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December 20, 2019

VIA EXPRESS MAIL

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U.S. Department of Energy
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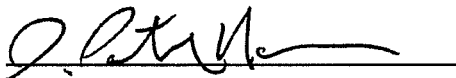
Re: Dominion Energy Cove Point, LLC, FE Docket No. 20 - ___ - LNG
Application for Blanket Authorization to Export Liquefied Natural Gas

Dear Ms. Moore:

Dominion Energy Cove Point LNG, LP (DECP) hereby submits for filing with the Office of Fossil Energy of the DOE the enclosed application for short-term, blanket authorization to export liquefied natural gas (LNG) pursuant to transactions with terms of no longer than two years. DECP requests blanket authorization to export LNG in volumes up to the equivalent of 250 billion cubic feet of natural gas over a two-year period by vessel from its existing LNG import/export terminal in Calvert County, Maryland. DECP requests this new authorization to duplicate the terms of its existing blanket authorization issued in DOE/FE Order No. 4046, which will expire on March 2, 2020: two years after the initial export of LNG from the DECP Terminal. DECP respectfully requests that DOE/FE grant this application by the end of February 2020, so that there will be no lapse in DECP's blanket authorization.

We are submitting this filing both via e-mail and in a hard-copy sent by overnight delivery. A check in the amount of \$50 as payment of the applicable filing fee is enclosed with the hard-copy of the filing. Thank you for your assistance with this filing, and please contact me if you have any questions about it.

Best regards,



J. Patrick Nevins

Counsel to
Dominion Energy Cove Point, LLC

Enclosure

**UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY**

In the Matter of)
) **FE Docket No. 20-___-LNG**
DOMINION ENERGY COVE POINT LNG, LP)

**APPLICATION OF DOMINION ENERGY COVE POINT LNG, LP
FOR BLANKET AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS BY VESSEL
FROM THE COVE POINT TERMINAL IN CALVERT COUNTY, MARYLAND**

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Counsel for
Dominion Energy Cove Point LNG, LP

Filed: December 20, 2019

**UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY**

In the Matter of)
) **FE Docket No. 20-____-LNG**
DOMINION ENERGY COVE POINT LNG, LP)

**APPLICATION OF DOMINION ENERGY COVE POINT LNG, LP
FOR BLANKET AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS BY VESSEL
FROM THE COVE POINT TERMINAL IN CALVERT COUNTY, MARYLAND**

Pursuant to Section 3 of the Natural Gas Act (NGA) 1/ and Part 590 of the Department of Energy's (DOE) regulations, 2/ Dominion Energy Cove Point LNG, LP (DECP) hereby files this application (Application) with the Office of Fossil Energy of the DOE (DOE/FE) for short-term, blanket authorization to export liquefied natural gas (LNG) pursuant to transactions with terms of no longer than two years. DECP requests blanket authorization to export LNG in volumes up to the equivalent of 250 billion cubic feet (Bcf) of natural gas over a two-year period by vessel from its existing LNG import/export terminal in Calvert County, Maryland (the "Terminal"). DECP requests this new authorization to duplicate the terms of its existing blanket authorization issued in DOE/FE Order No. 4046,3 which will expire on March 2, 2020: two years after the initial export of LNG from the Terminal.4 DECP respectfully requests that DOE/FE grant this application by the end of February 2020, so that there will be no lapse in DECP's blanket authorization.

DECP requests the new authorization, for equivalent volumes as under its existing blanket authorization, for another two-year period commencing on March 3, 2020, to any country with the

1 15 U.S.C. § 717(b) (2012).

2 10 C.F.R. Part 590 (2019).

3 *Dominion Cove Point LNG, LP*, DOE/FE Order No. 4046 (June 2, 2017). This authorization was amended solely to reflect a corporate name change in DOE/FE Order No. 4046-A, *et al.* (August 4, 2017).

