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

In the Matter of: )  
)  
Cheniere Marketing, LLC and )  
Corpus Christi Liquefaction, LLC ) FE Docket No. 18-137-LNG  
)

**APPLICATION OF CHENIERE MARKETING, LLC  
AND CORPUS CHRISTI LIQUEFACTION, LLC  
FOR BLANKET AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS  
BY VESSEL FROM THE CORPUS CHRISTI LIQUEFACTION PROJECT**

Pursuant to Section 3 of the Natural Gas Act (“NGA”),<sup>1</sup> and Part 590 of the Department of Energy’s (“DOE”) regulations,<sup>2</sup> Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (collectively, “Corpus Christi”) hereby request that the DOE, Office of Fossil Energy (“DOE/FE”) issue an order granting blanket authorization for Corpus Christi to engage in short-term exports of liquefied natural gas (“LNG”), from the Corpus Christi Liquefaction Project (“Liquefaction Project”) in Corpus Christi, Texas. Corpus Christi is seeking authorization to export volumes in an amount up to 767 billion cubic feet (“Bcf”) over a two-year period beginning on the earlier of the date of first export or December 31, 2018, to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy.

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<sup>1</sup> 15 U.S.C. § 717b.

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

## **I. DESCRIPTION OF THE APPLICANT**

Cheniere Marketing, LLC is a Delaware limited liability company with its principal place of business in Houston, Texas. Cheniere Marketing, LLC is authorized to do business in the States of Texas. Corpus Christi Liquefaction, LLC is a Delaware limited liability company with its principal place of business in Houston, Texas. Corpus Christi Liquefaction, LLC is authorized to do business in the State of Texas. Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC are wholly-owned indirect subsidiaries of Cheniere Energy, Inc., a Delaware corporation with its principal place of business in Houston, Texas. Cheniere Energy, Inc. is a developer of LNG import and export terminals and natural gas pipelines on the Gulf Coast, including the Liquefaction Project.

## **II. COMMUNICATIONS AND CORRESPONDENCE**

The names, titles and mailing addresses of the persons to whom correspondence and communications concerning this application, including all service of pleadings, are to be addressed are:

Taylor Johnson  
Tim Wyatt  
Cheniere Energy, Inc.  
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Houston, TX 77002  
(713) 375-5000  
[Taylor.Johnson@cheniere.com](mailto:Taylor.Johnson@cheniere.com)  
[Tim.Wyatt@cheniere.com](mailto:Tim.Wyatt@cheniere.com)

Pursuant to Section 590.103(b) of DOE's regulations,<sup>3</sup> Corpus Christi certifies that the persons listed above and the undersigned are the duly authorized representatives of Corpus Christi and are designated to receive service and to be placed on the official service list for this proceeding.

### **III. EXISTING AUTHORIZATIONS**

On December 30, 2014, the Federal Energy Regulatory Commission ("FERC") granted Corpus Christi's requested authorization to site, construct, and operate the proposed Liquefaction Project and a certificate to Corpus Christi's affiliate to construct and operate an associated pipeline for the Liquefaction Project.<sup>4</sup> The Liquefaction Project will consist of three liquefaction trains with a combined capacity of 767 Bcf/yr (2.1 Bcf/day). Construction of the first train of the Liquefaction Project is nearly complete and volumes are expected to become available for export in the fourth calendar quarter of 2018. Construction of the second train will be complete shortly thereafter.

On October 16, 2012, in Order No. 3164, DOE/FE granted Cheniere Marketing LLC a long-term multi-contract authorization to export LNG by vessel from the Liquefaction Project in an amount of 767 Bcf/year to any country with which the United States has a free trade agreement requiring national treatment for trade in natural gas.<sup>5</sup>

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<sup>3</sup> 10 C.F.R. § 590.103(b).

<sup>4</sup> *Corpus Christi Liquefaction, LLC, et al., Order Granting Authorization under Section 3 of the Natural Gas Act and Issuing Certificates*, 149 FERC ¶ 61,283 (Dec. 30, 2014).

<sup>5</sup> *Cheniere Marketing, LLC, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Free Trade Agreement Nations*, DOE/FE Order No. 3164, FE Docket No. 12-99-LNG (Oct. 16, 2012).

