

DocuSign Envelope ID: D08F3F7F-1DF4-4BDD-AD22-4D48A2B4DAE8
RECEIVED

By Docket Room at 4:16 pm, Sep 18, 2020

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

ECA Liquefaction, S. de R.L. de C.V.

)
) **FE DOCKET NO. 18-144-LNG**
)

**APPLICATION TO AMEND EXPORT TERM
FOR EXISTING LONG-TERM AUTHORIZATIONS
THROUGH DECEMBER 31, 2050**

Jerrold L. Harrison
Sempra LNG, LLC
488 8th Avenue
San Diego, CA 92101
(619) 696-2987
jharrison@sempraglobal.com

Brett A. Snyder
Lamiya Rahman
Blank Rome LLP
1825 Eye Street NW
Washington, DC 20006
(202) 420-2200
bsnyder@blankrome.com
lrahman@blankrome.com

TABLE OF CONTENTS

I. BACKGROUND2

II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT3

A. FE Docket Numbers3

B. Authorization Holder3

C. Name and Location of Export Facility4

D. Existing Long-Term DOE/FE Orders Subject to This Application4

E. Final Orders Issued by Federal Energy Regulatory Commission5

F. Requested Amendment.....5

III. THE REQUESTED AMENDMENTS ARE IN THE PUBLIC INTEREST5

A. Domestic Natural Gas Supply, Demand, and Price7

B. Other Public Interest Considerations.....9

 i. Environmental Issues9

 ii. International Trade and Geopolitical Impacts11

C. Authority to Grant Extended Export Terms Under DOE’s Regulations11

IV. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT12

V. APPENDICES12

VI. CONCLUSION12

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

_____))
ECA Liquefaction, S. de R.L. de C.V.) **FE DOCKET NO. 18-144-LNG**
_____))

**APPLICATION TO AMEND EXPORT TERM
FOR EXISTING LONG-TERM AUTHORIZATIONS
THROUGH DECEMBER 31, 2050**

Pursuant to Section 3 of the Natural Gas Act (“NGA”),¹ Part 590 of the regulations of the United States Department of Energy (“DOE”),² and the DOE Office of Fossil Energy’s (“DOE/FE”) final policy statement on Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050,³ ECA Liquefaction, S. de R.L. de C.V. (“ECA Liquefaction”) submits this application to amend its existing long-term authorizations to export liquefied natural gas (“LNG”) issued in the above-captioned dockets (“Application”).

Specifically, ECA Liquefaction requests that DOE/FE grant extensions to the export terms for each of the authorizations issued in the above-captioned docket through December 31, 2050, inclusive of any make-up period, with corresponding increases in the total volume of exports over the life of each authorization.

In support of this Application, ECA Liquefaction states as follows:

¹ 15 U.S.C. § 717b (2018).

² 10 C.F.R. Part 590 (2020).

³ *Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*, Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52237 (Aug. 25, 2020).

I. BACKGROUND

As described in further detail in Section II below, ECA Liquefaction holds: (1) one long-term authorization to export natural gas to Mexico and/or, after liquefaction in Mexico, to export liquefied natural gas (“LNG”) to nations with which there is in effect a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (the “FTA Authorization”);⁴ and (2) one long-term, multi-contract authorization to export LNG to non-FTA nations (the “Non-FTA Authorization”).⁵ The FTA and Non-FTA Authorizations each have a 20-year term.⁶

On July 29, 2020, DOE/FE issued a final policy statement on Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050 (“Policy Statement”).⁷ In the Policy Statement, DOE/FE adopted a term through December 31, 2050— inclusive of any make-up period—as the standard export term for long-term, non-FTA authorizations and discontinued its practice of granting standard 20-year export terms.⁸ The Policy Statement implemented a process by which existing authorization holders may request to amend the export terms of their long-term, non-FTA authorizations through December 31, 2050, with corresponding increases in the total export volume over the life of the authorizations.⁹

While the Policy Statement does not apply to FTA authorizations, DOE/FE recognized that

⁴ *Energia Costa Azul, S. de R.L. de C.V.*, DOE/FE Order No. 4317, FE Docket No. 18-144-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Natural Gas to Mexico and to Other Free Trade Agreement Nations (Jan. 25, 2019). The FTA Authorization was initially granted to Energia Costa Azul, S.de R.L. de C.V. (“ECA”). On October 7, 2019, DOE/FE granted ECA’s application to transfer the FTA Authorization to ECA Liquefaction. See DOE/FE Order Nos. 4317-A & 4364-A, FE Docket No. 18-144-LNG, Order Granting Request to Transfer Authorizations (Oct. 7, 2019).

