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**By Docket Room at 09/18/2023 8:00 a.m.**

**From:** John & Barbara  
**To:** FERGAS  
**Cc:** John Young & Barbara Hill  
**Subject:** [EXTERNAL] Regarding Docket Number 15-190-LNG (Rio Grande LNG) 08-16-2023 Statement and Notice of Change in Control  
**Date:** Saturday, September 16, 2023 12:21:06 PM

My wife is a retired health professional (master's degrees in Public Health and Nursing Science). I am a retired mental health professional (master's degrees in Psychology and Clinical Social Work). We live and have two rental properties about an hour's drive from the Rio Grande LNG project lease site at the Port of Brownsville TX. We first learned that LNG export operations were targeting our local Port of Brownsville on 05-05-2014 via a Closer To Home segment on our local National Public Radio affiliate station. The following Sunday we participated in a field trip of local folks to get an idea of the proposed Rio Grande LNG, Annona LNG, and Texas LNG project sites. At the end of the field trip, we voted to form Save RGV from LNG (now simply Save RGV).

I'm registered with FERC as an Intervenor opposed to:

- 1) The originally paired Rio Grande LNG and Rio Bravo Pipeline projects on 05-25-2016 ([http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20160609-5280](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20160609-5280));
- 2) Enbridge's Rio Bravo Pipeline Company's Rio Bravo Pipeline project on 06-26-2020 ([https://elibrary.ferc.gov/elibrary/idmws/file\\_list.asp?accession\\_num=20200626-5079](https://elibrary.ferc.gov/elibrary/idmws/file_list.asp?accession_num=20200626-5079));
- 3) Rio Grande LNG's application for a Limited Amendment on 11-22-2021 ([https://elibrary.ferc.gov/elibrary/idmws/file\\_list.asp?accession\\_num=20211122-5057](https://elibrary.ferc.gov/elibrary/idmws/file_list.asp?accession_num=20211122-5057));
- 4) Rio Bravo Pipeline 07-20-2023 pipeline modification request under CP23-519-000 ([https://elibrary.ferc.gov/elibrary/docinfo?accession\\_num=20230814-5025](https://elibrary.ferc.gov/elibrary/docinfo?accession_num=20230814-5025))

At present, the Rio Grande LNG (RGLNG) project is in a tangled mess due to NextDecade's mad rush to meet the Final Investment Decision (FID) Deadline in its contract with its EPC Contractor (Bechtel). Even though it submitted its Statement and Notice of Change in Control on 08-16-2023, it didn't get Stockholder approval of its deal with TotalEnergies until 09-07-2023.

RGLNG and Enbridge's Rio Bravo Pipeline (that's to be constructed starting in 2025 to provide its feed gas) are both on the Federal Energy Regulatory Commission's (FERC's) 09-21-2023 Open Meeting Agenda (<https://www.ferc.gov/news-events/news/sunshine-notice-september-commission-meeting-1>, Item C-6).

Even though RGLNG's Phase 1 \$18.4 billion dollar Final Investment Decision (FID) was made and its EPC Contractor (Bechtel) was handed \$14 billion and issued an Order To Proceed with construction on 07-12-2023, FERC has, so far, given RGLNG permission to build two short, temporary driveways because NextDecade apparently planned the post-FID rollout of the RGLNG project based on FERC's 11-22-2019 Permit for the project instead of the newer 04-21-2023 FERC modified and tightened Permit.

According to RGLNG's Statement and Notice, NextDecade LNG, LLC ("NextDecade LNG"); GIP V Velocity Acquisition Partners, L.P., a limited partnership managed by Global Infrastructure Partners ("GIP"); Devonshire Investment Pte. Ltd., a Singapore exempt private company ("Devonshire"); Global LNG North America Corp., a subsidiary of TotalEnergies SE ("TotalEnergies"); and MIC TI Holding Company 2 RSC Limited, an Abu Dhabi Global Market Restricted Scope Company ("MIC") would become direct or indirect members of Rio Grande LNG Intermediate Holdings, LLC ("RGIH"), which will in turn indirectly own 100% of RGLNG (collectively, the "Transaction").

