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

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Energía Costa Azul, S. de R.L. de C.V. )  
\_\_\_\_\_) )

**FE DOCKET NO. 18-145-LNG**

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

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**TABLE OF CONTENTS**

**I. BACKGROUND .....2**

**II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT .....3**

**A. FE Docket Numbers .....3**

**B. Authorization Holder .....3**

**C. Name and Location of Export Facility .....4**

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

**E. Final Orders Issued by Federal Energy Regulatory Commission .....5**

**F. Requested Amendment.....5**

**III. THE REQUESTED AMENDMENTS ARE IN THE PUBLIC INTEREST .....6**

**A. Domestic Natural Gas Supply, Demand, and Price .....8**

**B. Other Public Interest Considerations.....10**

    i. Environmental Issues .....10

    ii. International Trade and Geopolitical Impacts .....11

**C. Authority to Grant Extended Export Terms Under DOE’s Regulations .....11**

**IV. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT .....12**

**V. APPENDICES .....12**

**VI. CONCLUSION .....13**

**UNITED STATES OF AMERICA  
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**Energía Costa Azul, S. de R.L. de C.V.**

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THROUGH DECEMBER 31, 2050**

Pursuant to Section 3 of the Natural Gas Act (“NGA”),<sup>1</sup> Part 590 of the regulations of the United States Department of Energy (“DOE”),<sup>2</sup> and the DOE Office of Fossil Energy’s (“DOE/FE”) final policy statement on Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050,<sup>3</sup> Energía Costa Azul, S. de R.L. de C.V. (“ECA”) submits this application to amend its existing long-term authorizations to export liquefied natural gas (“LNG”) issued in the above-captioned dockets (“Application”).

Specifically, ECA requests that DOE/FE grant extensions to the export terms for each of the authorizations issued in the above-captioned dockets through December 31, 2050, inclusive of any make-up period, with corresponding increases in the total volume of exports over the life of each authorization.

In support of this Application, ECA states as follows:

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<sup>1</sup> 15 U.S.C. § 717b (2018).

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

<sup>3</sup> *Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*, Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52237 (Aug. 25, 2020).

## I. BACKGROUND

As described in further detail in Section II below, ECA holds: (1) one long-term authorization to export natural gas to Mexico and/or, after liquefaction in Mexico, to export liquefied natural gas (“LNG”) to nations with which there is in effect a free trade agreement (“FTA”) requiring national treatment for trade in natural gas (the “FTA Authorization”);<sup>4</sup> and (2) one long-term, multi-contract authorization to export LNG to non-FTA nations (the “Non-FTA Authorization”).<sup>5</sup> The FTA and Non-FTA Authorizations each have a 20-year term.<sup>6</sup>

On July 29, 2020, DOE/FE issued a final policy statement on Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050 (“Policy Statement”).<sup>7</sup> In the Policy Statement, DOE/FE adopted a term through December 31, 2050— inclusive of any make-up period—as the standard export term for long-term, non-FTA authorizations and discontinued its practice of granting standard 20-year export terms.<sup>8</sup> The Policy Statement implemented a process by which existing authorization holders may request to amend the export terms of their long-term, non-FTA authorizations through December 31, 2050, with corresponding increases in the total export volume over the life of the authorizations.<sup>9</sup>

While the Policy Statement does not apply to FTA authorizations, DOE/FE recognized that holders of existing non-FTA authorizations may also wish to apply for corresponding extensions in their existing long-term FTA authorizations in order to align the terms of their FTA and non-

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<sup>4</sup> DOE/FE Order No. 4318, FE Docket No. 18-145-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Natural Gas to Mexico and to Other Free Trade Agreement Nations (Jan. 25, 2019).

<sup>5</sup> DOE/FE Order No. 4365, FE Docket No. 18-145-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (Mar. 29, 2019).

<sup>6</sup> See DOE/FE Order No. 4318 at Ordering Para. A.; DOE/FE Order No. 4365 at Ordering Para. A.

<sup>7</sup> The Policy Statement was published in the Federal Register and became effective on August 25, 2020.

<sup>8</sup> Policy Statement, 85 Fed. Reg. at 52247.

<sup>9</sup> *Id.*

FTA authorizations.<sup>10</sup> DOE/FE requested that authorization holders submit consolidated applications to extend the terms of their FTA and non-FTA authorizations where possible to ensure more consistent and streamlined proceedings.<sup>11</sup>

Pursuant to DOE/FE's Policy Statement, ECA submits this Application to extend the terms of its existing long-term Non-FTA and FTA Authorizations through December 31, 2050, with attendant increases in the total export volume over the life of each authorization.

