

LAKE CHARLES LNG EXPORT COMPANY, LLC	)	DOCKET NO. 13-04-LNG
	)	DOCKET NO. 16-109-LNG
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OCTOBER 17, 2025

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FREQUENTLY USED ACRONYMS

Bcf/yr	Billion Cubic Feet per Year
DOE	U.S. Department of Energy
FE	Office of Fossil Energy (prior to July 4, 2021)
FECM	Office of Fossil Energy and Carbon Management
FERC	Federal Energy Regulatory Commission
FID	Final Investment Decision
LCE	Lake Charles Exports, LLC
FTA	Free Trade Agreement
LNG	Liquefied Natural Gas
NGA	Natural Gas Act

I. INTRODUCTION AND BACKGROUND

On August 22, 2025, the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM)¹ issued DOE/FECM Order Nos. 3868-E and 4010-E² (Extension Order) to Lake Charles LNG Export Company, LLC (Lake Charles LNG Export)³ under sections 3 and 16 of the Natural Gas Act (NGA).⁴

Briefly, under Order Nos. 3868 and 4010 (as amended), Lake Charles LNG Export is authorized to export domestically produced liquefied natural gas (LNG) from the Lake Charles Terminal (the Terminal) located in Lake Charles, Louisiana, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (non-FTA) countries,⁵ as follows:

- Under DOE/FE Order No. 3868, as amended (Docket No. 13-04-LNG), in a volume equivalent to 730 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas for a term extending through December 31, 2050;⁶ and

¹ DOE’s Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

² *Lake Charles LNG Export Co., LLC*, DOE/FE Order Nos. 3868-E and 4010-E, Docket Nos. 13-04-LNG and 16-109-LNG, Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries (Aug. 22, 2025), https://www.energy.gov/sites/default/files/2025-08/ord3868-E_4010-E.pdf [hereinafter Ext. Order].

³ Lake Charles LNG Export is a wholly-owned subsidiary of Energy Transfer LP (Energy Transfer). Energy Transfer’s other wholly-owned subsidiaries—and Lake Charles LNG Export’s affiliates—are Lake Charles Exports, LLC (LCE); Trunkline Gas Company, LLC; and Lake Charles LNG Company, LLC. *See id.* at 1 & n.4.

⁴ 15 U.S.C. §§ 717b, 717o. The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

⁵ The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas. Lake Charles LNG Export also holds long-term authorizations from DOE to export LNG to FTA countries under NGA section 3(c), 15 U.S.C. § 717b(c), which are not at issue in this Order.

⁶ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868, Docket No. 13-04-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel From the Lake Charles Terminal in Calcasieu Parish, Louisiana, to Non-Free Trade Agreement Nations (July 29, 2016), *amended by* DOE/FE Order No. 3868-A (Oct. 6, 2020) (extending export commencement deadline to Dec. 16, 2025), *requested amendment denied by* DOE/FECM Order No. 3868-B (Apr. 21, 2023) (denying second commencement extension), *reh’g denied*, DOE/FECM Order No. 3868-C (June 21, 2023), *amended by* DOE/FECM Order No.

- Under DOE/FE Order No. 4010, as amended (Docket No. 16-109-LNG), in a volume equivalent to 121 Bcf/yr of natural gas for a term extending through December 31, 2050.⁷

Thus, in total, Lake Charles LNG Export is authorized to export LNG in a volume equivalent to 851 Bcf/yr of natural gas to non-FTA countries.

Lake Charles LNG Export and its affiliates are currently developing liquefaction and export facilities (Liquefaction Project) and a related Pipeline Modifications Project (collectively, Project or Projects)⁸ for the export of LNG at the Terminal. In issuing Order Nos. 3868 and 4010, DOE imposed a standard seven-year deadline for Lake Charles LNG Export to commence exporting the approved non-FTA volumes of LNG from the Terminal (known as the export commencement deadline).

FERC previously approved the siting, construction, and operation of the Project, and it currently exercises oversight of the Project's ongoing construction activities at the Terminal.⁹ Most recently, on May 8, 2025, FERC approved an extension allowing Lake Charles LNG Export and its affiliates until December 31, 2031, to complete construction of the Project and

3868-D (Nov. 1, 2023) (extending export term), *further amended by* DOE/FECM Order No. 3868-E (Aug. 22, 2025) (extending export commencement deadline to Dec. 31, 2031).