⁵ DOE/FE Order No. 4364, FE Docket No. 18-144-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (Mar. 29, 2019). As with the FTA Authorization, the Non-FTA Authorization was initially granted to ECA, and DOE/FE granted ECA’s application to transfer the Non-FTA Authorization to ECA Liquefaction. See DOE/FE Order Nos. 4317-A & 4364-A, FE Docket No. 18-144-LNG, Order Granting Request to Transfer Authorizations (Oct. 7, 2019).

⁶ See DOE/FE Order No. 4364 at Ordering Para. A.; DOE/FE Order No. 4317 at Ordering Para. A.

⁷ The Policy Statement was published in the Federal Register and became effective on August 25, 2020.

⁸ Policy Statement, 85 Fed. Reg. at 52247.

⁹ *Id.*

holders of existing non-FTA authorizations may also wish to apply for corresponding extensions in their existing long-term FTA authorizations in order to align the terms of their FTA and non-FTA authorizations.¹⁰ DOE/FE requested that authorization holders submit consolidated applications to extend the terms of their FTA and non-FTA authorizations where possible to ensure more consistent and streamlined proceedings.¹¹

Pursuant to DOE/FE's Policy Statement, ECA Liquefaction submits this Application to extend the terms of its existing long-term Non-FTA and FTA Authorizations through December 31, 2050, with attendant increases in the total export volume over the life of each authorization.

II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT

A. *FE Docket Numbers*

The long-term export authorizations subject to this Application are docketed under FE Docket No. 18-144-LNG.

B. *Authorization Holder*

The authorization holder for each of the FTA Authorization and Non-FTA Authorization is ECA Liquefaction, S. de R.L. de C.V. ECA Liquefaction is a variable-capital, limited liability company organized under the laws of Mexico. The principal place of business of ECA Liquefaction is Paseo de la Reforma # 342 Piso 24, Col. Juárez, Alc. Cuauhtémoc, Ciudad de México 06600. Liquefaction is owned approximately 99.9% by ECA LNG Holdings B.V., with the remainder owned by ECA Minority, S. de R.L. de C.V. ECA LNG Holdings B.V. is a joint

¹⁰ *Id.* at 52248.

¹¹ *Id.* DOE/FE provided a template for existing authorization holders to utilize when applying to extend the terms of their long-term export authorizations pursuant to the Policy Statement. *See* Department of Energy Office of Fossil Energy, Policy for Extending Natural Gas Export Authorizations to 2050, <https://www.energy.gov/fe/downloads/policy-extending-natural-gas-export-authorizations-2050>.

venture owned 50% by Sempra and 50% by IEnova.

C. Name and Location of Export Facility

The FTA and Non-FTA Authorizations permit ECA Liquefaction to export U.S. natural gas from various points of export to Mexico for liquefaction at the ECA Mid-Scale Project and re-export to foreign markets. The ECA Mid-Scale Project will be constructed at the existing 67.85-acre brownfield LNG import terminal site owned by ECA and located approximately 19 miles north of the city of Ensenada, Baja California, Mexico, along the Pacific coast, approximately 31 miles south of the San Diego-Tijuana/San Ysidro border between the United States and Mexico.¹²

D. Existing Long-Term DOE/FE Orders Subject to This Application

The existing FTA and Non-FTA Authorizations subject to this Application are summarized below. ECA Liquefaction's authorized long-term FTA and non-FTA volumes are not additive.

Docket No.	Order No.	Date Issued	Amendments	Authorized Volume	Project	Type
18-144-LNG	4317	Jan. 25, 2019	Order No. 4317-A (Oct. 7, 2019)	182 Bcf/yr ¹³	Mid-Scale Project	FTA, long-term, multi-contract
18-144-LNG	4364	Mar. 29, 2019	Order No. 4364-A (Oct. 7, 2019)	161 Bcf/yr	Mid-Scale Project	Non-FTA, long-term, multi-contract

¹² ECA Liquefaction notes that ECA holds long-term, multi-contract authorizations to export LNG from another, independent set of facilities to be located at the same site (*i.e.*, the Large-Scale Project). The authorizations associated with the Large-Scale Project (DOE/FE Order Nos. 4318 and 4365) are not subject to the instant Application.

¹³ Approximately 21 Bcf/yr of the gas authorized for export to FTA countries will be used in Mexico as fuel for pipeline transportation or LNG liquefaction.