## **II. INFORMATION REGARDING LONG-TERM AUTHORIZATIONS AND REQUESTED AMENDMENT**

### **A. *FE Docket Numbers***

The long-term export authorizations subject to this Application are docketed under FE Docket No. 18-145-LNG.

### **B. *Authorization Holder***

The authorization holder for each of the FTA Authorization and Non-FTA Authorization is Energía Costa Azul, S. de R.L. de C.V.. ECA is a variable-capital, limited liability company organized under the laws of Mexico. The principal place of business of ECA is Paseo de la Reforma # 342 Piso 24, Col. Juárez, Alc. Cuauhtémoc, Ciudad de México 06600. ECA is owned by Infraestructura Energética Nova, S.A.B. de C.V. ("IEnova") and IEnova's subsidiaries. IEnova is one of the largest natural gas infrastructure developers in Mexico and was the first publicly traded energy infrastructure company listed on the Mexican Stock Exchange (Bolsa Mexicana de Valores). A majority of the ownership interests in IEnova (66.43%) is held by

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<sup>10</sup> *Id.* at 52248.

<sup>11</sup> *Id.* DOE/FE provided a template for existing authorization holders to utilize when applying to extend the terms of their long-term export authorizations pursuant to the Policy Statement. *See* Department of Energy Office of Fossil Energy, Policy for Extending Natural Gas Export Authorizations to 2050, <https://www.energy.gov/fe/downloads/policy-extending-natural-gas-export-authorizations-2050>.

indirect, wholly-owned subsidiaries of Sempra Energy, a publicly traded California corporation

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

The FTA and Non-FTA Authorizations permit ECA to export U.S. natural gas from various to Mexico for liquefaction at the ECA Large-Scale Project and re-export to foreign markets. The ECA Large-Scale Project will be constructed at the existing 67.85-acre brownfield LNG import terminal site owned by ECA and located approximately 19 miles north of the city of Ensenada, Baja California, Mexico, along the Pacific coast, approximately 31 miles south of the San Diego-Tijuana/San Ysidro border between the United States and Mexico.<sup>12</sup>

**D. Existing Long-Term DOE/FE Orders Subject to This Application**

The existing FTA and Non-FTA Authorizations subject to this Application are summarized below. ECA’s authorized long-term FTA and non-FTA volumes are not additive.

<b>Docket No.</b>	<b>Order No.</b>	<b>Date Issued</b>	<b>Amendments</b>	<b>Authorized Volume</b>	<b>Project</b>	<b>Type</b>
18-145-LNG	4317	Jan. 25, 2019	N/A	545 Bcf/yr <sup>13</sup>	Large-Scale Project	FTA, long-term, multi-contract
18-145-LNG	4364	Mar. 29, 2019	N/A	475 Bcf/yr	Large-Scale Project	Non-FTA, long-term, multi-contract

ECA notes that on September 18, 2020, it filed a currently-pending application in FE Docket No. 18-145-LNG (“Volume Amendment Application”) to amend the volumes authorized for export to FTA and Non-FTA countries from the ECA Large-Scale Project as follows:

(1) to export an additional approximately 21 Bcf/yr (0.06 Bcf/d) of natural gas by pipeline to

<sup>12</sup> ECA notes that ECA Liquefaction, S. de R.L. de C.V. holds long-term, multi-contract authorizations to export LNG from another, independent set of facilities to be located at the same site (*i.e.*, the ECA Mid-Scale Project). The authorizations associated with the ECA Mid-Scale Project (DOE/FE Order Nos. 4317 and 4364) are not subject to the instant Application.

<sup>13</sup> Approximately 70 Bcf/yr of the gas authorized for export to FTA countries will be used in Mexico as fuel for pipeline transportation or liquefaction of natural gas.

Mexico for use as fuel for pipeline transportation or LNG liquefaction in Mexico; and  
(2) the export of an additional approximately 161 Bcf/yr (0.44 Bcf/d) of natural gas by pipeline to Mexico for use in the ECA Large-Scale Project, where the U.S.-sourced natural gas will be liquefied, then re-exported as LNG by vessel to (a) FTA countries; and (b) Non-FTA countries.

