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UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

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TEXAS LNG BROWNSVILLE LLC ) FE DOCKET NO. 15-62-LNG  
\_\_\_\_\_)  
\_\_\_\_\_)

APPLICATION TO AMEND EXPORT TERM  
FOR EXISTING LONG-TERM AUTHORIZATION(S)  
THROUGH DECEMBER 31, 2050

September 22, 2020

By: Electronic Mail

Ms. Amy Sweeney  
Office of Fuels Programs, Fossil Energy  
U.S. Department of Energy  
Docket Room 3F-056, FE-50  
Forrestal Building  
1000 Independence Avenue, SW.  
Washington, D.C. 20585

Re: Texas LNG Brownsville LLC; FE Docket No. 15-62-LNG; Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050

Dear Ms. Sweeney:

The Office of Fossil Energy (“FE”) of the Department of Energy (“DOE”) has, under section 3 of the Natural Gas Act, granted Texas LNG Brownsville LLC (“Texas LNG”), FE Docket No. 15-62-LNG, with two authorizations to export domestically produced liquified natural gas (“LNG”). Specifically, on (i) September 24, 2015, through Order No. 3716, DOE/FE granted Texas LNG authority to export LNG to any country with which the United States has, or in the future enters into, a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (the “FTA Authorization”),<sup>1</sup> and (ii) February 10, 2020, through Order No. 4489, DOE/FE granted Texas LNG authority to export LNG to any other non-free trade agreement (“non-FTA”) country with which trade is not prohibited by United States law or policy (the “non-FT Authorization”).<sup>2</sup>

Pursuant to the procedures set forth under 10 C.F.R. Part 590, and the notice of final policy statement issued on July 29, 2020 titled “Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050” (the “Final Policy Statement”),<sup>3</sup> Texas LNG hereby submits this Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050 (this “Application”). In this Application, Texas LNG respectfully requests that the existing (i) twenty-five (25) year term set forth under the FTA Authorization, and (ii) twenty (20) year term set forth under the non-FTA Authorization, both be extended through December 31, 2050.

In accordance with the Final Policy Statement and the form template provided by the DOE/FE (last updated July 29, 2020), Texas LNG respectfully submits the following information.

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<sup>1</sup> Texas LNG Brownsville LLC, DOE/FE Order No. 3716, FE Docket No. 15-62-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed LNG Terminal at the Port of Brownsville in Brownsville, Texas, to Free Trade Agreement Nations (Sept. 24, 2015).

<sup>2</sup> Texas LNG Brownsville LLC, DOE/FE Order No. 4489, FE Docket No. 15-62-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020) [hereinafter Order No. 4489].

<sup>3</sup> U.S. Dep’t of Energy, 10 CFR Part 590, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050 (July 29, 2020) [hereinafter Final Policy Statement].

## **Section I:**

1. The DOE/FE docket number is: 15-62-LNG.
2. The authorizations holder is: Texas LNG Brownsville LLC.
3. Texas LNG has authorization to export LNG from the proposed Texas LNG Brownsville LLC Liquefied Natural Gas Export Project (the “Project”), to be located at the Port of Brownsville, approximately 19 miles northeast of the City of Brownsville, Texas.
4. The following are the existing long-term DOE/FE orders subject to this request:

<b>DOE/FE Order No. (date)</b>	3716 (Sept. 24, 2015)	4489 (Feb. 10, 2020)
<b>Amendment</b>	N/A	N/A
<b>FTA/Non-FTA</b>	FTA	Non-FTA
<b>Export Volume</b>	204.4 Bcf/yr	204.4 Bcf/yr

The cumulative authorized export volumes across all of the DOE/FE long-term orders referenced above are: 204.4 Bcf/yr (FTA) and 204.4 Bcf/yr (non-FTA).

5. On November 22, 2019, the Federal Energy Regulatory Commission (“FERC”) issued its “Order Granting Authorization Under Section 3 of the Natural Gas Act” (the “FERC Order”)<sup>4</sup> authorizing Texas LNG, Docket No. CP16-116-000, to site, construct, and operate the Project. Requests for a formal rehearing and stay of the FERC Order were denied.<sup>5</sup>
6. Texas LNG respectfully requests that the existing term under DOE/FE Order No. 3716 and Order No. 4489 be both extended through December 31, 2050.