4 DECP notified DOE/FE of its first export from the Terminal in a letter dated March 5, 2018, in accordance with Ordering Paragraph I of Order No. 4046.

capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, whether or not the country has a Free Trade Agreement (FTA) with the United States requiring national treatment for trade in natural gas. DECP commits that, as under its existing blanket authorization, the volumes exported under the blanket authorization when added to volumes exported under DECP's existing long-term export authorizations will not exceed the quantities already authorized by DOE/FE in the long-term authorizations. Also consistent with its existing authorization, DECP requests that the blanket authorization allow for export of both domestically produced LNG and LNG previously imported by vessel at the DECP Terminal from foreign sources. DECP requests this authorization both on its own behalf and when acting as agent on behalf of other entities who themselves hold title to the LNG, after registering each such entity with DOE/FE in accordance with the established procedures.

In support of this Application, DECP respectfully shows as follows:

I. DESCRIPTION OF THE APPLICANT

The exact legal name of DECP is Dominion Energy Cove Point LNG, LP. DECP owns the Cove Point LNG Terminal in Calvert County, Maryland, as well as an 88-mile natural gas pipeline connecting the Terminal to the interstate pipeline grid. The Terminal has long been used to import LNG. Beginning in 2018, DECP began to export LNG from the Terminal, rendering it a bi-directional facility capable of both imports and exports depending on market conditions.

DECP is a limited partnership organized and existing under the laws of the State of Delaware with its principal place of business at 2100 Cove Point Road, Lusby, Maryland, 20657. DECP also has business offices located at 707 East Main Street, Richmond, Virginia, 23219.

The general partner of DECP is a wholly-owned subsidiary of Dominion Energy, Inc. (DEI), one of the Nation's largest producers and transporters of energy. Another wholly-owned subsidiary of DEI owns seventy-five percent (75%) of DECP's limited partnership interests.⁵ DEI is a corporation

⁵ As explained in a "Notification Regarding Planned Change in Indirect Ownership In Accordance with Procedures for Changes in Control" that DECP filed with DOE/FE on October 23, 2019, the

organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 120 Tredegar Street, Richmond, Virginia, 23219.

II. COMMUNICATIONS AND CORRESPONDENCE

The names, titles and mailing addresses of the persons to whom correspondence and communications concerning this Application, including service of all pleadings and notices, are to be addressed are:

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These persons are designated to receive service and should be placed on the official service list for this proceeding.

III. BACKGROUND AND EXISTING EXPORT AUTHORIZATIONS

The Federal Energy Regulatory Commission (FERC) in 2014 authorized DECP, pursuant to NGA Section 3, to site, construct, and operate its Liquefaction Project at the Terminal⁶. The Liquefaction Project includes one liquefaction train with capacity to produce up to 5.75 million metric tonnes per annum (MTPA) of LNG, as well as other related facilities, as fully explained in the FERC orders. DECP placed its Liquefaction Project in service on April 9, 2018.

In DOE/FE Order No. 3019, issued on October 7, 2011, DOE/FE authorized DECP to export domestically produced LNG by vessel from the Terminal to countries with which the United States has, or in the future enters into, a FTA requiring national treatment for trade in natural gas (“FTA countries”)

remaining twenty-five percent (25%) of DECP’s limited partnership interests has been acquired by Bowie Acquisitions LLC, an affiliate of Brookfield Asset Management Inc., a global alternative asset manager with over \$385 billion in assets under management.

⁶ *Dominion Cove Point LNG, LP*, 148 FERC ¶ 61,244 (2014), *reh’g denied*, 151 FERC ¶ 61,095 (2015), *petition for review denied sub nom. Earth Reports, Inc. v. FERC*, 828 F.3d 949 (D.C. Cir. 2016).

in a volume up to the equivalent of 365 Bcf of natural gas per year.⁷ In DOE/FE Order No. 3331, issued on September 11, 2013, DOE/FE conditionally granted DECP long-term, multi-contract authority to export domestically produced LNG by vessel from the Terminal to nations with which the United States has not entered into such an FTA (“non-FTA countries”), conditioned on the satisfactory completion of the environmental review process for the Liquefaction Project that was then on-going in the FERC proceedings. Order No. 3331 authorized export of LNG to non-FTA countries in volumes equivalent to 281 Bcf of natural gas per year or approximately 5.75 MTPA, the liquefaction capacity of the Liquefaction Project. The volumes authorized in Order No. 3019 and No. 3331 are *not* additive. In both orders, DOE/FE authorized DECP to export the LNG solely as agent for other entities that will hold title to the LNG pursuant to one or more long-term (greater than two year) contracts, after registering each such entity with DOE/FE.

