

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

DOMINION ENERGY COVE POINT LNG, LP

DOCKET NO. 19-156-LNG

ORDER GRANTING BLANKET AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS
TO FREE TRADE AGREEMENT AND
NON-FREE TRADE AGREEMENT NATIONS

DOE/FE ORDER NO. 4508

FEBRUARY 28, 2020

I. DESCRIPTION OF REQUEST

On December 23, 2019, Dominion Energy Cove Point LNG, LP (DECP) filed an application (Application)¹ with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA), 15 U.S.C. § 717b.² DECP requests a short-term blanket authorization to engage in exports of liquefied natural gas (LNG) in a volume equivalent to 250 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period from its existing Cove Point LNG Terminal (Terminal), located in Calvert County, Maryland.³ DECP intends to source the proposed exports from both domestically produced LNG and LNG previously imported by vessel at the Terminal from foreign sources, and requests authorization allowing for both possibilities.⁴

DECP seeks to export this LNG 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. This includes: (i) any country with which the United States currently has, or in the future will have, a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (FTA countries),⁵ and (ii) any other country with which

¹ Dominion Energy Cove Point LNG, LP, Application for Blanket Authorization to Export Liquefied Natural Gas, FE Docket No. 19-156-LNG (Dec. 23, 2019) [hereinafter DECP App.].

² Authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FE in Redelegation Order No. 00-002.04G issued on June 4, 2019.

³ DECP has constructed the Liquefaction Project at the Cove Point LNG Terminal, which is an existing LNG import terminal. These facilities provide natural gas liquefaction and LNG export services to customers that provide their own natural gas supply. *See* DECP App. at 1-2, 6. In 2014, the Federal Energy Regulatory Commission (FERC) authorized DECP to construct and operate the Liquefaction Project. *See Dominion Cove Point LNG, LP*, Order Granting Section 3 and Section 7 Authorizations, 148 FERC ¶ 61,244 (Sept. 29, 2014), *reh'g denied*, 151 FERC ¶ 61,095 (2015), *petition for review denied sub nom. Earth Reports, Inc. v. FERC*, No. 15-1127 (D.C. Cir. 2016); *see also* DECP App. at 3.

⁴ DECP App. at 2, 7.

⁵ 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.

trade is not prohibited by U.S. law or policy (non-FTA countries). Additionally, DECP seeks to export this LNG on its own behalf and as agent for other entities who hold title to the LNG at the time of export.⁶

DECP states that its existing blanket authorization approving short-term exports of LNG to FTA and non-FTA countries, DOE/FE Order No. 4046 (FE Docket No. 16-205-LNG), will expire on March 2, 2020.⁷ Accordingly, DECP requests a two-year export term for this authorization commencing immediately thereafter.⁸

In this Order, DOE/FE grants DECP's Application and authorizes the requested export volume of 250 Bcf of natural gas over a two-year term to both FTA and non-FTA countries on a non-additive basis.

Specifically, DOE/FE grants the FTA portion of the Application under NGA section 3(c), 15 U.S.C. § 717b(c). Section 3(c) was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that FTA applications "shall be deemed to be consistent with the public interest" and granted "without modification or delay."⁹ The FTA portion of the Application falls within NGA section 3(c) and, therefore, DOE/FE approves the requested FTA authorization without modification or delay. Accordingly, none of the public interest analysis discussed below applies to the FTA portion of this authorization.

DOE/FE has reviewed the non-FTA portion of the Application under NGA section 3(a), 15 U.S.C. § 717b(a). On January 24, 2020, DOE/FE published a Notice of Application for the requested non-FTA export authorization in the *Federal Register*.¹⁰ DOE/FE did not receive any

⁶ DECP App. at 1-2.

⁷ *Id.* at 1, 6.

⁸ See Email from Patrick Nevins, Counsel for DECP, to Amy Sweeney of DOE/FE, FE Docket No. 19-156-LNG (Dec. 27, 2019).

⁹ 15 U.S.C. § 717b(c).

¹⁰ *Dominion Energy Cove Point LNG, LP*; Application for Blanket Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations on a Short-Term Basis, 85 Fed. Reg. 4314 (Jan. 24, 2020).

filings in response to the Notice of Application, and therefore the non-FTA portion of the Application is uncontested. DOE/FE has reviewed the record in this proceeding, and finds that it has not been demonstrated that DECP's proposed exports to non-FTA countries are inconsistent with the public interest under NGA section 3(a). Additional terms and conditions are set forth below.

