CRYOPEAK

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28th June, 2022

Ms. Beverly Howard
Office of Fossil Energy and Carbon Management,
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

FECM Dkt. No. 22-63-LNG

RE: Cryopeak LNG Solutions Corporation Application for Long-Term and Short-Term, Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations

Dear Ms. Howard,

Cryopeak LNG Solutions Corporation ("**Cryopeak**") is a company incorporated under the laws of British Columbia and Canada which has a place of business at 1263-13351 Commerce Parkway, Richmond, British Columbia, V6V 2X7, Canada. Pursuant to Section 3 of the Natural Gas Act ("NGA"), 15 U.S.C. § 717b, and Part 590 of the Department of Energy's regulations, 10 C.F.R. Pt. 590, Cryopeak is submitting its Application for Long-Term and Short-Term, Multi-Contract Authorizations to Export and Import Liquefied Natural Gas ("**LNG**") to and from Free Trade Agreement and Non-Free Trade Agreement Nations. The request is made under Small Scale Export Rule based on the following:

- Up to 51.75 BCF/year (0.14 BCF/day) of LNG export from the US,
- Up to 51.75 BCF/year (0.14 BCF/day) of LNG import to the US,
- Transportation of LNG by truck, or vessel as approved by various agencies and regulators.

Cryopeak is currently in the process of finalizing a LNG supply agreement to a major LNG distributor with extensive small scale LNG distribution in Europe. The delivery of LNG is planned to be sourced from East Coast LNG production facilities from the US and Canada. Under the agreement LNG supply will commence in September 2022 or as soon as this Authorization is approved.

Attached to this application are the following three Appendices: Appendix A, Verification; Appendix B, Opinion of Counsel; and Appendix C, List of Liquefaction Facilities and Ports.

Once approved we request that this new Authorization replace Cryopeak's existing DOE/FE Order No. 4668 (DOE/FE Order No. 4668-A) which we request remains in effect until the new Authorization is approved and effective.

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Please feel free to contact our office if there are any questions or additional information needed.

Calum McClure
Chief Executive Officer

Signature on Behalf of
Cryopeak LNG Solutions Corp.

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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

APPLICATION OF CRYOPEAK LNG SOLUTIONS CORPORATION FOR LONG TERM AND SHORT-TERM MULTI-CONTRACT AUTHORIZATIONS TO EXPORT AND IMPORT LIQUEFIED NATURAL GAS TO FREE TRADE AGREEMENT AND NON-FREE TRADE AGREEMENT NATIONS

Pursuant to Section 3 of the Natural Gas Act ("NGA"), 15 U.S.C. § 717b, and Part 590 of the Department of Energy's ("DOE") regulations, 10 C.F.R Pt. 590 Cryopeak LNG Solutions Corporation ("Cryopeak") submits this application ("Application") requesting that the DOE Office of Fossil Energy ("DOE/FE") grant consolidated long-term and short-term multi-contract authorization for Cryopeak to engage in the export and import on a cumulative basis of up to 51.75 billion cubic feet ("Bcf") per year of liquefied natural gas ("LNG") with:

(1) any country with which the United States currently has, or, in the future may enter into, a free trade agreement requiring national treatment for trade in natural gas ("FTA Nations")[1] and;

(2) any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy ("Non-FTA Nations"). [1] Cryopeak requests that its long-term authorization commence on approval and ends on December 31st 2050, consistent with

[1] 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. See, e.g., Port Arthur LNG Phase II, LLC, DOE/FE Order No. 4562 at 8, FE Docket No. 20-23-LNG (July 14, 2020) ("Port Arthur"); Commonwealth LNG, LLC, DOE/FE Order No. 4521 at 5, FE Docket No. 19-134-LNG (Apr. 17, 2020) ("Commonwealth"). Cryopeak asks that its authorization also include authority to export LNG to any other nation with which, in the future, the United States enters into an FTA requiring national treatment for trade in natural gas, consistent with DOE/FE's usual practice. See, e.g., Port Arthur at 12; Commonwealth at 9.

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DOE/FE's recent policy statement extending natural gas export authorization for Non-FTA Nations[2] through December 31, 2050,[2] and that its long-term authorization include authority to export the same approved volume for transactions of less than two years on a non-additive basis, consistent with DOE/FE's recent policy statement determining to consolidate short-term and long-term authority in a single authorization to streamline its regulatory process and reduce administrative burdens.[3] Cryopeak requests its existing order DOE/FE Order No. 4668-A be vacated and replaced with this single consolidated authorization once this new authorization is approved.

