term through December 31, 2050. DOE recently granted a three-year make-up period to Gulf LNG. That precedent is relevant and should be addressed; it does not eliminate the need to define the scope of the relief in this docket. [1, 6]

If DOE grants a make-up period, the order should state expressly that it does not increase the authorized annual export rate of 204.4 Bcf per year, authorize a different project or source, or permit volumes beyond the approved non-FTA authorization. DOE should define "make-up volume" as only the authorized volume not exported during the original term, require auditable annual and monthly accounting that prevents double counting, require reporting of the amount carried forward and later exported, and provide that any unused make-up volume expires on December 31, 2053. DOE should also explain how the make-up period interacts with the original authorization's annual and term limits. The commencement extension and the make-up period are distinct forms of relief and should receive separate findings. [1, 6]

VI. DOE should address the original purpose of the commencement deadline

Order No. 4489 explained that the seven-year commencement condition was intended to prevent authorization holders who were not engaged in actual project development from frustrating other entities seeking similar authorizations. Texas LNG states that it is aware of no other entity whose efforts to obtain an export authorization are barred by its authorization. That statement is not the same as an independent DOE assessment. DOE should determine whether retaining this authorization for an additional five years has any practical effect on other pending or prospective applicants, and explain how the project's current level of development satisfies the purpose of the original condition. The comment does not assert that a specific competing applicant has been blocked; it asks DOE to make the assessment rather than rely solely on the applicant's lack of awareness. [1, 7]

VII. DOE should document the environmental basis for the amendment

DOE's NEPA procedures include categorical exclusion B5.7 for approvals or disapprovals of new authorizations or amendments of existing authorizations to export natural gas under Section 3 of the Natural Gas Act and associated marine-vessel transportation. Because this request seeks an amendment to an existing

Section 3 authorization, the commenter does not assert that an environmental impact statement is automatically required. DOE should, however, identify the categorical exclusion on which it relies, evaluate the complete amendment—including the make-up period—and document whether any extraordinary circumstances prevent application of the exclusion. [8]

VIII. Requested findings and action

For the reasons above, DOE should not grant the requested five-year extension and three-year make-up period on the present record without further explanation and supporting evidence. The commenter respectfully asks DOE to:

1. Require a milestone-by-milestone chronology linking each identified litigation or permitting event to specific project delays, explaining what work could proceed while proceedings were pending and why the February 10, 2027 deadline could not be met.
2. Require the current FID, financing, EPC, commercial and gas-supply evidence called for by 10 C.F.R. § 590.202, including relevant contracts and purchase agreements, and make non-confidential summaries available in the docket.
3. Require a dated critical-path schedule from the present status through FID, financing close, full EPC notice to proceed, construction, commissioning and first export, including an explanation of the approximately 26 months between FERC's in-service date and the requested DOE deadline.
4. Require a permit-continuity schedule addressing the FAA determination, TCEQ air permit, FERC conditions and every other authorization necessary through commercial operation.
5. Make separate findings on the commencement extension and make-up period; if the make-up period is granted, impose clear annual-volume, accounting, reporting, anti-double-counting and December 31, 2053 expiration conditions.
6. Independently assess the original anti-hoarding purpose and document the NEPA determination for the complete amendment. If an extension is granted, impose measurable milestones and continued semiannual reporting, with a show-cause process if material milestones are missed.

If DOE concludes that the existing record cannot resolve material factual disputes about causation, financing, project schedule, or permit continuity, it should obtain supplemental evidence and provide an appropriate opportunity to address that evidence before issuing a final order. DOE's decision should identify the evidence relied upon, address the material issues raised here, and explain why the precise duration and conditions of any relief are supported by the record. See 10 C.F.R. §§ 590.202(b)–(e), 590.203, 590.310, 590.316; 5 U.S.C. § 706(2)(A).