Following the FERC order authorizing the Liquefaction Project, with the environmental condition having been satisfied, DOE/FE issued on May 7, 2015 its final order, Order No. 3331-A, authorizing DECP to export LNG to non-FTA countries. Order No. 3331-A authorizes DECP to export LNG up to the equivalent of 281 Bcf per year to non-FTA countries, while acting as an agent for others pursuant to long-term contracts, for a term of twenty years commencing on the earlier of the date of first *commercial* export or seven years from the date of order issuance. DOE/FE later denied a request for rehearing and affirmed its previous findings and conclusions in DOE/FE Order No. 3331-B, issued on April 16, 2016.⁸

On November 23, 2016, DECP requested blanket authorization for transactions of no longer than two years to export LNG equivalent to up to 250 Bcf of natural gas over the two-year period commencing with the first export of LNG from the Terminal, to both FTA and non-FTA nations and allowing for export of both domestically produced LNG and previously imported LNG. DOE/FE granted this blanket

⁷ The FTA long-term authorization was amended solely to reflect a corporate name change in DOE/FE Order No. 3019-A (August 4, 2017).

⁸ The non-FTA long-term authorization was amended solely to reflect a corporate name change in DOE/FE Order No. 3331-C (August 4, 2017).

authorization in DOE/FE Order No. 4046, issued on June 2, 2017. The volumes of LNG authorized for export under the blanket authorization are *not* additive to the volumes authorized under DECP's long-term export authorizations. Thus, the volumes exported under DECP's blanket authorization, when combined with volumes authorized under its long-term authorizations, may not exceed the total long-term authorized exports of 365 Bcf to FTA countries and 281 Bcf to non-FTA countries during any consecutive 12-month period.⁹ DECP exported LNG from the Terminal for the first time on March 2, 2018; therefore, the blanket authorization provided in DOE/FE Order No. 4046 by its terms expires on March 2, 2020.

IV. AUTHORIZATION REQUESTED

DECP respectfully requests blanket authorization that will continue the same authorization provided by DOE/FE Order No. 4046 for an additional two-year term, commencing as soon as its existing blanket authorization expires. While DECP expects that most LNG exported from the Terminal will be under long-term contracts and authorized under its long-term export authorizations,¹⁰ continuing authorization to allow other exports on a spot or short-term basis provides DECP increased flexibility to respond to market conditions and promote the maximum utilization of the Terminal. The requested blanket authorization simply continues DECP's existing authorization to provide exports for customers other than its long-term export customers if and when operationally, contractually, and economically desirable.

Specifically, DECP requests continuing blanket authorization to export LNG pursuant to transactions with terms of no longer than two years for an additional term of two years, commencing immediately following the end of its existing blanket authorization on March 3, 2020. DECP requests

⁹ DOE/FE Order No. 4046, Ordering Paragraph (B). As previously noted, these quantities authorized under the FTA and non-FTA long-term authorizations are not additive to one another.

¹⁰ DECP has entered into long-term Terminal Use Agreements with two customers: ST Cove Point LLC and GAIL Global (USA) LNG, LLC. DECP has submitted its contracts with those export customers, and registered them with DOE/FE, in accordance with the requirements of its long-term export authorizations.

authorization to export this LNG to both (1) any country which has, or in the future develops, the capacity to import LNG via ocean-going carriers and with which the U.S. has, or in the future enters into, an FTA requiring the national treatment for trade in natural gas or is otherwise deemed by the United States as being treated as an FTA nation, and (2) any country with the capacity to import LNG via ocean-going carriers and with which the United States does not have such an FTA but with which trade is not prohibited by United States law or policy. In other words, DECP seeks the blanket authorization for export to both FTA countries and non-FTA countries.