Cryopeak plans to

(1) source LNG from small scale liquefaction and peak shaving facilities located in the United States for export

(2) source LNG from small scale liquefaction and peak shaving facilities located in Canada and Mexico for import to the United States

(3) transport LNG by

a. Road using approved Department of Transportation approved highway trailers, primarily between Canada the United States and Mexico;

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[2] Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, 85 Fed. Reg. 52,237 (Aug. 25, 2020) ("Term Extension Policy Statement"). As DOE/FE observed in the Term Extension Policy Statement, "[t]he principal conclusion of the 2018 LNG Export Study is that the United States will experience net economic benefits from the export of domestically produced LNG through the 30-year study period, i.e., from 2020 through 2050." Id. at 52,240.

[3] Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, available at;
https://www.energy.gov/sites/prod/files/2020/12/f82/ST%20Exports%20Policy%20Statement_0. pdf (signed and released Dec. 18, 2020)

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b. Vessel using either ISO tanks loaded onto ocean going vessels or barges, or, small volume LNG carriers or LNG barges;

Cryopeak has executed contracts to purchase, export and import LNG between the United States and Canada and has successfully established a trade in small scale LNG. Cryopeak is seeking to expand this experience and expertise to regional and international markets, including, but not limited to Caribbean, Central America and South America. Cryopeak is also in the process of negotiating purchase agreements with several existing liquefaction facilities interested in supplying LNG to Cryopeak for exportation. The feedstock natural gas supply for US Liquefaction facilities used for export shall be secured from the US pipeline network. The likely sources of natural gas feedstock are from the Marcellus basin for liquefaction facilities located in Eastern US, the Permian and Eagle Ford Basins for Liquefaction facilities located in Southern US, and the Montney Basin located in Canada for facilities located in Northwestern US. In appendix C hereto, Cryopeak provides a list of facilities that are interested in supplying LNG to Cryopeak and others which may be used (including existing facilities and facilities under development), a brief description of these facilities, and a list of ports from which the LNG may be exported.[4] To the extent Cryopeak seeks to purchase LNG from facilities or to export LNG from ports that are not included in Appendix C Cryopeak will notify DOE/FE of such facilities and ports. Cryopeak requests export authority on behalf of itself and as agent for other title holders of LNG.

[4] DOE/FE recently approved an application listing potential sources of LNG supply without executed contracts, subject to subsequent submission of executed agreements. See SpotX Energy, LLC, DOE/FE Order No. 4461, FE Docket No. 19-104-LNG (Nov. 8, 2019) (long-term authorization); SpotX Energy, LLC, DOE/FE Order No. 4462, FE Docket No. 19-105-LNG (Nov. 8, 2019) (short-term authorization) ("SpotX Orders").

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Cryopeak commits that it will comply with all requirements imposed by DOE/FE on Cryopeak as an exporter, importer, and agent including that Cryopeak will:

a. Register each LNG title holder for whom Cryopeak seeks to export as agent, with such registration including a written statement by the LNG title holder acknowledging and agreeing to comply with all applicable requirements imposed by DOE/FE in Cryopeak's export authorization and to incorporate those requirements in any subsequent purchase or sale agreement entered into by that title holder; and

b. File under seal with DOE/FE any relevant long-term commercial agreements once they have been executed, consistent with DOE/FE's established policy.[5]

In support of this Application, Cryopeak respectfully states the following;

I. DESCRIPTION OF THE APPLICANT

The exact legal name of the applicant is Cryopeak LNG Solutions corporation. It is a corporation organized under the laws of British Columbia and Canada with its principal place of business at 1263-13351 Commerce Parkway, Richmond, British Columbia, V6V 2X7, Canada. Cryopeak LNG Solutions Corporation major shareholder is BP Energy Partners L.L.C, a Dallas based private equity firm focused on investments in the energy transition to a Lower carbon future. Shareholding of Cryopeak LNG Solutions Corporation is as follows; BP Energy Partners L.L.C. holds 93.3%, Calum

[5] DOE/FE has found that the commitment to file contracts once executed complies with the requirement of 10 C.F.R. § 590.202(b) to provide transaction-specific information "to the extent practicable." See, e.g., Sabine Pass Liquefaction, LLC, DOE/FE Order No. 2961 at 41, FE Docket No. 10-111-LNG (May 20, 2011); Cheniere Marketing, LLC, DOE/FE Order No. 4519 at 8-9, FE Docket No. 19-124-LNG (Apr. 14, 2020); Commonwealth at 7.

