

**RECEIVED**

By Docket Room at 4:03pm, 11/24/2020

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

**ANNOVA LNG COMMON  
INFRASTRUCTURE, LLC**

)

)

)

**FE DOCKET NO 19-34-LNG**

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

Susan B. Bergles  
Exelon Corporation  
1310 Point Street, 8th Floor  
Baltimore, MD 21231  
(410) 470-1553  
susan.bergles@exeloncorp.com

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

**TABLE OF CONTENTS**

**I. BACKGROUND .....4**

**II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT .....5**

*A. FE Docket Number .....5*

*B. Authorization Holder .....5*

*C. Name and Location of Export Facility .....5*

*D. Existing Long-Term DOE/FE Order Subject to This Application .....5*

*E. Final Order Issued by Federal Energy Regulatory Commission .....6*

*F. Requested Amendment .....6*

**III. THE REQUESTED AMENDMENT IS IN THE PUBLIC INTEREST .....6**

*A. Domestic Natural Gas Supply, Demand, and Price .....7*

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

*C. Authority to Grant Extended Export Terms Under DOE’s Regulations .....11*

**IV. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT .....11**

**V. APPENDICES .....12**

**VI. CONCLUSION .....12**

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

**ANNOVA LNG COMMON  
INFRASTRUCTURE, LLC**

)

)

)

**FE DOCKET NO 19-34-LNG**

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

Pursuant to Section 3 of the Natural Gas Act (“NGA”),<sup>1</sup> Part 590 of the regulations of the United States Department of Energy (“DOE”),<sup>2</sup> 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,<sup>3</sup> Annova LNG Common Instructure, LLC (“Annova LNG”) submits this application to amend its existing long-term authorization to export liquefied natural gas (“LNG”) issued in the above-captioned docket (“Application”).

Specifically, Annova LNG requests that DOE/FE grant an extension to the export term for the authorization issued in the above-captioned docket through December 31, 2050, inclusive of any make-up period, with the corresponding increase in total volume of exports over the life of the authorization.

In support of this Application, Annova LNG states as follows:

---

<sup>1</sup> 15 U.S.C. § 717b (2018).

<sup>2</sup> 10 C.F.R. Part 590 (2020).

<sup>3</sup> *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, Annova LNG holds one long-term authorization to export domestically-produced LNG from the Annova LNG terminal in the Brownsville Ship Channel in Cameron County, Texas, to countries with which the United States has a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (the “FTA Authorization”).<sup>4</sup> Additionally, Annova LNG holds one authorization to export LNG from the Annova LNG terminal to non-FTA countries (the “Non-FTA Authorization”).<sup>5</sup> The FTA Authorization has a 30-year term,<sup>6</sup> and the Non-FTA Authorization has a 20-year term.<sup>7</sup>

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”).<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

Pursuant to DOE/FE’s Policy Statement, Annova LNG submits this Application to extend the term of its existing long-term Non-FTA Authorization through December 31, 2050, with attendant increases in the total export volume over the life of the authorization. Annova LNG’s FTA Authorization has a term of 30 years and will terminate after December 31, 2050; therefore, this Application regards the Non-FTA Authorization only.

---

<sup>4</sup> *Annova LNG, LLC*, DOE/FE Order No. 3394, FE Docket No. 13-140-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Annova LNG Terminal in Brownsville, Texas, to Free Trade Agreement Nations (Feb. 20, 2014); *Annova LNG Common Infrastructure, LLC*, DOE/FE Order No. 3464, FE Docket Nos. 13-140-LNG & 14-004-CIC, Order Approving Change in Control to Annova LNG Common Infrastructure, LLC of Authorization Allowing Exports of Liquefied Natural Gas to Free Trade Agreement Nations (July 17, 2014); *Annova LNG Common Infrastructure, LLC*, DOE/FE Order No. 3394-A, FE Docket No. 13-140-LNG, Order Amending Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations (July 11, 2019).

<sup>5</sup> *Annova LNG Common Infrastructure, LLC*, DOE/FE Order No. 4491, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (February 10, 2020).

<sup>6</sup> DOE/FE Order No. 3394 at Ordering Para. A.