## **Section II:**

1. DOE is responsible for authorizing exports of natural gas, including LNG, to FTA and non-FTA countries, pursuant to section 3 of the Natural Gas Act (“NGA”), 15 U.S.C. 717b. NGA section 3(a) authorizes the exportation of natural gas from the United States unless DOE determines that doing so “will not be consistent with the public interest.”<sup>6</sup> As noted in the Final Policy Statement, “DOE has consistently interpreted this provision as creating a rebuttable presumption favoring export authorization.”<sup>7</sup>

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<sup>4</sup> Federal Energy Regulatory Comm’n, Order Granting Authorization Under Section 3 of the Natural Gas Act, Texas LNG Brownsville LLC, Docket No. CP16-116-001 (Nov. 22, 2020).

<sup>5</sup> Federal Energy Regulatory Comm’n, Order on Rehearing and Stay, Texas LNG Brownsville LLC, Docket No. CP16-116-001 (Feb. 21, 2020).

<sup>6</sup> 15 U.S.C. 717b(a).

<sup>7</sup> Final Policy Statement at 5.

DOE/FE should grant this Application because it is in the public interest. As noted in the Final Policy Statement, extending the term of existing natural gas export authorizations is supported by DOE's 2018 LNG export study,<sup>8</sup> which concluded that the United States will experience net economic benefits from the export of domestically produced LNG during the years 2020 through 2050.<sup>9</sup> In the Final Policy Statement, DOE also referenced a new environmental analysis titled "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update" (the "LCA GHG Update").<sup>10</sup> The DOE concluded that the LCA GHG Update "supports the proposition that exports of LNG from the lower-48 states will not be inconsistent with the public interest."<sup>11</sup> In addition, the DOE noted in the Final Policy Statement that a "30-year export term ... would provide authorization holders with greater security in financing their export facility and would maximize their ability to enter into natural gas supply and export contracts for a longer period of time".<sup>12</sup>

Texas LNG is forecasting commissioning of the Project in 2025 and is expecting the Project to have an operational life past the year 2050. Granting the term extensions contemplated under this Application will generate economic benefits for the United States, as such extensions would result in an increase of LNG volumes being exported by the Project through the extended term. Further, granting such extensions will, in turn, provide regulatory support for the Project and, therefore, maximize the Project's ability to secure long-term contracts.

For the reasons set forth herein and those detailed under the Final Policy Statement, the term extensions contemplated under this Applications are in the public interest and should be granted.

2. On March 15, 2019, FERC issued, in accordance with the requirements of the National Environmental Policy Act of 1969 ("NEPA"), an environmental impact statement ("EIS") to assess the potential environmental impacts resulting from construction and operation of the Project.<sup>13</sup> In accordance with 40 C.F.R. § 1506.3, DOE/FE adopted the EIS on March 25, 2019 (DOE/EIS-0520),<sup>14</sup> and the Environmental Protection Agency published a notice of the

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<sup>8</sup> DOE published the 2018 LNG Export Study on its website on June 7, 2018, and concurrently provided notice of the availability of the Study. *See* NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (Jun. 7, 2018), available at: <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf>.

<sup>9</sup> *See* Final Policy Statement at 9 (citing 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 FR 27314 (June 12, 2018); U.S. Dep't of Energy, *Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study*, 83 FR 67251 (Dec. 28, 2018)).

<sup>10</sup> Nat'l Energy Technology Laboratory, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL 2019/2041) (Sept. 12, 2019), available at: <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCAGHG%20Report.pdf>.

<sup>11</sup> Final Policy Statement at 10 (quoting 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, 86 (Jan. 2, 2020)).

<sup>12</sup> Final policy Statement at 10.

<sup>13</sup> Federal Energy Regulatory Comm'n, *Texas LNG Project Final Environmental Impact Statement*, Docket No. CP16-116-000 (Mar. 15, 2019), available at: <https://www.energy.gov/nepa/downloads/eis-0520-finalenvironmental-impact-statement>.