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McClure Founder and CEO owns 3.2%, 0943084 BC Ltd, a company incorporated under the laws of British Columbia and Canada, owns 2.3%, two former executives of the company own 0.9% and 0.1%, the spouse of one former executive owns 0.2%. 0943084 BC Ltd is owned jointly between Calum McClure and spouse, Lorraine McClure, each holding 50% of the outstanding shares. Calum McClure, Lorraine McClure, both former executives, and the spouse of the former executive are Canadian Nationals residing in British Columbia, Canada.

II. COMMUNICATIONS

All communications and correspondence regarding this application should be addressed to:

Cryopeak Calum McClure Chief Executive Officer Cryopeak LNG Solutions Corporation 1263-13351 Commerce Parkway Richmond, BC V6V 2X7 Phone: 604-278-4430 Email: calum.mcclure@cryopeak.com		**US Agent** Nathan Brawn Managing Director BP Energy Partners Suite 400, 2911 Turtle Creek Blvd. Dallas, Texas 75219 Phone: 214-265-8473 Email: nathan@bpenergypartners.com

III. UNDER THE NGA, CRYOPEAK'S EXPORT OF UP TO 51.75 BCF/YEAR OF LNG TO FTA COUNTRIES IS CONSISTENT WITH PUBLIC INTEREST

Under NGA Section 3(c), "the exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be

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deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay."[6]

As directed by NGA Section 3(c), Cryopeak's request to export LNG to FTA countries "shall be deemed to be consistent with the public interest," and DOE/FE should grant such authorization without modification or delay. This is consistent with DOE/FE practice of promptly granting authorization without modification or delay. This is consistent with DOE/FE practice of promptly granting authorizations for export to FTA nations pursuant to the statutory mandate.[7]

IV. UNDER THE SMALL-SCALE EXPORT RULE, CRYOPEAK'S EXPORT AND IMPORT OF UP TO 51.75 BCF/YEAR OF LNG TO NON-FTA NATIONS IS CONSISTENT WITH THE PUBLIC INTEREST

NGA Section 3(a) requires that parties seeking to export natural gas to Non-FTA nations submit an application to the Secretary or Energy, who "shall issue" an order approving the application "unless...the proposed exportation...will not be consistent with the public interest."[8] Section 3(a) of the NGA "creates a rebuttal presumption that proposed exports of natural gas are in the public interest."[9] Therefore, DOE/FE "must grant such an application unless opponents of

[6] 15 U.S.C. § 717b(c) (2018).
[7] See, e.g., SpotX Energy, LLC, DOE/FE Order No. 4461, FE Docket No. 19-104-LNG (Nov. 8, 2019) (two and a half months).
[8] 15 U.S.C. § 717b(a) (2018). This authority has been delegated to the Assistant Secretary for Fossil Energy pursuant to Redelegation Order No. 00-002.04G issued on June 4, 2019.
[9] Sabine Pass Liquefaction, LLC, Opinion and Order Denying Request for Review Under Section 3(c) of the NGA at 4, FE Docket No. 10-111-LNG (Oct. 21, 2010).

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the application overcome that presumption by making an affirmative showing of inconsistency with the public interest."[10]

Small-scale natural gas exports are deemed to be consistent with the public interest under section 3(a) of the Natural Gas Act, 15 U.S.C. § 7127b(a). See 10 C.F.R. § 590.208(a); 10 C.F.R § 590.102(p); [11] U.S. Dep't of Energy, Small-Scale Natural Gas Exports, Final Rule, 83 Fed Reg. 35, 106 (July 25, 2018) ("Small-Scale Export Rule"). Specifically, Section 590.208(a) provides that "small-scale natural gas exports are deemed to be consistent with the public interest" under NGA Section 3(a) and that DOE/FE "will issue an export authorization upon receipt of any complete application to conduct small-scale natural gas exports."