⁷ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, Docket No. 16-109-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel From the Lake Charles Terminal in Lake Charles, Louisiana, to Free Trade and Non-Free Trade Agreement Nations (June 29, 2017), *amended by* Order No. 4010-A (Oct. 6, 2020) (amending the term of FTA export authorization and extending export commencement deadline in non-FTA authorization to Dec. 16, 2025), *requested amendment denied by* DOE/FECM Order No. 4010-B (Apr. 21, 2023) (denying second commencement extension), *reh'g denied*, DOE/FECM Order No. 4010-C (June 21, 2023), *amended by* DOE/FECM Order No. 4010-D (Nov. 1, 2023) (extending export term), *further amended by* DOE/FECM Order No. 4010-E (Aug. 22, 2025) (extending export commencement deadline in non-FTA authorization to Dec. 31, 2031). DOE/FE Order No. 4010 is a consolidated order authorizing exports to both FTA and non-FTA countries. Because only the non-FTA portion of that order is at issue in this proceeding, all references to Order No. 4010 herein are to the non-FTA authorization alone. *See* Ext. Order at 2 n.9.

⁸ The Federal Energy Regulatory Commission (FERC) refers collectively to the Liquefaction Project and the Pipeline Modifications Project as “the Projects,” but for purposes of this Order, we generally follow Lake Charles LNG Export’s terminology and use the term “the Project.” Ext. Order at 2 n.11.

⁹ *See, e.g., Lake Charles LNG Co., LLC, et al.*, 153 FERC ¶ 61,300 (2015) [hereinafter FERC Authorization Order], *reh'g denied*, 155 FERC ¶ 61,328 (2016).

place it into service (FERC 2025 Extension Order).¹⁰ This rehearing proceeding concerns only whether Lake Charles LNG Export has shown good cause for an extension of its current export commencement deadline in both orders until December 31, 2031, to align with the FERC construction and in-service deadline.¹¹

Briefly, DOE has undertaken several actions related to Lake Charles LNG Export's export commencement deadline in Order Nos. 3868 and 4010. In 2020, DOE granted an application by Lake Charles LNG Export to extend the original export commencement deadline under both orders to December 16, 2025.¹² In June 2022, Lake Charles LNG Export filed an application requesting a second commencement extension until December 16, 2028 (2022 Extension Application). On April 21, 2023, DOE issued an order denying the 2022 Extension Application (2023 Denial Order), as well as an order on June 21, 2023, denying rehearing of the 2023 Denial Order.¹³ On April 17, 2025, after continuing to advance the commercialization of the Project over the intervening two years, Lake Charles LNG Export filed the application at issue here, in which it requested an export commencement extension under both orders from December 16, 2025, to December 31, 2031 (Extension Application or 2025 Extension Application).¹⁴ In the Extension Order issued on August 22, 2025 (and as discussed below), DOE approved this requested extension—such that Lake Charles LNG Export is now required to

¹⁰ *Lake Charles LNG Export Co., LLC, et al.*, Letter Order Granting Request for Extension of Time, FERC Docket Nos. CP14-119-003, *et al.* (May 8, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250508-3019 [hereinafter FERC 2025 Ext. Order]; *see also* Ext. Order at 3 (summarizing FERC extension proceedings for the Project).

¹¹ *See* Ext. Order at 4-5.

¹² *See id.* at 4 & n.20.

¹³ *See id.* at 4 & nn.21-22, 28-29; *see also supra* notes 6-7.

¹⁴ Lake Charles LNG Export Co., LLC, Application for an Amendment to Extend the Commencement of Operations Deadline and Request for Expedited Action, Docket Nos. 13-04-LNG and 16-109-LNG, at 1 (Apr. 17, 2025) [hereinafter Ext. App.]; *see also* Ext. Order at 4-5 (summarizing DOE extension proceedings for the Project).

“commence export operations using the planned liquefaction facilities no later than December 31, 2031.”¹⁵

In the Extension Order, DOE granted separate motions to intervene submitted in response to the notice of the Extension Application by: (i) Public Citizen, Inc. (Public Citizen);¹⁶ and (ii) For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission (also referred to as Micah Six Eight Mission), Sierra Club, and the Vessel Project of Louisiana (collectively, Environmental Advocates), which was filed together with a protest opposing the Extension Application (Environmental Advocates’ Pleading).¹⁷

In granting the Extension Application, DOE evaluated the detailed—and unrebutted—factual evidence provided by Lake Charles LNG Export in support of its request. DOE also reviewed the arguments made by Public Citizen and Environmental Advocates, which raised concerns about Lake Charles LNG Export’s export operations and which asked DOE to deny the Extension Application, respectively,¹⁸ as well as Lake Charles LNG Export’s answer to those arguments and the Environmental Advocates’ reply.¹⁹

¹⁵ Ext. Order at 39 (Ordering Para. C), 41 (Ordering Paras. F-G). DOE also amended the orders to allow Lake Charles LNG Export a three-year Make-Up Period to export any approved volume of LNG that it is unable to export during the original export term. *See id.* at 8, 36-40. The Make-Up Period amendments are not at issue in this rehearing proceeding.

¹⁶ Public Citizen, Inc., Motion to Intervene, Docket Nos. 13-04-LNG and 16-109-LNG (July 1, 2025) [hereinafter Public Citizen Mot.].