Before FID it was just NextDecade Corporation (Delaware) at the top, based in Houston TX, above NextDecade LNG LLC (Delaware, Rio Grande LNG (Texas), and NEXT Carbon Solutions (Texas).

After FID, it's now NextDecade, Global Infrastructure Properties, TotalEnergies, GIC, and MUBADALA at the top, above Rio Grande LNG, LLC.

NextDecade is still based in Houston.

Global Infrastructure Properties is based in New York. But has offices in Brisbane, Delhi, Hong Kong, London, Melbourne, Mumbai, Singapore, Stamford, and Sydney ([www.global-infra.com](http://www.global-infra.com)).

TotalEnergies is a global multi-energy company, active in over 130 countries, that produces and markets energies: oil and biofuels, natural gas and green gases, renewables and electricity (<https://totalenergies.com/>). Check out its organizational chart at [https://totalenergies.com/sites/g/files/nytnzq121/files/atoms/files/orga\\_en\\_inter.pdf](https://totalenergies.com/sites/g/files/nytnzq121/files/atoms/files/orga_en_inter.pdf). Global Witness reports that Total Energies is a top buyer of Russian liquid gas: "TotalEnergies Announces €4.5 billion Quarterly Profits While Remaining A Top Buyer of Russian Liquefied Gas," Global Witness Press Release, 07-27-2023, <https://www.globalwitness.org/en/press-releases/totalenergies-announces-45-billion-quarterly-profits-while-remaining-a-top-buyer-of-russian-liquefied-gas/>

Considering what TotalEnergies is doing to the city of Arlington TX, drilling and fracking inside the city, too close to homes and school buildings (<https://www.liveablearlington.org/>), it's role in

GIC is a leading global investment firm based in Singapore that has investments in over 40 countries (<https://www.gic.com.sg/>). Its corporate website proclaims that: "We are driven by a common purpose – securing Singapore's financial future."

MUBADALA is a sovereign Investment company that manages a diverse portfolio of assets and investments in the United Arab Emirates and abroad, to generate sustainable financial returns for its shareholder, the Government of Abu Dhabi. (<https://www.mubadala.com/>).

Within NextDecade's 08-08-2023 virtual Special Stockholders Meeting, held to finalize NextDecade's deal with TotalEnergies that was central to its SPAs and funding for its 07-14-2023 FID ([https://www.sec.gov/Archives/edgar/data/1612720/000143774923022547/next20230731\\_def14a.htm](https://www.sec.gov/Archives/edgar/data/1612720/000143774923022547/next20230731_def14a.htm)), Mubadala's embedded within the Nineteenth, a limited liability company organized under the laws of the Emirate of Abu Dhabi. Mubadala Investment Company PJSC, a public joint stock company established under the laws of the Emirate of Abu Dhabi, is the sole owner of Mamoura Diversified Global Holding PJSC, a public joint stock company established under the laws of the Emirate of Abu Dhabi, which owns 99% of Nineteenth. Accordingly, Mubadala Investment Company PJSC and Mamoura Diversified Global Holding PJSC may be deemed to have shared voting and investment power over the shares held by Nineteenth. Nineteenth's address is Al Mamoura A, P.O. Box 45005, Abu Dhabi, United Arab Emirates. Where Nineteenth is listed as owning 5.9 percent of the NEXT Common Stock beneficially owned.

Importantly, His Excellency Dr. Sultan Ahmed Al Jaber is a MUBADALA Cabinet Member and Minister of Industry and Advanced Technology

(<https://www.mubadala.com/en/who-we-are/board-of-directors>). According to DeSmog's Climate Disinformation Base, "Al Jaber was appointed to preside over COP28, the UNFCCC international climate negotiations held in Dubai, UAE, in late 2023. However, he will retain his roles as the head of the UAE's state-owned oil company ADNOC, and its renewable energy business. The appointment concerned environmental groups, with some comparing the appointment to "invit[ing] arm dealers to lead peace talks" (<https://www.desmog.com/sultan-ahmed-al-jaber/>). An investigation published Friday by the international NGO Global Witness revealed that the oil giant run by Emirati Minister of Industry Sultan Ahmed Al Jaber—who is also president of this year's United Nations Climate Change Conference—was responsible for 14 times more planet-heating carbon emissions last year than it reported (<https://www.globalwitness.org/en/campaigns/fossil-gas/cop28-presidents-oil-firm-failing-to-acknowledge-full-extent-of-their-carbon-footprint/>). His influence within and beyond MUBADALA would be contrary to our national interest and contrary to the health and well-being of my part of the Lower Rio Grande Valley part of Texas.

