

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY**

Commonwealth LNG, LLC

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FECM Docket No. 19-134-LNG

**ANSWER OF COMMONWEALTH LNG, LLC IN OPPOSITION TO MOTION TO
INTERVENE OUT-OF-TIME AND PROTEST OF FISHERMEN INVOLVED IN
SUSTAINING OUR HERITAGE (FISH), FOR A BETTER BAYOU, HEALTHY GULF,
AND THE VESSEL PROJECT OF LOUISIANA****I. Introduction.**

Pursuant to Sections 590.303(e) and 590.304(f) of the Rules of Practice and Procedure (“Rules”) of the Department of Energy (“DOE”),¹ Commonwealth LNG, LLC (“Commonwealth”) respectfully offers this answer in opposition to the December 3, 2024 Motion for Leave to Intervene out of Time and Protest (“Late Intervention” or as applicable, “Protest”) filed jointly in the above-captioned proceeding by Fisherman Involved in Sustaining our Heritage (“FISH”), For a Better Bayou, Healthy Gulf, and the Vessel Project of Louisiana (collectively, “Movants”).² As explained below, Movants’ filing is little more than a recitation of arguments submitted by Sierra Club in its own attempt to intervene in this proceeding nearly *five years* after the deadline to timely do so,³ which Commonwealth has already responded to in full and which Commonwealth has attached to this filing and incorporates by reference.⁴ Accordingly, Commonwealth respectfully

¹ 10 C.F.R. §§ 590.303(e) & 590.304(f) (2024).² *Commonwealth LNG, LLC*, DOE/FECM Docket No. 19-134-LNG, Motion For Leave to Intervene and Protest Out of Time of FISH, For a Better Bayou, Healthy Gulf, and the Vessel Project of Louisiana (Dec. 3, 2024) (“Late Intervention” or as applicable, “Protest”).³ *Commonwealth LNG, LLC*, DOE/FECM Docket No. 19-134-LNG, Motion to Intervene and Protest Out of Time of Sierra Club (Nov. 22, 2024) (“Sierra Club Late Intervention”).⁴ *Commonwealth LNG, LLC*, DOE/FECM Docket No. 19-134-LNG, Answer of Commonwealth LNG, LLC in Opposition to Motion to Intervene Out-of-Time and Protest of Sierra Club (Dec. 9, 2024) (“Answer”).

requests DOE/FECM reject Movants' Late Intervention and Protest and dismiss all arguments included therein.

In support of this answer, Commonwealth states the following:

II. Background.

Commonwealth provides a complete discussion of the background of its non-FTA application ("Application") proceeding in its recent Answer to Sierra Club's Late Intervention.⁵

III. Answer.

In seeking to intervene in this proceeding so far past the deadline to do so, Movants offer little more than a restatement of the arguments Sierra Club raised in its own attempt to flout DOE's Rules. Most glaringly, Movants argue that good cause exists to permit Movants to intervene nearly 5 years after the intervention deadline,⁶ based on DOE issuances in "early 2024 . . . May, 2024 . . . [and] August, 2024," that Movants allege are "substantial" changes to DOE policy that justify late intervention.⁷ Commonwealth has already explained to DOE at length why no such good cause exists to permits parties to intervene so far beyond the intervention deadline, and this response applies with equal weight to the arguments of the Movants.⁸

Movants similarly repeat Sierra Club's assertion that a finding of good cause to intervene at such a late stage "would be consistent with FERC's findings of good cause to intervene out of time under the Natural Gas Act."⁹ Not only has Commonwealth already disproved the notion that FERC precedent would permit such a late intervention,¹⁰ but Commonwealth further notes that in recent orders FERC has expressly *rejected* attempts by members of the Movants (FISH) to

⁵ Answer at 2-4.

⁶ *Compare* Late Intervention at 5-7 *with* Sierra Club Late Intervention at 4-9.

⁷ Late Intervention at 6.