On May 12, 2015, in Order No. 3638, DOE/FE granted a long-term multi-contract authorization jointly to Cheniere Marketing LLC and Corpus Christi Liquefaction LLC to export LNG by vessel from the Liquefaction Project in an amount of 767 Bcf/year to any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas.<sup>6</sup>

#### **IV. AUTHORIZATION REQUESTED**

Corpus Christi respectfully requests authorization to engage in short-term exports of LNG pursuant to a short-term blanket authorization to both FTA and Non-FTA countries. Specifically, Corpus Christi requests authority to export volumes (1) to any country that has the capability to import LNG via ocean-going carriers and has a free trade agreement with the United States requiring national treatment for trade in natural gas, and (2) to any country that has the capability to import LNG via ocean-going carriers and does not have a free trade agreement with the United States requiring national treatment for trade in natural gas but with which trade is not prohibited by United States law or policy.

Corpus Christi requests that the blanket authorization have a term of two years, beginning at the earlier of the date of first export or December 31, 2018. Corpus Christi requests the blanket authorization for a volume of up to 767 Bcf of natural gas over the two-year term.

Corpus Christi is requesting authorization to export LNG for itself and as agent for third parties who themselves may hold title to the LNG at the time of export. Corpus Christi will

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<sup>6</sup> *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas to Non-Free Trade Agreement Nations*, DOE/FE Order No. 3638, FE Docket No. 12-97-LNG (May 12, 2015).

comply with all DOE/FE requirements for exporters and agents, including the registration requirements as first established in *Freeport LNG Expansion, L.P.*, DOE/FE Order No. 2913<sup>7</sup>, and recently confirmed in *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3767.<sup>8</sup> In this regard, Corpus Christi, when acting as agent, will register with DOE/FE each LNG title holder for whom it seeks to export as agent, and will provide DOE/FE with a written statement by the title holder acknowledging and agreeing to: (1) comply with all requirements in Corpus Christi's export authorization; and (2) include those requirements in any subsequent purchase or sale agreement entered into by the title holder. No additional modifications to the Liquefaction Project are required to accommodate the export authorization requested herein. There are no other proceedings related to this application currently pending before any other federal agency.

The pipeline that feeds the Liquefaction Project is interconnected to the interstate natural gas pipeline system in the Gulf Coast and thus feedstock gas for the volumes will be drawn from the large and liquid sources of domestically-produced natural gas available in that region.

## **V. PUBLIC INTEREST STANDARD**

Section 3 of the NGA requires DOE/FE to authorize exports of natural gas unless it finds that such exports "will not be consistent with the public interest."<sup>9</sup> Section 3 thus creates a presumption in favor of approving this application, which opponents bear the burden of

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<sup>7</sup> See *Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations*, DOE/FE Order No. 2913, FE Docket No. 10-160-LNG (Feb. 10, 2011), Errata Notice, DOE/FE Order No. 2913, FE Docket No. 10-160-LNG (Feb. 17, 2011).

<sup>8</sup> *Sabine Pass Liquefaction, LLC, Order Granting Blanket Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish, Louisiana*, DOE/FE Order No. 3767, FE Docket No. 15-171-LNG (Jan. 13, 2016).

<sup>9</sup> 15 U.S.C. § 717b.

overcoming.<sup>10</sup> Further, in evaluating an export application, DOE/FE applies the principles described in DOE Delegation Order No. 0204-111 (which focuses primarily on domestic need for the gas to be exported) and the Secretary's natural gas policy guidelines.<sup>11</sup> As detailed below, Corpus Christi's proposal to export LNG on a short-term blanket basis to those countries with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy is consistent with Section 3 of the NGA and DOE/FE policy.

In granting recent applications for short-term blanket export authorization from projects that have previously received long-term export authorizations, and therefore undergone an extensive public interest review, DOE/FE has concluded that "no additional public interest review beyond that conducted in the earlier non-FTA export proceedings is warranted."<sup>12</sup> Because DOE/FE undertook a robust public interest analysis in granting Corpus Christi's request for long-term multi-contract export authorization to non-FTA nations,<sup>13</sup> it follows from DOE/FE precedent that exports under the request blanket authorization are in the public interest as well.

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<sup>10</sup> In *Panhandle Producers & Royalty Owners Ass'n v. ERA*, 822 F.2d 1105, 1111 (D.C. Cir. 1987), the court found that Section 3 of the NGA "requires an affirmative showing of inconsistency with the public interest to deny an application" and that a "presumption favoring ... authorization ... is completely consistent with, if not mandated by, the statutory directive." See also *Indep. Petroleum Ass'n v. ERA*, 870 F.2d 168, 172 (5th Cir. 1989); *Panhandle Producers and Royalty Owners Ass'n v. ERA*, 847 F.2d 1168, 1176 (5th Cir. 1988).