¹⁷ For a Better Bayou, *et al.*, Motion to Intervene and Protest of Application for Extension of Commencement Deadline, Docket Nos. 13-04-LNG and 16-109-LNG (July 2, 2025) [hereinafter Enviro. Advocates Pleading]; *see, e.g.*, Ext. Order at 6, 25-27, 41 (Ordering Para. I); *see also id.* at 6-7 (summarizing Extension Application proceeding).

¹⁸ *See generally* Ext. Order at 27-36.

¹⁹ Specifically, as part of this record, DOE considered: (i) Lake Charles LNG Export’s arguments in its “Answer in Opposition to Motions to Intervene and Protest” (Docket Nos. 13-04-LNG and 16-109-LNG, July 7, 2025) responding to the filings of Public Citizen and Environmental Advocates, and (ii) Environmental Advocates’ “Motion for Leave to Reply and Reply” (Docket Nos. 16-109-LNG and 13-04-LNG, July 10, 2025) to Lake Charles LNG Export’s Answer, which DOE granted. *See id.* at 7, 27-36, 42 (Ordering Para. J).

Additionally, DOE took administrative notice of the FERC 2025 Extension Order,²⁰ observing that, “based on the same facts submitted to DOE in the Extension Application, FERC determined that an extension of the construction and in-service deadline to December 31, 2031, was appropriate.”²¹ DOE found the FERC 2025 Extension Order “to be a compelling factor” in its decision to grant the Extension Application.²²

Based on this record, DOE concluded that “Lake Charles LNG Export has demonstrated good cause for the requested extension to the export commencement deadline in its non-FTA orders (Order Nos. 3868 and 4010, as amended), which Environmental Advocates have failed to overcome.”²³

On September 19, 2025, Environmental Advocates and Public Citizen (together, the Advocates)²⁴ timely filed a joint “Request for Rehearing” of the Extension Order.²⁵ They argue that the Extension Order is arbitrary and capricious under the Administrative Procedure Act (APA) and in violation of NGA section 3.²⁶ On October 2, 2025, Lake Charles LNG Export submitted a “Motion for Leave to Answer and Answer” to the Request for Rehearing, in which it opposes the Request for Rehearing on both procedural and substantive grounds.²⁷ Subsequently, on October 14, 2025, the Advocates submitted a “Motion for Leave to Reply and Reply”

²⁰ *Id.* at 3.

²¹ *Id.* at 32.

²² *Id.* (stating that “FERC closely oversees the activities of Lake Charles LNG Export (as well as Energy Transfer and other affiliates) to advance the construction and operation of the Project”).

²³ *Id.* at 36.

²⁴ In the Request for Rehearing, Environmental Advocates refer to themselves as “Environmental and Community Advocates.” However, both for consistency with the Extension Order and for brevity in this Order, we will continue to use “Environmental Advocates” and—collectively with Public Citizen—the “Advocates.”

²⁵ For a Better Bayou *et al.*, Request for Rehearing, Docket Nos. 13-04-LNG and 16-109-LNG (Sept. 19, 2025), <https://www.energy.gov/sites/default/files/2025-09/2025.09.19%20Rehearing%20Request.pdf> [hereinafter Request for Rehearing]. Lake Charles LNG Export refers to the Request for Rehearing as the “Joint Request for Rehearing.”

²⁶ Request for Rehearing at 2-5 (citing the APA, 5 U.S.C. § 706(2)(a), and the NGA, 15 U.S.C. § 717b).

²⁷ Lake Charles LNG Export Co., LLC, Motion for Leave to Answer and Answer to Joint Request for Rehearing, Docket Nos. 13-04-LNG and 16-109-LNG (Oct. 2, 2025), <https://www.energy.gov/sites/default/files/2025-10/Lake%20Charles%20LNG%20Export%20Motion%20for%20Leave%20Answer%20Oct%202025%20%28003%29.pdf> [hereinafter Lake Charles LNG Export Answer].

opposing Lake Charles LNG Export’s Answer to the Request for Rehearing.²⁸

Upon review of the arguments presented, and for the reasons discussed below, DOE grants both Lake Charles LNG Export’s Motion for Leave to Answer and the Advocates’ Motion for Leave to Reply; denies the Advocates’ Request for Rehearing; and reaffirms the findings and conclusions in the Extension Order (Order Nos. 3868-E and 4010-E).

II. RELEVANT LEGAL AUTHORITIES

A. NGA Authority

As relevant here, NGA section 3(a) authorizes the exportation of natural gas from the United States to non-FTA countries unless, after opportunity for hearing, DOE “finds that the proposed exportation . . . will not be consistent with the public interest.”²⁹ Under this provision, DOE “may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.”³⁰ Additionally, under NGA section 16, DOE may “prescribe, issue, make, amend, and rescind such orders . . . as it may find necessary or appropriate to carry out the provisions of this chapter.”³¹

B. NGA Rehearing Procedures

Under NGA section 19(a), “[a]ny person . . . aggrieved by an order issued by [DOE] in a proceeding to which such person . . . is a party may apply for a rehearing.”³² The aggrieved party must seek rehearing within 30 days “after the issuance of such order.”³³ The request for rehearing must “set forth specifically the ground or grounds upon which such application is

²⁸ For a Better Bayou *et al.*, Motion for Leave to Reply and Reply, Docket Nos. 13-04-LNG and 16-109-LNG (Oct. 14, 2025), <https://www.energy.gov/sites/default/files/2025-10/2025.10.14%20Motion%20for%20Leave%20to%20Reply%20to%20Answer%20to%20Rehearing%20Request.pdf> [hereinafter Advocates’ Reply].