Rio Grande LNG's 08-16-2023 Statement and Notice doesn't mention South Korea based Hanwha Impact Partners Inc (HIP), but HIP is mentioned in NextDecade's 08-08-2023 SEC Schedule 14A Special Stockholder Meeting Notice and has voting and investment power over the NEXT stock shares it owns:

HGC is a Delaware limited liability company. Hanwha Impact Partners Inc. ("HIP") is the sole member of HGC. Hanwha Impact Partners Inc. ("HIP") is the sole member of HGC, and Hanwha Impact Global Corporation ("HIG") is the sole stockholder of HIP. Moonkee Yu is the President of HIG, and each of HIG and Mr. Yu may be deemed to have voting and investment power over the shares held by HGC. Mr. Yu disclaims beneficial ownership of the shares held by HGC. The address of HIG is 86, Cheonggyecheon-ro, Jung-gu, Seoul, South Korea. HGC's address is 200 Westlake Park Blvd., Suite 1010, Houston, TX 77079.

After the Change In Control, RGLNG will remain in Houston TX USA. But Rio Grande LNG Intermediate Holdings LLC (RGIH) will be a conglomerate representing a variety of interests, not all of which will necessarily be compatible with US interests in terms of the global LNG markets. A conglomerate of corporations capable of taking over one of the poorest counties in the US (Cameron County) and the Port of Brownsville Commissioners through political donations and Public Relations efforts.

Relevant to the conglomerate is NextDecade's 06-29-2023 brief Press Release "NextDecade Announces Bank Commitments and Updated FID Timing for Rio Grande LNG," <https://www.businesswire.com/news/home/20230629180052/en/>. Quote:

NextDecade Corporation (NextDecade) (NASDAQ: NEXT) announced today that Rio Grande LNG (RGLNG) has received binding commitments from a syndicate of lenders in an amount sufficient, together with expected project equity funding, to support a positive final investment decision (FID) of the first three liquefaction trains (Phase 1) at the Rio Grande LNG export facility in Brownsville, Texas. The lender group includes the world's leading Asian, European, Middle Eastern and North American project finance banks.

NextDecade has sold 16.2 million tonnes per annum (MTPA) of LNG from Phase 1, or 92% of nameplate capacity, under long-term sale and purchase agreements, sufficient to support the binding debt commitments from these leading lenders and the near-term FID of the 17.61 MTPA Phase 1.

Back in 2015, RGLNG said it would make its Final Investment Decision (FID) by early 2017 and would be producing 11 MTPA of LNG by 2020 ("NextDecade Signs HOAs for 14 Mtpa of LNG for Rio Grande LNG Facility," Business Wire Press Release, 11-05-2015, <https://www.businesswire.com/news/home/20151105005738/en/NextDecade-Signs-HOAs-for-14-Mtpa-of-LNG-for-Rio-Grande-LNG-Facility-for-Rio-Grande-LNG-Facility>). Presently, it's to produce 5.87 MTPA by 2026 or 2027 via its liquefaction production Train 1, with Train 2 to become operational the following year and Train 3 the year after that.

