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Lord^{LLP}

Attorneys & Counselors

May 24, 2022

VIA ELECTRONIC DELIVERY

Larine A. Moore
U.S. Department of Energy
FE-34
P.O. Box 44375
1000 Independence Avenue, S.W.
Washington, D.C. 20026-4375

RE: Lake Charles Exports, LLC
Docket Nos. 11-59-LNG and 16-110-LNG
Application to Amend Export Term for Existing Long-Term Authorizations Through
December 31, 2050

Dear Ms. Moore:

Please find enclosed for filing on behalf of Lake Charles Exports, LLC (“LCE”) an Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050 in Docket Nos. 11-59-LNG and 16-110-LNG.

LCE is transmitting an electronic payment in the amount of \$50.00 in payment of the applicable filing fee pursuant to 10 C.F.R. § 590.207. Please contact the undersigned at (202) 220-6965 if you have any questions regarding this filing.

Respectfully submitted,

/s/ Jennifer Brough

Jennifer Brough

Counsel to Lake Charles Exports, LLC

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

Lake Charles Exports, LLC

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**FE Docket Nos. 11-59-LNG
16-110-LNG**

**APPLICATION TO AMEND EXPORT TERM FOR EXISTING LONG-TERM
AUTHORIZATIONS THROUGH DECEMBER 31, 2050**

Michael T. Langston
Vice President & Chief Regulatory
Officer
Lake Charles Exports, LLC
1300 Main Street
Houston, TX 77002
michael.langston@energytransfer.com

Thomas E. Knight
Jennifer Brough
Locke Lord LLP
701 8th Street, NW
Suite 500
Washington, DC 20001
(202) 220-6922
tknight@lockelord.com
jbrough@lockelord.com

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

Lake Charles Exports, LLC

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**Docket Nos. 11-59-LNG
16-110-LNG**

**APPLICATION TO AMEND EXPORT TERM FOR EXISTING LONG-TERM
AUTHORIZATIONS THROUGH DECEMBER 31, 2050**

Pursuant to Section 3 of the Natural Gas Act (“NGA”), 15 U.S.C. § 717b, and Part 590 of the regulations of the Department of Energy (“DOE”), 10 C.F.R. § 590, and DOE’s Final Policy Statement regarding Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050,¹ Lake Charles Exports, LLC (“LCE”) submits this Application to the DOE Office of Fossil Energy (“DOE/FE”) for authorization to amend its existing authorizations to export liquefied natural gas (“LNG”) from the terminal in Lake Charles, Louisiana (“Lake Charles Terminal”).

SECTION I

1. FE Docket Number

This Application relates to DOE/FE Docket Nos. 11-59-LNG and 16-110-LNG.

2. Authorizations Holder & Service List

The exact legal name of the applicant is Lake Charles Exports, LLC. LCE is a limited liability company formed under the laws of Delaware with its principal place of business at 1300 Main Street, Houston, Texas 77002.

¹ DOE/FE, Final Policy Statement Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, FE Docket Nos. 10-111-LNG, et al. (July 29, 2020) (“Policy Statement”).

All correspondence and communications concerning this amendment application should be directed to the following persons:²

Michael T. Langston
 Vice President & Chief Regulatory
 Officer
 Lake Charles Exports, LLC
 1300 Main Street
 Houston, TX 77002
 michael.langston@energytransfer.com

Thomas E. Knight
 Jennifer Brough
 Locke Lord LLP
 701 8th Street, NW
 Suite 500
 Washington, DC 20001
 (202) 220-6922
 tknight@lockelord.com
 jbrough@lockelord.com

3. Name and Location of Export Facility

The Lake Charles Terminal is located in Lake Charles, Louisiana.

4. Existing Long-Term DOE/FE Orders Subject to This Request

<u>Order No. and Date Issued</u>	<u>Amendment and Date Issued</u>	<u>FTA/Non-FTA</u>	<u>Export Volume Authorized³</u>
2987 (July 22, 2011)	2987-A (October 6, 2020)	FTA	730 Bcf/year
3324 (August 7, 2013)	3324-A (July 29, 2016) 3324-B (October 6, 2020)	Non-FTA	730 Bcf/year
4011 (June 29, 2017)	4011-A (October 6, 2020)	FTA and Non-FTA	121 Bcf/year

5. Final Federal Energy Regulatory Commission (“FERC”) Orders

FERC issued the NGA Section 3 authorization for the liquefaction facilities at the Lake Charles Terminal in *Lake Charles LNG Company, LLC, et al.*, 153 FERC ¶ 61,300 (December 17, 2015), *reh’g denied*, 155 FERC ¶ 61,328 (June 30, 2016). In addition, on May 6, 2022, FERC

² LCE respectfully requests a waiver of Section 590.202(a) of the DOE/FE regulations, 10 C.F.R. § 590.202(a) (2022), to the extent necessary to include more than two persons on the official service list.

³ Total Approved FTA Volumes: 851 Bcf/year. Total Approved Non-FTA Volumes: 851 Bcf/year. The approved export volumes are non-additive with those approved for Lake Charles LNG Export Company, LLC in Order Nos. 3252, 3868, and 4010.

granted a three-year extension of time, to December 17, 2028, to construct the project and make it available for service. *Lake Charles LNG Company, LLC, et al.*, 179 FERC ¶ 61,086 (2022).

6. Requested Amendment to Existing Export Term

LCE requests that DOE/FE grant an extension to the currently authorized export term of each of the Authorizations through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of the Authorizations.