If the Volume Amendment Application is granted, ECA would be authorized to export from the ECA Large-Scale Project a total of 727 Bcf/y to FTA countries and 636 Bcf/y to Non-FTA countries. ECA notes that the Volume Amendment Application requested a term through December 31, 2050, for the incremental export volumes requested therein but did not request an extension for the export terms for the existing volumes granted in DOE/FE Order Nos. 4317 and 4364 that are the subject of the instant Application. Should DOE/FE grant the instant Application and the Volume Amendment Application, all export volumes authorized for the ECA Large-Scale Project would have a term ending on December 31, 2050.

**E. *Final Orders Issued by Federal Energy Regulatory Commission***

ECA notes that the ECA Large-Scale Project is located entirely within Mexico. Accordingly, the ECA Large-Scale Project is subject to permitting by various Mexican agencies and is not subject to the jurisdiction of the Federal Energy Regulatory Commission.

**F. *Requested Amendment***

ECA hereby respectfully requests that the export terms for the FTA and Non-FTA Authorizations specified in Section II.D above be extended for a term ending on December 31, 2050, inclusive of any make-up period.

While ECA does not propose to amend the annual export volumes (*i.e.*, Bcf/y) authorized in the FTA or Non-FTA Authorizations, ECA requests authorization for the increase in total export volumes over the life of the FTA and Non-FTA Authorizations corresponding with the requested extension in export terms through December 31, 2050.

### III. THE REQUESTED AMENDMENTS ARE IN THE PUBLIC INTEREST

DOE/FE reviews the FTA portion of this Application under section 3(c) of the NGA. Section 3(c) requires that FTA applications “shall be deemed to be consistent with the public interest” and granted “without modification or delay.”<sup>14</sup> In light of this statutory obligation, DOE/FE has found that it need not engage in any analysis of factors affecting the public interest.<sup>15</sup> ECA’s request to amend the export terms of its FTA Authorization in DOE/FE Order No. 4318 should be processed and approved in accordance with this standard.

The portion of this Application relating to ECA’s Non-FTA Authorization in DOE/FE Order No. 4365 is governed by section 3(a) of the NGA, which provides that:

[N]o 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.<sup>16</sup>

NGA section 3(a) creates a rebuttable presumption that a proposed export of natural gas is in the public interest.<sup>17</sup> DOE/FE has explained that it must grant an application requesting the export of natural gas unless the presumption favoring exports is overcome by an affirmative showing that the application is inconsistent with the public interest.<sup>18</sup>

Although the NGA does not define “public interest,” DOE/FE has identified several factors that it considers when reviewing Non-FTA export applications, including economic impacts,

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<sup>14</sup> 15 U.S.C. § 717b(c).

<sup>15</sup> See, e.g., *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 at 7 (July 10, 2015).

<sup>16</sup> *Id.* § 717b(a).

<sup>17</sup> See, e.g., *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017).

<sup>18</sup> See, e.g., *Golden Pass Prods. LLC*, DOE/FE Order No. 3978, FE Docket No. 12-156-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas By Vessel From the Golden Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations at 11 (Apr. 25, 2017).



international impacts, security of natural gas supply, and environmental impacts.<sup>19</sup> In conducting its public interest review, DOE/FE is also guided by the 1984 Policy Guidelines<sup>20</sup> and DOE Delegation Order No. 0204-111.<sup>21</sup> While the Delegation Order is no longer in effect, DOE/FE continues to look to the following factors in its review of export applications: (i) the domestic need for the natural gas to be exported; (ii) whether the proposed exports pose a threat to the security of domestic natural gas supplies; (iii) whether the arrangement is consistent with DOE/FE's policy of promoting market competition; and (iv) any other factors bearing on the public interest.<sup>22</sup>

In approving the Non-FTA Authorization, DOE/FE conducted an extensive public interest review of exports from the ECA Large-Scale Project, including an evaluation of domestic need for the natural gas proposed for export. Based on these reviews, DOE/FE found that the proposed exports of U.S.-sourced natural gas to Mexico and re-export in the form of LNG from Mexico to Non-FTA countries were not shown to be inconsistent with the public interest.<sup>23</sup>

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<sup>19</sup> See, e.g., *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446, FE Docket No. 16-28-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19 (Oct. 16, 2019) [hereinafter *Venture Global*]; *Eagle LNG Partners Jacksonville LLC*, DOE/FE Order No. 4445, FE Docket No. 16-15-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19 (Oct. 3, 2019) [hereinafter *Eagle LNG*]; *Gulf LNG Liquefaction Co., LLC*, DOE/FE Order No. 4410, FE Docket No. 12-101-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations at 19-20 (July 31, 2019) [hereinafter *Gulf LNG*].