<sup>14</sup> Letter from Amy Sweeney, DOE/FE, to Julie Roemele, U.S. Env'tl. Prot. Agency (Mar. 25, 2019) (adoption of final EIS). *See also* Order No. 4489 at 60 (adopting the EIS).

adoption on March 29, 2019.<sup>15</sup> There are no changes to the Project associated with term extension, including operational changes or new construction. Approval of this Application therefore qualifies for a categorical exclusion under NEPA pursuant to the terms of 10 C.F.R. 1021.410, appendix B to subpart D of part 1021, Categorical Exclusion B5.7.

Texas LNG represents that (i) pursuant to 10 C.F.R. § 590.103(c), to the best of its knowledge, the same or a related matter is not being considered by any other part of the DOE, including FERC, or any other Federal agency or department, and (ii) it is submitting the non-refundable filing fee of fifty dollars (\$50) required by 10 C.F.R. § 590.207 electronically and concurrently with this Application.

Should you have any questions about this Application, please feel free to contact the undersigned at the contact information provided below.

Respectfully submitted on behalf of  
Texas LNG Brownsville LLC

Greenberg Traurig, LLP



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WSG/lp


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<sup>15</sup> U.S. Envtl. Prot. Agency, Environmental Impact Statements; Notice of Availability, 84 Fed. Reg. 11,972 (Mar. 29, 2019).

**APPENDIX A**

**Verification**

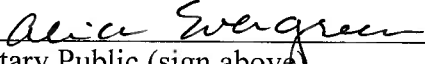
I, Langtry Meyer, being sworn, do hereby affirm that I am a duly authorized representative of Texas LNG Brownsville LLC and that I am familiar with the contents of this Application; and that the matters set forth therein are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Langtry Meyer

STATE OF Texas )  
  )  
COUNTY OF Harri's )

SS:

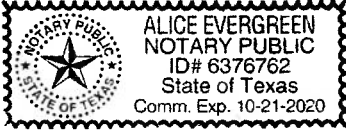
The foregoing instrument was signed and sworn before me this 21<sup>st</sup> day of Sept., 2020 by Langtry Meyer, who personally appeared before me and  is personally known to me or  produced his passport as identification.

  
\_\_\_\_\_  
Notary Public (sign above)

Print Name: Alice Evergreen

Notary Public, State of: Texas

My Commission Expires: Oct. 21, 2020



[Notary stamp and signature]

[Apostille (Convention de La Haye du 5 Octobre 1961)]

**APPENDIX B**

**Opinion of Counsel**

September 22, 2020

Ms. Amy Sweeney  
Office of Fuels Programs, Fossil Energy  
U.S. Department of Energy  
Docket Room 3F-056, FE-50  
Forrestal Building  
1000 Independence Avenue, SW.  
Washington, D.C. 20585

Re: Texas LNG Brownsville LLC; FE Docket No. 15-62-LNG; Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050

Dear Ms. Sweeney:

This opinion of counsel is provided in accordance with the requirements of Section 590.202(c) of the US Department of Energy's regulations, 10 CFR 590.202(c). I have examined the organizational and governance documents of Texas LNG Brownsville LLC, a Delaware limited liability company ("Texas LNG"), and other documents and authorities as necessary for purposes of this opinion. On the basis of the foregoing, it is my opinion that the proposed long-term, multi-contract export of liquefied natural gas by Texas LNG, as described in the above-referenced application, is within the limited liability company powers of Texas LNG.

Respectfully submitted on behalf of  
Texas LNG Brownsville LLC

Greenberg Traurig, LLP

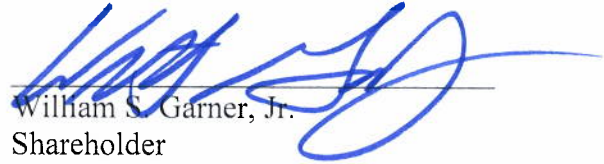


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## Certificate of Service

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists compiled by the Department of Energy, Office of Fossil Energy in these proceedings.

Dated at Houston, Texas this 22nd day of September, 2020.



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