In determining that small-scale exports up to and including 51.75 Bcf/yr are consistent with the public interest under NGA Section 3(a),[12] DOE explained the extensive information that it considered to reach that conclusion:

> *DOE ... considered its obligations under NGA section 3(a), the public comments received on the proposed rule, and a wide range of information bearing on the public interest, including (but not limited to) information on economic impacts, international impacts, security of domestic natural gas supply, and environmental impacts associated with these exports.*

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[10] See, e.g., Jordan Cove Energy Project, L.P., DOE/FE Order No. 3413 at 6, FE Docket No. 12-32-LNG (Mar. 24, 2014); Cameron LNG, LLC, DOE/FE Order No. 3391 at 6, FE Docket No. 11-162-LNG (Feb. 11, 2014); Freeport LNG Expansion, L.P., DOE/FE Order No. 3357 at 8, FE Docket No. 11-161-LNG (Nov. 15, 2013).

[11] Section 590.102(p) defines a small-scale natural gas export as "an export of natural gas to nations with which there is not in effect a free trade agreement with the United States requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy, provided that the application for such export authority satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including 51.75 billion cubic feet per year, and (2) DOE's approval of the application does not require an environmental impact statement or an environmental assessment under the National Environmental Policy Act, 42 U.S.C. 4321 et seq."

[12] See Small-Scale Export Rule, 83 Fed. Reg. at 35,108 ("In issuing this final rule, DOE has determined that small-scale natural gas exports are consistent with the public interest under NGA section 3(a).").

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> *Additionally, DOE has considered the 29 final non-FTA export authorizations issued to date, as well as authoritative projections for natural gas supply, demand, and prices set forth in the U.S. Energy Information Administration's (EIA) Annual Energy Outlook 2017... and Annual Energy Outlook 2018 (AEO 2018). With respect to the regulatory criteria established by this rulemaking, DOE considered industry sources in establishing the volume limitation, as well as its obligations under NEPA in establishing the NEPA criterion.*
>
> *In sum, DOE has thoroughly analyzed the many factors affecting the export of U.S. natural gas, as well as the unique characteristics and minimal adverse impacts of the emerging small-scale natural gas market. On this basis (and as discussed in the proposed rule), DOE as determined that the final rule is in accordance with section 3 of the NGA.*[13]

DOE/FE recognized that there are emerging markets for small-scale natural gas exports in many countries that previously have not been targeted by larger scale LNG projects due to practical and economic constraints. DOE/FE noted that these markets include, but are not limited to, countries in the Caribbean, Central America and South America that can be served by a variety of transportation modes.[14]

Relying on EIA's 2017 and 2018 AEOs, DOE/FE found that there are ample natural gas resources to meet the demand for natural gas in the United States and to export the volume of gas associated with small-scale export authorizations.[15] DOE/FE therefore concluded that small-scale exports will not adversely affect the availability of natural gas supplies to domestic consumers. It explained: "The implication of the latest EIA projections in AEO 2017 and AEO 2018

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[13] Id. (internal citations and quotations omitted).
[14] Id. at 35,114.
[15] Id. at 35,109-110. In fact, natural gas production continued to grow in 2019. See U.S. EIA, U.S. natural gas production grew again in 2019, increasing by 10%, available at

https://www.eia.gov/todayinenergy/detail.php?id=43115#:~:text=U.S.%20natural%20gas%20gross%20withdrawals,%2C%20respectively%2C%20in%20November%202019 (Mar. 10, 2020) ("U.S. natural gas production grew by 9.8 billion cubic feet per day (Bcf/d) in 2019, a 10% increase from 2018.").

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is that a significantly greater quantity of natural gas is projected to be available at a lower cost than was estimated seven years ago."[16] DOE/FE also concluded that "small-scale natural gas exports are expected to generate positive economic benefits in the United States through direct and indirect job creation, increased economic activity, tax revenues, and improved U.S. balance of trade."[17] DOE/FE found small-scale exports from the U.S. will provide benefits to countries in emerging markets because "these countries will have access to a more reliable, cost-effective supply of energy that also has emissions benefits over current energy sources."[18] Finally, DOE/FE concluded that small-scale natural gas exports "will fulfill an important need for natural gas in importing countries that often lack the customer demand, waterway infrastructure, and transmission infrastructure necessary to handle large quantities of natural gas and large LNG carriers."[19]

Cryopeak plans to sell LNG to emerging markets identified by DOE/FE in the Small-Scale Export Rule. As recognized by DOE/FE these emerging markets have unmet demand for natural gas. Cryopeak can support these new small-scale markets with exports of LNG pursuant to the requested authorizations. The various modes of transportation requested are all applicable in small scale LNG export and import. Transportation of LNG by truck will be undertaken using approved DOT highway trailers, and or ISO tanks which is currently undertaken by Cryopeak between Canada and the United States. Transportation by sea shall be undertaken either by ISO

[16] Small Scale Export Rule, 83 Fed. Reg. at 35,109.
[17] Id. at 35,112.
[18] Id. at 35,112-13.
[19] Id. at 35,113.

