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June 22, 2016

Mr. John Anderson
U.S. Department of Energy
Office of Fossil Energy
Docket Room 3F-056, FE-50
Forrestal Building
1000 Independence Avenue, SW
Washington, D.C. 20585

Re: **In the Matter of Clean Energy**
FE Docket No. 16 - 92 - LNG
Application for Blanket Authorization to Import and Export Liquefied Natural Gas
from and to Free Trade Agreement Countries

Dear Mr. Anderson:

Pursuant to Section 3 of the Natural Gas Act, 15 U.S.C. § 717b (2012), and Part 590 of the regulations of the Department of Energy, 10 C.F.R. Part 590 (2016), Clean Energy hereby submits its Application for Blanket Authorization to Import and Export Liquefied Natural Gas from and to Free Trade Agreement Countries, for a two year period commencing on August 29, 2016, which is the day following the date upon which Clean Energy's existing blanket import/export authorization is scheduled to expire.

Enclosed please find a check for the filing fee in the amount of \$50.00, pursuant to 10 C.F.R. § 590.207. In addition, pursuant to 10 C.F.R. § 590.103(b), a Verification Letter is attached as Appendix A and, pursuant to 10 C.F.R. § 590.202(c), an Opinion of Counsel Letter is attached as Appendix B. Copies of these documents are attached to the filing e-mail and originals will be sent via United Parcel Service.

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Please do not hesitate to contact the undersigned should you have any questions about this application.

Best regards,



Joseph H. Fagan

JHF
Enclosures

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

In the Matter of:

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Docket No. 16- ____-LNG

Clean Energy

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**APPLICATION OF CLEAN ENERGY FOR BLANKET AUTHORIZATION
TO IMPORT AND EXPORT LIQUEFIED NATURAL GAS
FROM AND TO FREE TRADE AGREEMENT NATIONS**

Pursuant to Section 3 of the Natural Gas Act (“NGA”), as amended by Section 201 of the Energy Policy Act of 1992,¹ and Part 590 of the regulations of the Department of Energy (“DOE”),² Clean Energy, a wholly owned subsidiary of Clean Energy Fuels Corp., hereby submits this Application (“Application”) to the DOE Office of Fossil Energy (“DOE/FE”) for blanket authorization to engage in short-term imports and exports of up to 10 billion cubic feet (“Bcf”) of liquefied natural gas (“LNG”), for a two year period commencing on August 29, 2016, which is the day following the date upon which Clean Energy’s existing blanket import/export authorization³ is scheduled to expire. Clean Energy requests that its renewed authorization allow it to import and export, via truck, rail, barge or other waterborne vessel both previously imported and domestically sourced LNG from and to Canada, Mexico, and any other nation with which the United States currently has, or in the future will have, a Free Trade Agreement (“FTA”).

Inasmuch as applications such as this one, which request import and export authorization from and to countries with which the United States has an FTA, are reviewed pursuant to the standards established by the Energy Policy Act of 1992, Clean Energy understands that section

¹ 15 U.S.C. § 717b (2012).

² 10 C.F.R. Part 590 (2016).

³ *Clean Energy*, DOE/FE Order No. 3484 (Aug. 29, 2014).

3(c) of the NGA, as amended by § 201 of the Energy Policy Act of 1992, established a statutory presumption that imports and exports to FTA countries must be authorized. Such imports and exports are “deemed to be within the public interest,” and applications for such exportation “shall be granted without modification or delay.”⁴

In support of this Application, Clean Energy respectfully states as follows:

I.

DESCRIPTION OF APPLICANT

The exact legal name of the applicant is Clean Energy, a California corporation. Clean Energy is a corporation organized under the laws of the State of California, with its principal place of business at 4675 MacArthur Court, Suite 800, Newport Beach, California 92660. Clean Energy is a wholly owned subsidiary of Clean Energy Fuels Corp., a Delaware corporation.

