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July 21, 2022

Via Electronic Delivery

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

Re: FE Docket Nos. 11-59-LNG, 16-110-LNG, 13-04-LNG and 16-109-LNG
Answer of Lake Charles Exports, LLC and Lake Charles LNG Export Company,
LLC to the Protests of the Industrial Energy Consumers of America, Public Citizen,
Inc. and Sierra Club

Dear Ms. Moore:

Please accept for filing in FE Docket Nos. 11-59-LNG, 16-110-LNG, 13-04-LNG and 16-109-LNG, pursuant to 10 C.F.R. § 590.304(f), the attached Answer of Lake Charles Exports, LLC and Lake Charles LNG Export Company, LLC to the Protests of the Industrial Energy Consumers of America, Public Citizen, Inc. and Sierra Club.

If you have any questions regarding this filing, please do not hesitate to contact me at (202) 220-6922 or tknight@lockelord.com. Thank you for your assistance.

Respectfully submitted,

/s/ Thomas E. Knight

Thomas E. Knight

*Counsel for Lake Charles Exports, LLC and Lake
Charles LNG Export Company, LLC*

Attachment

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

Lake Charles Exports, LLC)	FE Docket Nos.	11-59-LNG
)		16-110-LNG
)		
Lake Charles LNG Export Company, LLC)		13-04-LNG
)		16-109-LNG

**ANSWER OF LAKE CHARLES EXPORTS, LLC AND LAKE
CHARLES LNG EXPORT COMPANY, LLC TO THE PROTESTS
OF THE INDUSTRIAL ENERGY CONSUMERS
OF AMERICA, PUBLIC CITIZEN, INC. AND SIERRA CLUB**

Pursuant to Section 590.304(f) of the Department of Energy’s (“DOE”) regulations, 10 C.F.R. § 590.304(f) (2022), Lake Charles Exports, LLC (“LCE”) and Lake Charles LNG Export Company, LLC (“Lake Charles LNG Export”, and together with LCE, “Lake Charles LNG”) hereby submit this Answer to the (i) Notice of Intervention, Protest and Comment by the Industrial Energy Consumers of America (“IECA”), (ii) Motion to Intervene and Protest of Public Citizen, Inc. (“Public Citizen”) and (iii) Motion to Intervene and Protest of Sierra Club¹ filed in the above-captioned proceedings. In support of this Answer, Lake Charles LNG states the following:

**I.
PROCEDURAL BACKGROUND**

On May 24, 2022, LCE and Lake Charles LNG Export each filed applications to amend the export terms for existing long-term authorizations through December 31, 2050 (“Applications”) in accordance with the DOE’s *Final Policy Statement Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*, FE

¹ Sierra Club only filed its Motion to Intervene and Protest in the Lake Charles LNG Export proceedings in FE Docket Nos. 13-04-LNG and 16-109-LNG.

Docket Nos. 10-111-LNG et al. (issued July 29, 2020) (“Policy Statement”). On June 21, 2022, DOE gave notice in the Federal Register of Lake Charles LNG’s Applications with respect to exporting LNG to non-FTA countries (“Notices”) and established July 6, 2022 as the deadline for comments on and protests to the Applications.² The IECA, Public Citizen and Sierra Club (collectively, the “Protestors”) each filed protests on July 6, 2022.

II. **ANSWER TO PROTESTS**

The DOE explicitly stated in the Notices that a protestor was limited to protesting the requested extension set out in the Applications but was not permitted to continue to protest Lake Charles LNG’s underlying authorities to export LNG to non-FTA countries. DOE stated in the Policy Statement, which was repeated in the Notices, that “the public interest analysis will be limited to the application for the term extension – meaning an intervenor or protestor may challenge the requested extension *but not the existing non-FTA order.*”³ Further, DOE reminded prospective protestors that they previously were given an opportunity to protest Lake Charles LNG’s original long-term non-FTA applications.⁴ DOE warned prospective protestors that “[t]herefore, DOE will not consider comments or protest that do not bear directly on the requested term extension.”⁵

Sierra Club and IECA completely disregarded such limitations and rather than limiting their protests to the requested extension to December 31, 2050, argued that Lake Charles LNG’s existing authorizations to export LNG to non-FTA countries were not in the public interest.