²⁹ 15 U.S.C. § 717b(a).

³⁰ *Id.*

³¹ *Id.* § 717o.

³² 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.501(a).

³³ 15 U.S.C. § 717r(a).

based.”³⁴ When acting upon such a request, DOE has the “power to grant or deny rehearing or to abrogate or modify its order without further hearing.”³⁵

III. THE ADVOCATES’ REQUEST FOR REHEARING

In seeking rehearing of the Extension Order, the Advocates present two principal arguments—first, that the Extension Order “arbitrarily and capriciously reaches a conclusion that is inconsistent with DOE’s prior orders denying [Lake Charles LNG Export’s] 2022 Extension Application without providing any rational explanation for that inconsistency based on changed facts or changed policy,” and second, that the Extension Order “arbitrarily and capriciously fails to provide a rational explanation for why four cited instances of alleged ‘regulatory delay’ constitute ‘good cause’ to grant the 2025 Extension Application.”³⁶

Under their first argument, the Advocates contend that DOE failed to provide a rational explanation for finding good cause to grant the Extension Application, while using the same case-by-case policy it used in denying the 2022 Extension Application in 2023 “based on substantially similar facts.”³⁷ Specifically, “DOE has not provided any explanation for reaching a different conclusion now on how the facts regarding the period from 2020 to 2022 demonstrate ‘good cause’ for an extension,” nor has DOE “rationally explained reaching a contrary conclusion based on substantially similar facts related to the period from 2022 to 2025.”³⁸

Next, the Advocates claim that DOE fails to explain how a “changed regulatory landscape” since DOE’s denial of the 2022 Extension Application in April 2023 provides a basis

³⁴ *Id.*; *see also* 10 C.F.R. § 590.501(b).

³⁵ 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.503. DOE must act upon a request for rehearing within 30 days after it is filed, or the request “may be deemed to have been denied,” such that the denial constitutes final agency action for the purpose of judicial review. 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.504; *Allegheny Def. Project v. Fed. Energy Regul. Comm’n*, 964 F.3d 1 (D.C. Cir. 2020) (decision on petition for rehearing en banc).

³⁶ Request for Rehearing at 2, 4 (citations omitted).

³⁷ *See id.* at 2.

³⁸ *Id.* at 2-3, 12-13 (citing Supreme Court caselaw in arguing that DOE impermissibly reversed its decision to deny the 2022 Extension Application without explaining the reversal).

for reaching a different outcome on the 2025 Extension Application.³⁹ Acknowledging that Executive Order (E.O.) 14154 of January 20, 2025, *Unleashing American Energy*,⁴⁰ cited by DOE “directs agencies to revoke policies that ‘unduly burden’ development of domestic energy resources,” the Advocates nonetheless argue that DOE did not explain why E.O. 14154 “is relevant to the project-specific determination of whether good cause exists for an extension.”⁴¹ The Advocates also contend that DOE did not explain the relevance of either its 2023 “Policy Statement on Export Commencement Deadline in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries” (Policy Statement)⁴² (which DOE rescinded on April 2, 2025),⁴³ or its reference to export commencement extensions granted to Golden Pass LNG Terminal LLC (Golden Pass LNG) and Delfin LNG LLC (Delfin) earlier this year.⁴⁴

The Advocates further argue that DOE “fails to provide a rational explanation for why changed global LNG market conditions provide a basis for reaching a different outcome on the 2025 Extension Application as compared to the 2022 Extension Application.”⁴⁵ Specifically, the Advocates maintain that DOE has not explained why market conditions would be relevant to the “fact-specific [commencement] extension question.”⁴⁶ The Advocates also argue that examining

³⁹ *Id.* at 3; *see also id.* at 12 (arguing that “[t]he changes in the ‘regulatory landscape’ and the ‘global LNG market’ that have occurred since DOE denied the 2022 Extension Application . . . do not explain why DOE previously found that there was no good cause for an extension, but now finds that there is.”).

⁴⁰ Exec. Order No. 14154 of January 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf> [hereinafter E.O. 14154], *cited in* Ext. Order at 6 n.31.

⁴¹ Request for Rehearing at 3.

⁴² U.S. Dep’t of Energy, Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 88 Fed. Reg. 25,272 (Apr. 26, 2023) [hereinafter Policy Statement]; *see also* Ext. Order at 5-6.