It's questionable how many of NextDecade's present LNG Sales and Purchase Agreements (SPAs) will hold firm if NextDecade fails to get its NEXT Carbon Solutions CCS up and running in time to reduce its RGLNG CO2 carbon emissions by 90 percent or more. It's unlikely that NextDecade will be able to fulfill its commitment to reduce its RGLNG CO2 carbon emissions by 90 percent or more. Rio Grande LNG applied for a FERC permit for the above-ground Capture part of that project on 11-17-2021. **But** on 04-14-2023, FERC put the Rio Grande LNG CCS Systems project on hold because Rio Grande LNG couldn't specify the exact location where the CO2 would be injected underground ("Notice Suspending Environmental Review Schedule of the Proposed Carbon Capture and Sequestration System Amendment," [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230414-3050](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230414-3050)).

NextDecade announced on 03-18-2021 that it had created its NEXT Carbon Solutions subsidiary to reduce its Rio Grande LNG carbon solutions by 90% or more (<https://www.businesswire.com/news/home/20210318005184/en/>).

But, to get both the FERC and EPA permits it needs, it first has to specify exactly where it intends to inject the captured CO2 into the ground. And, to make sure the spot it chooses is acceptable to the EPA, it must complete a geological evaluation of the spot that the EPA considers acceptable.

So far, NextDecade has said that it intends to put the CO2 into the ground within ten miles of its Rio Grande LNG project. It says the area is suitable, but it can't say the exact spot where it wants to put the CO2 in the ground is acceptable to EPA. Not until it completes an acceptable geological evaluation of the exact geological formation it wants to use for its CO2 injection well.

It can't even apply for the EPA permit it needs until it completes the geological evaluation to submit to the EPA along with its CO2 injection well permit application. It will probably take at least 4 years after EPA accepts the Application for EPA to issue the needed Permit:

"Observations on Class VI Permitting: Lessons Learned and Guidance Available [regarding the Archer Daniels Midland 2021 EPA UIC Class VI Injection Well Permits]," Bob Van Voorhees, Sallie Greenberg, and Steve Whittaker, 04-26-2021, 30 Pages, Illinois State Archaeological Survey, Prairie Research Institute, University of Illinois, Champaign Urbana, Illinois, <https://www.ideals.illinois.edu/bitstream/handle/2142/109915/sp-09.pdf?sequence=2&isAllowed=y> (attached below).

It's based on the Illinois State Archaeological Survey's observations on the almost 6 year EPA Permitting process for the first approved CCS-related Class VI Injection Wells. Which served as a learning experience for EPA and probably still needs refinement by EPA before EPA transfers Primacy for the permitting and regulation of such Injection Wells to Texas. The next such permits EPA issues (if any) will probably take less than 6 years.

RGLNG still hasn't provided that information and NextDecade hasn't yet started the EPA permit process for the necessary CO2 injection well. RGLNG has said the CO2 will be sequestered for "thousands of years" but plans to inject it into saline deposits rather than chemically bond it to basalt (which is the method most likely to keep it sequestered for two thousand years or more).

As of 09-14-2023, neither NextDecade nor RGLNG nor the Port of Brownsville has published or made any public statement about RGLNG's FERC permitting problems. I know about the project's FERC regulatory problems from following the relevant public documents available in FERC's eLibrary system (<https://elibrary.ferc.gov/eLibrary/search>), FERC Docket Number CP16-454-000.

NextDecade's last Press Release on the RGLNG Phase 1 FID was issued on a Friday evening, 07-12-2023, at 4:49 PM ET: "NextDecade Announces Positive Final Investment Decision on Rio Grande LNG Phase 1," <https://www.businesswire.com/news/home/20230712253196/en/>. RGLNG made a \$12 billion dollar Turnkey Payment to Bechtel which placed an order for 3 Trains with Baker Hughes.

At 4:55 PM, 07-12-2023, RGLNG submitted a Certificate of Compliance Report to FERC, "Rio Grande LNG, LLC submits Full Notice to Proceed Update re activities to take place at the construction site for July 2023 for the Rio Grande LNG Project under CP16-454," [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230712-5192](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230712-5192). Notifying FERC that:

On July 12, 2023, RGLNG gave its contractor, Bechtel, Full Notice to Proceed ("FNTP") with the full construction of the Rio Grande LNG Project. As such, RGLNG hereby provides the following update to the activities planned to take place at the construction site for the remainder of the month of July 2023. These activities will include:

- Mobilization of Bechtel professional staff and craft personnel;
- Delivery and installation of temporary facilities (pioneer trailers, temporary power, restroom facilities etc.);
- Mobilization of the site security subcontractor;
- Mobilization of onsite medical subcontractor;
- Mobilization of subcontractor for the State Highway 48 modification project;
- Delivery of civil and earthwork equipment to the RGLNG site;
- Preparation of the pad and parking areas for the pioneer office complex; and
- Land clearing, grubbing and grading with installation of associated environmental and erosion controls.

