

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

_____)	FE DOCKET NO. 12-97-LNG
CHENIERE MARKETING, LLC)	FE DOCKET NO. 12-99-LNG
_____)	

ORDER AMENDING APPLICATION IN DOCKET NO. 12-97-LNG TO ADD
CORPUS CHRISTI LIQUEFACTION, LLC AS APPLICANT,
AND
GRANTING REQUEST IN DOE/FE ORDER NO. 3164, DOCKET NO. 12-99-LNG, TO ADD
CORPUS CHRISTI LIQUEFACTION, LLC AS AUTHORIZATION HOLDER

DOE/FE ORDER NO. 3538
DOE/FE ORDER NO. 3164-A

OCTOBER 29, 2014

I. BACKGROUND AND DESCRIPTION OF REQUEST

On August 31, 2012, Cheniere Marketing, LLC (CMI) filed two applications with the U.S. Department of Energy, Office of Fossil Energy (DOE/FE). First, CMI filed an application¹ for long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to approximately 767 billion cubic feet per year (Bcf/yr) of natural gas for a 22-year term. In this “non-FTA Application”, CMI seeks authorization to export LNG by vessel from the proposed Corpus Christi Liquefaction Project, to be located near Corpus Christi, Texas (CCL Project), to any country with which the United States has not entered into a free trade agreement (FTA) that requires national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). CMI’s non-FTA Application is pending in FE Docket No. 12-97-LNG, and will be reviewed under section 3(a) of the Natural Gas Act (NGA), 15 U.S.C. § 717b(a).

Second, CMI filed a “FTA Application” in FE Docket No. 12-99-LNG, requesting long-term, multi-contract authorization to export the same volume of LNG (767 Bcf/yr) for a 25-year-term by vessel from the CCL Project to any country with which the United States currently has, or in the future will have, a FTA requiring the national treatment for trade in natural gas (FTA countries). On October 16, 2012, DOE granted CMI’s FTA Application in DOE/FE Order No. 3164, pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).² In that Order, DOE/FE observed

¹ Cheniere Marketing, LLC, Application of Cheniere Marketing, LLC for Long-Term Authorization To Export Liquefied Natural Gas To Non-Free Trade Countries, FE Docket No. 12-97-LNG (Aug. 31, 2012) [hereinafter non-FTA Application].

² *Cheniere Marketing, LLC*, DOE/FE Order No. 3164, FE Docket No. 12-99-LNG, 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 (Oct. 16, 2012).

that CMI is a corporate affiliate of Corpus Christi Liquefaction, LLC (CCL), one of the developers of the CCL Project.³

Subsequently, on August 15, 2014, CMI submitted separate requests to DOE/FE in each of the two dockets, pursuant to DOE's regulations at 10 C.F.R. §§ 509.204(a) and 590.201, respectively. First, CMI filed a request asking DOE/FE to amend CMI's pending non-FTA Application in FE Docket No. 12-97-LNG to add CCL as an applicant in the non-FTA proceeding.⁴ CMI asserts that the inclusion of CCL as an applicant in the non-FTA proceeding will better reflect the commercial structure of the CCL Project (which has changed since CMI filed its non-FTA Application) and will facilitate financing of the CCL Project. CMI states that, under the current commercial structure of the CCL Project, both CMI and CCL may source natural gas feedstock for the CCL Project and export LNG. According to CMI, all other aspects of the non-FTA Application, including the public interest analysis, remain unchanged.

Second, CMI filed a request in FE Docket No. 12-99-LNG asking DOE/FE to add CCL as an authorization holder (together with CMI) in the existing FTA export authorization issued in Order No. 3164.⁵

CMI's request to amend its pending non-FTA Application is unopposed and, pursuant to section 3(c) of the Natural Gas Act, CMI's request to add CCL as an authorization holder in the FTA authorization is deemed in the public interest and must be approved without modification.

³ *See id.* at 2.

⁴ Cheniere Marketing, LLC, Amendment to Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Countries, FE Docket No. 12-97-LNG (Aug. 15, 2014).

⁵ Cheniere Marketing, LLC, Request to Add Corporate Affiliate as Additional Authorization Holder Under DOE/FE Order No. 3164, FE Docket No. 12-99-LNG (Aug. 15, 2014).

II. FINDINGS

Based on the uncontested representations contained in the above-described Requests, we find as follows:

A. CMI is a Delaware limited liability company with its primary place of business in Houston, Texas. CMI is an indirect subsidiary of Cheniere Energy, Inc., a Delaware Corporation with its primary place of business in Houston, Texas. Cheniere Energy, Inc. is a developer of LNG terminals and natural gas pipelines on the Gulf Coast, including the CCL Project. CMI is authorized to do business in the States of Texas and Louisiana.

B. CCL is a Delaware limited liability company with its primary place of business in Houston, Texas. CCL is a subsidiary of Corpus Christi LNG, LLC, which is a wholly-owned subsidiary of Cheniere LNG Terminals, LLC. Cheniere LNG Terminals, LLC is a wholly-owned subsidiary of Cheniere Development, Inc., which, in turn, is a wholly-owned subsidiary of Cheniere Energy, Inc. CCL is authorized to do business in the State of Texas.

C. Good cause has been shown to amend the non-FTA Application pending in FE Docket No. 12-97-LNG.

D. As required by section 3(c) of the NGA, the modification of the FTA authorization issued in FE Docket No. 12-99-LNG is deemed in the public interest.

ORDER

Pursuant to section 3 of the NGA and 10 C.F.R. § 590.405, it is ordered that:

A. DOE/FE approves CMI's Request to amend the non-FTA Application pending in FE Docket 12-97-LNG to add CCL as an applicant with the same rights and obligations of the existing applicant, CMI.

B. DOE/FE approves CMI's Request to amend the FTA authorization issued in DOE/FE Order No. 3164 (FE Docket No. 12-99-LNG) to add CCL as an authorization holder with the same rights and obligations of the existing authorization holder, CMI.

C. CMI remains an applicant in FE Docket No. 12-97-LNG and an authorization holder under DOE/FE Order No. 3164 (FE Docket 12-99-LNG), and its rights and obligations thereunder remain unaffected.

D. This Order shall be effective immediately.

Issued in Washington, D.C. on October 29, 2014.

A handwritten signature in black ink, appearing to read "John A. Anderson", written over a horizontal line.

John A. Anderson
Director, Division of Natural Gas Regulatory Activities
Office of Oil and Gas Global Security and Supply
Office of Fossil Energy