



Department of Energy  
Washington, DC 20585

December 20, 2011

Michael A. Stosser  
Florence Davis  
Day Pitney LLP  
7 Times Square  
New York, NY 10036

Re: Carib Energy (USA) LLC—Docket No. 11-141-LNG

Dear Mr. Stosser and Ms. Davis:

We are in receipt of the application filed by Carib Energy (USA) LLC in the above-referenced proceeding on October 20, 2011. The application generally seeks authority to export liquefied natural gas (LNG) to countries in Central America, South America, or the Caribbean with which the United States does not have a free trade agreement. According to the application, the LNG proposed for export will be shipped by truck in ISO containers from a natural gas peak shaving plant owned by a specific supplier. The application provides the name of the supplier and the location of the supplier's facility in a duplicate copy which Carib requests be treated as confidential and not released to the public. In particular, the confidential version of the application identifies two appendices containing allegedly confidential information. Those appendices include Appendix C and Appendix E.

Appendix C is a letter of intent between Carib and the prospective supplier of natural gas for export. The letter of intent is not a binding legal commitment but memorializes the mutual intent of Carib and the supplier to negotiate in the future a binding contract for gas supply. Exhibit A to Appendix C contains a representation by the supplier that no new construction or significant operational changes with respect to the supplier's facilities will be required to effectuate the proposed exports.

Appendix E contains a description of the supplier's facilities and reiterates that the supplier's facilities will not be modified to accommodate the proposed exports.

Section 1004.11(a) of the Department of Energy's regulations (10 CFR 1004.11(a)) provides as follows:

Whenever a document submitted to the DOE contains information which may be exempt from public disclosure, it will be handled in accordance with the procedures in this section. While the DOE is responsible for making the final determination with regard to the disclosure or nondisclosure of information contained in requested documents, the DOE will consider the submitter's views (as that term is defined in this section) in making its determination. Nothing in this section will preclude the submission of a



submitter' views at the time of the submission of the document to which the views relate, or at any other time.

Section 1004.11(h) of DOE's regulations further provides that:

As used in this section, the term *submitter's views* means, with regard to a document submitted to the DOE, an item-by-item indication, with accompanying explanation, addressing whether the submitter considers the information contained in the document to be exempt from the mandatory public disclosure requirements of the Freedom of Information Act, to be information referred to in 18 USC 1905, or to be otherwise exempt by law from mandatory public disclosure. The accompanying explanation shall specify the justification for nondisclosure of any information under consideration. If the submitter states that the information comes within the exemption within 5 USC 552(b)(4) for trade secrets and commercial or financial information, the submitter shall include a statement specifying why such information is privileged or confidential and, where appropriate, shall address the criteria in paragraph (f) of this section. In all cases, the submitter shall address the question of whether or not discretionary disclosure would be in the public interest.

Carib's application does not set forth an explanation in support of the request for confidential treatment of the subject information. Pursuant to section 3(a) of the Natural Gas Act, 15 USC 717b(a), DOE is required to issue an order authorizing the requested natural gas import or export unless, after opportunity for hearing, it finds that the proposed export authorization is not consistent with the public interest. As part of this determination, DOE is also required to review the environmental impact of the proposed action in accordance with the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*

Ordinarily, DOE's proceedings in which it conducts a public interest review of applications for export authority, including the environmental review of such an application, involve public disclosure of the names of the suppliers of natural gas proposed for export and the location of the facilities from which the gas will be prepared for export. Without the disclosure of such information, meaningful public participation in DOE proceedings could become problematic. In this regard, we recognize that Carib and the proposed supplier have represented that no construction will be required to support the proposed exports. Consequently, the application may be eligible for a categorical exclusion from environmental review or assessment.<sup>1</sup> Even in such cases, however, DOE's normal practice is to disclose the name of the supplier and the location of the terminal from which the LNG is being shipped.

Therefore, in accordance with section 1004.11 of DOE's regulations, DOE is hereby requesting that Carib set forth its views in support of the request for confidential treatment. In addition to explaining the justification for treating the subject information as confidential, please address the question of how best to reconcile confidential treatment of the subject information

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<sup>1</sup> 10 CFR Part 1021.410 Appendix B to Subpart D of Part 1021, Categorical Exclusions, in B5.7 states: "Approval of new authorization or amendment of existing authorization to import/export natural gas under section 3 of the Natural Gas Act that does not involve new construction and only requires operational changes, such as an increase in natural gas throughput, change in transportation, or change in storage operations."

with DOE's interest in ensuring that the review of the application under section 3(a) of the Natural Gas Act is open and transparent to the public.

Please respond within fifteen (15) business days from the date of this letter. Should you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Anderson". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

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