DECP requests this blanket authorization to export LNG of volumes up to the equivalent of 250 Bcf of natural gas in total over the two-year period (the same quantities as authorized in Order No. 4046) that the new blanket authorization will apply. DECP commits that (just as under its current authorizations) the volumes exported under the blanket authorization, when added to the volumes exported under DECP's long-term export authorizations, will not exceed the already authorized, total long-term authorized exports of 365 Bcf to FTA countries and 281 Bcf to non-FTA countries during any consecutive 12-month period.

DECP generally operates its Terminal as a "tolling facility," providing services to other customers that own the LNG. Therefore, DECP anticipates that it generally will act under the requested blanket authorization as agent for others that will hold title to the LNG at the time of export. To promote maximum flexibility, however, DECP requests the blanket authorization to export LNG both on its own behalf and when acting as agent for entities with which it would contract that hold title to the LNG at the time of export. DECP will comply fully with all applicable DOE/FE requirements when acting as an agent for others, as required in its existing export authorizations and further explained in the Freeport LNG Development, L.P. and Gulf Coast LNG Export LLC orders.¹¹ Thus, when acting as an agent,

¹¹ *Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC*, FE Order No. 2913 (Feb. 10, 2011)(establishing the criteria for exports for agents subsequently adopted in a number of orders); *Gulf Coast LNG Export LLC*, DOE/FE Order No. 3163 at 7-8 (Oct. 16, 2012)(reiterating and explaining agency policy).

DECP will register with DOE/FE each LNG title holder for which it seeks to export LNG as agent, and will provide the DOE/FE a written statement by the title holder that acknowledges and agrees to (1) comply with all requirements in DECP's export authorization, and (2) include those requirements in any subsequent purchase or sale agreement entered into by the title holder.

The source of the gas supplies to be exported under the blanket authorization cannot be known at this time. The Terminal is connected by DECP's own pipeline to three major interstate pipelines that provide access to abundant and diverse domestic supplies around the country through the integrated interstate pipeline grid. Therefore, the domestically-produced gas liquefied at the Terminal for export may be sourced from both conventional and non-conventional production in a wide variety of regions. Because the Terminal still continues at times to receive LNG imports, volumes exported under the blanket authorization could also include previously imported LNG.¹² Therefore, just as with its existing blanket authorization, DECP requests that the blanket authorization issued here allow for the export of both domestically produced gas and gas that was previously imported as LNG from foreign sources.

V. CONSISTENCY WITH THE PUBLIC INTEREST

Section 3(c) of the NGA, as amended by § 201 of the Energy Policy Act of 1992, requires that applications to authorize exports of natural gas, including LNG, to a nation with which there is in effect a FTA requiring national treatment for trade of natural gas be "deemed to be consistent with the public interest" and "granted without modification or delay."¹³ In addition, DOE/FE has held that the statutory requirement for granting FTA applications without delay or modification overrides otherwise applicable regulatory requirements for public notice and other procedures set forth in 10 C.F.R. Part 590. Under this statutory structure, the portion of this Application that requests blanket authorization to export LNG from

¹² DECP has a blanket authorization to import LNG from various international sources by vessel up to a total volume equivalent to 36 Bcf of natural gas. *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 4320 (December 11, 2018). In addition, DECP customers with contractual rights to import LNG at the Terminal also have their own import authorizations.

¹³ 15 U.S.C. § 717b(c).

the DECP Terminal to FTA countries should be granted without modification or delay, consistent with DOE/FE's established practice.

With respect to exports to non-FTA countries, Section 3(a) of the NGA,¹⁴ sets forth the following statutory standard:

[N]o person shall export 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 ¹⁵] authorizing it to do so. The [Secretary] shall issue such order upon application, unless after opportunity for hearing, [he] 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.

This statutory language creates a presumption that the proposed export of natural gas is in the public interest. DOE/FE has consistently held that it must grant export applications unless opponents of the application overcome this presumption by making an affirmative demonstration that the proposed export is inconsistent with the public interest. ¹⁶

Furthermore, the Policy Guidelines developed by DOE/FE to implement NGA Section 3 (which are applicable to exports as well as imports ¹⁷) promote the free and open trade of natural gas. ¹⁸ The Policy Guidelines were "designed to establish natural gas trade on a market-competitive basis and to

¹⁴ 15 U.S.C. 717b(a).

