

**RECEIVED**

*By Docket Room at 4:32 pm, Sep 03, 2020*

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

|                                    |                |            |
|------------------------------------|----------------|------------|
| _____ )                            |                |            |
| CHENIERE MARKETING, LLC )          | FE DOCKET NOS. | 12-97-LNG  |
| CORPUS CHRISTI LIQUEFACTION, LLC ) |                | 12-99-LNG  |
| _____ )                            |                | 19-124-LNG |

APPLICATION TO AMEND EXPORT TERM  
FOR EXISTING LONG-TERM AUTHORIZATIONS  
THROUGH DECEMBER 31, 2050

September 3, 2020

Florian Pintgen  
Vice President, Commercial Operations  
Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, TX 77002  
(713) 375-5703 (phone)  
[florian.pintgen@cheniere.com](mailto:florian.pintgen@cheniere.com)

Karri Mahmoud  
Director, Environmental & Regulatory Projects  
Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, TX 77002  
(713) 375-5544 (phone)  
[karri.mahmoud@cheniere.com](mailto:karri.mahmoud@cheniere.com)

Janna Romaine Chesno  
Senior Counsel  
Cheniere Energy, Inc.  
701 8th Street, NW, Suite 810  
Washington, D.C. 20001  
(202) 860-4066 (phone)  
[janna.chesno@cheniere.com](mailto:janna.chesno@cheniere.com)

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

In the Matter of: )  
)  
CHENIERE MARKETING, LLC ) FE DOCKET NOS. 12-97-LNG  
CORPUS CHRISTI LIQUEFACTION, LLC ) 12-99-LNG  
) 19-124-LNG  
)

**APPLICATION TO AMEND EXPORT TERM  
FOR EXISTING LONG-TERM AUTHORIZATIONS  
THROUGH DECEMBER 31, 2050**

Pursuant to Section 3 of the Natural Gas Act (“NGA”),<sup>1</sup> Part 590 of the Department of Energy’s (“DOE”) regulations,<sup>2</sup> and DOE’s Final Policy Statement regarding “Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050,”<sup>3</sup> Cheniere Marketing, LLC (“Cheniere Marketing”) and Corpus Christi Liquefaction, LLC (“CCL”, and together with Cheniere Marketing, “CMI”) request that the DOE, Office of Fossil Energy (“DOE/FE”) amend the orders issued in the above-captioned dockets (the “Authorizations”)<sup>4</sup> granting CMI the authority to engage in long-term exports of domestically produced liquefied natural gas (“LNG”) to (i) any nation that currently has or in the future develops the capacity to import LNG and with which the United States currently has, or in the future enters into, a free trade agreement (“FTA”) requiring the national treatment for trade in natural gas and LNG (“FTA Nations”) and (ii) any nation with which the United States does not now or in the future have an FTA requiring the national treatment for trade in natural gas that has, or in the future develops, the capacity to import LNG and with which trade is not prohibited by U.S. law or policy (“Non-FTA

---

<sup>1</sup> 15 U.S.C. § 717b (2012).

<sup>2</sup> 10 C.F.R. Part 590 (2020).

<sup>3</sup> DOE/FE, Final Policy Statement Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, FE Docket Nos. 10-111-LNG, et al. (July 29, 2020) (“*Policy Statement*”).

<sup>4</sup> Detailed information regarding CMI’s Authorizations is provided in Section I below.

Nations”). Through this application for amendment (“Application”), CMI seeks an extension to the currently authorized export term of each of the Authorizations through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of the Authorizations. In support of the instant Application, CMI provides as follows:

## **SECTION I**

### **1. FE Docket Number**

This Application relates to the following DOE/FE Docket Nos: 12-97-LNG, 12-99-LNG, and 19-124-LNG.