² Lake Charles Exports, LLC; Application to Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorizations, 87 FR 36842 (issued Jun. 21, 2022); Lake Charles LNG Export Company, LLC; Application to Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorizations, 87 FR 36838 (issued Jun. 21, 2022).

³ Notice, 87 FR 36843, citing Policy Statement at 85 FR 52247 (emphasis added); *see also* Notice, 87 FR 36838.

⁴ Notice, 87 FR 36843; Notice, 87 FR 36839.

⁵ *Id.*

- Sierra Club argued that “DOE has not explained or justified a refusal to consider arguments opposing the 2020 Policy Statement or the existing [Lake Charles LNG] non-FTA order[s] where those arguments highlighted why the extension request itself is not in the public interest. In other words, conducting a full evaluation of the extension request necessitates critically evaluating whether the determinations underlying the initial [Lake Charles LNG] authorization[s] are still valid.”⁶
- Sierra Club then set out its criticism of DOE’s analysis in the 2020 Policy Statement as an apparent justification for it ignoring DOE’s requirement to limit protests to the requested extension at hand: “Perhaps more concerning, DOE *dodged responding to comments* that opposed LNG exports in general, argued for more renewable energy, or challenged the design of the 2018 LNG Export Study, reasoning that those comments were outside the scope of the 2020 Policy Statement.”⁷
- IECA attempted to justify its disregard of the DOE’s mandate in the Notices by arguing that “[u]nder the Natural Gas Act (NGA), not only is it not in the public interest to amend the export term set forth in the current authorizations to export LNG to non-free trade agreement countries (NFTA) to a term ending on December 31, 2050, *the existing application to export is also not in the public interest.*”⁸

Clearly, Sierra Club and IECA did not take seriously DOE’s warnings to limit their protests to the requested extensions and instead argued that Lake Charles LNG’s existing authorizations issued by the DOE are not in the public interest. Therefore, Sierra Club’s and IECA’s protests should be rejected.

Public Citizen’s protest should also be rejected because it erroneously argued that Lake Charles LNG seeks “to extend its current 30 year authorization to export LNG to 50 years.”⁹ Lake Charles LNG requested an amendment to its export terms for existing long-term authorizations through December 31, 2050 in accordance with the DOE’s Policy Statement and did not seek a 50 year export term as alleged by Public Citizen. Therefore, Public Citizen’s protest is based on a false premise and should be rejected.

⁶ Sierra Club protest at 6.

⁷ *Id.* at 7 (emphasis added).

⁸ IECA protest at 1 (emphasis added).

⁹ Public Citizen protest at 1.

In the Applications, Lake Charles LNG set out how the requested extensions are in accordance with the Policy Statement and are not inconsistent with the public interest. Accordingly, DOE should grant the amendments pursuant to section 3 of the Natural Gas Act. DOE now grants initial export terms out to December 31, 2050¹⁰ and uniformly approves extensions of existing authorizations without exception to December 31, 2050.¹¹ Protestors raised no arguments that demonstrate that Lake Charles LNG's requested term extensions will be inconsistent with the public interest, as would be required to deny Lake Charles LNG's Applications.¹²

¹⁰ See, e.g., *New Fortress Energy Louisiana FLNG LLC*, DOE/FE Order No. 4839 (issued Jul. 12, 2022); *Venture Global CP2 LNG, LLC*, DOE/FE Order No. 4812 (issued Apr. 22, 2022).

