UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

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| OKRA ENERGY, LLC | ) | FE DOCKET NO. 20-141-LNG |

# ORDER GRANTING BLANKET AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AGREEMENT NATIONS

DOE/FE ORDER NO. 4665

FEBRUARY 11, 2021

## I. DESCRIPTION OF REQUEST

On October 16, 2020, Okra Energy, LLC (Okra Energy) filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA)[1] for blanket authorization to export liquefied natural gas (LNG) to countries with which the United States currently has, or in the future will have, a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries)[2] and that have the capacity to import LNG.[3] Okra Energy seeks to export this LNG in approved ISO IMO7/TVAC-ASME LNG (ISO) containers shipped from the Port of Alabama in Mobile, Alabama, in a total volume equivalent to 20 billion cubic feet (Bcf) of natural gas. Okra Energy states that the exports will be shipped via ISO containers from its proposed small-scale LNG liquefaction facility to be located in McIntosh, Alabama, then delivered by truck to the Port of Alabama in Mobile, Alabama. The LNG to be exported will be loaded onto a barge or vessel for transport to FTA countries.

Okra Energy requests the authorization be granted for a two-year term that began on October 18, 2020.[4] Additionally, Okra Energy seeks to export this LNG on its own behalf and as agent for other entities who hold title to the LNG at the time of export. Okra Energy is a Delaware limited liability company with its principal place of business in New York, New York.

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[1] Authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FE in Redelegation Order No. 00-002-04G issued on June 4, 2019.

[2] 15 U.S.C § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

[3] *See* Emails from Andrea Ravenet, COO, Okra Energy, LLC, to DOE/FE (Jan. 5, 2021, Jan. 7, 2021, and Jan. 12, 2021)

[4] Okra Energy's prior blanket authorization to export LNG was granted in DOE/FE Order No. 4019 on April 18, 2017. The export term for Order No. 4019 was subsequently extended through October 17, 2020. *See* Emails from Andrea Ravenet, COO, Okra Energy, LLC, to DOE/FE (Jan. 5, 2021, Jan. 7, 2021, and Jan. 12, 2021).

## II. FINDING

The application has been evaluated to determine if the proposed export arrangement meets the public interest requirement of section 3 of the NGA, as amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486). Under section 3(c), the import and export of natural gas, including LNG, from and to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas and the import of LNG from other international sources are deemed to be consistent with the public interest, and applications for such imports and exports must be granted without modification or delay. The authorization sought by Okra Energy to export LNG to FTA countries meets the section 3(c) criterion and, therefore, is consistent with the public interest. This Order authorizes transactions with terms of not greater than two years.

Okra Energy requests authorization to export LNG on its own behalf and as agent for other entities who will hold title to the LNG at the time of export. DOE/FE previously addressed the issue of Agency Rights in DOE/FE Order No. 2913,[5] which granted Freeport LNG Expansion, L.P. *et al.* (collectively, FLEX) authority to export LNG to FTA countries. In that Order, DOE/FE approved a proposal by FLEX to register each LNG title holder for whom FLEX sought to export LNG as agent. DOE/FE found that this proposal was an acceptable alternative to the non-binding policy adopted by DOE/FE in *The Dow Chemical Company*, which established that the title for all LNG authorized for export must be held by the authorization holder at the point of export.[6] We find that the same policy considerations that supported

[5] *Freeport LNG Expansion, L.P., et al.,* DOE/FE Order No 2913, FE Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Freeport LNG Terminal to Free Trade Nations (Feb. 10, 2011).
[6] *The Dow Chemical Co.*, DOE/FE Order No. 2859, FE Docket No. 10-57-LNG, Order Granting Blanket Authorization to Export Liquefied Natural Gas, at 7-8 (Oct. 5, 2010), discussed in *Freeport LNG*, DOE/FE Order No. 2913, at 7-8.

DOE/FE's acceptance of the alternative registration proposal in DOE/FE Order No. 2913 apply here as well.[7] The authorization granted herein shall require that where Okra Energy proposes to export LNG as agent for other entities who hold title to the LNG (Registrants), Okra Energy must register those entities with DOE/FE in accordance with the procedures and requirements described herein.

## ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. Okra Energy is authorized to export LNG to FTA countries in a total volume equivalent to 20 Bcf of natural gas, pursuant to transactions that have terms of not greater than two years. Okra Energy is authorized to export this LNG on its own behalf or as agent for other entities that hold title to the natural gas at the time of export. This authorization shall be effective for a two-year term that began on October 18, 2020, and that extends through October 17, 2022.

B. This LNG may be exported in ISO containers by truck, then shipped by barge or vessel from the Port of Alabama in Mobile, Alabama.

C. Okra Energy is permitted to use its authorization in order to export LNG as agent for other entities, after registering the other party with DOE/FE. Registration materials shall include an acknowledgement and agreement by the Registrant to supply Okra Energy with all information necessary to permit Okra Energy to register that person or entity with DOE/FE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 CFR Part 590, including but not limited to destination

[7] *See also 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 7-8 (July 10, 2015).

restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; and (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed.

D. Each registration submitted pursuant to this Order shall have current information on file with DOE/FE. Any changes in company name, contact information, or other relevant modification shall be filed with DOE/FE within 30 days of such change(s).

E. **Monthly Reports:** With respect to the exports of LNG authorized by this Order, Okra Energy shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report indicating whether exports of LNG have been made. Monthly reports must be filed whether or not initial deliveries have begun. If no exports have been made, a report of "no activity" for that month must be filed. If exports of LNG in ISO containers by vessel have occurred, the report must give the following details of each LNG cargo: (1) the name(s) of the authorized exporter registered with DOE/FE; (2) the name of the U.S. export terminal; (3) the name of the vessel; (4) the date of departure from the U.S. export terminal; (5) the country (or countries) into which the LNG was actually delivered; (6) the name of the supplier/seller; (7) the volume in thousand cubic feet (Mcf); (8) the price at point of export per million British thermal units (MMBtu); (9) the name and location (city/state) of the facility where the ISO container is loaded with LNG; (10) the mode(s) of transport used to move the loaded ISO container from the loading facility to the export port or terminal; (11) the duration of the supply agreement; and (12) the name(s) of the purchaser(s).

(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

F. The first monthly report required by this Order is due not later than March 30, 2021, and should cover the reporting period from October 18, 2020, through February 28, 2021.

G. All monthly report filings on Form FE-746R shall be made to the U.S. Department of Energy (FE-34), Office of Fossil Energy, Office of Regulation, Analysis, and Engagement, according to the methods of submission listed on Form FE-746R reporting instructions available at https://www.energy.gov/fe/services/natural-gas-regulation.

Issued in Washington, D.C., on February 11, 2021.

Amy R. Sweeney

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Amy R. Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Oil and Natural Gas