

**RECEIVED**

*By Docket Room at 11/06/2023 7:55 p.m.*

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF )  
)  
Lake Charles Exports, LLC ) FE Docket No. 23-87-LNG

**Motion to Accept Attachments to Timely-Filed Motion to Intervene and Protest of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah Six Eight Mission, and Sierra Club**

Sierra Club respectfully requests that the Department of Energy accept the attachments to the Motion to Intervene and Protest of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah Six Eight Mission, and Sierra Club in FE Docket No. 23-87-LNG. The Motion to Intervene and Protest was timely filed before the 4:30 PM Eastern deadline, but we were unable to submit all of the attachments via email before the deadline due to size limitations and technical issues with consolidating the attachments. Submitting all 84 attachments would have required at least 17 emails with five attachments each. In the interest of alleviating the burden on DOE, the applicant, and the public, we opted to consolidate those attachments into 10 volumes. Unfortunately, the size and volume of the attachments caused at least five computer crashes and other technical difficulties while creating the consolidated volumes. Recognizing these issues, the Environmental Advocates submitted a link to a Box.com folder containing all 84 attachments as quickly as possible, four minutes after the deadline. Ultimately, the Environmental Advocates sent the first volume of attachments (in PDF form) at 5:21 PM, less than an hour late, and the final volume of attachments by 6:38 PM.

Granting this motion will not cause prejudice. As noted, the Environmental Advocates' Motion to Intervene and Protest was timely. That submission also included a complete list of the attachments. The PDF attachments subsequently provided via email were not new information; they represent documents referenced and linked in the Motion to Intervene and Protest. Therefore, DOE and the applicant—the only persons who are entitled to receive service of the Motion to Intervene and Protest under 10 C.F.R. § 590.107(b)—had notice before 4:30 PM that the Environmental Advocates intended to rely on the information referenced in the attachments. The limited delay in submitting those attachments will have no meaningful impact on DOE's, the applicant's, or other interested persons' ability to review or understand the Environmental

Advocates' objections to the pending application. In fact, interested persons other than DOE and the applicant were unable to view the Motion to Intervene and Protest immediately: As of 6:38 PM, when we submitted the final set of attachments, DOE had not yet updated its docket to reflect any filings after Nov. 3, 2023. For the same reasons, the limited submission delay should not cause any delay in DOE's consideration of this matter.

We did our best to reduce the burden on DOE in receiving the submission by attempting to reduce the number of emails and the burden on DOE in subsequently uploading the 84 attachments into the docket by consolidating to approximately 88% fewer documents. Our efforts were demonstrably insufficient given the delay in our filing, however, and Sierra Club plans to take steps to ensure future filings do not suffer from the same technical difficulties. If DOE is open to alternative filing methods, including returning to its prior practice, perhaps filers could use regulations.gov or another method that is less cumbersome than email.

For the foregoing reasons, Sierra Club respectfully requests that DOE grant this motion to accept attachments to the timely Motion to Intervene and Protest.

/s/ Louisa Eberle

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**SIERRA CLUB CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, hereby certify that I am a duly authorized representative of the Sierra Club, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of the Sierra Club, the foregoing documents and in the above captioned proceeding.

Dated at Denver, CO this 6<sup>th</sup> day of November, 2023

/s/ Louisa Eberle  
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**SIERRA CLUB VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed at Denver, CO on November 6, 2023

/s/ Louisa Eberle  
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