SECTION II

1. Information Regarding the Public Interest

LCE respectfully submits that the term extensions are justified under NGA Section 3. With respect to the FTA authorizations, NGA Section 3(c), as amended by Section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486), provides that:

[T]he 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.⁴

Under this statutory presumption, that portion of this Application that seeks to extend the FTA export terms, shall be deemed to be consistent with the public interest and should be granted by DOE/FE without modification or delay.

With respect to the Non-FTA authorizations, LCE incorporates by reference the Policy Statement, in which DOE/FE “considered its obligations under NGA section 3(a), the public comments supporting and opposing the Proposed Policy Statement, and a wide range of information bearing on the public interest” and adopted a standard export term through December 31, 2050.⁵ Global events following the August 2020 publication of the Policy Statement have only

⁴ 15 U.S.C. § 717b(c).

⁵ Policy Statement at 35.

further reinforced that the exportation of natural gas through December 31, 2050 will not be inconsistent with the public interest. In addition, the U.S. Energy Information Administration's Annual Energy Outlook for 2022 projects growing natural gas production in the United States through 2050, the requested term of the extensions sought herein.⁶

2. Compliance with the National Environmental Policy Act of 1969

DOE/FE fully considered the potential environmental impacts associated with exports from the Lake Charles Terminal in approving the existing Authorizations. In addition, FERC fully considered the potential environmental impacts when it issued the NGA Section 3 authorization for the Lake Charles Terminal.⁷ A categorical exclusion applies with respect to the instant Application because the request involves only an amendment to the term of the existing authorizations and does not involve any new construction or modifications to existing facilities.⁸ DOE's regulations provide a categorical exclusion for "[a]pprovals or disapprovals of new authorizations or amendments of existing authorizations to export natural gas under section 3 of the Natural Gas Act and any associated transportation of natural gas by marine vessel" as is the case with the authorizations requested in the instant Application.⁹ DOE/FE consistently has cited this categorical exclusion in granting requests to extend the export term of existing authorizations through December 31, 2050.¹⁰ There are no changes to the Lake Charles Terminal associated with this requested term extension, including operational changes or new construction.

⁶ U.S. Energy Information Administration, *Annual Energy Outlook 2022* at 26, available at https://www.eia.gov/outlooks/aeo/pdf/AEO2022_Narrative.pdf.

⁷ FERC issued the Final Environmental Impact Statement on August 14, 2015. See Final Environmental Impact Statement for Lake Charles Liquefaction Project, FERC Docket Nos. CP14-119-001, et al. (issued Aug. 14, 2015).

⁸ Policy Statement at 32-33. See also *Lake Charles LNG Company, LLC, et al.*, 179 FERC ¶ 61,086 at P 17 (2022) ("Moreover, there has been no showing that the environmental effects of the project have changed since the issuance of the Authorization Order.").

⁹ 10 C.F.R. Part 1021, Subpart D, Appendix B: Categorical Exclusions, B5.7.

¹⁰ See, e.g., *Gulf LNG Liquefaction Company, LLC*, DOE/FE Order No. 3104-A at 7 (issued Jan. 12, 2021); *Cameron LNG, LLC*, DOE/FE Order No. 3846-B at 8 (issued Dec. 30, 2020).

SECTION III
APPENDICES

The following appendices are included with this Application:

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| Appendix A | Verification |
| Appendix B | Opinion of Counsel |

SECTION IV
CONCLUSION

WHEREFORE, for the reasons set forth above, Lake Charles Exports, LLC respectfully requests that the DOE/FE proceed expeditiously to issue an order amending DOE/FE Order Nos. 2987, 3324, and 4011 (each as may have been amended) to extend the export terms through December 31, 2050. As demonstrated herein, the amendments requested are not inconsistent with the public interest and, accordingly, should be granted pursuant to NGA Section 3.

Respectfully submitted,

/s/ Michael T. Langston
Michael T. Langston
Vice President & Chief Regulatory Officer
Lake Charles Exports, LLC

Dated: May 24, 2022

**APPENDIX A
VERIFICATION**

VERIFICATION

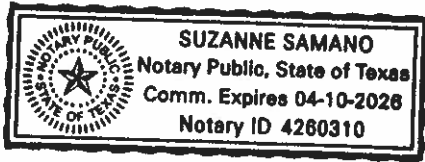
County of Harris

State of Texas

BEFORE ME, the undersigned authority, on this day personally appeared Michael T. Langston who, having been by me first duly sworn, on oath says that he is duly authorized to make this Verification on behalf of Lake Charles Exports, LLC; that he has read the foregoing instrument and that the facts therein stated are true and correct to the best of his knowledge, information and belief.



SWORN TO AND SUBSCRIBED before me on: May 24, 2022



Notary Public

APPENDIX B
OPINION OF COUNSEL

May 24, 2022

Ms. Amy Sweeney
U.S. Department of Energy
Office of Regulation, Analysis, and Engagement
Office of Fossil Energy and Carbon Management
Forrestal Building, Room 3E-042
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: Lake Charles Exports, LLC, Docket Nos. 11-59-LNG and 16-110-LNG

Dear Ms. Sweeney:

This opinion of counsel is submitted pursuant to Section 590.202(c) of the regulations of the U.S. Department of Energy, 10 C.F.R. § 590.202(c) (2022). The undersigned is counsel to Lake Charles Exports, LLC. I have reviewed the corporate documents of Lake Charles Exports, LLC and it is my opinion that the proposed export of natural gas as described in the amendment application filed by Lake Charles Exports, LLC to which this Opinion of Counsel is attached as Appendix B, is within the limited liability company powers of Lake Charles Exports, LLC.

Respectfully submitted,

/s/ Kevin Erwin
Kevin Erwin
Associate General Counsel
Lake Charles Exports, LLC