⁴³ U.S. Dep’t of Energy, Rescission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 90 Fed. Reg. 14,411 (Apr. 2, 2025) [hereinafter Rescission Notice] (rescinding Policy Statement and returning to good cause standard on a case-by-case basis); *see also* Ext. Order at 5-6 & nn.26, 30.

⁴⁴ *See* Request for Rehearing at 3.

⁴⁵ *Id.* at 4.

⁴⁶ *Id.*

global market conditions for purposes of the Extension Application would be “inconsistent with DOE’s 1984 Policy Guidelines, which state that DOE does not consider market need when making decisions about any individual LNG export project.”⁴⁷ According to the Advocates, by relying on global market conditions, “DOE is, contrary to its 1984 Policy Guidelines, getting into the business of picking winning and losing projects by determining which projects get extensions despite failing to meet their (already extended) commencement deadlines.”⁴⁸

Under their second principal argument, the Advocates assert that none of the four “regulatory delays” cited by DOE, which all occurred after June 2022, explains Lake Charles LNG Export’s “lack of progress prior to submission of its 2022 Extension Application.”⁴⁹ The Advocates point to the following “‘delays,’”⁵⁰ which DOE summarized in the Extension Order based on Lake Charles LNG Export’s arguments as follows:

DOE’s denial of its 2022 Extension Application after that Application had been pending for 10 months; DOE’s announcement of the Policy Statement that imposed new restrictions on export commencement extensions in April 2023; the decision for its affiliate, LCE [Lake Charles Exports, LLC], to submit a new non-FTA application at DOE’s direction in August 2023 in an effort to obtain a new commencement of export operations deadline (which remains pending); and, in January 2024, the Biden Administration’s announcement of the ‘LNG pause’ on pending non-FTA applications, including the LCE application, which effectively lasted until the new Administration took office on January 20, 2025.⁵¹

The Advocates argue that DOE “does not explain” why each of these individual facts and circumstances demonstrates good cause for granting the Extension Application.⁵²

⁴⁷ *Id.* at 4, 23 (citing U.S. Dep’t of Energy, New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) [hereinafter 1984 Policy Guidelines]).

⁴⁸ *Id.* at 24.

⁴⁹ *Id.* at 4.

⁵⁰ Request for Rehearing at 4.

⁵¹ Ext. Order at 33 (citing Ext. App. at 22-24).

⁵² See Request for Rehearing at 4-5.

IV. LAKE CHARLES LNG EXPORT’S MOTION FOR LEAVE TO ANSWER AND ANSWER TO REQUEST FOR REHEARING

A. Motion for Leave to Answer

Lake Charles LNG Export moves for leave to file its Answer to the Request for Rehearing. Lake Charles LNG Export states that its Answer is relevant to DOE’s consideration of the Request for Rehearing because it responds to the Advocates’ assertions of law and fact, sets out a procedural defect in the Request for Rehearing, and will assist DOE in fully considering all issues in this rehearing proceeding.⁵³

B. Procedural Objection to Request for Rehearing

Addressing the Request for Rehearing, Lake Charles LNG Export first argues that the Request for Rehearing has a “procedural defect that is fatal.”⁵⁴ Lake Charles LNG Export asserts that Public Citizen “did not protest the Extension Application” and is raising arguments in protest of the Extension Application for the first time in the Request for Rehearing in violation of DOE’s procedures and regulations.⁵⁵ Specifically, “it was not until September 19, 2025 that Public Citizen joined forces with Environmental Advocates and protested the Extension Application in the form of the Petitioners’ Joint Request for Rehearing.”⁵⁶

Lake Charles LNG Export contends that Public Citizen is not allowed to ““sit on its hands”” and wait until after the July 2, 2025 deadline established by DOE in the *Federal Register* to protest the Extension Application.⁵⁷ Lake Charles LNG Export argues that it has a right to respond to each protester “but cannot do so if a protest is not filed and, instead, [is] slipped into a

⁵³ Lake Charles LNG Export Answer at 3-4.

⁵⁴ *Id.* at 4.

⁵⁵ *Id.*

⁵⁶ *Id.* at 5.