Clean Energy is the largest provider of natural gas fuel for transportation in North America and a global leader in the natural gas vehicle market. Clean Energy has operations in compressed natural gas (“CNG”) and LNG vehicle fueling, construction and operation of CNG and LNG fueling stations, compressor equipment and technology and biomethane production. Clean Energy owns, operates, maintains and/or supplies over 570 natural gas fueling stations within the United States and Canada.

On August 29, 2014, in DOE/FE Order No. 3484 (“Order No. 3484”), DOE/FE authorized Clean Energy to engage in short-term imports and exports of up to 100 Bcf of LNG from and to Canada, Mexico, and any other FTA country that requires national treatment for trade in natural gas by truck, rail, barge, or other waterborne vessel, up to a combined total of the

⁴ 15 U.S.C. § 717b(c). (“For purposes of [15 U.S.C. § 717b(a)] of this section, the importation of the natural gas referred to in [15 U.S.C. § 717b(b)] of this section, or the exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay.”).

equivalent of 100 Bcf of natural gas. Under the terms of the blanket authorization, the LNG may be imported or exported by truck, rail, barge, or other waterborne vessel from or to any points of import or export within the United States.

II.

COMMUNICATIONS

Correspondence and communications regarding this Application should be addressed to the following:

J. Nathan Jensen
Vice President and General Counsel
Clean Energy Fuels Corp.
4675 MacArthur Court, Suite 800
Newport Beach, CA 92660
(949) 437-1180
njensen@cleanenergyfuels.com

Joseph H. Fagan
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Day Pitney LLP
1100 New York Avenue, NW, Suite 300
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Pursuant to Section 590.103(b) of DOE/FE's regulations,⁵ Clean Energy hereby certifies that the persons listed above and the undersigned are the duly authorized representatives of Clean Energy.

III.

AUTHORIZATION REQUESTED

Clean Energy requests blanket authorization to import and export up to 10 Bcf of LNG on a short-term or spot market basis over a two-year term, commencing on August 29, 2016. Clean Energy is requesting authorization to import and export LNG for itself, and as an agent for third parties who may hold title to the LNG at the time of import or export. Clean Energy requests that such blanket short-term authorization provide for import to and export from Clean

⁵ 10 C.F.R. § 590.103(b).

Energy's LNG facilities throughout the United States to and from Canada, Mexico and any other country that has, or in the future will have, the capacity to import and export LNG via truck, rail, barge or other waterborne vessel, and with which the United States currently has, or in the future will have, an FTA requiring the national treatment for trade in natural gas and LNG.

Clean Energy's negotiations with prospective domestic and FTA customers are continually in flux. For that reason, Clean Energy respectfully requests that DOE/FE grant import and export authorization on a blanket basis at all points of import and export from and to Canada, Mexico, or any other FTA nation, to provide Clean Energy with the necessary flexibility to respond to such opportunities. In this regard, Clean Energy requests similar authority previously granted by DOE/FE to other applicants.⁶

IV. PUBLIC INTEREST

As noted above, this Application is submitted pursuant to Section 3(c) of the NGA, under which DOE/FE is required to authorize imports/exports unless it makes an affirmative finding that such imports/exports "will not be consistent with the public interest."⁷ Section 3 thus creates a statutory presumption in favor of the approval of this Application. Any opposition to this Application would bear the burden of overcoming that presumption. It should further be noted that this Application is submitted pursuant to the standard established by the Energy Policy Act of 1992, under which applications for export to FTA countries are deemed to be in the public interest, and must be granted without modification or delay.

In Order No. 3484, which granted Clean Energy blanket authorization to import and export up to 100 Bcf of LNG, DOE/FE determined that the original authorization sought by

⁶ See, e.g., *Flint Hills Resources, LP*, DOE/FE Order No. 3822 at 4 (June 13, 2016) ("*Flint Hills*").

⁷ 15 U.S.C. § 717b(c).

Clean Energy “to import and export LNG from and to Canada, Mexico, and any other FTA countries by truck, rail, barge, or other waterborne vessel, me[t] the section 3(c) criteria and, therefore, [wa]s consistent with the public interest.”⁸ Except for the fact that Clean Energy now seeks renewed authorization to import and export only 10 Bcf of LNG, instead of 100 Bcf, there have been no changes in circumstances that would disturb DOE/FE’s public interest finding in Order No. 3484. This blanket short-term Application is therefore consistent with the public interest.