### **2. Authorizations Holder & Service List**

The exact legal names of the holders of the Authorizations are Corpus Christi Liquefaction, LLC and Cheniere Marketing, LLC. Both CCL and Cheniere Marketing have their principal place of business in Houston, Texas. CCL and CMI are subsidiaries of Cheniere Energy, Inc., a Delaware corporation with its primary place of business in Houston, Texas. All communications concerning this Application, including service of pleadings and notices, should be directed to the following persons:

Florian Pintgen  
Vice President, Commercial Operations  
Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, TX 77002  
(713)375-5703 (phone)  
[florian.pintgen@cheniere.com](mailto:florian.pintgen@cheniere.com)

Karri Mahmoud  
Director, Environmental & Regulatory Projects  
Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, TX 77002  
(713)375-5544 (phone)  
[karri.mahmoud@cheniere.com](mailto:karri.mahmoud@cheniere.com)

Janna Romaine Chesno  
Senior Counsel  
Cheniere Energy, Inc.  
701 8th Street, NW, Suite 810  
Washington, D.C. 20001  
(202) 860-4066 (phone)  
[janna.chesno@cheniere.com](mailto:janna.chesno@cheniere.com)

CMI requests waiver of Section 590.202(a) of DOE’s regulations, 10 C.F.R. § 590.202(a) (2020), to the extent necessary to include all of the named representatives on the official service list in this proceeding.

**3. Name and Location of Export Facility**

The Corpus Christi LNG Terminal is located in San Patricio and Nueces Counties, Texas.

**4. Existing Long-Term DOE/FE Orders Subject to This Request**

CMI is currently authorized to export up to the equivalent of 875.16 billion standard cubic feet (“Bcf”) per year (“Bcf/y”) of natural gas to FTA Nations and 767.0 Bcf/y to Non-FTA Nations, pursuant to the following DOE/FE Orders, which are the subject of this request:

- Order No. 3164                FE Docket 12-99-LNG                (Oct. 16, 2012)  
   3164-A    (Oct. 29, 2014)
- Order No. 3638                FE Docket 12-97-LNG                (May 12, 2015)
- Order No. 4519                FE Docket 19-124-LNG                (Apr. 14, 2020)

Additional information, including additive export volumes across all CMI DOE/FE long-term orders, is provided in Appendix A.

**5. Final Federal Energy Regulatory Commission Orders**

Relevant Federal Energy Regulatory Commission orders associated with the Corpus Christi LNG Terminal are described in Appendix A.

**6. Requested Amendment to Existing Export Term**

CMI requests that DOE/FE grant an extension to the currently authorized export term of each of the Authorizations through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of the Authorizations. CMI requests that DOE/FE issue the term extensions as requested herein by November 4, 2020.

## SECTION II

### **1. Information Regarding the Public Interest**

The term extensions requested herein are justified under Section 3 of the NGA. CMI's request to extend the term of the Authorizations for exports to FTA Nations must be reviewed under Section 3(c) of the NGA. Pursuant to Section 3(c), applications for authorization to export LNG to nations with which the United States has an FTA requiring the national treatment for trade in natural gas are deemed to be in the public interest and must be granted without modification or delay.<sup>5</sup> CMI's request to extend the term of the Authorizations for exports to Non-FTA Nations must be reviewed under Section 3(a) of the NGA, which provides that DOE/FE is required to authorize exports to a foreign country unless there is a finding that such exports "will not be consistent with the public interest,"<sup>6</sup> which creates a presumption in favor of approval of an application for non-FTA authorization, which opponents bear the burden of overcoming.

There is myriad evidence in the public record that continuing exports of LNG is in the public interest. In this regard, CMI incorporates by reference the record that it has developed in FE Docket Nos. 12-97-LNG and 19-124-LNG, demonstrating the public interest benefits of exports from the Corpus Christi LNG Terminal.<sup>7</sup>

Additionally, CMI incorporates by reference DOE's Policy Statement,<sup>8</sup> the studies commissioned by DOE regarding long-term exports, including the 2018 LNG Export Study, and

---

<sup>5</sup> 15 U.S.C. §717b(c).

<sup>6</sup> 15 U.S.C. § 717b(a). Section 3(a) of the NGA states in relevant part: "After six months from June 21, 1938, no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest." *Id.*

<sup>7</sup> See e.g. *Cheniere Marketing, LLC & Corpus Christi Liquefaction, LLC, DOE/FE Order No. 3638, FE Docket No. 12-97-LNG (May 12, 2015)*.

<sup>8</sup> *Policy Statement, supra* note 3.