E. *Final Orders Issued by Federal Energy Regulatory Commission*

ECA Liquefaction notes that the ECA Mid-Scale Project is located entirely within Mexico. Accordingly, the ECA Mid-Scale Project is subject to permitting by various Mexican agencies and is not subject to the jurisdiction of the Federal Energy Regulatory Commission.

F. *Requested Amendment*

ECA Liquefaction hereby respectfully requests that the export terms for the FTA and Non-FTA Authorizations specified in Section II.D above be extended for a term ending on December 31, 2050, inclusive of any make-up period.

While ECA Liquefaction does not propose to amend the annual export volumes (*i.e.*, Bcf/y) authorized in the FTA or Non-FTA Authorizations, ECA Liquefaction requests authorization for the increase in total export volumes over the life of the FTA and Non-FTA Authorizations corresponding with the requested extension in export terms through December 31, 2050.

III. THE REQUESTED AMENDMENTS ARE IN THE PUBLIC INTEREST

DOE/FE reviews the FTA portion of this Application under section 3(c) of the NGA. Section 3(c) requires that FTA applications “shall be deemed to be consistent with the public interest” and granted “without modification or delay.”¹⁴ In light of this statutory obligation, DOE/FE has found that it need not engage in any analysis of factors affecting the public interest.¹⁵ ECA Liquefaction’s request to amend the export terms of its FTA Authorization in DOE/FE Order No. 4317 should be processed and approved in accordance with this standard.

The portion of this Application relating to ECA Liquefaction’s Non-FTA Authorization in DOE/FE Order No. 4364 is governed by section 3(a) of the NGA, which provides that:

¹⁴ 15 U.S.C. § 717b(c).

¹⁵ *See, e.g., Cameron LNG, LLC*, DOE/FE Order No. 3680, FE Docket No. 15-36-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel From the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, To Free Trade Agreement Nations at 7 (July 10, 2015).

[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 Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest.¹⁶

NGA section 3(a) creates a rebuttable presumption that a proposed export of natural gas is in the public interest.¹⁷ DOE/FE has explained that it must grant an application requesting the export of natural gas unless the presumption favoring exports is overcome by an affirmative showing that the application is inconsistent with the public interest.¹⁸

Although the NGA does not define “public interest,” DOE/FE has identified several factors that it considers when reviewing Non-FTA export applications, including economic impacts, international impacts, security of natural gas supply, and environmental impacts.¹⁹ In conducting its public interest review, DOE/FE is also guided by the 1984 Policy Guidelines²⁰ and DOE Delegation Order No. 0204-111.²¹ While the Delegation Order is no longer in effect, DOE/FE continues to look to the following factors in its review of export applications: (i) the domestic need

¹⁶ *Id.* § 717b(a).

¹⁷ *See, e.g., Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017).

¹⁸ *See, e.g., Golden Pass Prods. LLC*, DOE/FE Order No. 3978, FE Docket No. 12-156-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel From the Golden Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations at 11 (Apr. 25, 2017).

¹⁹ *See, e.g., Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446, FE Docket No. 16-28-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19 (Oct. 16, 2019) [hereinafter *Venture Global*]; *Eagle LNG Partners Jacksonville LLC*, DOE/FE Order No. 4445, FE Docket No. 16-15-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19 (Oct. 3, 2019) [hereinafter *Eagle LNG*]; *Gulf LNG Liquefaction Co., LLC*, DOE/FE Order No. 4410, FE Docket No. 12-101-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19-20 (July 31, 2019) [hereinafter *Gulf LNG*].

²⁰ *See* New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984). The goals of the 1984 Policy Guidelines are to “minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.” *Venture Global* at 19. The 1984 Policy Guidelines indicated that “[t]he federal government’s primary responsibility in authorizing imports [or exports] will be to evaluate the need for the gas and whether the import [or export] arrangement will provide the gas on a competitively priced basis for the duration of the contract while minimizing regulatory impediments to a freely operating market.” 49 Fed. Reg. at 6685. DOE/FE has explained that while the 1984 Policy Guidelines are nominally applicable to natural gas import cases, they are applicable to export applications. *See, e.g., Venture Global* at 20.