There is currently no domestic reliance on the LNG seeking to be exported and/or imported by Clean Energy. The primary source of natural gas supply to be exported will be the robust and liquid United States natural gas market, which now includes natural gas produced from shale deposits. Clean Energy will be producing LNG from its production plants in Willis, Texas and Boron, California and, in addition, Clean Energy may purchase LNG on both a spot basis and under long term purchase agreements from suppliers, including utilities that have excess natural gas and LNG, and which have obtained appropriate regulatory approval, if required, for the sales of such excess capacity.

Clean Energy is requesting authorization to import and export LNG for itself, and as an agent for third parties, that may themselves hold title to the LNG at the time of export. Clean Energy will comply with all DOE/FE requirements for exporters and agents, including the registration requirements that DOE/FE has required of similar applicants.⁹ To that end, when acting as an agent, Clean Energy will register with DOE/FE each LNG title holder for whom it seeks to import or export as an agent, and will provide DOE/FE with a written statement by the

⁸ *Clean Energy*, DOE/FE Order No. 3484 at 3.

⁹ *See Flint Hills*, DOE/FE Order No. 3822 at 3-4 (citing *Freeport LNG Expansion, L.P. & FLNG Liquefaction, LLC*, DOE/FE Order No. 2913 (Feb. 10, 2011)).

title holder acknowledging and agreeing to 1) comply with all requirements of Clean Energy's authorization and 2) include those requirements in any subsequent purchase or sale agreement entered into by the title holder.¹⁰

As DOE/FE recently recognized, United States consumers currently have access to substantial quantities of natural gas, as a result of, among other things, technological advances that have allowed for development of previously undeveloped reserves of domestic shale gas.¹¹ DOE/FE has taken administrative notice that the U.S. Energy Information Administration's ("EIA") Annual Energy Outlook 2015 shows annual domestic dry natural gas production increasing to a projection of 28.82 trillion cubic feet ("Tcf") by 2020.¹² Large volumes of domestic shale gas reserves and its development and extraction, as well as continued low production costs, will enable the United States to develop significant quantities of natural gas and LNG, which will be able to meet domestic demand for decades to come, and, as a result, will provide an over-capacity of natural gas and LNG available for export.

The quantities of LNG that Clean Energy will produce and purchase from within the United States for export are small when compared to those included in recent export applications received by the DOE/FE.¹³ By allowing Clean Energy to produce this LNG for export,

¹⁰ *Id.* at 4-5.

¹¹ See *Freeport LNG Development, L.P.*, DOE/FE Order No. 3717 (Sept. 25, 2015); *ENI USA Gas Marketing LLC*, DOE/FE Order No. 3628 (Apr. 23, 2015); *Sempra LNG Marketing, LLC*, DOE/FE Order No. 3587 (Jan. 30, 2015).

¹² See *Cheniere Marketing, LLC*, DOE/FE Order No. 3825 (May 26, 2016) (citing U.S. ENERGY INFORMATION ADMINISTRATION, ANNUAL ENERGY OUTLOOK 2015, at A-27 (Table A13), available at [http://www.eia.gov/forecasts/aeo/pdf/0383\(2015\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383(2015).pdf)).

¹³ *ConocoPhillips Alaska Natural Gas Company*, DOE/FE Order No. 3784 (40 Bcf) (Feb. 8, 2016); *Sandcastle Petroleum Gas & Energy, LLC*, DOE/FE Order No. 3661 (19.2 Bcf) (June 17, 2015); *Cheniere Marketing, LLC*, DOE/FE Order No. 3578 (1,600 Bcf) (Jan. 8, 2015).

DOE/FE's approval of this Application will benefit a domestic company, in addition to supporting President Obama's National Export Initiative signed in 2010.¹⁴

V.