⁵⁷ *Id.* (citing DOE’s regulations at 10 C.F.R. §§ 590.304(c) and 590.304(e)); *see also id.* at 8 (stating that “Public Citizen did not file a protest in this proceeding and instead silently laid in wait.”).

request for rehearing.”⁵⁸ In support of these arguments, Lake Charles LNG Export cites DOE’s orders issued on June 24, 2022, in both the Golden Pass LNG and Magnolia LNG, LLC proceedings (Docket Nos. 12-156-LNG and 13-132-LNG, respectively), in which DOE dismissed Sierra Club’s request for rehearing on procedural grounds in each proceeding.⁵⁹

Lake Charles LNG Export maintains that it is “highly prejudicial to Lake Charles LNG Export for Public Citizen to ignore the deadline for filing protests and instead raise its protest arguments for the first time in a rehearing request.”⁶⁰ According to Lake Charles LNG Export, the Advocates “did not fulfill their duty of candor by allowing Public Citizen to be a Petitioner and boot strap its late protest into a rehearing request.”⁶¹

Lake Charles LNG Export also states that the Advocates did not make any arguments “attempting to show good cause . . . for Public Citizen’s late protest.”⁶² According to Lake Charles LNG Export, the Advocates are “well aware that it is improper for a petitioner to contest an application for the first time in a rehearing request,” and the consequence of this “maneuver” is “a dismissal of the rehearing request in its entirety,” *i.e.*, as to all the Advocates, not only Public Citizen.⁶³

C. Substantive Arguments Opposing Request for Rehearing

Lake Charles LNG Export argues that the Advocates ignore two “fundamental realities”: (i) DOE’s denial of Lake Charles LNG Export’s 2022 Extension Application in April 2023 “is irrelevant” for purposes of granting the 2025 Extension Application; and (ii) DOE adequately

⁵⁸ *Id.* at 8.

⁵⁹ See Lake Charles LNG Export Answer at 6 & n.16 (citing *Golden Pass LNG Terminal LLC*, DOE/FECM Order No. 3978-F, and *Magnolia LNG, LLC*, DOE/FECM Order No. 3909-D).

⁶⁰ *Id.* at 8 (asserting that “[t]his prejudice is not negated by the fact that the remainder of the [Advocates] raised similar arguments in their joint protest”).

⁶¹ *Id.*

⁶² *Id.* at 5.

⁶³ *Id.* at 7; see also *id.* at 8 (arguing that the Advocates, “jointly and as a whole, are responsible for the fatal procedural defect in their Joint Request for Rehearing”).

explained in the Extension Order “how the facts in 2025 are drastically different than the facts in 2023, both as to the regulatory landscape and Lake Charles LNG Export’s actions to advance the Project despite the challenging, completely unforeseen circumstances outside of its control.”⁶⁴

In particular, Lake Charles LNG Export maintains that DOE adequately explained “how the Extension Order is fully aligned with the Nation’s new energy policies under the Trump Administration,” such that the Advocates’ arguments to the contrary are “meritless.”⁶⁵

Lake Charles LNG Export asserts that “DOE fully explained the circumstances outside of Lake Charles LNG Export’s control that necessitated the extension” and “noted that Lake Charles LNG Export set out various factors that caused delay,” yet the Advocates did not contest any of this evidence.⁶⁶ Lake Charles LNG Export further disputes the Advocates’ claim that “none of the regulatory delays . . . impacted this project,” stating that this claim “is nonsensical because DOE made an explicit ruling in the Extension Order that the regulatory delays negatively impacted the progress of the Project.”⁶⁷

Next, Lake Charles LNG Export argues that the Advocates fail to show that DOE’s findings are arbitrary and capricious. Citing decisions of the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) upholding FERC’s extensions of its construction and in-service deadlines under the NGA, Lake Charles LNG Export argues that “the Courts have found that . . . delays caused by COVID-19 and legal and regulatory matters support a finding of good cause for extensions.”⁶⁸ According to Lake Charles LNG Export, these court rulings apply to DOE because both FERC’s and DOE’s actions are governed by the NGA.⁶⁹ Lake Charles

⁶⁴ *Id.* at 9-10.

⁶⁵ *See* Lake Charles LNG Export Answer at 15.

⁶⁶ *Id.*

⁶⁷ *Id.* at 19 (citing DOE’s findings in Ext. Order at 33-34).

⁶⁸ *Id.* at 19-20 (citing *Appalachian Voices v. Fed. Energy Regul. Comm’n*, 139 F.4th 903 (D.C. Cir. 2025), and *Sierra Club v. Fed. Energy Regul. Comm’n*, 97 F.4th 16 (D.C. Cir. 2024)).

⁶⁹ *Id.* at 20.

LNG Export states that, in the Extension Order, “DOE examined the reasons for delay, adequately explained its finding of good cause and used its broad discretion to grant Lake Charles LNG Export an extension.”⁷⁰

Finally, Lake Charles LNG Export highlights the factual evidence supporting its Extension Application and summarized in the Extension Order—specifically, its commercial and customer activities, construction activities, financing and equity activities, and permits and land to date—which it states demonstrates “non-refuted, concrete progress on the Project.”⁷¹ Lake Charles LNG Export reiterates that, despite the unforeseen circumstances outside of its control, Lake Charles LNG Export and its parent company, Energy Transfer, “have incurred approximately \$398 million of costs to develop the Project, which the [Advocates] do not contest.”⁷²

In sum, Lake Charles LNG Export urges DOE either to dismiss the Request for Rehearing on procedural grounds or to reject the Request for Rehearing based on its lack of merit.⁷³