²¹ U.S. Department of Energy, Delegation Order No. 0204-111 (Feb. 22, 1984). Delegation Order No. 0204-111 based the regulation of exports “on a consideration of the domestic need for the gas to be exported and such other matters [found] in the circumstances of a particular case to be appropriate.” *Id.* at 1.

for the natural gas 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.²²

In approving the Non-FTA Authorization, DOE/FE conducted an extensive public interest review of exports from the ECA Mid-Scale Project, including an evaluation of domestic need for the natural gas proposed for export. Based on these reviews, DOE/FE found that the proposed exports of U.S.-sourced natural gas to Mexico and re-export in the form of LNG from Mexico to Non-FTA countries were not shown to be inconsistent with the public interest.²³

A. Domestic Natural Gas Supply, Demand, and Price

Current market data and studies demonstrate that exports of domestically produced LNG from the ECA Mid-Scale Project through 2050 remain in the public interest. As the Policy Statement recognized, the DOE-commissioned 2018 LNG Export Study²⁴ and the U.S. Energy Information Administration’s (“EIA”) Annual Energy Outlook 2020 (“AEO 2020”)²⁵ “project robust domestic supply conditions that are more than adequate to satisfy both domestic needs and exports of LNG . . . through December 31, 2050.”²⁶

The AEO 2020 predicts that the United States will remain a net natural gas exporter through 2050.²⁷ The AEO 2020 reference case estimates 0.9% growth in U.S. dry gas production over the period 2019–2050, with dry gas production reaching 45 trillion cubic feet (“Tcf”) by 2050.²⁸ In

²² See, e.g., *Venture Global* at 20; *Eagle LNG* at 20; *Gulf LNG* at 21.

²³ See DOE/FE Order No. 4364 at 42.

²⁴ NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports*, at 14 (June 7, 2018), available at <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf> [hereinafter 2018 LNG Export Study].

²⁵ U.S. Energy Information Administration, *Annual Energy Outlook 2020* (Jan. 29, 2020), available at <https://www.eia.gov/outlooks/aeo/pdf/AEO2020%20Full%20Report.pdf> [hereinafter AEO 2020].

²⁶ Policy Statement, 85 Fed. Reg. at 52242.

²⁷ AEO 2020 at 11.

²⁸ AEO 2020 at tbl. 13, available at <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2020&cases=ref2020&sourcekey=0>.

comparison, the AEO 2020 reference case estimates more modest growth in demand over the same period (0.5%), with consumption across sectors estimated at 36.50 Tcf by 2050.²⁹

The AEO 2020 reference case projects that natural gas prices will “remain lower than \$4 per million British thermal units (MMBtu) through 2050 because of an abundance of lower cost resources . . . allow[ing] higher production levels at lower prices during the projection period.”³⁰ The 2018 LNG Export Study found that increased domestic LNG exports “leads to only small increases in U.S. natural gas prices.”³¹ Moreover, the 2018 LNG Export Study concluded that increased LNG exports consistently result in several macroeconomic benefits, including higher levels of GDP and consumer wellbeing.³² According to the 2018 LNG Export Study, “[e]ven the most extreme scenarios of high LNG exports that are outside the more likely probability range . . . show higher overall economic performance in terms of GDP, household income, and consumer welfare than lower export levels associated with the same domestic supply scenarios.”³³

The macroeconomic benefits projected in the 2018 LNG Export Study remain accurate today. Indeed, as acknowledged in the Policy Statement, the AEO 2020 reference case projects market conditions through 2050 that are even more supportive of LNG exports—including higher production and demand and lower prices—than the Annual Energy Outlook 2017 projections that underlie the 2018 LNG Export Study.³⁴ Consistent with the findings in the 2018 LNG Export Study, the Policy Statement concluded that “exports of U.S. LNG under the proposed term

²⁹ *Id.*

³⁰ AEO 2020 at 48.

³¹ 2018 LNG Export Study at 55.

³² *Id.* at 18-21.

³³ *Id.*

³⁴ Policy Statement, 85 Fed. Reg. at 52243.

extension [*i.e.*, through December 31, 2050] will generate positive economic benefits in the United States through the year 2050.”³⁵

Additionally, the Policy Statement recognized that extending non-FTA export authorization terms through December 31, 2050 will provide commercial benefits to existing authorization holders and will improve regulatory certainty for authorization holders and foreign buyers of domestic LNG.³⁶ In proposing the Policy Statement, DOE recognized that a 30-year export term would better match the operational life of LNG export facilities, would enhance authorization holders’ ability to finance their facilities, and would facilitate authorization holders’ ability to enter into longer-term natural gas supply and export contracts.³⁷ Indeed, DOE/FE recognized that the longer export term would increase the competitiveness of U.S. gas exports vis-à-vis exports from other countries.³⁸