¹¹ See *Mexico Pacific Limited LLC*, DOE/FE Order Nos. 4248-A et al. (issued Jun. 3, 2022); *Gulf LNG Liquefaction Co., LLC*, DOE/FE Order Nos. 3104-A et al. (issued Jan. 12, 2021); *Cameron LNG, LLC*, DOE/FE Order Nos. 3059-B et al. (issued Dec. 30, 2020); *Southern LNG Co., L.L.C.*, DOE/FE Order Nos. 3106-A et al. (issued Dec. 30, 2020); *Eagle LNG Partners Jacksonville II LLC*, DOE/FE Order No. 4078-A (issued Dec. 30, 2020); *Annova LNG Common Infrastructure, LLC*, DOE/FE Order No. 4491-A (issued Dec. 30, 2020); *Golden Pass LNG Terminal LLC*, DOE/FE Order Nos. 3147-D et al. (issued Dec. 10, 2020); *Delfin LNG LLC*, DOE/FE Order Nos. 3393-A et al. (issued Dec. 10, 2020); *Driftwood LNG LLC*, DOE/FE Order No. 4373-A (issued Dec. 10, 2020); *Texas LNG Brownsville LLC*, DOE/FE Order Nos. 3716-A et al. (issued Dec. 10, 2020); *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order Nos. 4317-B et al. (issued Dec. 10, 2020); *Energie Costa Azul, S. de R.L. de C.V.*, DOE/FE Order Nos. 4318-A et al. (issued Dec. 10, 2020); *Magnolia LNG, LLC*, DOE/FE Order Nos. 3245-B et al. (issued Dec. 10, 2020); *Sabine Pass Liquefaction, LLC*, DOE/FE Order Nos. 2833-A et al. (issued Oct. 28, 2020); *Port Arthur LNG, LLC*, DOE/FE Order Nos. 3698-B (issued Oct. 28, 2020); *Cheniere Marketing, LLC et al.*, DOE/FE Order Nos. 3164-B et al. (issued Oct. 28, 2020); *Freeport LNG Expansion, L.P. et al.*, DOE/FE Order Nos. 2913-C et al. (issued Oct. 21, 2020); *Dominion Energy Cove Point LNG, LP*, DOE/FE Order No. 3019-B et al. (issued Oct. 21, 2020); *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 3345-A et al. (issued Oct. 21, 2020); *Rio Grande LNG LLC*, DOE/FE Order No. 4492-A (issued Oct. 21, 2020); *Venture Global Plaquemines LNG, LLC*, DOE/FE Order Nos. 3866-A et al. (issued Oct. 21, 2020); *Corpus Christi Liquefaction Stage III, LLC*, DOE/FE Order Nos. 4277-A et al. (issued Oct. 21, 2020).

¹² *Rio Grande LNG, LLC*, DOE/FE Order No. 4492-A (issued Oct. 21, 2020) at 8 (“Insofar as Mr. Young raises new arguments in this proceeding, DOE/FE does not find that his arguments demonstrate that Rio Grande LNG’s requested term extension will be inconsistent with the public interest, as would be required to deny Rio Grande LNG’s Application.”).

III.
CONCLUSION

For the foregoing reasons, Lake Charles Exports, LLC and Lake Charles LNG Export Company, LLC respectfully request that the DOE (i) reject the IECA protest, Public Citizen protest and Sierra Club protest and (ii) approve the Applications to extend export terms through December 31, 2050 as requested.

Respectfully submitted,

/s/ Thomas E. Knight

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*Attorneys for Lake Charles Exports,
LLC and Lake Charles LNG Export
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Dated: July 21, 2022

VERIFICATION

Washington, D.C.)


BEFORE ME, the undersigned authority, on this day personally appeared Thomas E. Knight, who, having been by me first duly sworn, on oath says that he is an Attorney for Lake Charles Exports, LLC and Lake Charles LNG Export Company, LLC, and is duly authorized to make this Verification on behalf of Lake Charles Exports, LLC and Lake Charles LNG Export Company, 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.



Thomas E. Knight

SWORN TO AND SUBSCRIBED before me on the 21st day of July, 2022.





Name: Valerie Clark
Title: Notary Public

My Commission expires:
VALERIE J. CLARK
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2027

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I hereby certify that I have this day served the *Answer of Lake Charles Exports, LLC and Lake Charles LNG Export Company, LLC to the Protests of the Industrial Energy Consumers of America, Public Citizen, Inc. and Sierra Club* (FE Docket Nos. 11-59-LNG, 16-110-LNG, 13-04-LNG and 16-109-LNG) upon each person designated on the official service list for those proceedings.

Dated: July 21, 2022.

/s/ Jennifer L. Brough
Jennifer L. Brough