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tanks on ocean going vessels, or, small-scale LNG vessels or LNG barges. Small scale LNG vessels and barges are emerging in ship owners and operators fleets to support new emerging small scale markets, such as LNG bunkering and regional LNG distribution. Historically, the world fleet of LNG carriers has mainly been comprised of large scale LNG carriers typically with capacities of up to 266,000m^3. For the purpose of this request small scale vessels and barges are considered to have a gross volumetric capacity of up to 30,000m^3. This capacity reflects the maximum size of vessel Cryopeak would consider using for the markets considered in this request. Vessels and barges loading at existing facilities would comply with United States Coastguard requirements including but not limited to the requirements of 33 CFR 127 including waterway suitability assessments for each Port and facility being considered. Cryopeak intends to supply LNG to power generation, industrial process, and commercial users of natural gas through the provision of services related to LNG sourcing, transportation and onsite storage and regasification solutions. These potential users are currently dependent on coal, diesel, heavy fuel oil or propane as their primary fuel sources. There are benefits in using natural gas as there is a reduction of CO_2 emissions as well as a significant reduction of SOx, NOx and black carbon emissions. As the DOE/FE recognized in the Small-Scale Export rule, given that these emerging markets often lack the demand, infrastructure to support large scale LNG vessel, storage, and regassification facilities, small scale natural gas exports, and small-scale transport solutions are important to support the use of natural gas enabling economic and environmental benefits to be realized.

To qualify for authorization under Section 590.208(a), the applicant must submit a complete application for authority to export no more than 51.75 Bcf/yr, and approval of the

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application must not require an environmental impact statement or environmental assessment under the National Environmental Policy Act, 42 U.S.C. § 4321, et seq. ("NEPA").[20] This application satisfies both conditions. As noted above, Cryopeak's request is for authorization 51.75 Bcf/yr considered as small-scale LNG exports. In addition, this application does not embrace the construction of any new facilities; thus, a categorical exclusion from the requirement that DOE/FE must perform a NEPA review applies.[21] Cryopeak therefore satisfies the two criteria and is eligible for a small-scale natural gas export authorization to Non-FTA nations.

V. CRYOPEAK'S REQUEST FOR EXPORT AUTHORITY IS CONSISTENT WITH RECENT APPROVALS GRANTED BY DOE/FE

The authority sought by Cryopeak herein is consistent with recent authorizations granted by DOE/FE. For example in the SpotX Orders, DOE/FE approved long-term and short term authorizations for LNG exports to FTA ad Non-FTA Nations from ports listed in the SpotX application using LNG sourced from facilities listed in the application.[22] Like Cryopeak, SpotX had not yet concluded commercial agreements for the purchase or sale of the LNG.[23] DOE/FE concluded that the requested authorizations were in the public interest pursuant to NGA Section 3 (c), DOE/FE's regulations at 10 C.F.R. § 590.208(a), and the Small-Scale Export Rule.[24]

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[20] 10 C.F.R. §§ 590.102(p); 590.208(a).
[21] See 10 C.F.R. § 1021, Subpt. D, App. B5.7 (providing a categorical exclusion to "Approvals 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.").
[22] DOE/FE Order No. 4461 at 9; DOE/FE Order No. 4462 at 8-9.
[23] See DOE/FE Order No. 4461 at 5.
[24] DOE/FE Order No. 4461 at 9; DOE/FE Order No. 4462 at 8-9.

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Consistent with its standard practice, DOE/FE imposed various conditions in the SpotX Orders that Cryopeak agrees to accept. Among others, DOE/FE required that where SpotX exports LNG as agent for other entities holding title to the LNG, SpotX must register those entities with DOE/FE and provide certain prescribed information.[25] DOE/FE also required SpotX to file or cause to be filed any long term commercial agreements associated with the supply of natural gas to the facilities and the purchase and export of LNG by SpotX, including agreements under which SpotX would export LNG as an agent for other entities. DOE/FE gave SpotX the option of filing unredacted long-term contracts or filing long term contracts under seal, along with a public copy of each contract with commercially sensitive information redacted, or a summary of the major provisions of the contract.[26] Cryopeak will comply with these same conditions.