Briefly:

1) Rio Grande LNG made its FID on 07-12-2023 and handed \$12 billion dollars over to Bechtel (which handed part of that money over to Baker Hughes for 3 LNG liquefaction production Trains). Then, later that same evening, RGLNG told FERC that it was starting the development of its project before the end of July. Without first asking FERC if that was OK.

2) Next, on 07-24 and 07-25-2023, Rio Grande LNG asked FERC's permission to start construction on its Levee and then on its Material Offloading Facility ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230724-5154](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230724-5154) and [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230725-5057](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230725-5057)). Expecting rapid FERC approval of both requests.

3) However, as of 08-20-2023, FERC has approved only the construction of two short, temporary driveways ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230810-3048](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230810-3048)).

4) Regarding RGLNG's Levee and Material Offloading Facility requests, on 07-27-2023 FERC notified RGLNG that it hasn't yet met its Emergency Response Plan (ERP) and Cost Sharing Plan (CSP) that are required for FERC to issue a notice to proceed with the Rio Grande LNG site preparation activities requested by RGLNG ([https://elibrary.ferc.gov/eLibrary/idmws/file\\_list.asp?accession\\_num=20200306-3076](https://elibrary.ferc.gov/eLibrary/idmws/file_list.asp?accession_num=20200306-3076)). As specified in FERC's modified and tightened 04-21-2023 Order.

5) Following which, later that same day, 07-28-2023, FERC held a telephone conversation with RGLNG about the requirements the company must meet before FERC will issue a letter authorizing the requested site preparation activities. FERC summarized that telephone conversation in a brief note it published on 07-28-2023 ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230728-3003](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230728-3003)).

6) Finally, on 08-11-2023, RGLNG asked FERC to permit its Levee construction based on its progress to date on its Emergency Response and Cost Sharing Plans ([https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20230811-5051](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230811-5051)). It also asked FERC to respond to this 08-22-2023 Friday evening request by Monday 08-14-2023. As of today, 08-20-2023, FERC hasn't responded to RGLNG's 08-11-2023 request.

7) To see some of what Rio Grande LNG doesn't want us to see about the Emergency Response and Cost Sharing plans, check out: "Letter requesting Rio Grande LNG, LLC to file a response to environmental information request within 30 days to assist in FERC's analysis of the authorized LNG export terminal for the Rio Grande LNG Project under CP16-454," 08-16-2022, [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20220816-3047](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20220816-3047). DATED ABOUT A YEAR AGO.

I'll conclude my comment now because prolonged heavy though much needed rain is predicted where I live, which usually disrupts my ViaSat Internet Connection. And because your deadline for comments on Rio Grande LNG's Statement and Notice is only 15 days after your 9/5/2023 Federal Register Notice

#### **Bottom Line:**

Rio Grande LNG's organizational Change in Control will probably fail to rescue the RGLNG project from its FERC regulatory problems. If saved, the project will not serve our national geopolitical and environmental best interests and will be detrimental to the health and self-determination of the majority of those living in the Lower Rio Grande Valley Texas area. Our Port of Brownsville is a major Texas/US/Mexico trade route that GIP, Devonshire, TotalEnergies, and MIC could take over to extend their corporate networks.

The RGLNG project will likely fail. But until then, it will serve as a placeholder -- preventing the entry of more innovative, promising, and

capable US companies into the global LNG market. Unless FERC is able to take corrective action during its 09-21-2023 Open Meeting to either heal or euthanize the project.

Thank you for your consideration of my comment's points and concerns.

John Young, San Benito TX

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