<sup>7</sup> DOE/FE Order No. 4491 at Ordering Para. A.

<sup>8</sup> The Policy Statement was published in the Federal Register and became effective on August 25, 2020.

<sup>9</sup> Policy Statement, 85 Fed. Reg. at 52247.

<sup>10</sup> *Id.*

## II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT

### *A. FE Docket Number*

The long-term export authorization subject to this Application is docketed under the following FE Docket No.: 19-34-LNG.

### *B. Authorization Holder*

The authorization holder for the Non-FTA Authorization is Annova LNG. Annova LNG is a limited liability company organized under the laws of Delaware. Annova LNG's principal place of business is 1001 Louisiana Street, Suite 2300, Houston, Texas 77002.

### *C. Name and Location of Export Facility*

The Non-FTA Authorization permits Annova LNG to export LNG from the Annova LNG Terminal at the Brownsville Ship Channel in Cameron County, Texas. The Annova LNG terminal will be comprised of gas pre-treatment facilities; six liquefaction trains, each with a nameplate liquefaction capacity of 1 million metric tonne per annum ("MTPA"); two 160,000-cubic-meter, single-containment LNG storage tanks; one marine vessel loading berth, which will include a 1,500-foot-diameter turning basin; control, administrative, and support buildings; a new 2.9-mile-long main access road for both construction and operation; utilities infrastructure for power, water, and telecommunications systems; and associated infrastructure.<sup>11</sup>

### *D. Existing Long-Term DOE/FE Order Subject to This Application*

The existing Non-FTA Authorization subject to this Application is summarized below:

<u>Docket No.</u>	<u>Order No.</u>	<u>Date Issued</u>	<u>Authorized Volume</u>	<u>Type</u>
19-34-LNG	4491	Feb 10, 2020	360 Bcf/yr (6.95 MTPA)	Non-FTA, long-term

The volumes authorized under the FTA Authorization (360 Bcf/yr) and Non-FTA Authorization (360 Bcf/yr) are not additive. Cumulatively, Annova LNG is authorized to export on a long-term basis up to 360 Bc/yr of domestically-produced LNG to FTA or Non-FTA nations.

---

<sup>11</sup> *Annova LNG Common Infrastructure, LLC*, 169 FERC ¶ 61,132 at P 6 (2019), *reh'g denied*, 170 FERC ¶ 61,140 (2020).

### ***E. Final Order Issued by Federal Energy Regulatory Commission***

On November 22, 2019, the Federal Energy Regulatory Commission (“FERC”) issued an order authorizing the Project under section 3 of the NGA, allowing Annova LNG to site, construct, and operate facilities of the liquefaction and export of domestically produced natural gas at the Brownsville Ship Channel in Cameron County, Texas (“Authorization Order”).<sup>12</sup> On February 21, 2020, FERC issued an order denying requests for rehearing of the Authorization Order.<sup>13</sup>

### ***F. Requested Amendment***

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

While Annova LNG does not propose to amend the annual export volumes (*i.e.*, Bcf/y) authorized in the Non-FTA Authorization, Annova LNG requests authorization for the increase in total export volume over the life of the Non-FTA Authorization corresponding with the requested extension in export term through December 31, 2050.

## **III. THE REQUESTED AMENDMENT IS IN THE PUBLIC INTEREST**

Annova LNG’s Non-FTA Authorization in DOE/FE Order No. 4491 is governed by section 3(a) of the NGA, which provides that:

[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.<sup>14</sup>

NGA section 3(a) creates a rebuttable presumption that a proposed export of natural gas is in the public interest.<sup>15</sup> 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.<sup>16</sup>

---

<sup>12</sup> *Id.*

<sup>13</sup> *Annova LNG Common Infrastructure, LLC*, 170 FERC ¶ 61,140 (2020).

<sup>14</sup> 15 U.S.C. § 717b(a).

<sup>15</sup> *See, e.g., Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017).