¹⁵ The Secretary's authority was established by the DOE Organization Act of 1977, which transferred jurisdiction over gas import and export authorizations from the Federal Power Commission.

¹⁶ *E.g., Philips Alaska Natural Gas Corp. and Marathon Oil Co.*, DOE/FE Order No. 1473 at 13 (April 2, 1999); *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2961 at 28 (May 20, 2011); *Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331 at page 7 (Sept. 11, 2013); *Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331-B at page 11 (April 18, 2016); *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446 at 18-19 (Oct. 16, 2019).

¹⁷ *E.g., Philips Alaska*, DOE/FE Order No. 1473 at 14; *Yukon Pacific Corp.*, DOE/FE Order No. 350, 1 FE ¶ 70,259 at 71,128 (1989); *Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331 at page 8 (Sept. 11, 2013).

¹⁸ *Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas*, 49 Fed. Reg. 6,684 (Feb. 22, 1984).

provide immediate as well as long-term benefits to the American economy from this trade.” 19

Moreover, the Guidelines provide that:

The market, not government, should determine the price and other contract terms of imported [or exported] gas. U.S. buyers [sellers] should have full freedom – along with the responsibility – for negotiating the terms of trade arrangements with foreign sellers [buyers]....

* * *

The policy cornerstone of the public interest standard [of NGA Section 3] is competition. Competitive import [export] arrangements are an essential element of the public interest, and natural gas imported [exported] under arrangements that provide for the sale of gas in volumes and at prices responsive to market demands largely meets the public interest test....20

In authorizing long-term non-FTA exports for DECP (as well as in numerous other export authorizations) DOE/FE has explained that it “continues to subscribe to the principle set forth in our 1984 Policy Guidelines that, under most circumstances, the market is the most efficient means of allocating natural gas supplies.”21 And as DOE/FE has recently stated: “The goals of the Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.”22

DOE/FE has promoted the competitive, free-trade policies embodied in the Policy Guidelines by consistently authorizing LNG exports to non-FTA nations in numerous decisions over the past eight years.23 Most relevant here, of course, DOE/FE engaged in a robust and thorough analysis of the public

19 *Id.* at 6,684.

20 *Id.* at 6685 and 6687. The parenthetical references to exports are added in the above quotation to reflect the applicability of the Policy Guidelines to exports. *See* note 16, *supra*.

21 *Dominion Cove Point LNG, LP*, Order No. 3331 at 141 (Sept. 11, 2013) and Order No. 3331-A at 97 (May 7, 2015).

22 *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446 at 19 (Oct. 16, 2019).

23 *See, e.g.*, Department of Energy Press Release, “*Department of Energy Authorizes LNG Exports from the Venture Global Plaquemines Project*,” issued Oct. 16, 2019, noting that DOE has approved a total of 38.06 Bcf/d of exports in the form of LNG and compressed natural gas to non-FTA countries.

interest in LNG exports by DECP from the Terminal when authorizing long-term exports to non-FTA countries in Order Nos. 3331, 3331-A, and 3331-B.

When granting DECP its existing blanket authorization in Order No. 4046, DOE/FE concluded that “no additional public interest review beyond that conducted in the earlier non-FTA export proceeding is warranted.”²⁴ This conclusion was based, at least in part, on the limiting requirement that the volumes authorized under the blanket authorization for export to non-FTA nations will not exceed the 281 Bcf per year already authorized in the long-term authorizations.²⁵ DECP proposes that this same volume limitation continue to apply with the new blanket authorization; so, here too, no additional public interest review is required for DOE/FE to conclude that the requested blanket authorization will not be inconsistent with the public interest.

While no further support is needed, DOE/FE’s most recent study of the impact of LNG exports on domestic energy markets reinforces its prior conclusions that the United States will experience net economic benefits from the export of domestically produced LNG with only small increases in U.S. natural gas prices.²⁶ DOE/FE utilized this study in its most recent consideration of LNG long-term non-FTA export authorizations, which it continues to grant consistently.²⁷ DECP’s requested blanket

²⁴ *Dominion Cove Point LNG, LP*, DOE/FE Order No. 4046 at 13.