DOE's supporting environmental studies.<sup>9</sup> As discussed in the Policy Statement, an export term through 2050 is supported by the macroeconomic analysis presented in the 2018 LNG Export Study. In DOE's response to comments on the Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update, DOE found that, "to the extent U.S. LNG exports are preferred over coal in LNG-importing nations, U.S. LNG exports are likely to reduce global GHG emissions on per unit of energy consumed basis for power production."<sup>10</sup> Moreover, extending the term of the export authorization will serve to make U.S. LNG more competitive with foreign buyers.<sup>11</sup>

## **2. Compliance with the National Environmental Policy Act of 1969**

Potential environmental impacts associated with exports from the Corpus Christi LNG Terminal have been fully considered by DOE/FE in approving the Authorizations and by the Federal Energy Regulatory Commission in the proceedings authorizing the export facilities at the Corpus Christi LNG Terminal. With regard to the instant Application, CMI respectfully submits

---

<sup>9</sup> See e.g., DOE, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update-Response to Comments* (Applicable December 19, 2019), available at: <https://www.energy.gov/sites/prod/files/2020/01/f70/Life%20Cycle%20Response%20to%20Comments%202019-28306.pdf>. ("DOE Response to Comments"); National Energy Technology Laboratory, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update* (September 12, 2019), available at: <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf>; DOE, *Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study*, 83 Fed. Reg. 67,251 (Dec. 28, 2018); NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (June 7, 2018), available at <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf>; U.S. Energy Information Administration ("EIA"), *Effect of Increased Levels of Liquefied Natural Gas Exports on U.S. Energy Markets* (Oct. 29, 2014), available at <http://www.eia.gov/analysis/requests/fe/>; NERA Economic Consulting, *Macroeconomic Impacts of LNG Exports from the United States* (Dec. 3, 2012), available at [http://energy.gov/sites/prod/files/2013/04/f0/nera\\_lng\\_report.pdf](http://energy.gov/sites/prod/files/2013/04/f0/nera_lng_report.pdf); EIA, *Effect of Increased Natural Gas Exports on Domestic Energy Markets, as Requested by the Office of Fossil Energy* (Jan. 2012), available at [http://energy.gov/sites/prod/files/2013/04/f0/fe\\_eia\\_lng.pdf](http://energy.gov/sites/prod/files/2013/04/f0/fe_eia_lng.pdf).

<sup>10</sup> *DOE Response to Comments*.

<sup>11</sup> *Policy Statement, supra* note 3.

that a categorical exclusion applies to the request for term extension because the request does not involve any new construction or modifications to existing facilities.

DOE's regulations set forth a categorical exclusion for actions related to authorizations for the export of natural gas under Section 3 of the NGA that involve minor operational changes (such as changes in natural gas throughput, transportation and storage operations) but no new construction,<sup>12</sup> as is the case with the authorization requested in the instant Application. CMI's proposed term extensions involve no construction of new facilities and no modification of the previously authorized facilities. Further, the underlying NEPA documentation associated with FE Docket Nos. 12-97-LNG, 12-99-LNG, and 19-124-LNG, detailed in Appendix A, demonstrates that environmental impacts associated with these facilities have been fully and previously considered, weighing further in support of a categorical exclusion in this proceeding.

WHEREFORE, CMI respectfully requests that DOE/FE grant its request for an extension to the currently authorized export term of each of the Authorizations through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of the Authorizations. CMI respectfully requests that the DOE/FE issue the authorization as requested herein by November 4, 2020.

Respectfully submitted,

/s/ Janna Romaine Chesno

*Counsel to Corpus Christi Liquefaction, LLC &  
Cheniere Marketing, LLC*

---

<sup>12</sup> 10 C.F.R. Part 1021, Subpart D, Appendix B: Categorical Exclusions Applicable to Specific Agency Actions, B5.7. Proposed actions within a categorical exclusion category do not require further analysis and documentation in an Environmental Assessment or an Environmental Impact Statement when there are no extraordinary circumstances indicating further environmental review is warranted. 10 C.F.R. §§ 1021.400, 1021.410.

