

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

CLEAN ENERGY

FE DOCKET NO. 20-75-LNG

ORDER GRANTING BLANKET AUTHORIZATION TO
IMPORT AND EXPORT LIQUEFIED NATURAL GAS FROM AND TO CANADA AND
MEXICO BY TRUCK, TO EXPORT LIQUEFIED NATURAL GAS TO CANADA AND
MEXICO BY BARGE AND VESSEL, AND TO IMPORT LIQUEFIED NATURAL GAS
FROM VARIOUS INTERNATIONAL SOURCES BY BARGE AND VESSEL

DOE/FE ORDER NO. 4567

JULY 31, 2020

I. DESCRIPTION OF REQUEST

On July 14, 2020, Clean Energy filed an application¹ with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA)² for blanket authorization to import and export liquefied natural gas (LNG) from and to Canada and Mexico by truck, to export LNG to Canada and Mexico by barge and vessel, and to import LNG from various international sources by barge and vessel in a combined total equivalent to 10 billion cubic feet (Bcf) of natural gas. Clean Energy requests the authorization be granted for a two-year term beginning on August 29, 2020.³ Clean Energy is a California corporation with its principal place of business in Newport Beach, California.

II. FINDING

The application has been evaluated to determine if the proposed import and export arrangements meet the public interest requirement of section 3 of the NGA, as amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486). Under section 3(c), the import and export of natural gas, including LNG, from and to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas and the import of LNG from other international sources are deemed to be consistent with the public interest, and applications for such imports or exports must be granted without modification or delay. The authorization sought by Clean Energy to import and export LNG by truck from and to Canada

¹ Supplemental Email from Joseph H. Fagan, Attorney, Day Pitney, LLP, on behalf of Clean Energy to DOE/FE (July 20, 2020) (confirming Clean Energy seeks to renew the authorities currently granted to Clean Energy in DOE/FE Order No. 4245).

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 Clean Energy currently has an existing blanket authorization to import and export LNG from and to free trade agreement nations by truck, rail, barge, or other waterborne vessels, granted in DOE/FE Order No. 4245 on September 5, 2018, extends through August 28, 2020.

and Mexico, nations with which a free trade agreement requiring national treatment for trade in natural gas is in effect, to export LNG by barge and vessel to Canada and Mexico, and to import LNG from various international sources by barge and vessel, meets the section 3(c) criteria and, therefore, is consistent with the public interest. This Order authorizes transactions with terms of not greater than two years.

ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. Clean Energy is authorized to import and export LNG from and to Canada and Mexico by truck, to export LNG to Canada and Mexico by barge and vessel, and to import LNG from various international sources by barge and vessel in a combined total equivalent to 10 Bcf of natural gas, pursuant to transactions that have terms of not greater than two years. This authorization shall be effective for a two-year term which beginning on August 29, 2020, and extending through August 28, 2022.

B. This LNG may be imported by truck at any LNG receiving facility in the United States and its territories. This LNG may be exported by truck from any departure facility in the United States and its territories.

C. This LNG may be exported by barge and vessel from any LNG export terminal in the United States and its territories to any receiving facility in Canada or Mexico.

D. This LNG may be imported by barge and vessel at any LNG receiving facility in the United States and its territories.

E. LNG imports that require increased security measures from the United States Coast Guard (USCG) or other branches of the Department of Homeland Security, in place now or added in the future, shall comply with those measures on a shipment-by-shipment basis to the satisfaction of the USCG. Such measures may include periodic boarding or examination of the

vessel by the USCG at the load port, while the vessel is underway, at any time during the voyage, and before and during discharge of the cargo while at the discharge port, as well as other enhanced security measures.

F. **Monthly Reports:** With respect to the imports and exports of LNG authorized by this Order, Clean Energy shall file with the Office of Regulation, Analysis, and Engagement within 30 days following the last day of each calendar month, a report indicating whether imports or exports of LNG have been made. Monthly reports must be filed whether or not initial deliveries have begun. If no imports or exports have been made, a report of “no activity” for that month must be filed.

If imports of LNG by barge or vessel have occurred, the report must give the following details of each LNG cargo: (1) the name of the U.S. receiving terminal; (2) the name of the LNG tanker or barge; (3) the date of arrival at the U.S. receiving terminal; (4) the country of origin; (5) the name of the supplier/seller; (6) the volume in thousand cubic feet (Mcf); (7) the landed price per million British thermal units (MMBtu) at the point of import; (8) the duration of the supply agreement (indicate spot purchases); (9) the name(s) of the purchaser(s); and (10) the geographic market served (list State(s), U.S. Census Region(s), or general U.S. geographic area(s)).

If imports of LNG by truck have occurred, the report must give the following details of each LNG cargo: (1) the name of the U.S. receiving facility; (2) the country of origin; (3) the point(s) of entry; (4) the name(s) of the supplier(s)/seller(s); (5) the name(s) of the LNG transporter(s); (6) the volume in Mcf; (7) the price per MMBtu at the point(s) of entry; (8) the duration of the supply agreement; and (9) the geographic market served (list State(s), U.S. Census Region(s), or general U.S. geographic area(s)).

If exports of LNG by barge or vessel have occurred, the report must give the following details of each LNG cargo: (1) the name of the U.S. export terminal; (2) the country (or

countries) of destination; (3) the date of departure from the U.S. export terminal; (4) the name of the LNG barge or tanker; (5) the name of the supplier(s)/seller(s); (6) the volume in Mcf; (7) the price per MMBtu at the point of exit; (8) the duration of the supply agreement (indicate spot sales); and (9) the name(s) of the purchaser(s).

If exports of LNG by truck have occurred, the report must give the following details of each LNG cargo: (1) the name of the U.S. departure facility; (2) the country of destination; (3) the point(s) of exit; (4) the name(s) of the supplier(s)/seller(s); (5) the name(s) of the LNG transporter(s); (6) the volume in Mcf; (7) the price per MMBtu at the point(s) of exit; and (8) the duration of the supply agreement.

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

G. The first monthly report required by this Order is due not later than October 30, 2020, and should cover the reporting period from August 29, 2020, through September 30, 2020.

H. All monthly report filings on Form FE-746R shall be made to the 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>.

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Office of Oil and Natural Gas