²⁵ *Id.* DOE/FE has similarly held that no additional analysis is needed to issue blanket export authorization for other LNG export facilities for which it has already issued long-term export authorization, provided that the volumes proposed for export on a short-term basis, when added to volumes exported under the long-term authorizations for the same facility, do not exceed the quantity authorized in the long-term authorization on an annual basis. *Sabine Pass Liquefaction, LLC*, Order No. 3767 at page 10 (Jan. 13, 2016); *Cameron LNG, LLC*, DOE/FE Order No. 3904 at 8-9 (Oct. 3, 2016); *Sabine Pass Liquefaction, LLC*, Order No. 4150 at 9 (Jan. 30, 2018).

²⁶ On June 12, 2018, DOE/FE gave notice of the availability of the study, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports*, which is available at: <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf> DOE/FE responded to public comments on this study and summarized its conclusions in a Federal Register publication on December 28, 2018. 83 Fed. Reg. 67251.

²⁷ *E.g.*, *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446 (Oct. 16, 2019); *Eagle LNG Partners Jacksonville LLC*, Order No. 4445 (October 3, 2019); *Gulf LNG Liquefaction Company, LLC*, Order No. 4410 (July 31, 2019); *Driftwood LNG LLC*, Order No. 4373 (May 2, 2019); *Port Arthur LNG, LLC*, Order No. 4372 (May 2, 2019).

authorization is consistent with the public interest for the same reasons as explained in all those recent long-term export authorizations issued by DOE/FE.

The focus of those export authorizations, as well as of the 2018 Macroeconomic Study, is the export of domestically produced LNG. Here, DECP also seeks authorization to export LNG that was previously imported from foreign sources, just as in DECP's existing blanket authorization. Of course, export of previously imported LNG certainly cannot have any greater impact on the domestic market than exports of domestically produced natural gas, which, as detailed above, also is consistent with the public interest. Furthermore, DECP's request to allow exports of previously imported LNG is consistent with numerous recent orders in which DOE/FE has authorized re-exports.²⁸ Exporting previously imported LNG, of course, does not reduce the availability of domestically produced gas, though it still could affect the domestic gas market because the exports would reduce the volume of natural gas potentially available for domestic consumption. In considering blanket authorizations for re-exports, however, DOE/FE has recognized that U.S. consumers have access to sufficient quantities of natural gas to meet all domestic demand for other competitively-priced sources, without the need for imports.²⁹ For instance, the *Annual Energy Outlook 2019* ("AEO 2019") prepared by the U.S. Energy Information Agency projects annual domestic dry natural gas production in 2020 of 33.55 trillion cubic feet (Tcf), compared to total gas consumption for 2020 of 30.26 Tcf; for 2021, the AEO 2019 projections forecast production of 34.10 Tcf and consumption of 30.64 Tcf.³⁰ Given the short-term nature of the blanket authorization, this data

²⁸ E.g., *Cameron LNG, LLC*, Order No. 4425 (Aug. 21, 2019); *Freeport LNG Development, L.P.*, Order No. 4424 (Aug. 21, 2019); *Sabine Pass Liquefaction, LLC*, Order No. 4197 (June 4, 2018).

Notably, DOE/FE also granted BP Energy Company ("BP") a blanket authorization to export previously imported LNG from DECP's Terminal, both on its own behalf and as agent for others, in Order No. 4302 (Nov. 19, 2018). DOE/FE recognized in that Order that BP had no existing contractual authority to export LNG from the Terminal and that DECP has the sole discretion to determine whether and to whom it wishes to provide export services. *Id.* at 13. DOE/FE also agreed that exports for BP could be authorized by DECP's blanket authorization using its agency rights, and that it "may be true" that requiring BP to avail itself of DECP's authorization would be a simpler approach in some respects, but held that did not overcome the presumption in favor of granting export authorizations. *Id.* at 15.

²⁹ See the orders cited in note 27 above.