V. THE ADVOCATES’ MOTION FOR LEAVE TO REPLY AND REPLY TO LAKE CHARLES LNG EXPORT’S ANSWER TO REQUEST FOR REHEARING

A. Motion for Leave to Reply

The Advocates move for leave to file a Reply to Lake Charles LNG Export’s Answer.⁷⁴ Citing DOE precedent, they state that DOE should grant its motion and accept the Reply because the Reply is: (i) relevant to DOE’s consideration of Lake Charles LNG Export’s assertions that DOE should reject the Request for Rehearing for alleged procedural violations, (ii) narrowly

⁷⁰ *Id.* at 20 & n.66 (stating, *inter alia*, “‘FERC enjoys broad discretion in determining whether a project developer has demonstrated ‘good cause’ for an extension,’” *Sierra Club*, 97 F.4th at 29).

⁷¹ Lake Charles LNG Export Answer at 21-24.

⁷² *Id.* at 21.

⁷³ *Id.* at 25.

⁷⁴ Advocates’ Reply at 1-2.

tailored to the arguments in Lake Charles LNG Export’s Answer, and (iii) therefore will not prejudice Lake Charles LNG Export.⁷⁵

B. The Advocates’ Reply to Lake Charles LNG Export’s Answer

The Advocates contend that Lake Charles LNG Export “is incorrect that the Request for Rehearing is procedurally improper,” and therefore DOE should reject the argument that the Request for Rehearing should be dismissed.⁷⁶

According to the Advocates, the standard proposed by Lake Charles LNG Export as to who may file a rehearing request in this proceeding is inconsistent with the NGA, DOE’s regulations, and DOE recent orders.⁷⁷ In particular, they argue that “a party may file a rehearing request if that party is aggrieved and has intervened”—and thus Lake Charles LNG Export is wrong that a party may not file a request for rehearing without first filing a protest.⁷⁸

Next, they assert that Lake Charles LNG Export “has failed to identify any way in which it has been prejudiced in a manner that would support dismissing the rehearing request in its entirety.” According to the Advocates, even if Lake Charles LNG Export’s proposed standard were correct—which they allege it is not—Lake Charles LNG Export “has not shown why the failure of one party to a rehearing request to protest would affect the ability of the other parties to seek rehearing when those other parties did file a protest.”⁷⁹

Finally, the Advocates argue that Lake Charles LNG Export “spuriously” and “incorrectly” accuses them “of violating their duty of candor” by allegedly failing to acknowledge that Public Citizen had not filed a protest to the Extension Application.⁸⁰ The

⁷⁵ *Id.* at 2.

⁷⁶ *Id.*

⁷⁷ *Id.*; see also *id.* at 3-4 (citing, e.g., *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-C, Docket No. 15-25-LNG, Order Denying Request for Rehearing (Oct. 3, 2025)).

⁷⁸ *Id.* at 2-3.

⁷⁹ *Id.*; see also *id.* at 3-4.

⁸⁰ Advocates’ Reply at 2, 5.

Advocates counter that “the Request for Rehearing made that fact plain” by identifying their respective filings in response to the Extension Application.⁸¹ Accordingly, they urge DOE “to reject the claim that the duty of candor was violated in any way.”⁸²

VI. DISCUSSION

A. Procedural Matters

Lake Charles LNG Export correctly notes that, although DOE’s regulations generally do not permit answers to applications (or requests) for rehearing,⁸³ DOE has traditionally accepted such answers when the answer is relevant to DOE’s consideration of the issues raised in the rehearing request.⁸⁴ Lake Charles LNG Export’s Motion for Leave to Answer is unopposed, and we find that the information provided by Lake Charles LNG Export is relevant to DOE’s consideration of the issues raised in the Request for Rehearing. Accordingly, we grant Lake Charles LNG Export’s Motion for Leave to Answer.

Next, we turn to the Advocates’ Motion for Leave to Reply to Lake Charles LNG Export’s Answer. DOE typically does not accept replies to answers to requests for rehearing. Upon review of the Advocates’ proposed Reply, however, we agree that it is narrowly tailored to address Lake Charles LNG Export’s argument (made in its Answer) that the Advocates’ Request for Rehearing is procedurally defective and should be dismissed in its entirety, as well as its related claim concerning the Advocates’ duty of candor.⁸⁵ We also find that DOE’s acceptance of the Reply will not prejudice Lake Charles LNG Export, whereas dismissing the Reply would prejudice the Advocates by depriving them of the opportunity to address Lake Charles LNG

⁸¹ *Id.* at 5 (quoting Request for Rehearing at 8, stating that “Public Citizen filed a motion to intervene.”).

⁸² *Id.*

⁸³ *See* 10 C.F.R. § 590.505.

⁸⁴ Lake Charles LNG Export Answer at 3 (citations omitted).

⁸⁵ *See* Advocates’ Reply at 2-5.

Export's claims about their right to seek rehearing and their candor in this proceeding.