II. BACKGROUND

Applicant. DECP is a Delaware limited partnership with its principal place of business in Lusby, Maryland. DECP is a wholly-owned, indirect subsidiary of Dominion Energy, Inc. (DEI), a Virginia corporation with its principal place of business in Richmond, Virginia.¹¹

Cove Point GP Holding Company, LLC, a wholly-owned, indirect subsidiary of DEI, is the general partner of DECP. Dominion MLP Holding Company II, Inc., a wholly-owned subsidiary of DEI, owns a limited partnership interest (75%) in DECP. As of December 20, 2019, DECP's other limited partner (25%) is Bowie Acquisitions LLC, an affiliate of Brookfield Asset Management, Inc.¹²

Procedural History. As relevant here, DOE/FE has issued two long-term, multi-contract orders under NGA section 3 authorizing DECP to export domestically produced LNG by vessel from the Cove Point LNG Terminal.

First, on October 7, 2011, DOE/FE issued Order No. 3019 (as subsequently amended), authorizing DECP, on its own behalf and as agent for other entities, to export LNG to FTA

¹¹ DECP App. at 2.

¹² *Id.* at 2-3 & n.5. On October 23, 2019, as updated on February 11, 2020, DECP filed with DOE/FE a notification in accordance with DOE/FE's Procedures for Change in Control. *See, e.g.,* Dominion Energy Cove Point LNG, LP, FE Docket Nos. 11-115-LNG, *et al.*, Notification Regarding Planned Change in Indirect Ownership In Accordance with Procedures for Changes in Control (Oct. 23, 2019). DOE/FE will respond to that filing separately.

countries in a volume up to the equivalent of 365 billion cubic feet per year (Bcf/yr) of natural gas for a period of 25 years.¹³

Second, on May 7, 2015, DOE/FE issued Order No. 3331-A (as subsequently amended), authorizing DECP, on its own behalf and as agent for other entities, to export LNG to non-FTA countries, in a volume up to the equivalent of 281 Bcf/yr of natural gas for a period of 20 years.¹⁴ These FTA and non-FTA export volumes are not additive to one another.¹⁵

In 2017, DECP (formerly Dominion Cove Point LNG, LP) underwent a corporate name change. All orders discussed herein reflect the updated name.¹⁶

Source of Natural Gas. DECP seeks to export LNG sourced from the U.S. natural gas interstate pipeline grid, as well as LNG that was previously imported by vessel at the DECP Terminal from foreign sources.¹⁷

Business Model. DECP states that, although it expects that most LNG exported from the Terminal will be under long-term contracts and authorized under its long-term export authorizations, it wishes to have a continuing blanket authorization to export LNG on a spot or

¹³ *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 3019, FE Docket No. 11-115-LNG, Order Granting Long-Term, Multi-Contract Authority to Export Liquefied Natural Gas from the Cove Point LNG Terminal to Free Trade Nations (Oct. 7, 2011).

¹⁴ *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 3331-A, FE Docket No. 11-128-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point LNG Terminal in Calvert County, Maryland to Non-Free Trade Agreement Nations (May 7, 2015). Previously, in DOE/FE Order No. 3331, DOE/FE had issued a conditional order to DECP that had addressed the record evidence and entered findings on all non-environmental issues considered under NGA section 3(a). *See Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 3331, FE Docket No. 11-128-LNG, Order Conditionally Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point LNG Terminal in Calvert County, Maryland to Non-Free Trade Agreement Nations (Sept. 11, 2013).

¹⁵ *See* DECP App. at 2.

¹⁶ *See Dominion Energy Cove Point LNG, LP*, DOE/FE Order Nos. 3331-C, *et al.*, FE Docket Nos. 11-128-LNG, *et al.*, Order Granting Request to Amend Authorizations to Export Liquefied Natural Gas to Reflect Corporate Name Change (Aug. 4, 2017) (amending DECP's FTA and non-FTA authorizations, as well as other orders, to reflect corporate name change).

¹⁷ *See* DECP App. at 7. DECP currently holds a blanket authorization to import LNG from various international sources. *See id.* at n.12 (citing *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 4320, FE Docket No. 18-180-LNG, Order Granting Blanket Authorization to Import Liquefied Natural Gas from Various International Sources by Vessel (Dec. 11, 2018)). DECP also notes that its customers with contractual rights to import LNG at the Terminal have their own import authorizations.

short-term basis. According to DECP, this authorization will provide increased flexibility for DECP to respond to market conditions and will promote the maximum utilization of the Terminal.¹⁸

DECP requests authorization to export LNG on its own behalf and as agent for other entities that may hold title to the LNG at the time of export. DECP states that it will comply with all DOE/FE requirements for both exporters and agents, as set forth in recent DOE/FE orders.¹⁹