<sup>11</sup> See *New Policy Guidelines and Delegation Orders From Secretary of Energy to Economic Regulatory Administration and Federal Energy Regulatory Commission Relating to the Regulation of Imported Natural Gas*, 49 Fed. Reg. 6,684 (Feb. 22, 1984).

<sup>12</sup> *Sabine Pass Liquefaction, LLC, Order Granting Blanket Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish Louisiana to Non-Free Trade Agreement Nations*, DOE/FE Order No. 4150, FE Docket No. 17-161-LNG (Jan. 30, 2018); *Dominion Cove Point LNG, LP, Order Granting Blanket Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point Terminal Located in Calvert County, Maryland to Free Trade Agreement and Non-Free Trade Agreement Nations*, DOE/FE Order No. 4046, FE Docket No. 16-205-LNG (June 2, 2017).

<sup>13</sup> See *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas to Non-Free Trade Agreement Nations*, DOE/FE Order No. 3638, FE Docket No. 12-97-LNG (May 12, 2015).

Certainly, nothing in the years since Order No. 3638 would adversely impact the assessment of the public interest in that Order. Domestic natural gas production has continued to grow since then, is projected to continuing growing, and remains widely available for domestic use.<sup>14</sup>

## **VI. ENVIRONMENTAL IMPACT**

No changes to the Liquefaction Project facilities would be required for the short-term exports for which blanket authorization is requested. Therefore, consistent with DOE/FE precedent, granting this application would be categorically excluded from National Environmental Policy Act review under DOE's exclusion B5.7.<sup>15</sup>

## **VII. APPENDICES**

The following appendices are attached hereto and incorporated by reference herein:

Appendix A: Verification

Appendix B: Opinion of Counsel

## **VIII. CONCLUSION**

For the foregoing reasons, Corpus Christi respectfully requests that DOE/FE grant its request for blanket authorization, as discussed herein, to enable it to export LNG on a short-term basis in an amount up to 767 Bcf cumulatively over a two-year period commencing the earlier of the date of first export or December 31, 2018, to any country with the ability to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. Corpus Christi respectfully requests that DOE/FE grant such authorization as expeditiously as possible.

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<sup>14</sup> See U.S. Energy Information Administration, Annual Energy Outlook 2018 at 61.

<sup>15</sup> See 10 C.F.R. Part 1021, Appx. B to Subpart D of Part 1021 at B5.7; see also orders cited *supra* note 9.

Respectfully submitted,

/s/ \_\_\_\_\_

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Dated: September 14, 2018



**VERIFICATION**

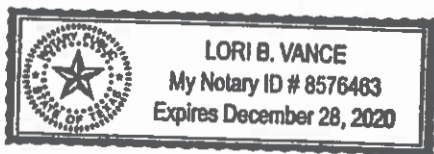
State of        TEXAS            )  
County of     HARRIS            )

BEFORE ME, the undersigned authority, on this day personally appeared Tim Wyatt, who, having been by me first duly sworn, on oath says that he is the Vice President, Commercial Operations for Corpus Christi Liquefaction, LLC, and is duly authorized to make this Verification; that he has read the foregoing instrument and that the facts therein stated are true and correct to the best of his knowledge, information and belief.



\_\_\_\_\_  
Tim Wyatt  
Vice President, Commercial Operations

SWORN TO AND SUBSCRIBED before me on the 14th day of September, 2018.



Lori B. Vance  
Name: Lori B. Vance

Title: Notary Public

My Commission expires:

12-28-2020



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September 14, 2018

U.S. Department of Energy  
Office of Fossil Energy FE-34  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

**Re: In the Matter of Corpus Christi Liquefaction, LLC  
FE Docket No. 18\_\_\_\_-LNG  
Application for Blanket Authorization to Engage in  
Short-Term Exports of LNG**

Dear Sir or Madam:

This opinion of counsel is provided in accordance with the requirements of section 590.202(c) of the U.S. Department of Energy's regulations, 10 C.F.R. § 590.202(c) (2017). I have examined the Limited Liability Company Agreement of Corpus Christi Liquefaction, LLC ("Corpus Christi") and other authorities as necessary, and have concluded that the proposed exportation of LNG is within Corpus Christi's corporate powers. Further, Corpus Christi is authorized to do business in Texas, and to engage in foreign commerce.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Taylor Johnson", written over a horizontal line.

By: Taylor Johnson  
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