B. *Other Public Interest Considerations*

i. Environmental Issues

As discussed further below, the ECA Mid-Scale Project continues to qualify for a B5.7 categorical exclusion and the export extensions requested herein do not require construction or modification of any facilities. Neither does ECA Liquefaction request to increase the annual authorized volumes under either the FTA or Non-FTA Authorization. Should DOE/FE grant ECA Liquefaction’s request to extend the terms of its FTA and Non-FTA Authorizations, the increase

³⁵ *Id.* at 52242. In addressing comments to the proposed Policy Statement, DOE was not persuaded by complaints that the proposed term extension would negatively impact domestic consumers, households, or U.S. manufacturers, or otherwise harm the U.S. economy. *Id.* at 52242-44.

³⁶ *Id.* at 52240-41.

³⁷ *Id.*

³⁸ *Id.*

in overall exports over the life of each authorization will not be inconsistent with the public interest.

In 2019, DOE commissioned an update to its Life Cycle Analysis Greenhouse Gas Report (the “LCA GHG Update”).³⁹ The LCA GHG Update demonstrated that the use of U.S. LNG exports for power production in European and Asian markets will not increase global GHG emissions from a life cycle perspective, when compared to regional coal extraction and consumption for power production.⁴⁰ The LCA GHG Update suggests, therefore, that U.S LNG exports may in fact facilitate the reduction of GHG emissions by displacing less environmentally-friendly energy sources with cleaner-burning natural gas. Indeed, the Policy Statement found that “to the extent U.S. LNG exports are preferred over coal in LNG-importing nations, U.S. LNG exports are likely to reduce global GHG emissions on a per unit of energy consumed basis for power production. Further, to the extent U.S. LNG exports are preferred over other forms of imported natural gas, they are likely to have only a small impact on global GHG emissions.”⁴¹ Based on the LCA GHG Update and public comments thereto, DOE/FE has determined there is “no reason to conclude that U.S. LNG exports will increase global GHG emissions in material or predictable way.”⁴² Furthermore, the Policy Statement noted that U.S. LNG exporters may indirectly benefit the use of renewable energy in importing countries by providing reliable standby energy supplies during and after development of renewable energy sources.⁴³

³⁹ Nat’l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL 2019/2041) (Sept. 12, 2019).

⁴⁰ *See id.* at 78, 85.

⁴¹ Policy Statement, 85 Fed. Reg. at 52245 (citing U.S. Dep’t of Energy, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update – Response to Comments*, 85 FR 72, 85 (Jan. 2, 2020) (“DOE Response to Comments on 2019 Update”)).

⁴² *Id.* at 52240 (citing DOE Response to Comments on 2019 Update).]

⁴³ *Id.* at 52246.

ii. International Trade and Geopolitical Impacts

The 2018 LNG Export Study found that increased U.S. exports of natural gas “will improve the U.S. balance of trade and result in a wealth transfer into the United States.”⁴⁴ Additionally, LNG exports provide important geopolitical benefits by diversifying global energy supply. In the Policy Statement, DOE/FE recognized that “[a]n efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and its allies” and that “to the extent U.S. exports can diversify global LNG supplies and increase the volumes of LNG available globally, these exports will improve energy security for many U.S. allies and trading partners.”⁴⁵ The amendments requested herein will further these international trade and geopolitical benefits.

C. *Authority to Grant Extended Export Terms Under DOE’s Regulations*

DOE/FE has the authority to grant ECA Liquefaction’s request to extend the terms of its Non-FTA Authorization. In the Policy Statement, DOE/FE noted that neither NGA section 3(a) nor the DOE’s regulations prescribe a specific time period for non-FTA Authorizations.⁴⁶ DOE concluded that it has discretion pursuant to section 590.404 of its regulations⁴⁷ to impose a suitable term—including a term through December 31, 2050—for long-term, non-FTA authorizations in light of the evidence in each proceeding.⁴⁸ Based on the foregoing evidence that the requested amendments are consistent with the public interest, ECA Liquefaction respectfully submits that

⁴⁴ 2018 LNG Export Study at 64.

⁴⁵ Policy Statement, 85 Fed. Reg. at 52244.

⁴⁶ *Id.*

⁴⁷ 10 C.F.R. § 590.404 (2020).

⁴⁸ Policy Statement, 85 Fed. Reg. at 52239.