Environmental Review for Non-FTA Portion of Application. DECP states that authorization of the requested short-term exports will not require the construction of any new or additional facilities, nor any modification to its existing facilities approved by FERC.²⁰ DECP asserts that the requested non-FTA authorization thus qualifies for a categorical exclusion from the preparation of an environmental assessment (EA) or environmental impact statement (EIS) under the National Environmental Policy Act, 42 U.S.C. §§ 4321, *et seq.* (NEPA).²¹

III. APPLICANT'S PUBLIC INTEREST ANALYSIS FOR NON-FTA AUTHORIZATION

DECP asserts that its requested short-term authorization to export LNG to non-FTA countries is consistent with the public interest under NGA section 3(a).²² DECP points out that DOE/FE has already engaged in a “robust and thorough analysis of the public interest in LNG exports by DECP from the Terminal” in DOE/FE Order No. 3331-A and related orders.²³ DECP incorporates by reference and relies upon that public interest analysis, stating that DOE/FE’s prior analysis justifies the requested short-term authorization in this proceeding.

¹⁸ DECP App. at 5.

¹⁹ *Id.* at 6-7.

²⁰ *Id.* at 12.

²¹ *Id.*

²² *Id.* at 10-12.

²³ *Id.* at 9-10.

Specifically, DECP proposes that the volume limitation that currently applies in its existing blanket authorization (DOE/FE Order No. 4046) continue to apply in the requested authorization—such that “the [non-FTA] volumes authorized under the blanket authorization ... will not exceed the 281 Bcf per year already authorized in the long-term authorization[].”²⁴ Citing DOE/FE’s prior finding in DOE/FE Order No. 4046 that “no additional public interest review beyond that conducted in the earlier non-FTA export proceedings is warranted,” DECP states that this conclusion applies equally in this proceeding.²⁵

Next, DECP contends that DOE/FE’s 2018 LNG Export Study²⁶ and the U.S. Energy Information Administration’s (EIA) recent projections confirm the adequacy of domestic natural gas supplies to meet demand during the two-year term for the requested export authorization. Specifically, DECP cites EIA’s projections for 2020 and 2021 in its *Annual Energy Outlook 2019* (AEO 2019) in arguing 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.”²⁷ For these and other reasons, DECP maintains that its proposed exports are consistent with the public interest.²⁸

IV. DOE/FE PROCEEDING FOR NON-FTA AUTHORIZATION

As noted above, DOE/FE gave public notice of the non-FTA portion of the Application (Notice of Application) in the *Federal Register* on January 24, 2020, and invited interested persons to submit protests, motions to intervene, notices of intervention, and/or comments

²⁴ DECP App. at 10.

²⁵ *Id.*

²⁶ *Id.* (citing, e.g., 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)).

²⁷ *Id.* at 11 (citing U.S. Energy Info. Admin., *Annual Energy Outlook 2019 with Projections to 2050* (Jan. 24, 2019), available at: <https://www.eia.gov/outlooks/aeo/pdf/aeo2019.pdf>).

²⁸ *Id.* at 11-12.

addressing the Application no later than February 24, 2020.²⁹ No filings were submitted in response to the Notice of Application, and therefore DECP's Application is uncontested.

V. DISCUSSION FOR REQUESTED NON-FTA AUTHORIZATION

A. Standard of Review

Section 3(a) of the NGA sets forth the applicable standard of review for the non-FTA portion of Sabine Pass's Application. Section 3(a) provides:

[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] 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 part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.³⁰

DOE, as affirmed by the D.C. Circuit, has consistently interpreted NGA section 3(a) as creating a rebuttable presumption that a proposed export of natural gas is in the public interest.³¹

Accordingly, DOE will conduct an informal adjudication and grant a non-FTA application unless DOE finds that the proposed exportation will not be consistent with the public interest.³²

In evaluating an export application under this standard, DOE/FE applies the principles described in DOE Delegation Order No. 0204-111;³³ the principles described in DOE's 1984

²⁹ See *supra* note 10.

³⁰ 15 U.S.C. § 717b(a).

³¹ See *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017) ("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))).

³² 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. Regulatory Admin.*, 822 F.2d 1105, 1111 (D.C. Cir. 1987)).

³³ DOE Delegation Order No. 0204-111 (Feb. 22, 1984).

Policy Guidelines;³⁴ and other factors set forth in prior DOE export authorizations. These factors include economic impacts, international impacts, security of natural gas supply, and environmental impacts, among others.

