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

In The Matter Of:)
)
Driftwood LNG LLC) **FE Docket No. 16-144- LNG**

**SUPPLEMENTAL ANSWER OF DRIFTWOOD LNG LLC
IN OPPOSITION TO
LATE FILED MOTION TO INTERVENE, PROTEST AND COMMENT**

Pursuant to Sections 590.303(e) and 590.304(f) of the Department of Energy’s (“DOE”) regulations,¹ Driftwood LNG LLC (“Driftwood”) hereby submits this supplement to its December 20, 2018 Answer to the Industrial Energy Consumers of America’s (“IECA”) late-filed Motion to Intervene, Protest, and Comments initially submitted to DOE Office of Fossil Energy (“DOE/FE”) on November 20, 2018 (“IECA Pleading”), in the above-captioned proceeding. On December 27, 2018, IECA filed an answer to Driftwood’s December 20, 2018 Answer, incorrectly claiming that the ICEA Pleading was not late-filed.

IECA mistakenly attempts to justify its failure to serve the IECA Pleading on Driftwood by stating that “the information was not available to IECA from the DOE/FE website associated with this proceeding, that would inform IECA, and identify other parties to the proceeding, that would need to be served.” Section 590.107 of DOE/FE’s regulations specifically states:

(a) An applicant, any other party to a proceeding, or a person filing a protest shall serve a copy of all documents filed with FE upon all parties unless otherwise provided in this part. The copy of a document served upon parties shall be a true copy of the document filed with FE, but does not have to be a copy stamped with the time and date of receipt by FE. The FE shall maintain an official service list for each proceeding which shall be provided upon request.

¹ 10 C.F.R. §§ 590.303(e) and 590.304(f) (2018).

(b) When the parties are not known, such as during the initial comment period following publication of the notice of application, service requirements under paragraph (a) of this section may be met by serving a copy of all documents on the applicant and on FE for inclusion in the FE docket in the proceeding.²

IECA clearly was aware of the Driftwood parties upon which service was to be made. Driftwood's March 5, 2018 Supplement to Long-Term Authorization and Application for Long-Term Authorization, to which IECA objects, specifically states:

All correspondence and communications concerning this Supplement, including all service of pleadings and notices, should be directed to the following persons:³

Patricia Outtrim
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1201 Louisiana Street, Suite 3100
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Prior to the availability of an official service list, IECA was under an obligation to serve Driftwood and had the information necessary to do so.

² 10 C.F.R. § 590.107 (2018) (*emphasis added*).

³ Driftwood LNG requests waiver of Section 590.202(a) of DOE's regulations, to the extent necessary to include outside counsel on the official service list in this proceeding. 10 C.F.R. § 590.202(a) (2017) (*footnote part of original quote*).

III. CONCLUSION

For the foregoing reasons, and as further discussed in Driftwood's December 20, 2018 Answer, DOE/FE should reject the IECA Pleading and deny IECA party status in this proceeding.

Respectfully submitted,

/s/Lisa M. Tonery

Lisa M. Tonery

Erik J.A. Swenson

Attorneys for

Driftwood LNG LLC

December 28, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding.

Dated at New York, N.Y. this 28th day of December, 2018.

/s/Mariah T. Johnston
Mariah T. Johnston
Attorney on behalf of
Driftwood LNG LLC