VI. LIST OF APPENDICES

The below Appendices are attached hereto consistent with Section 590.202 of DOE/FE's regulations:

Appendix A: Verification

Appendix B: Opinion of Counsel

Appendix C: List of Liquefaction Facilities and Ports

[25] DOE/FE Order No. 4461 at 12-13; see also Freeport LNG Expansion, L.P., DOE/FE Order No. 2913 (Feb. 10, 2011) (approving proposal to register each LNG title holder for which applicant sought to export LNG as agent).
[26] DOE/FE Order No. 4461 at 10.

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VII. CONCLUSION

For the reasons set forth in this application, Cryopeak respectfully requests that DOE/FE grant the authorizations requested herein as consistent with the public interest.

Respectfully submitted,

Name: Calum McClure

Title: Chief Executive Officer

Signature on Behalf of

Cryopeak LNG Solutions Corp.

Dated: 28th June 2022

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APPENDIX A

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

VERIFICATION

The undersigned attests that he is the CEO of Cryopeak LNG Solutions Corporation, that he is authorized to make this verification, that he has read the foregoing application and that the statements, and matters contained therein are true and correct to the best of his information, knowledge and belief.

Calum McClure
CEO

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APPENDIX B

OPINION OF COUNSEL

THE GARDEN LAW GROUP

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June 22, 2022

U.S. Department of Energy
Office of Fossil Energy and Carbon Management
1000 Independence Avenue, SW
Washington, D.C. 20585
Attn: Ms. Beverly Howard

Re: Cryopeak LNG Solutions Corporation ("***Cryopeak***") – Application for Long-Term and Short-Term Multi-Contract Authorizations to Export Liquefied Natural Gas to FTA and Non-FTA Nations

Ladies and Gentlemen:

This opinion is provided pursuant to Section 590.202(c) of the Department of Energy Regulations, 10 C.F.R. §590.202(c), in support of the Application of Cryopeak for Long-Term and Short-Term Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations (the "***Application***").

We are legal counsel to Cryopeak, a company incorporated under the laws of British Columbia and Canada. We have reviewed and relied on the formation documents of Cryopeak, and it is our opinion that the proposed exports described in the Application are within the corporate powers of Cryopeak.

Very truly yours,

WARREN W. GARDEN, P.C.
(d/b/a The Garden Law Group)

By: Warren W. Garden
Warren W. Garden, President

WWG/dg

cc: Calum McClure

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APPENDIX C

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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LIQUEFACTION FACILITIES AND PORTS

Below is a list of the facilities from which Cryopeak is seeking authority to source LNG for export at this time and the ports from which such exports may be made. Cryopeak will notify DOE/FE of any additional facilities from which it will source LNG for export or any additional ports from which exports will be made prior to making such exports.

The following facilities have been licensed by, or are pending before, the Federal Energy Regulatory Commission ("FERC"). A description of the facilities may be found on the FERC e-Library website at the docket number provided:

1. Hackberry, Louisiana: 2.1 Bcfd (Sempra – Cameron LNG) (CP13-25) (Port: Cameron, LA). The company commenced commercial operations for Train No. 1 in August 2019, Trains No. 2 and No. 3 in March and August 2020, respectively.

2. Freeport, Texas: 2.14 Bcfd (Freeport LNG Dev/Freeport LNG Expansion/FLNG Liquefaction) (CP12-509) (CP15-518) (Port: Freeport, TX).

3. Corpus Christi, Texas: 1.4 Bcfd (Cheniere – Corpus Christi LNG) (CP12-507) (Port: Corpus Christi, TX).

4. Sabine Pass, Louisiana: 1.5 Bcfd (Sabine Pass Liquefaction) (CP13-552) (Port: Sabine Pass facility port, LA).

5. Elba Island, Georgia: 0.35 Bcfd (Southern LNG Company) (CP14-103) (Port: Elba Island, GA).

6. Sabine Pass, Texas: 2.1 Bcfd (ExxonMobil – Golden Pass) (CP14-517) (Port: Sabine Pass, TX).

7. Freeport, Texas: 0.72 Bcfd (Freeport LNG Dev) (CP17-470) (Port: Freeport, TX). Freeport LNG is developing a fourth natural gas liquefaction unit that will add to the three trains already in commercial operation. This expansion will allow for the export of an additional

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5+ mtpa of LNG, increasing Freeport LNG's total export capability to more than 20 mtpa of LNG per year.