In sum, DOE/FE's review of export applications under NGA section 3(a) focuses on: (i) the domestic need for the natural gas 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/FE's policy of promoting market competition, and (iv) any other factors bearing on the public interest described herein. In addition, NEPA requires DOE to give appropriate consideration to the environmental effects of its proposed decisions.

B. Public Interest Review

In Order No. 3331-A, DOE/FE authorized DECP to export domestically produced LNG from the Cove Point LNG Terminal to non-FTA countries in a volume equivalent to 281 Bcf/yr of natural gas for a period of 20 years.³⁵ In that order (and the related conditional order, DOE/FE No. 3331), DOE conducted a public interest review for those non-FTA exports, including an evaluation of the domestic need for the natural gas proposed for export. Based on that review, DOE determined that DECP's long-term exports were not inconsistent with the public interest under NGA section 3(a).³⁶

In this uncontested proceeding, DECP requests a short-term blanket authorization to export LNG in a volume equivalent to 250 Bcf of natural gas over two years, which averages to 125 Bcf each year. This volume is less than the long-term non-FTA exports that DOE/FE authorized in Order No. 3331-A, equivalent to 281 Bcf/yr of natural gas. Provided that the

³⁴ New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) (incorporating DOE Delegation Order No. 0204-111).

³⁵ See, e.g., *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 3331-A, at 8-9, 106-07.

³⁶ See *id.*

proposed exports—when added to any volumes exported under DECP’s long-term authorization in Order No. 3331-A—do not exceed 281 Bcf on an annual (*i.e.*, consecutive 12-month) basis, the public interest impacts of DECP’s exports to non-FTA countries will not increase as a consequence of DOE/FE’s approval of this Application.³⁷

Accordingly, DOE/FE agrees with DECP that no additional public interest review beyond that conducted in the earlier non-FTA export proceeding is warranted. For these reasons, DOE/FE has determined that it has not been demonstrated that the proposed exports of LNG will be inconsistent with the public interest, as would be required to deny DECP’s request under NGA section 3(a).³⁸

C. Environmental Review

In issuing DOE/FE Order No. 3331-A, DOE/FE considered the potential environmental impacts of DECP’s proposal to export LNG from the Cove Point LNG Terminal. DOE/FE considered both its obligations under NEPA and its obligation under NGA section 3(a) to ensure that the proposal was not inconsistent with the public interest. In conducting this review, DOE/FE considered a wide range of information, such as FERC’s environmental approval for the Terminal, DOE’s economic studies, DOE’s Addendum,³⁹ DOE’s 2014 Life Cycle Greenhouse Gas Report,⁴⁰ and various intervenor arguments opposing those non-FTA exports.

In addition, as explained above, the requested authorization will not result in an increase

³⁷ See DECP App. at 5-6.

³⁸ See also, *e.g.*, *Freeport LNG Dev. L.P.*, DOE/FE Order No. 4424, FE Docket No. 19-61-LNG, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas by Vessel to Free Trade Agreement and Non-Free Trade Agreement Countries, at 8 (Aug. 21, 2019) (finding that imported LNG will be surplus to the U.S. demand for natural gas based on EIA projections).

³⁹ 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).

⁴⁰ 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 recently updated this Life Cycle Greenhouse Gas Report. See Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update – Response to Comments, 85 Fed. Reg. 72 (Jan. 2, 2020).

of LNG exports previously approved for export under DECP's long-term non-FTA authorization (DOE/FE Order No. 3331-A) in any 12-month period. Under these circumstances, DOE/FE finds that approval of the Application will not result in any incremental environmental impacts as compared to the environmental impacts previously reviewed by FERC and DOE.

DECP further states that approval of the Application will not require additional construction or modification to its previously approved facilities at the Terminal. The Department's regulations at 10 CFR Part 1021, Subpart D, Appendix B provide a list of categorical exclusions from preparation of either an EA or EIS under NEPA. Categorical exclusion B5.7 applies to natural gas import or export activities requiring minor operational changes to existing projects, but no new construction. On February 27, 2020, DOE/FE issued a categorical exclusion under this provision.⁴¹ This Order grants the non-FTA portion of the Application, in part, on the basis of this categorical exclusion.

VI. FINDINGS

(1) Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect an FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. The FTA portion of DECP's Application falls within section 3(c), as amended, and therefore, DOE/FE grants the requested FTA authorization without modification

⁴¹ U.S. Dep't of Energy, Categorical Exclusion Determination, *Dominion Energy Cove Point LNG, LP*, FE Docket No. 19-156-LNG (Feb. 27, 2020) [hereinafter Categorical Exclusion].

or delay.⁴²

(2) The countries with which the United States has a FTA requiring national treatment for trade in natural gas currently are: Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore.

