

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

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TEXAS LNG LLC

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) FE DOCKET NO. 13-160-LNG  
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ORDER VACATING LONG-TERM, MULTI-CONTRACT AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AGREEMENT NATIONS, AND NOTICE OF WITHDRAWAL OF APPLICATION REQUESTING LONG-TERM, MULTI-CONTRACT AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS TO NON-FREE TRADE AGREEMENT NATIONS

DOE/FE ORDER NO. 3443-A

On December 31, 2013, Texas LNG LLC (Texas LNG) filed an application (Application) with the Office of Fossil Energy (FE) of the Department of Energy (DOE) in the above-captioned docket (FE Docket No. 13-160-LNG) requesting long-term, multi-contract authorization to export liquefied natural gas (LNG) produced from domestic sources by vessel from the proposed Texas LNG Terminal, to be constructed and operated at the Port of Brownsville in Brownsville, Texas, to: (i) any country 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, and with which trade is not prohibited by U.S. law

or policy (FTA countries)<sup>1</sup>; and (ii) any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries). Texas LNG sought to export LNG in a requested volume of 100 billion cubic feet per day (100 Bcf/d) of natural gas, for a term of 25 years, on its own behalf and as agent for other entities who hold title to the LNG at the time of export.

On June 11, 2014, in DOE/FE Order No. 3443, DOE/FE granted the portion of Texas LNG's Application requesting authorization to export LNG to FTA countries.<sup>2</sup> The portion of the Application requesting authorization to export LNG to non-FTA countries remains pending in this docket (FE Docket No. 13-160-LNG). However, on August 28, 2015, Texas LNG submitted a letter filing requesting that DOE/FE both: (i) vacate DOE/FE Order No. 3443, and (ii) withdraw the pending application for non-FTA export authorization in this docket (Request).<sup>3</sup>

In support of that Request, Texas LNG states that its subsidiary, Texas LNG Brownsville LLC (Texas LNG Brownsville), has filed an application in a separate docket (FE Docket No. 15-62-LNG) requesting authorization to export LNG to FTA and non-FTA countries.<sup>4</sup> In the Request, Texas LNG states that it is seeking both the vacatur of the FTA authorization and the withdrawal of the non-FTA export application in FE Docket 13-160-LNG so that Texas LNG Brownsville can pursue only the requested FTA and non-FTA export authorizations in FE Docket No. 15-62-LNG.

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<sup>1</sup> 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.

<sup>2</sup> *Texas LNG LLC*, DOE/FE Order No. 3443, FE Docket No. 13-160-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Texas LNG Terminal in Brownsville, Texas, to Free Trade Agreement Nations (June 11, 2014).

<sup>3</sup> Letter from William S. Garner, Jr., Counsel for Texas LNG LLC, to Larine Moore of DOE, FE Docket No. 13-16-LNG (Aug. 31, 2015).

<sup>4</sup> The Texas LNG Brownsville application in FE Docket No. 15-62-LNG was filed on April 15, 2015, and supplemented and amended by a First Amendment on May 22, 2015.

We find good cause to grant Texas LNG's Request in both respects. Therefore, DOE/FE Order No. 3443 is hereby vacated, and we give notice that Texas LNG's pending non-FTA export application in FE Docket No. 13-160-LNG is withdrawn pursuant to 10 C.F.R. 590.204(c).<sup>5</sup>

Issued in Washington, D.C., on September 24, 2015.



John A. Anderson  
Director, Office of Oil and Gas Global Security and Supply  
Office of Oil and Natural Gas

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<sup>5</sup> Concurrently with the issuance of this Order, DOE/FE is granting Texas LNG Brownsville LLC's application in FE Docket No. 15-62-LNG with respect to its request for authorization to export LNG to FTA countries. *See Texas LNG Brownsville LLC*, DOE/FE Order No. 3716, FE Docket No. 15-62-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed LNG Terminal at the Port of Brownsville in Brownsville, Texas, to Free Trade Agreement Nations (Sept. 24, 2015). The portion of that application that seeks authorization to export LNG to non-FTA countries is pending and will be addressed in a separate order pursuant to NGA section 3(a), 15 U.S.C. § 717b(a). *See Texas LNG Brownsville LLC*, Application for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations for a 25-Year Period, 80 Fed. Reg. 46,966 (Aug. 6, 2015) (notice of non-FTA export application pending in FE Docket No. 15-62-LNG).