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

Lake Charles Exports, LLC

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Docket No. 23-87-LNG

**LAKE CHARLES EXPORTS, LLC'S ANSWER TO UNAUTHORIZED REPLY OF
SIERRA CLUB ET AL.**

Pursuant to Section 590.302(b) of the regulations of the Department of Energy (“DOE”),¹ Lake Charles Exports, LLC (“LCE”) submits this answer to the unauthorized reply of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah Six Eight Mission and Sierra Club (collectively, “Sierra Club”) filed in this proceeding on November 29, 2023.² For the reasons set forth herein, LCE respectfully requests that the Department of Energy Office of Fossil Energy and Carbon Management (“DOE/FECM”) reject Sierra Club’s unauthorized reply to LCE’s answer.

Sierra Club argues that the Unauthorized Reply is appropriate because “it responds directly to LCE’s misplaced assertion that DOE should reject the Motion to Intervene and Protest on procedural grounds and the Motion to Intervene for failure to demonstrate the organizations’ claim of interest” and it “does not seek to address the substance of LCE’s Answer in Opposition to Protests.”³ First, Sierra Club doubles-down on its claim that complying with DOE regulations is a non-substantive matter. LCE will not repeat its arguments as to why Sierra Club’s Late Motions to Intervene/Protest should be denied because of Sierra Club’s utter failure to comply with DOE’s

¹ 10 C.F.R. § 590.302(b) (2023) (“Any party may file an answer to any written motion within fifteen (15) days after the motion is filed, ...”).

² Motion for Leave to Reply and Reply of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah Six Eight Mission and Sierra Club, Docket No. 23-87-LNG (Nov. 29, 2023) (“Unauthorized Reply”).

³ *Id.* at 1.

regulations. Second, DOE's regulations do not contemplate allowing Sierra Club free rein to respond to LCE's Answer. Sierra Club's filing of the Unauthorized Reply is just its latest attempt to flout the rules and regulations of DOE. Sierra Club has set forth no legitimate grounds for it to be permitted to file the Unauthorized Reply. No purpose will be served by allowing Sierra Club's Unauthorized Reply to be considered.

Indeed, the only seemingly evident purpose of the Unauthorized Reply is to confuse the record. Sierra Club erroneously claims that DOE/FECM already "confirm[ed] timely receipt of [Sierra Club's Late Motions to Intervene/Protest]." ⁴ DOE/FECM did no such thing and only date stamped the first part of Sierra Club's filing as being received by 4:30 p.m. eastern time on November 6, 2023. Sierra Club is required to submit its entire filing by the due date for it to be considered timely filed. ⁵

Sierra Club also mischaracterizes the record by claiming that the "organizations described their missions and local work focused on protecting public health and the environment in Southwest Louisiana[.]" ⁶ That is not accurate. For example, the entirety of Habitat Recovery Project's claim of interest was that it "represents a community-focused conservation movement dedicated to restoring, regenerating, and conserving wildlife habitats in contaminated communities, through supporting and benefitting the communities around them." ⁷ Habitat Recovery Project in no way described any local work it was performing, let alone "local work

⁴ *Id.* at 2.

⁵ Sierra Club again argues that the attachments to the Late Motions to Intervene/Protest were only "copies of referenced materials for DOE's convenience" and that such attachments were not necessary to advise DOE of the "specific issues of policy, fact, or law to be raised or controverted." *Id.* at 2-3 (emphasis added).

⁶ *Id.* at 3.

⁷ Sierra Club's Late Motions to Intervene/Protest at 7.

focused on protecting public health and the environment in Southwest Louisiana.” Sierra Club should not be permitted to misstate the facts and confuse the record.

WHEREFORE, for the reasons set forth herein, Lake Charles Exports, LLC respectfully requests that DOE/FECM reject Sierra Club’s Unauthorized Reply.

Respectfully submitted,

LAKE CHARLES EXPORTS, LLC

/s/ Thomas E. Knight

Thomas E. Knight

Jennifer Brough

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Attorneys for Lake Charles Exports, LLC

Dated: December 14, 2023

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Lake Charles Exports, LLC

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VERIFICATION AND CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Washington, DC

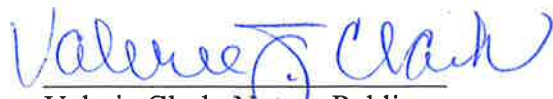
BEFORE ME, the undersigned authority, on this day personally appeared Jennifer Brough, who, having been by me first duly sworn, on oath says that she is an Attorney for Lake Charles Exports, LLC; that she is a duly authorized representative of Lake Charles Exports, LLC authorized to make this Verification and Certified Statement of Authorized Representative on behalf of Lake Charles Exports, LLC; that she is authorized to sign and file the foregoing instrument with the Department of Energy, Office of Fossil Energy and Carbon Management on behalf of Lake Charles Exports, LLC; and that she has read the foregoing instrument and that the facts therein stated are true and correct to the best of her knowledge, information and belief.



Jennifer Brough

SWORN TO AND SUBSCRIBED before me on this 14th day of December, 2023.





Valerie Clark, Notary Public

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

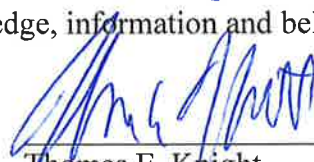
UNITED STATES OF AMERICA
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VERIFICATION AND CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

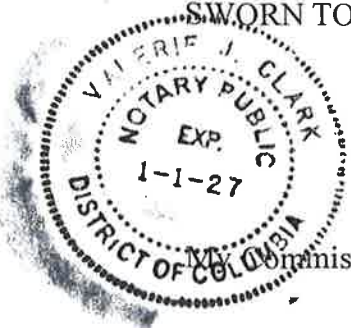
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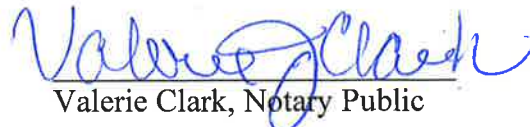
BEFORE ME, the undersigned authority, on this day personally appeared Thomas E. Knight, who, having been by me first duly sworn, on oath says that he is an Attorney for Lake Charles Exports, LLC; that he is a duly authorized representative of Lake Charles Exports, LLC authorized to make this Verification and Certified Statement of Authorized Representative on behalf of Lake Charles Exports, LLC; that he is authorized to sign and file the foregoing instrument with the Department of Energy, Office of Fossil Energy and Carbon Management on behalf of Lake Charles Exports, LLC; and 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 this 14th day of December, 2023.





Valerie Clark, Notary Public

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

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. §590.107, I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Department of Energy in this proceeding.

In addition to the official service list, I hereby certify that I have this day served the foregoing document upon the following persons:

Public Citizen, attn: Tyson Slocum (tslocum@citizen.org)

Dated at Washington, D.C. this 14th day of December, 2023.

/s/ Jennifer Brough
Jennifer Brough
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