<sup>20</sup> See New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984). The goals of the 1984 Policy Guidelines are to “minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.” *Venture Global* at 19. The 1984 Policy Guidelines indicated that “[t]he federal government’s primary responsibility in authorizing imports [or exports] will be to evaluate the need for the gas and whether the import [or export] arrangement will provide the gas on a competitively priced basis for the duration of the contract while minimizing regulatory impediments to a freely operating market.” 49 Fed. Reg. at 6685. DOE/FE has explained that while the 1984 Policy Guidelines are nominally applicable to natural gas import cases, they are applicable to export applications. See, e.g., *Venture Global* at 20.

<sup>21</sup> U.S. Department of Energy, Delegation Order No. 0204-111 (Feb. 22, 1984). Delegation Order No. 0204-111 based the regulation of exports “on a consideration of the domestic need for the gas to be exported and such other matters [found] in the circumstances of a particular case to be appropriate.” *Id.* at 1.

<sup>22</sup> See, e.g., *Venture Global* at 20; *Eagle LNG* at 20; *Gulf LNG* at 21.

<sup>23</sup> See DOE/FE Order No. 4365 at 43.

### A. *Domestic Natural Gas Supply, Demand, and Price*

Current market data and studies demonstrate that exports of domestically produced LNG from the ECA Large-Scale Project through 2050 remain in the public interest. As the Policy Statement recognized, the DOE-commissioned 2018 LNG Export Study<sup>24</sup> and the U.S. Energy Information Administration’s (“EIA”) Annual Energy Outlook 2020 (“AEO 2020”)<sup>25</sup> “project robust domestic supply conditions that are more than adequate to satisfy both domestic needs and exports of LNG . . . through December 31, 2050.”<sup>26</sup>

The AEO 2020 predicts that the United States will remain a net natural gas exporter through 2050.<sup>27</sup> The AEO 2020 reference case estimates 0.9% growth in U.S. dry gas production over the period 2019–2050, with dry gas production reaching 45 trillion cubic feet (“Tcf”) by 2050.<sup>28</sup> In comparison, the AEO 2020 reference case estimates more modest growth in demand over the same period (0.5%), with consumption across sectors estimated at 36.50 Tcf by 2050.<sup>29</sup>

The AEO 2020 reference case projects that natural gas prices will “remain lower than \$4 per million British thermal units (MMBtu) through 2050 because of an abundance of lower cost resources . . . allow[ing] higher production levels at lower prices during the projection period.”<sup>30</sup> The 2018 LNG Export Study found that increased domestic LNG exports “leads to only small increases in U.S. natural gas prices.”<sup>31</sup> Moreover, the 2018 LNG Export Study concluded that

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<sup>24</sup> NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports*, at 14 (June 7, 2018), available at <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf> [hereinafter 2018 LNG Export Study].

<sup>25</sup> U.S. Energy Information Administration, *Annual Energy Outlook 2020* (Jan. 29, 2020), available at <https://www.eia.gov/outlooks/aeo/pdf/AEO2020%20Full%20Report.pdf> [hereinafter AEO 2020].

<sup>26</sup> Policy Statement, 85 Fed. Reg. at 52242.

<sup>27</sup> AEO 2020 at 11.

<sup>28</sup> AEO 2020 at tbl. 13, available at <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2020&cases=ref2020&sourcekey=0>.

<sup>29</sup> *Id.*

<sup>30</sup> AEO 2020 at 48.

<sup>31</sup> 2018 LNG Export Study at 55.

increased LNG exports consistently result in several macroeconomic benefits, including higher levels of GDP and consumer wellbeing.<sup>32</sup> According to the 2018 LNG Export Study, “[e]ven the most extreme scenarios of high LNG exports that are outside the more likely probability range . . . show higher overall economic performance in terms of GDP, household income, and consumer welfare than lower export levels associated with the same domestic supply scenarios.”<sup>33</sup>

The macroeconomic benefits projected in the 2018 LNG Export Study remain accurate today. Indeed, as acknowledged in the Policy Statement, the AEO 2020 reference case projects market conditions through 2050 that are even more supportive of LNG exports—including higher production and demand and lower prices—than the Annual Energy Outlook 2017 projections that underlie the 2018 LNG Export Study.<sup>34</sup> Consistent with the findings in the 2018 LNG Export Study, the Policy Statement concluded that “exports of U.S. LNG under the proposed term extension [*i.e.*, through December 31, 2050] will generate positive economic benefits in the United States through the year 2050.”<sup>35</sup>