**APPENDIX A: Authorizations held by CMI for Long Term Export from Corpus Christi LNG Terminal**

| <b>DOCKET NO.</b> | <b>ORDER NUMBER,<br/>DATE ISSUED;</b> | <b>AMENDMENT;<br/>DATE ISSUED</b> | <b>FTA/<br/>NON-FTA</b> | <b>EXPORT<br/>VOLUME</b> | <b>ASSOCIATED FERC AUTHORIZATION</b>   | <b>RELEVANT NEPA DOCUMENTS</b>   |
|-------------------|---------------------------------------|-----------------------------------|-------------------------|--------------------------|--|--|
| 12-99-LNG         | 3164 (10/16/2012)                     | 3538 & 3164-A<br>(10/29/2014)     | FTA                     | 767.0 Bcf/y              | Corpus Christi Liquefaction, LLC and Cheniere Corpus Christi Pipeline, L.P., ORDER GRANTING AUTHORIZATION UNDER SECTION 3 OF THE NATURAL GAS ACT AND ISSUING CERTIFICATES, 149 FERC ¶ 61,283 (Issued December 30, 2014) FERC Docket No. CP12-507-000 | Final Environmental Impact Statement, Corpus Christi LNG Project (10/08/2014)  |
| 12-97-LNG         | 3638 (05/12/2015)                     |                                   | Non-FTA                 | 767.0 Bcf/y              | Corpus Christi Liquefaction, LLC and Cheniere Corpus Christi Pipeline, L.P., ORDER GRANTING AUTHORIZATION UNDER SECTION 3 OF THE NATURAL GAS ACT AND ISSUING CERTIFICATES, 149 FERC ¶ 61,283 (Issued December 30, 2014) FERC Docket No. CP12-507-000 | Final Environmental Impact Statement, Corpus Christi LNG Project (10/08/2014)<br><br>Record of Decision and Floodplain Statement of Findings for the Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (05/12/2015) |
| 19-124-LNG        | 4519 (04/14/2020)                     |                                   | FTA                     | 108.16 Bcf/y             | Corpus Christi Liquefaction, LLC, FERC Authorization Pending in CP19-514-000   | Environmental Assessment for Corpus Christi Liquefaction Amendment Project (02/28/2020)  |

Total Approved FTA Volumes: 875.16 Bcf/y

Total Approved Non-FTA Volumes: 767.0 Bcf/y



**VERIFICATION**

State of Texas )

County of Harris )

BEFORE ME, the undersigned authority on this day personally appeared Sean Markowitz, who, having first by me been duly sworn, says he is the Executive Vice President, Chief Legal Officer and Corporate Secretary for Cheniere Energy, Inc. and is duly authorized to make this Verification; that he has read the forgoing instrument and that the facts therein stated are true and correct to the best of his knowledge, information, and belief.

*Sean Markowitz*

\_\_\_\_\_  
Sean Markowitz  
*Executive Vice President, Chief Legal Officer and  
Corporate Secretary  
Cheniere Energy, Inc.*

SWORN TO and SUBSCRIBED on this 3<sup>rd</sup> day of September 2020.

\_\_\_\_\_  
NAME: \_\_\_\_\_

TITLE: Notary Pubic

Commission Expires:

\_\_\_\_\_



Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, Texas 77002  
phone: 713.375.5000  
fax: 713.375.6000

September 3, 2020

Ms. Amy Sweeney  
U.S. Department of Energy  
Division of Natural Gas Regulation  
FE-34  
Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, DC 20585

**Re: Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC  
Application To Amend Export Term For Existing Long-Term Authorizations  
Through December 31, 2050  
FE Docket Nos.: 12-97-LNG, 12-99-LNG & 19-124-LNG**

Dear Ms. Sweeney:

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) (2020). I have examined the Limited Liability Company Agreements of Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC and other authorities as necessary, and have concluded that the proposed extension of the term of the above-referenced existing long-term authorizations to export domestically produced liquefied natural gas, as described in the attached application, is within the corporate powers of Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC.

Respectfully submitted,

*Sean Markowitz*

---

By: Sean Markowitz,  
*Executive Vice President, Chief Legal  
Officer and Corporate Secretary*  
Cheniere Energy, Inc.  
700 Milam Street, Suite 1900  
Houston, TX 77002  
Phone: (713) 375-5659  
Fax: (713) 375-6000  
Email: sean.markowitz@cheniere.com