

CHENIERE ENERGY INC
Form 10-Q
November 06, 2009

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-Q

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF
1934

For the quarterly period ended September 30, 2009

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF
1934

For the transition period from _____ to _____

Commission File No. 001-16383

Cheniere Energy, Inc.
(Exact name as specified in its charter)

Delaware
(State or other jurisdiction of incorporation or
organization)

95-4352386
(I.R.S. Employer Identification No.)

700 Milam Street, Suite 800
Houston, Texas
(Address of principal executive offices)

77002
(Zip code)

(713) 375-5000
(Registrant's telephone number, including area code)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes No

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Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer or a smaller reporting company. See definition of “large accelerated filer,” “accelerated filer” and “smaller reporting company” in Rule 12b-2 of the Exchange Act. (Check one):

Large accelerated filer Accelerated filer S
Non-accelerated filer Smaller reporting company
(Do not check if a smaller reporting company)

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes No S

As of November 3, 2009, there were 56,526,031 shares of Cheniere Energy, Inc. common stock, \$0.003 par value, issued and outstanding.

CHENIERE ENERGY, INC.
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PART I. FINANCIAL INFORMATION

Item 1. Consolidated Financial Statements

CHENIERE ENERGY, INC. AND SUBSIDIARIES

CONSOLIDATED BALANCE SHEETS
(in thousands, except share data)

	September 30, 2009	December 31, 2008 (As adjusted)
ASSETS		
CURRENT ASSETS		
Cash and cash equivalents	\$ 87,354	\$ 102,192
Restricted cash and cash equivalents	183,273	301,550
LNG inventory	20,760	—
Accounts and interest receivable	8,895	3,630
Prepaid expenses and other	19,985	9,220
TOTAL CURRENT ASSETS	320,267	416,592
NON-CURRENT RESTRICTED CASH AND CASH EQUIVALENTS	82,892	138,483
NON-CURRENT RESTRICTED U.S. TREASURY SECURITIES	—	20,829
PROPERTY, PLANT AND EQUIPMENT, NET	2,237,650	2,170,158
DEBT ISSUANCE COSTS, NET	48,971	55,688
GOODWILL	76,819	76,844
INTANGIBLE LNG ASSETS	6,106	6,106
LNG HELD FOR COMMISSIONING	—	9,923
ADVANCES UNDER LONG-TERM CONTRACTS	728	10,705
OTHER	15,612	14,754
TOTAL ASSETS	\$ 2,789,045	\$ 2,920,082
LIABILITIES AND DEFICIT		
CURRENT LIABILITIES		
Accounts payable	\$ 250	\$ 1,220
Accrued liabilities	89,468	61,883
Deferred revenue	26,196	2,500
Other	330	530
TOTAL CURRENT LIABILITIES	116,244	66,133
LONG-TERM DEBT, NET OF DISCOUNT	2,684,279	2,750,308
LONG-TERM DEBT—RELATED PARTIES, NET OF DISCOUNT	344,697	332,054
DEFERRED REVENUE	34,500	37,500
OTHER NON-CURRENT LIABILITIES	16,930	8,141
COMMITMENTS AND CONTINGENCIES	—	—
DEFICIT		
Stockholders' equity (deficit)		
Preferred stock, \$.0001 par value, 5,000,000 shares authorized, none issued	—	—

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Common stock, \$.003 par value		
Authorized: 240,000,000 and 120,000,000 shares at September 30, 2009 and December 31, 2008, respectively		
Issued and outstanding: 56,529,000 and 52,297,000 shares at September 30, 2009 and December 31, 2008, respectively	170	157
Treasury stock: 288,000 and 179,000 shares at September 30, 2009 and December 31, 2008, respectively, at cost))
	(576)	(496)
Additional paid-in-capital	330,553	300,033
Accumulated deficit	(962,045)	(823,756)
Accumulated other comprehensive loss	(41)	(154)
TOTAL STOCKHOLDERS' DEFICIT	(631,939)	(524,216)
Non-controlling interest	224,334	250,162
TOTAL DEFICIT	(407,605)	(274,054)
TOTAL LIABILITIES AND DEFICIT	\$ 2,789,045	\$ 2,920,082

The accompanying notes are an integral part of these financial statements.

CHENIERE ENERGY, INC. AND SUBSIDIARIES
CONSOLIDATED STATEMENTS OF OPERATIONS
(in thousands, except per share data)
(unaudited)