8. Cameron Parish, Louisiana: 1.41 Bcfd (Venture Global Calcasieu Pass) (CP15-550) (Port: Cameron, LA).

The following facilities have not been licensed by FERC. A description of these facilities based on publicly available information is provided.

1. Coosada LNG facility, Spire Energy, Alabama 80 MMCF Total Capacity, LNG Source: Liquefaction (Port: Mobile, AL, Pensacola, FL, Panama City, FL, Port St. Joe, FL, Tampa, FL, Miami, FL, Port Everglades, FL, Jacksonville, FL).

2. Pinson LNG facility, Spire Energy, Alabama 120 MMCF Total Capacity, LNG Source: Liquefaction (Port: Mobile, AL, Pensacola, FL, Panama City, FL, Port St. Joe, FL).

3. East Lauderdale LNG Facility, Spire Energy, Alabama 2.988 MMCF Total Capacity, LNG Source: Truck (Port: Mobile, AL, Pensacola, FL, Panama City, FL, Port St. Joe, FL).

4. Double Springs LNG Facility, Spire Energy, Alabama .768 MMCF Total Capacity, LNG Source: Truck (Port: Mobile, AL, Pensacola, FL, Panama City, FL, Port St. Joe, FL).

5. Cherokee LNG Facility, Atlanta Gas Light Co. 624 MMCF Total Capacity, LNG Source: Liquefaction (Port: Panama City, FL, Port St. Joe, FL, Jacksonville, FL).

6. Macon LNG Facility, Atlanta Gas Light Co. 150 MMCF Total Capacity, LNG Source: Liquefaction (Port: Panama City, FL, Port St. Joe, FL, Jacksonville, FL).

7. Riverdale LNG, Atlanta Gas Light Co. 400 MMCF Total Capacity, LNG Source: Liquefaction (Port: Panama City, FL, Port St. Joe, FL, Jacksonville, FL).

8. Eagle LNG Partners, Maxville, Florida (Port: Talleyrand Marine Terminal on St. Johns River, FL, Panama City, FL, Pensacola, FL, Port St. Joe, FL) Eagle LNG has built a natural gas liquefaction plant near Jacksonville, FL, which offers a capacity of 200,000 gallons per day (87,000 gallons per day initially). The Maxville Facility is located west of downtown Jacksonville and features a 1,000,000-gallon storage tank and an LNG truck loading system.

9. Stabilis Energy, George West, Texas (Port: Houston, TX, Corpus Christi, TX) The George West LNG facility is a small-volume LNG production facility located in the Eagle Ford shale production area in George West, Texas. The facility is owned and operated by Flint Hills

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Resources and has a liquefaction capacity of 120,000 gallons per day and a 40,000 gallon LNG Fuel Depot in Odessa providing customers with access to LNG 24 hours a day. The facility features two truck loading racks that can load two transport trailers simultaneously in less than an hour.

10. New Fortress Energy, Miami, Florida (Port Miami, FL) The facility was the first privately owned LNG plant in Florida and the first to export LNG from the continental United States to a non-FTA country. 100,000 gallon per day LNG production capacity.

11. Clean Energy Pickens Plant, Willis, Texas (Port: Houston, TX, Galveston, TX) The Clean Energy LNG facility in Willis, Texas known as the Pickens Plant is a small-volume LNG production owned and operated by Clean Energy Fuels Corporation. The facility has a liquefaction capacity of 100,000 gallons per day and a storage capacity of 1 million gallons. The facility is capable of loading twelve (12) trucks per day.

12. NuBlu, Port Allen Plant, Louisiana (Port: Port Allen, Mississippi River, LA, New Orleans, LA, Panama City, FL, Pensacola, FL, Port St. Joe, FL) The Port Allen Plant is a small- volume LNG production facility owned and operated by NuBlu along the Mississippi River in Louisiana utilizing high and low-pressure natural gas pipelines. The 30,000 gallons per day facility, expandable to 90,000 gallons per day, is equipped with scales, loadout and 100,000 gallons of permanent storage.

