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May 19, 2023

U.S. Department of Energy
Office of Fossil Energy and Carbon Management
Office of Regulation, Analysis and Engagement
FE-34 - ROOM 3E-056
1000 Independence Avenue, S.W.
Washington DC 20585
Attention: Amy R. Sweeney
Director, Office of Regulation, Analysis and Engagement
Office of Resource Sustainability

Re: *Eagle LNG Partners Jacksonville II LLC*, FECM Docket Nos. 17-79-LNG and 22-168-LNG, DOE/FECM Order Nos. 4078, 4078-B and 4975 – Request for Redesignation of Previously Filed Contract Information, Summaries and Contracts in DOE/FECM Records to Reflect Currently Effective Export Authorization

Dear Ms. Sweeney:

I write on behalf of Eagle LNG Partners Jacksonville II LLC (“Eagle Maxville”) to request that the Department of Energy’s Office of Fossil Energy and Carbon Management modify its records and public web site offering access to long-term contract information pertaining to natural gas export authorizations to reflect the export authorization under which Eagle Maxville now operates.

As you are aware, on March 12, 2023, DOE/FECM issued to Eagle Maxville in Docket Nos. 22-168-LNG and 17-79-LNG an “Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations, for Small Scale Exports of Liquefied Natural Gas, and Vacating Prior Authorization.” In that Order, DOE/FECM granted Eagle Maxville’s request for long-term, multi-contract authorization to export domestically produced liquefied natural gas (“LNG”) (i) to any country with which the United States has, or in the future may enter into, a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (“FTA countries”), and (ii) under DOE’s regulations applicable to “small-scale natural gas

exports” (10 C.F.R. §§ 590.102(p) and 590.208(a)), to any country with which trade is not prohibited by United States law or policy (“non-FTA countries”). In so doing, DOE vacated, effective March 12, 2023, Eagle Maxville’s authorization to export LNG to FTA countries and non-FTA countries by vessel via approved ISO containers, granted under Docket No. 17-79-LNG in DOE/FE Order No. 4078 on September 15, 2017, as amended by DOE/FE Order No. 4078-A on December 30, 2020.

As a consequence of these actions, effective as of March 12, 2023, Eagle Maxville’s exports of LNG are conducted under the authorization granted in Docket No. 22-168-LNG by Order Nos. 4975 and 4078-B, not under the authorizations previously granted in Docket No. 17-79-LNG in Order Nos. 4078 and 4078-A. Eagle Maxville notes, however, that in DOE’s public records, available through <https://www.energy.gov/fecm/articles/long-term-contract-information-and-registrations>, the long-term contract information which Eagle Maxville has filed continues to be shown under Docket No. 17-79-LNG, the proceeding in which Eagle Maxville’s now-vacated authorization was granted.

Eagle Maxville continues to conduct export transactions under the PLH (Barbuda) Limited and Tiger Paw Marketing contractual arrangements that are listed at the referenced web page under Docket No. 17-79-LNG. Because those exports are now authorized through Order No. 4975 and 4078-B issued in Docket No. 22-168-LNG, they should appear in DOE’s records and through the Long-term Contract Information and Registrations web page under that Docket Number, not under Docket No. 17-79-LNG. Accordingly, Eagle Maxville respectfully requests that DOE revise its records and the referenced web page to reflect that Eagle Maxville now operates under the authorizations granted in Docket No. 22-168-LNG and to show its PLH (Barbuda) Limited and Tiger Paw Marketing contractual arrangements under that Docket Number. Docket No. 17-79-LNG should no longer be referenced as the source of Eagle LNG’s export authorizations.

Please note that the PLH (Barbuda) Limited and Tiger Paw Marketing contract documents Eagle Maxville has previously filed contain highly sensitive and confidential commercial, financial, and proprietary information. These documents were filed with DOE under seal on a confidential basis and not for public disclosure, as authorized by Order No. 4078. Eagle Maxville respectfully requests that DOE continue to treat these documents as confidential and not subject to public disclosure when they are redesignated as being filed in Docket No. 22-168-LNG. These contracts continue to meet the six criteria set forth in 10 C.F.R. § 1004.11(f) of DOE’s regulations for determining whether information is exempt from mandatory disclosure pursuant to the Administrative Procedure Act, 5 U.S.C. § 552(b)(4):

- (1) They have been held in confidence by Eagle Maxville and its counterparties, and each contract contains a confidentiality provision;
- (2) Each contract contains information of a type that is customarily held in confidence by the parties, and there is a reasonable basis to keep sensitive commercial terms, including but not limited to pricing terms, confidential to avoid competitive harm;

Amy Sweeney

May 19, 2023

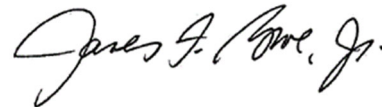
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- (3) Eagle Maxville has submitted the contracts to DOE/FECM under seal, with a request to keep each contract confidential;
- (4) The contracts are not publicly available;
- (5) Public disclosure of the contracts would likely cause other export license holders or registrants to be reluctant to submit unredacted copies of their gas supply agreements to DOE/FECM; thus, public disclosure of these contracts could impair DOE/FECM's ability to obtain similar information from others in the future; and
- (6) Disclosure of the unredacted contracts is likely to cause substantial harm to the competitive positions of Eagle Maxville and its counterparties.

For the foregoing reasons, Eagle Maxville respectfully requests that (i) DOE/FECM transfer the contracts and contract summaries currently associated with Eagle Maxville under Docket No. 17-79-LNG to Docket No. 22-268-LNG, and (ii) DOE/FECM maintain in confidence the non-redacted copies of each contract.

Please contact me if you have any questions.

Sincerely,



James F. Bowe, Jr.
Partner

JFB:

cc: Peri Ulrey, DOE FECM (peri.ulrey@hq.doe.gov)