

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

SPECTRUM LNG)
_____)

DOCKET NO. 22-142-LNG

ORDER GRANTING BLANKET AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS
TO MEXICO BY TRUCK

DOE/FECM ORDER NO. 4950

JANUARY 26, 2023

I. DESCRIPTION OF REQUEST

On October 26, 2022, Spectrum LNG filed an application with the Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE), under section 3 of the Natural Gas Act (NGA),¹ for blanket authorization to export liquefied natural gas (LNG) to Mexico by truck, in a total volume equivalent to 0.5 billion cubic feet (Bcf) of natural gas. The applicant requests the authorization be granted for a two-year term that began on December 1, 2022.² Spectrum LNG is requesting to export LNG by truck to Mexico on its own behalf and as agent for other entities who hold title at the time of export, by sale and purchase agreements with Spectrum LNG. Spectrum LNG is an Oklahoma limited liability company with its principal place of business in Ehrenberg, Arizona.

II. FINDING

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

¹ Authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2022 issued on June 13, 2022. On July 4, 2021, the Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management.

² Spectrum LNG's blanket authorization to export LNG to Mexico by truck, granted in DOE/FE Order No. 4631 on November 30, 2020, extended through November 30, 2022.

and, therefore, is consistent with the public interest. This Order authorizes transactions with terms of not greater than two years.

Additionally, Spectrum LNG requests authorization to act on its own behalf or as agent on behalf of other entities who hold title to the LNG pursuant to sales and purchase agreements with Spectrum LNG. DOE previously addressed the issue of Agency Rights in DOE/FE Order No. 2913,³ which granted Freeport LNG Expansion, L.P., *et al.* (collectively, FLEX) authority to export LNG to FTA countries. In that order, DOE approved a proposal by FLEX to register each LNG title holder for whom FLEX sought to export LNG as agent. DOE found that this proposal was an acceptable alternative to the non-binding policy adopted by DOE in *The Dow Chemical Company*,⁴ which established that the title for all LNG authorized for export must be held by the authorization holder at the point of export. DOE finds that the same policy considerations that supported DOE's acceptance of the alternative registration proposal in DOE/FE Order No. 2913 apply here as well.

DOE has reiterated its policy on Agency Rights procedures in authorizations, including in *Cameron LNG, LLC*.⁵ In that order, DOE determined that, in LNG export orders in which Agency Rights have been granted, DOE shall require registration materials filed for, or by, a LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.⁶

³ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 2913, Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations (Feb. 10, 2011).

⁴ *The Dow Chemical Company*, DOE/FE Order No. 2859, Docket No. 10-57-LNG, Order Granting Blanket Authorization to Export Liquefied Natural Gas, at 7-8 (Oct. 5, 2010), *discussed in Freeport LNG*, DOE/FE Order No. 2913, at 7-8.

⁵ *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 (July 10, 2015).

⁶ *See id.* at 8-9 (citation omitted).

The authorization granted herein shall be conditioned to require that where Spectrum LNG proposes to export LNG as agent for Registrants, Spectrum LNG must register with DOE those entities on whose behalf it will export LNG in accordance with the procedures and requirements described herein.

ORDER

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

A. Spectrum LNG is authorized to export LNG to Mexico, in a total volume equivalent to 0.5 Bcf of natural gas, pursuant to transactions that have terms of not greater than two years. This authorization shall be effective for a two-year term that began on December 1, 2022, and extends through November 30, 2024.

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

C. Spectrum LNG is permitted to use its authorization in order to export LNG by truck as agent for other entities, after registering the other entities with DOE. Registration materials shall include an acknowledgement and agreement by the Registrant to supply Spectrum LNG with all information necessary to permit Spectrum LNG to register that person or entity with DOE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 CFR Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; and (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed.

D. Each registration submitted pursuant to this Order shall have current information on file with DOE. Any changes in company name, contact information, or other relevant modification, shall be filed with DOE within 30 days of such change(s).

E. Spectrum LNG shall ensure that all persons required by this Order to register with DOE have done so.

F. **Monthly Reports:** With respect to the exports of LNG authorized by this Order, Spectrum LNG shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports of LNG have been made. Monthly reports must be filed whether or not initial deliveries have begun. If no exports have been made, a report of “no activity” for that month must be filed. If exports of LNG by truck have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at:

<https://www.energy.gov/fecm/guidelines-filing-monthly-reports>.

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

G. The first monthly report required by this Order is due not later than February 28, 2023, and should cover the reporting period from December 1, 2022, through January 31, 2023.

Issued in Washington, D.C., on January 26, 2023.

Amy R. Sweeney
Director, Office of Regulation, Analysis and Engagement
Office of Resource Sustainability