⁸ Answer at 7-16.

⁹ *Compare* Late Intervention at 5 *with* Sierra Club Late Intervention at 5-7.

¹⁰ Answer at 8-9.

intervene in a proceeding over two years after the intervention deadline, finding that an entity may not “‘sleep on its rights’ and then seek untimely intervention.”¹¹ FERC upheld this denial less than a month ago.¹² Movants further repeat the arguments of Sierra Club in alleging that permitting late intervention nearly five years past the intervention deadline would not prejudice either Commonwealth or DOE.¹³ As Commonwealth has explained, however, such an action would substantially prejudice both Commonwealth and DOE.¹⁴

In its Protest, Movants continue to provide DOE with little more than a bare recitation of arguments already raised by Sierra Club, which Commonwealth has responded to in full. Like Sierra Club, Movants raise entirely unsupported allegations that negative economic impacts associated with LNG exports render Commonwealth’s Application inconsistent with the public interest.¹⁵ As Commonwealth has already demonstrated, there is no link between exports of LNG and domestic natural gas prices.¹⁶ Moreover, Movants entirely fail to show that these purported impacts are sufficient to overcome the intent of Congress that exports of LNG to non-FTA nations are consistent with the public interest.¹⁷

Finally, Movants again repeat the arguments of Sierra Club that DOE cannot act on Commonwealth’s Application until after FERC issues its supplemental Environmental Impact Statement (“EIS”), and DOE updates and/or revises its existing GHG lifecycle studies.¹⁸ Commonwealth has already explained, however, that there is nothing preventing DOE from *conditionally* granting Commonwealth non-FTA authorization while FERC completes its

¹¹ *Venture Glob. CP2 LNG, LLC*, 187 FERC ¶ 61,199 at P 17 (2024).

¹² *Venture Glob. CP2 LNG, LLC*, 189 FERC ¶ 61,148 at PP 10-17 (2024).

¹³ Late Intervention at 5-6.

¹⁴ Answer at 12-16.

¹⁵ *Compare* Late Intervention at 8-10 *with* Sierra Club Late Intervention at 13-19.

¹⁶ Answer at 19-21.

¹⁷ *Id.* at 17-18.

¹⁸ *Compare* Late Intervention at 11-14 *with* Sierra Club Late Intervention at 19-28.

supplemental EIS,¹⁹ and that there is otherwise no need for DOE to conduct any further environmental analysis regarding Commonwealth's export of LNG.²⁰ Simply put, Movants' Late Intervention and Protest offers DOE nothing that Commonwealth has not already responded to, and demonstrated that there is no good cause to permit the Late Intervention and Protest.

IV. **Conclusion**

WHEREFORE, for the foregoing reasons, DOE should deny Movants' Late Intervention and Protest and all arguments contained therein, and otherwise reject Movants' arguments raised in opposition to Commonwealth's Application.

Respectfully submitted,

/s/ David L. Wochner

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Dated: December 18, 2024

¹⁹ Answer at 18-19.

²⁰ Answer at 22-24.

CERTIFICATE OF SERVICE

I certify that I have this 18th day of December, 2024, serviced copies of the foregoing document filed with DOE/FECM on the designated representatives of all of the parties to this proceeding, in accordance with 10 C.F.R. § 590.107(a).

/s/ Timothy J. Furdyna
Timothy J. Furdyna
Counsel for Commonwealth LNG, LLC

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

In the Matter of)
) **FECM Docket No. 19-134-LNG**
Commonwealth LNG, LLC)

VERIFICATION

I, Farhad Ahrabi, declare that I am President and CEO for Commonwealth LNG, LLC, and am duly authorized to make this Verification; that I have read the foregoing instrument and that the facts therein stated are true and correct to the best of my knowledge, information, and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Houston, Texas on December 18, 2024.

/s/
Farhad Ahrabi
President and CEO
Commonwealth LNG, LLC