Additionally, the Policy Statement recognized that extending non-FTA export authorization terms through December 31, 2050 will provide commercial benefits to existing authorization holders and will improve regulatory certainty for authorization holders and foreign buyers of domestic LNG.<sup>36</sup> In proposing the Policy Statement, DOE recognized that a 30-year export term would better match the operational life of LNG export facilities, would enhance authorization holders’ ability to finance their facilities, and would facilitate authorization holders’

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<sup>32</sup> *Id.* at 18-21.

<sup>33</sup> *Id.*

<sup>34</sup> Policy Statement, 85 Fed. Reg. at 52243.

<sup>35</sup> *Id.* at 52242. In addressing comments to the proposed Policy Statement, DOE was not persuaded by complaints that the proposed term extension would negatively impact domestic consumers, households, or U.S. manufacturers, or otherwise harm the U.S. economy. *Id.* at 52242-44.

<sup>36</sup> *Id.* at 52240-41.

ability to enter into longer-term natural gas supply and export contracts.<sup>37</sup> Indeed, DOE/FE recognized that the longer export term would increase the competitiveness of U.S. gas exports vis-à-vis exports from other countries.<sup>38</sup>

**B. *Other Public Interest Considerations***

i. Environmental Issues

As discussed further below, the ECA Large-Scale Project continues to qualify for a B5.7 categorical exclusion and the export extensions requested herein do not require construction or modification of any facilities. Neither does ECA request to increase the annual authorized volumes under either the FTA or Non-FTA Authorization. Should DOE/FE grant ECA's request to extend the terms of its FTA and Non-FTA Authorizations, the increase in overall exports over the life of each authorization will not be inconsistent with the public interest.

In 2019, DOE commissioned an update to its Life Cycle Analysis Greenhouse Gas Report (the "LCA GHG Update").<sup>39</sup> The LCA GHG Update demonstrated that the use of U.S. LNG exports for power production in European and Asian markets will not increase global GHG emissions from a life cycle perspective, when compared to regional coal extraction and consumption for power production.<sup>40</sup> The LCA GHG Update suggests, therefore, that U.S. LNG exports may in fact facilitate the reduction of GHG emissions by displacing less environmentally-friendly energy sources with cleaner-burning natural gas. Indeed, the Policy Statement 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 a per unit of energy consumed basis for power production. Further, to the extent U.S. LNG exports are preferred over other forms of

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Nat'l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL 2019/2041) (Sept. 12, 2019).

<sup>40</sup> *See id.* at 78, 85.

imported natural gas, they are likely to have only a small impact on global GHG emissions.”<sup>41</sup> Based on the LCA GHG Update and public comments thereto, DOE/FE has determined there is “no reason to conclude that U.S. LNG exports will increase global GHG emissions in material or predictable way.”<sup>42</sup> Furthermore, the Policy Statement noted that U.S. LNG exporters may indirectly benefit the use of renewable energy in importing countries by providing reliable standby energy supplies during and after development of renewable energy sources.<sup>43</sup>

ii. International Trade and Geopolitical Impacts

The 2018 LNG Export Study found that increased U.S. exports of natural gas “will improve the U.S. balance of trade and result in a wealth transfer into the United States.”<sup>44</sup> Additionally, LNG exports provide important geopolitical benefits by diversifying global energy supply. In the Policy Statement, DOE/FE recognized that “[a]n efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and its allies” and that “to the extent U.S. exports can diversify global LNG supplies and increase the volumes of LNG available globally, these exports will improve energy security for many U.S. allies and trading partners.”<sup>45</sup> The amendments requested herein will further these international trade and geopolitical benefits.

**C. *Authority to Grant Extended Export Terms Under DOE’s Regulations***

DOE/FE has the authority to grant ECA’s request to extend the terms of its Non-FTA Authorization. In the Policy Statement, DOE/FE noted that neither NGA section 3(a) nor the

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<sup>41</sup> Policy Statement, 85 Fed. Reg. at 52245 (citing U.S. Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update – Response to Comments, 85 FR 72, 85 (Jan. 2, 2020) (“DOE Response to Comments on 2019 Update”).

<sup>42</sup> *Id.* at 52240 (citing DOE Response to Comments on 2019 Update.)