<sup>16</sup> *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

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.<sup>17</sup> In conducting its public interest review, DOE/FE is also guided by the 1984 Policy Guidelines<sup>18</sup> and DOE Delegation Order No. 0204-111.<sup>19</sup> 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 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.<sup>20</sup>

In approving the Non-FTA Authorization, DOE/FE conducted an extensive public interest review of exports from the Annova LNG terminal, including an evaluation of domestic need for the natural gas proposed for export. Based on these reviews, DOE/FE found that the proposed exports were not shown to be inconsistent with the public interest.<sup>21</sup>

#### ***A. Domestic Natural Gas Supply, Demand, and Price***

Current market data and studies demonstrate that exports of domestically produced LNG from the Annova LNG Terminal through 2050 remains in the public interest. As the Annova LNG

---

Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations at 11 (Apr. 25, 2017).

<sup>17</sup> 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*].

<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> See, e.g., *Venture Global* at 20; *Eagle LNG* at 20; *Gulf LNG* at 21.

<sup>21</sup> See DOE/FE Order No. 4491 at 44.

Non-FTA Authorization and the Policy Statement recognized, the DOE-commissioned 2018 LNG Export Study<sup>22</sup> and the U.S. Energy Information Administration’s (“EIA”) Annual Energy Outlook 2020 (“AEO 2020”)<sup>23</sup> “project robust domestic supply conditions that are more than adequate to satisfy both domestic needs and exports of LNG . . . through December 31, 2050.”<sup>24</sup>

The AEO 2020 predicts that the United States will remain a net natural gas exporter through 2050.<sup>25</sup> 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.<sup>26</sup> In 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.<sup>27</sup>

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.”<sup>28</sup> The 2018 LNG Export Study found that increased domestic LNG exports “leads to only small increases in U.S. natural gas prices.”<sup>29</sup> 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.<sup>30</sup> 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.”<sup>31</sup>

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

---

<sup>22</sup> 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].

<sup>23</sup> 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].

<sup>24</sup> Policy Statement, 85 Fed. Reg. at 52242.

<sup>25</sup> AEO 2020 at 11.

<sup>26</sup> AEO 2020 at tbl. 13, available at <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2020&cases=ref2020&sourcekey=0>.

<sup>27</sup> *Id.*

<sup>28</sup> AEO 2020 at 48.

<sup>29</sup> 2018 LNG Export Study at 55

<sup>30</sup> *Id.* At 18-21.

<sup>31</sup> *Id.*



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.<sup>32</sup> Consistent with the findings in the 2018 LNG Export Study, the Policy Statement concluded that “exports of U.S. LNG under the proposed term extension [*i.e.*, through December 31, 2050] will generate positive economic benefits in the United States through the year 2050.”<sup>33</sup>

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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

## ***B. Other Public Interest Considerations***

### ***i. Environmental Issues***

Annova LNG does not propose to modify its facilities to allow for the proposed export term extension requested herein and does not request to increase the annual authorized volumes under the Non-FTA Authorization. As noted in Section I, the Annova LNG FTA Authorization has a 30-year term, extending beyond December 31, 2050. Should DOE/FE grant Annova LNG’s request to extend the terms of its Non-FTA Authorization, the increase in overall exports over the life the authorization will not be inconsistent with the public interest.

---

<sup>32</sup> Policy Statement, 85 Fed. Reg. at 52243.

<sup>33</sup> *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.

<sup>34</sup> *Id.* at 52240-41.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

In 2019, DOE commissioned an update to its Life Cycle Analysis Greenhouse Gas Report (the “LCA GHG Update”).<sup>37</sup> 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.<sup>38</sup> 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.”<sup>39</sup> 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.”<sup>40</sup> 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.<sup>41</sup>

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.”<sup>42</sup> 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

---

<sup>37</sup> 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).

<sup>38</sup> *See id.* at 78, 85.

<sup>39</sup> 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”)).

<sup>40</sup> *Id.* at 52240 (citing DOE Response to Comments on 2019 Update.)]

<sup>41</sup> *Id.* at 52246.