(3) Upon a review of the record, DOE/FE finds that a grant of the non-FTA portion of the Application has not been shown to be inconsistent with the public interest under NGA section 3(a). Additionally, the proposed exports qualify for a categorical exclusion under NEPA, such that no EA or EIS will be required. DOE/FE therefore grants the non-FTA portion of DECP's Application.

(4) DECP requests authorization to export LNG on its own behalf and as agent for other entities who hold title to the LNG at the time of export. DOE/FE previously has determined that, in LNG export orders in which Agency Rights have been granted, DOE/FE 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.⁴³

To ensure that the public interest is served, this authorization shall be conditioned to require that where DECP proposes to export LNG from the Cove Point LNG Terminal as agent for other entities who hold title to the LNG (Registrants), DECP must register with DOE/FE

⁴² DOE further finds that the requirement for public notice of applications and other hearing-type procedures in 10 C.F.R. Part 590 are applicable only to applications seeking to export natural gas, including LNG, to non-FTA countries.

⁴³ See, e.g., *Cameron LNG, LLC*, DOE/FE Order No. 3846, FE 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, FE 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).

those entities on whose behalf it will export LNG in accordance with the procedures and requirements described herein.

ORDER

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

A. Dominion Energy Cove Point LNG, LP (DECP) is authorized to export domestically produced and previously imported LNG by vessel from the Cove Point LNG Terminal, in a volume equivalent to 250 Bcf of natural gas, pursuant to transactions that have terms of no longer than two years. DECP is authorized to export this LNG on its own behalf or as agent for other entities who hold title to the natural gas at the time of export. This authorization shall be effective for a two-year term, beginning on March 2, 2020, and extending through March 1, 2022.

B. The volume of LNG authorized for export in this Order, when combined with the volume of LNG approved for export to FTA and non-FTA countries in DECP's long-term export authorizations, shall not exceed the total of long-term approved exports of 365 Bcf to FTA countries and 281 Bcf to non-FTA countries during any consecutive 12-month period.⁴⁴ Under the terms of prior authorizations, long-term LNG export authorizations to FTA and non-FTA countries are not additive to one another.

C. This LNG may be exported by vessel from the Cove Point LNG Terminal to any country with the capacity to import ocean-going LNG carriers and with which trade is not prohibited by U.S. law or policy.

D. DECP 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

⁴⁴ See *supra* at 4-5.

determinations of the Office of Foreign Assets Control of the United States Department of the Treasury and FERC. Failure to comply with this requirement could result in rescission of this authorization and/or other civil or criminal remedies.

E. DECP shall include, and require others for whom DECP acts as agent to 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 with the capacity to import ocean-going LNG carriers and identified in Ordering Paragraph C of DOE/FE Order No. 4508, issued February 28, 2020, in FE Docket No. 19-156-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 Dominion Energy Cove Point LNG, LP 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 Dominion Energy Cove Point LNG, LP is made aware of all such countries.

F. DECP is permitted to use its authorization in order to export LNG as agent for other entities, after registering the other entities with DOE/FE. Registration materials shall include an acknowledgement and agreement by the Registrant to supply DECP with all information necessary to permit DECP to register that person or entity with DOE/FE, 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; and (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.

G. Each registration submitted pursuant to this Order shall have current information on

file with DOE/FE. Any changes in company name, contact information, or other relevant modification shall be filed with DOE/FE within 30 days of such change(s).

H. DECP shall ensure that all persons required by this Order to register with DOE/FE have done so.

I. Monthly Reports: With respect to the LNG exports authorized by this Order, DECP 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 of LNG 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 of LNG have occurred, the report must give the following details of each LNG cargo: (1) the name(s) of the authorized exporter; (2) the name of the U.S. export terminal; (3) the name of the LNG tanker; (4) the date of departure from the U.S. export terminal; (5) the country (or countries) into which the LNG or natural gas is actually delivered; (6) the name of the supplier/seller; (7) the volume in thousand cubic feet (Mcf); (8) the price at point of export per million British thermal units (MMBtu); (9) the duration of the supply agreement (indicate spot sales); and (10) the name(s) of the purchaser(s).

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

J. All monthly report filings on Form FE-746R shall be made to U.S. Department of Energy (FE-34), Office of Fossil Energy, 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/fe/services/natural-gas-regulation>.

Issued in Washington, D.C., on February 28, 2020.

Shawn Bennett
Deputy Assistant Secretary for Oil and Natural Gas
Office of Fossil Energy