<sup>43</sup> *Id.* at 52246.

<sup>44</sup> 2018 LNG Export Study at 64.

<sup>45</sup> Policy Statement, 85 Fed. Reg. at 52244.

DOE’s regulations prescribe a specific time period for non-FTA Authorizations.<sup>46</sup> DOE concluded that it has discretion pursuant to section 590.404 of its regulations<sup>47</sup> to impose a suitable term—including a term through December 31, 2050—for long-term, non-FTA authorizations in light of the evidence in each proceeding.<sup>48</sup> Based on the foregoing evidence that the requested amendments are consistent with the public interest, ECA respectfully submits that DOE/FE has the authority to approve a revised export term ending December 31, 2050 for the Non-FTA Authorization.

#### **IV. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT**

In granting the Non-FTA Authorization, DOE/FE issued a categorical exclusion for the ECA Large-Scale Project under the National Environmental Policy Act (“NEPA”).<sup>49</sup> Specifically, DOE/FE determined that the ECA Large-Scale Project qualified for a B5.7 categorical exclusion under 10 C.F.R. Part 1021, Subpart D, Appendix B.<sup>50</sup> The export term extensions requested herein do not require the construction or modification of facilities and do not otherwise affect DOE/FE’s previous determination that a categorical exclusion applies for the ECA Large-Scale Project. Accordingly, ECA requests that DOE/FE find that the instant Application qualified for a B5.7 categorical exclusion.

#### **V. APPENDICES**

Appendix A: Verification

Appendix B: Opinion of Counsel

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<sup>46</sup> *Id.*

<sup>47</sup> 10 C.F.R. § 590.404 (2020).

<sup>48</sup> Policy Statement, 85 Fed. Reg. at 52239.

<sup>49</sup> *See* DOE/FE Order No. 4365 at 36-37.

<sup>50</sup> Item B5.7 applies to “[a]pprovals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) but not new construction.” 10. C.F.R. Part 1021, App. B, Item B5.7.

**VI. CONCLUSION**

WHEREFORE, for the foregoing reasons, ECA respectfully requests that DOE/FE (i) amend the export terms for the FTA and Non-FTA Authorizations to provide for terms ending on December 31, 2050, and (ii) authorize attendant increases in the total export volumes over the life of each FTA and Non-FTA Authorization corresponding with the requested extensions in export terms.

Respectfully submitted,

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*Counsel to Energía Costa Azul,  
S. de R.L. de C.V.*

Dated: September 18, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington, DC this 18th day of September 2020.

/s/ Lamiya Rahman  
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## **APPENDIX A**

### **Verification**

## VERIFICATION

I, Tania Ortiz Mena, declare that I am the Director General for Energía Costa Azul, S. de R.L. de C.V. and am duly authorized to make this Verification; that I have read the foregoing instrument and that the facts therein stated are true and correct to the best of my knowledge, information and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Mexico City, Mexico on September 18, 2020.

DS  
JH

DocuSigned by:  
*Tania Ortiz Mena*  
675E2B4B967B46A...

Tania Ortiz Mena  
Director General  
Energía Costa Azul, S. de R.L. de C.V.  
Paso de la Reforma # 342, Piso 24  
Col. Juarez, Del. Cuahémoc  
Mexico D.F. 06600

**APPENDIX B**

**Opinion of Counsel**



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## OPINION OF COUNSEL

September 18, 2020

Ms. Amy Sweeney  
Office of Fossil Energy  
U.S. Department of Energy  
FE-34  
Forrestal Building  
1000 Independence Avenue, S.W  
Washington, DC 20585

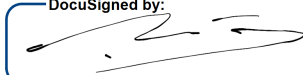
RE: *Energía Costa Azul, S. de R.L. de C.V.*  
**Application to Amend Export Term for Existing Long-Term Authorization  
Through December 31, 2050**

Dear Ms. Sweeney:

This opinion of counsel is submitted pursuant to Section 590.202(c) of the regulations of the United States Department of Energy, 10 C.F.R. § 590.202(c) (2020). I am counsel to Energía Costa Azul, S. de R.L. de C.V. (“ECA”).

I have reviewed the organizational and internal governance documents of ECA and it is my opinion that the proposed export of natural gas as described in the application filed by ECA, to which this Opinion of Counsel is attached as Appendix B, is within the company powers of ECA.

Respectfully submitted,

DocuSigned by:  
  
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*On Behalf of Energía Costa Azul, S. de R.L. de C.V.*