13. JAX LNG, Jacksonville, Florida (Port: Jacksonville, FL, Panama City, FL, Pensacola, FL, Port St. Joe, FL) JAX LNG, a liquefied natural gas facility located at Dames Point in Jacksonville, Florida, is owned by subsidiaries of Southern Company Gas and North Star Midstream, LLC. It is the first small scale LNG facility in the United States with both marine and truck-loading capabilities. The JAX LNG facility has the capacity to produce 120,000 gallons of LNG per day and store more than 2 million gallons of LNG. There is room at the site to expand the facility and add two liquefaction trains and a second storage tank which would increase LNG production capacity to 600,000 gallons per day and store up to 4 million gallons.

14. Pivotal LNG, Trussville, AL (Port: Mobile, AL, Pensacola, FL, Panama City, FL, Port St. Joe, FL). Pivotal LNG, a wholly-owned subsidiary of Berkshire Hathaway Energy Gas Transmission and Storage, owns and operates the Trussville LNG plant located in Trussville, Alabama. The plant, placed in service in 1978, is the first LNG plant dedicated solely to the merchant market. The plant currently has storage of 4.8 million gallons and produces approximately 60,000 gallon per day. The facility has room for additional production and storage upgrades as the market requires in the future. Trussville has two scales and three loading racks to allow multiple transfers and truck loading operations simultaneously.

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15. Puget Sound Energy, Tacoma, WA, PSE's facility will produce up to 0.4 million metric tons per year. LNG is stored in a 8 million gallon tank. LNG is transferred to vessels and bunkering barges for LNG fueling.

16. Pivotal LNG, Towanda LNG facility, Wyalusing, Pennsylvania. The plant, placed in-service in 2021, is solely dedicated to the merchant market. Towanda produces approximately 50,000 gallons per day and has 180,000 gallons of storage.

The following plants have been permitted but are not yet operational.

1. Gulf LNG Energy, Southern Gulf LNG Company LLC, 1,500 MMCF Total Capacity, LNG Source: Liquefaction (Port: Pascagoula, MS, Pensacola, FL, Panama City, FL, Port St. Joe, FL).

2. Eagle LNG Partners, Jacksonville, Florida (CP17-41) (Port: Jacksonville, FL, Port St. Joe, FL, Panama City, FL, Pensacola, FL). The proposed facility will receive natural gas transported by a local utility through existing and expanded pipelines located adjacent to the Jacksonville project site. The project will have a processing capacity of 1.5 million gallons of LNG per day, with on-site LNG storage of 12 million gallons.

3. Lake Charles, Louisiana: 1.08 Bcfd (Magnolia LNG) (CP14-347) (Port: Lake Charles, LA). New York-based Glenfarne Group has won an extension on its Magnolia LNG project that gives it until April 2026 to put the new asset into service.

4. Port Arthur, Texas: 1.86 Bcfd (Port Arthur LNG) (CP17-20) (Port: Port Arthur, LA). The Port Arthur liquefaction project, as proposed in the FERC application, includes two natural gas liquefaction trains capable of producing, under optimal conditions, up to approximately 13.5 million metric tons per annum (mtpa), up to three LNG storage tanks and ancillary support facilities to liquefy and load LNG onto ships.

5. Lake Charles, Louisiana: 2.2 Bcfd (Southern Union – Lake Charles LNG) (CP14-120) (Port: Lake Charles, LA). Energy Transfer LP is proposing a large-scale LNG export facility in Lake Charles, Louisiana.

6. Calcasieu Parish, Louisiana: 4.0 Bcfd (Driftwood LNG) (CP17-117) (Port: Calcasieu Parish, LA, Cameron, LA). Driftwood LNG LLC, owned by Tellurian Inc., is developing a liquefied natural gas (LNG) production and export terminal on the west bank of the Calcasieu River, south of Lake Charles, Louisiana. Once complete, the terminal will be able to export up to 27.6 million tonnes of LNG per year.

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Canadian LNG Facilities

The following facilities are located in Canada and are used to import LNG into the United States. A description of the facilities may be found on their company websites:

1. Energir (formerly Gaz Métro), Montreal QC, Canada. Expansion completed in 2017 increased the plant's annual liquefaction capacity has been increased from 3 billion ft3 to over 9 billion ft3 (approx. 300,000 gpd).

2. FortisBC, Tilbury Island, BC, Canada. The expanded facility has liquefaction capacity of about 34,000 gigajoules of gas each day (about 390,000 gallons per day) and 1bcf of storage capacity.