<sup>42</sup> 2018 LNG Export Study at 64.

for many U.S. allies and trading partners.”<sup>43</sup> The amendment 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 Annova LNG’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.<sup>44</sup> DOE concluded that it has discretion pursuant to section 590.404 of its regulations<sup>45</sup> 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.<sup>46</sup> Based on the foregoing evidence that the requested amendment is consistent with the public interest, Annova LNG respectfully submits that 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**

As the lead agency for compliance with the National Environmental Policy Act (“NEPA”),<sup>47</sup> FERC issued a final Environmental Impact Statement (“EIS”) for the Liquefaction Project on April 19, 2019.<sup>48</sup> DOE/FE participated as a cooperating agency in FERC’s environmental review and adopted FERC’s final environmental impact statement.<sup>49</sup>

No construction, operational changes, or other modifications are required to the Annova LNG terminal to allow for the proposed export term extension requested herein. Accordingly, this Application qualifies for a B5.7 categorical exclusion pursuant to 10 C.F.R. Part 1021, Subpart D, Appendix B.<sup>50</sup> Annova LNG therefore respectfully requests that DOE/FE find that Annova LNG’s proposed exports are categorically excluded from further review under NEPA.

---

<sup>43</sup> Policy Statement, 85 Fed. Reg. at 52244.

<sup>44</sup> *Id.*

<sup>45</sup> 10 C.F.R. § 590.404 (2020).

<sup>46</sup> Policy Statement, 85 Fed. Reg. at 52239.

<sup>47</sup> 42 U.S.C. § 4321 *et seq.*

<sup>48</sup> *Annova LNG Brownsville Project*, Final Environmental Impact Statement, FERC Docket No. CP16-460-000 (Apr. 19, 2019).

<sup>49</sup> DOE/FE Order No. 4491 at 4, 40. *See also* Letter from Amy Sweeney, DOE/FE, to Julie Roemele, U.S. Env’tl. Prot. Agency (Apr. 26, 2019) (adoption of final EIS); U.S. Env’tl. Prot. Agency, Environmental Impact Statements; Notice of Availability, 84 Fed. Reg. 19,074 (May 3, 2019).

<sup>50</sup> 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

## V. APPENDICES

Appendix A: Verification  
Appendix B: Opinion of Counsel

## VI. CONCLUSION

WHEREFORE, for the foregoing reasons, Annova LNG respectfully requests that DOE/FE (i) amend the export term for the Non-FTA Authorization to provide for a term ending on December 31, 2050, and (ii) authorize attendant increases in the total export volumes over the life of the and Non-FTA Authorization corresponding with the requested extension in export term.

Respectfully Submitted,

/s/ Susan B. Bergles  
Susan B. Bergles  
Exelon Corporation  
1310 Point Street, 8th Floor  
Baltimore, MD 21231  
(410) 470-1553  
susan.bergles@exeloncorp.com

Dated:

November 24, 2020

---

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.

## **APPENDIX A**

### **Verification**

## VERIFICATION

I, Susan B. Bergles, declare that I am the legal counsel for Annova LNG Common Infrastructure, LLC 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 that the foregoing is true and correct.

Executed in Baltimore, Maryland on November 24, 2020.

/s/ Susan B. Bergles  
Susan B. Bergles  
Exelon Corporation  
1310 Point Street, 8th Floor  
Baltimore, MD 21231  
(410) 470-1553  
susan.bergles@exeloncorp.com

## **APPENDIX B**

### **Opinion of Counsel**

**OPINION OF COUNSEL**

November 24, 2020

Ms. Amy Sweeney  
Office of Fossil Energy, FE-34  
U.S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585

**Re: Annova LNG Common Infrastructure, LLC  
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) (2019). I am Assistant General Counsel to Annova LNG Common Infrastructure, LLC (“Annova LNG”).

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

Respectfully submitted,

/s/ Susan B. Bergles  
Susan B. Bergles  
Exelon Corporation  
1310 Point Street, 8th Floor  
Baltimore, MD 21231  
(410) 470-1553  
susan.bergles@exeloncorp.com



## 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 this 24th day of November, 2020.

/s/ Lamiya Rahman

Lamiya Rahman

Blank Rome LLP

1825 Eye Street, NW

Washington, DC 20006

Tel.: (202) 420-2662

lrahman@blankrome.com