³⁰ AEO 2019 is available at: <https://www.eia.gov/outlooks/aeo/pdf/aeo2019.pdf> The 2020 and 2021 projections provided above are set forth in the AEO 2019 Reference Case, Table 13: Natural Gas Supply,

further supports the conclusion that the proposed export of previously imported LNG is not inconsistent with the public interest.

For all of these reasons, especially the thorough public interest analysis that DOE/FE has already conducted regarding LNG exports from the DECP Terminal to non-FTA countries, the authorization requested here for blanket authorization to export LNG should be granted as consistent with the public interest.

VI. ENVIRONMENTAL IMPACT

The requested blanket authorization and the related LNG exports will not require the construction of any new or additional facilities, nor any modification of the DECP facilities previously authorized by the FERC. DOE regulations at 10 CFR Part 1021, Subpart D, Appendix B5, provide a list of categorical exclusions from the preparation of an environmental analysis or environmental impact statement under NEPA. Specifically, categorical exclusion B5.7 provides for an exclusion where approvals of authorizations to import or export natural gas under NGA section 3 involve minor operational changes but no new construction. DECP's export of Commissioning Volumes falls within this categorical exclusion and no further environmental analysis is required.

Therefore, the proposal does not constitute a major federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*).

VII. APPENDICES

The following appendices are attached to this Application:

Appendix A: Verification

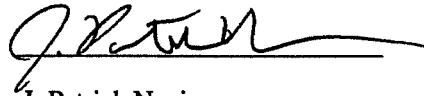
Appendix B: Opinion of Counsel

Disposition, and Prices, which is available at: <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2019&cases=ref2019&sourcekey=0>

VIII. CONCLUSION

Based on the reasons set forth above, DECP respectfully requests that the DOE/FE grant DECP short-term, blanket authorization to export LNG up to the equivalent of 250 Bcf of natural gas, produced either from domestic sources or from previously imported LNG, from its existing LNG Terminal in Calvert County, Maryland, over a period of up to two years commencing on March 3, 2020 – when DECP's existing blanket authorization for the same volumes will expire -- to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, whether or not the country has a Free Trade Agreement with the United States requiring national treatment for trade in natural gas.

Respectfully submitted,



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Counsel for
Dominion Energy Cove Point LNG, LP

Dated: December 20, 2019

Appendix A

Verification

STATE OF VIRGINIA)

) SS:

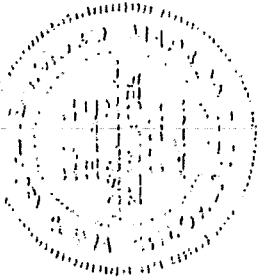
CITY OF RICHMOND)

Brian C. Wilson, being first duly sworn on his oath deposes and says: that he is the Vice President - Pipeline Marketing for Cove Point GP Holding Company, LLC, the general partner of Dominion Energy Cove Point LNG, LP; that he is duly authorized to make this Verification; that he has read the foregoing submittal and is familiar with the contents thereof; that all the statements and matters contained therein are true and correct to the best of his information, knowledge and belief; and that he is authorized to execute and file the same with the U.S. Department of Energy.



Brian C. Wilson
Vice President - Pipeline Marketing of
Cove Point GP Holding Company, LLC,
The General Partner of Dominion Energy Cove
Point LNG, LP

Sworn to and subscribed before me this 20th day of December, 2019.



Malalyn Z. Courthorne 12/20/19
Notary Public
In and For said City of Richmond

My Commission Expires: 7/31/23
Registration # 221762

Appendix E

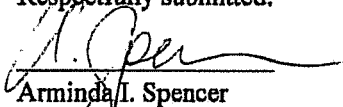
OPINION OF COUNSEL

Opinion of Counsel

This opinion is submitted pursuant to 10 C.F.R. 590.202(c) of the Department of Energy administrative procedures. The undersigned is counsel to Dominion Energy Cove Point LNG, LP.

I have reviewed the corporate documents of Dominion Energy Cove Point LNG, LP and it is my opinion that the proposed export of natural gas is within the company's corporate powers.

Respectfully submitted.



Arminda I. Spencer
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Salt Lake City, UT 84111120
(801) 324-5024
arminda.spencer@dominionenergy.com

Dated: December 20, 2019