DOE/FE has the authority to approve a revised export term ending December 31, 2050 for the Non-FTA Authorization.

IV. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

In granting the Non-FTA Authorization, DOE/FE issued a categorical exclusion for the ECA Mid-Scale Project under the National Environmental Policy Act (“NEPA”).⁴⁹ Specifically, DOE/FE determined that the ECA Mid-Scale Project qualified for a B5.7 categorical exclusion under 10 C.F.R. Part 1021, Subpart D, Appendix B,⁵⁰ pursuant to which neither an environmental assessment nor an environmental impact statement is required.⁵¹ The export term extensions requested herein do not require the construction or modification of facilities and do not otherwise affect DOE/FE’s previous determination that a categorical exclusion applies for the ECA Mid-Scale Project. Accordingly, ECA Liquefaction requests that DOE/FE find that the instant Application qualifies for a B5.7 categorical exclusion.

V. APPENDICES

Appendix A: Verification

Appendix B: Opinion of Counsel

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, ECA Liquefaction respectfully requests that DOE/FE (i) amend the export terms for the FTA and Non-FTA Authorizations to provide for terms ending on December 31, 2050, and (ii) authorize attendant increases in the total export volumes over

⁴⁹ See DOE/FE Order No. 4364 at 35-36.

⁵⁰ Item B5.7 applies to “[a]pprovals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) but not new construction.” 10. C.F.R. Part 1021, App. B, Item B5.7.

⁵¹ *Id.*

the life of each FTA and Non-FTA Authorization corresponding with the requested extensions in export terms.

Respectfully submitted,

/s/ Brett A. Snyder

Brett A. Snyder

Lamiya Rahman

Blank Rome LLP

1825 Eye Street NW

Washington, DC 20006

(202) 420-2200

bsnyder@blankrome.com

lrahman@blankrome.com

Counsel to ECA Liquefaction,

S. de R.L. de C.V.

Dated: September 18, 2020

CERTIFICATE OF SERVICE

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

Dated at Washington, DC this 18th day of September, 2020.

/s/ Lamiya Rahman
Lamiya Rahman
Blank Rome LLP
1825 Eye Street NW
Washington, DC 20006
(202) 420-2662
lrahman@blankrome.com

APPENDIX A

Verification

VERIFICATION

I, Tania Ortiz Mena, declare that I am the Director General for ECA Liquefaction, S. de R.L. de C.V. and am duly authorized to make this Verification; that I have read the foregoing instrument and that the facts therein stated are true and correct to the best of my knowledge, information and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Mexico City, Mexico on September 18, 2020.

DS
JH

DocuSigned by:
Tania Ortiz Mena
675E2B4B967B46A...

Tania Ortiz Mena
Director General
ECA Liquefaction, S. de R.L. de C.V.
Paso de la Reforma # 342, Piso 24
Col. Juarez, Del. Cuahitémoc
Mexico D.F. 06600

APPENDIX B

Opinion of Counsel



Paseo de la Reforma No. 342, Piso 24
Col. Juárez, Delegación Cuauhtémoc
06600 Ciudad de México
Tel. (55) 9138-0100
www.ienova.com.mx

OPINION OF COUNSEL

September 18, 2020

Ms. Amy Sweeney
Office of Fossil Energy
U.S. Department of Energy
FE-34
Forrestal Building
1000 Independence Avenue, S.W
Washington, DC 20585


RE: *ECA Liquefaction, S. de R.L. de C.V.*
**Application to Amend Export Term for Existing Long-Term Authorization
Through December 31, 2050**

Dear Ms. Sweeney:

This opinion of counsel is submitted pursuant to Section 590.202(c) of the regulations of the United States Department of Energy, 10 C.F.R. § 590.202(c) (2020). I am counsel to ECA Liquefaction S. de R.L. de C.V. (“ECA Liquefaction”).

I have reviewed the organizational and internal governance documents of ECA Liquefaction and it is my opinion that the proposed export of natural gas as described in the application filed by ECA Liquefaction, to which this Opinion of Counsel is attached as Appendix B, is within the company powers of ECA Liquefaction.

Respectfully submitted,

DocuSigned by:


AGF48658CSA7425...
Rene Buentello Carbonell
General Counsel
Torre New York Life
Paseo de la Reforma 342 24th Floor
Col. Juárez Zip Code 06600
Mexico City
+52 (559) 138 0150
RBuentello@IENova.com.mx

On Behalf of ECA Liquefaction, S. de R.L. de C.V.