ENVIRONMENTAL IMPACT

No major facility modifications or additions will be required in order for Clean Energy to import and export LNG to and from the United States.¹⁵ Clean Energy will transport the LNG from its liquefaction facilities within the United States via truck, rail, barge or other waterborne vessel, and will transport LNG to buyers in Canada, Mexico, and other nations with which the United States has a FTA, using LNG transportation containers approved for transport. Containers and carriers used for transportation within the United States will comply with all Association of American Railroads and United State Department of Transportation regulations, and the third parties with which Clean Energy will be contracting to handle such transportation will comply with all hazardous material and cryogenic handling regulations and requirements, including employee training, in addition to obtaining any state permits required for transportation of LNG.

As stated above, in the majority of cases, no new facilities (or modifications to any existing facilities) would be required in order for Clean Energy to export LNG. In the limited cases in which the Clean Energy chooses to make minor modifications to its facilities to accommodate any additional volume of LNG resulting from such production and deliveries, Clean Energy will obtain the necessary state, local, or federal permits before any such

¹⁴ Exec. Order No. 13534, 75 Fed. Reg. 12433 (March 11, 2010).

¹⁵ If and to the extent the non-Clean Energy owners of liquefaction facilities from which Clean Energy is taking delivery of LNG make minor modifications to those facilities to either accommodate the slight additional volume of LNG resulting from such deliveries or to account for the temperature requirements of LNG versus other liquefied petroleum products, those owners will obtain the necessary state, local, or federal permits before any such modifications or deliveries occur.

modifications. Approval of this Application therefore will not constitute a federal action significantly affecting the human environment within the meaning of the National Environmental Policy Act.¹⁶

VI.

APPENDICES

The following appendices are submitted as part of this Application:

Appendix A: Verification

Appendix B: Opinion of Counsel

¹⁶ 42 U.S.C. § 4231, *et seq.*; Categorical Exclusion B5.7, 10 C.F.R. Part 1021, Subpart D, Appendix B.

APPENDIX A
VERIFICATION

County of ORANGE

State of CALIFORNIA

I, J. Nathan Jensen, being duly sworn on his oath, do hereby affirm that I am Vice President and General Counsel of Clean Energy; that I am familiar with the contents of this Application; and that the matters set forth therein are true and correct to the best of my knowledge, information and belief.



J. Nathan Jensen

Sworn to and subscribed before me, a Notary Public, in and for the State of California, this []th day of June, 2016.

*please see attached
affirmation just with
notarise wording*

[Name], Notary Public

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Orange

Subscribed and sworn to (or affirmed) before me
 on this 20 day of June, 2016,
 by _____
Date Month Year

(1) J. Nathan Jensen

 (and (2) _____),
Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.

Signature Donna G Holck

Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

APPENDIX B
OPINION OF COUNSEL

June 20, 2016

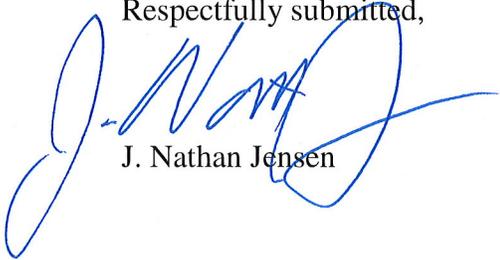
Mr. John A. Anderson
Office of Fossil Energy
U.S. Department of Energy
Docket Room 3F-056, FE-50
Forrestal Building
1000 Independence Avenue, S.W.
Washington, DC 20585

RE: *Clean Energy*; Application for Long-Term Authorization to Import and Export Liquefied Natural Gas

Dear Mr. Anderson:

This opinion is submitted pursuant to 10 C.F.R. 590.202(c) of the Department of Energy administrative procedures. The undersigned is counsel to Clean Energy. I have reviewed the corporate documents of Clean Energy, and it is my opinion that the proposed importation and exportation of liquefied natural gas by Clean Energy to which this Opinion of Counsel is attached as Appendix B, is within the corporate powers of Clean Energy.

Respectfully submitted,



J. Nathan Jensen