Therefore, we also grant the Advocates' Motion for Leave to Reply.

B. Lake Charles LNG Export Has Not Demonstrated a Procedural Basis to Dismiss the Request for Rehearing

Lake Charles LNG Export acknowledges that Public Citizen timely filed a motion to intervene in response to the Extension Application, but argues that, because Public Citizen did not file a protest with its motion to intervene, Public Citizen is prohibited from seeking rehearing of the Extension Order.⁸⁶ According to Lake Charles LNG Export, in not filing a protest as part of its pleading, Public Citizen “is raising arguments in protest of the Extension Application for the first time in the Joint Request for Rehearing in violation of DOE’s procedures and regulations.”⁸⁷ For this reason, Lake Charles LNG Export argues that DOE should dismiss the Request for Rehearing “in its entirety,” as Public Citizen and Environmental Advocates are “jointly and as a whole” responsible for this “fatal procedural defect.”⁸⁸

We agree with the Advocates that this argument lacks merit.⁸⁹ Neither the NGA’s rehearing provision nor DOE’s rehearing regulation requires the filing of a protest as a predicate to seeking rehearing. Rather, both the statute and regulation allow any “party” “aggrieved by” a DOE order to apply for rehearing:

- Under NGA section 19(a), “[a]ny person, State, municipality, or State commission aggrieved by an order issued by [DOE] in a proceeding under this chapter to which such person, State, municipality, or State commission is a party may apply for a rehearing;”⁹⁰ and

⁸⁶ See Lake Charles LNG Export Answer at 4-5.

⁸⁷ *Id.* at 4; *see also id.* at 5 (arguing that Public Citizen and the other Advocates also failed to “make any arguments in their Joint Request for Rehearing attempting to show good cause for filing such pleading to present Public Citizen’s late protest in this proceeding”).

⁸⁸ *Id.* at 8.

⁸⁹ See Advocates’ Reply at 2-5.

⁹⁰ 15 U.S.C. § 717r(a) (emphasis added).

- Likewise, under DOE’s regulations, “[a]n application for rehearing of a final opinion and order . . . may be filed by any party aggrieved by the issuance of such opinion and order”⁹¹

Although the NGA does not define “party,” DOE’s regulations define a “party” as “an applicant, any person who has filed a motion for and been granted intervenor status or whose motion to intervene is pending, and any state commission which has intervened by notice”⁹² Thus, Public Citizen is indisputably a “party” in this proceeding because it timely filed a motion to intervene in response to the Extension Application, which DOE granted.⁹³

Contrary to Lake Charles LNG Export’s arguments, the NGA’s rehearing provision does not turn on whether a party filed a protest, but whether a party is “aggrieved by an order issued by [DOE].”⁹⁴ Further, DOE’s regulation governing protests, 10 C.F.R. § 590.304, states that “[a]ny person objecting to an application . . . may file a protest,” indicating that the filing of a protest is not a strict requirement for purposes of rehearing or otherwise.⁹⁵ We therefore agree with the Advocates that “nothing in [DOE’s] regulations [governing protests] changes the standard providing that a party may file a rehearing request if that party is aggrieved and has intervened.”⁹⁶ For these reasons, we decline to read a “protest” requirement into DOE’s

⁹¹ 10 C.F.R. § 590.501(a) (emphasis added); *see also* Advocates’ Reply at 2-3.

⁹² *Id.* § 590.102(l) (emphasis added).

⁹³ *See* Ext. Order at 25-27, 41 (Ordering Para. I). To support its arguments, Lake Charles LNG Export points to DOE’s dismissal orders in the 2022 Golden Pass LNG and Magnolia LNG proceedings (Docket Nos. 12-156-LNG and 13-132-LNG, respectively). *See* Lake Charles LNG Answer at 6-7. Those proceedings, however, were factually different. There, Sierra Club had not filed a motion to intervene or any other response to the notice of Golden Pass LNG and Magnolia LNG’s applications at issue, yet Sierra Club proceeded to request rehearing of DOE’s orders granting each application. That is not the case here, where Public Citizen raised its concerns in its timely-filed motion to intervene, and DOE addressed those concerns in the Extension Order. *See, e.g.*, Public Citizen Mot. at 1 (stating that it represents the interests of American household consumers, and that it and its members “have an interest in the extension of Lake Charles LNG [Export]’s commencement of export operations deadline” because “its [LNG] operations may come at the expense of higher domestic energy prices for Americans and decrease sufficient availability of natural gas supply”); Ext. Order at 6-7, 15-16, 31 (DOE responding to and rejecting Public Citizen’s arguments).

⁹⁴ 15 U.S.C. § 717r(a).

⁹⁵ 10 C.F.R. § 590.304(a) (emphasis added); *see also id.* § 590.304(b) (“The filing of a protest, without also filing a motion to intervene or a notice of intervention, shall not make the person filing the protest a party to the proceeding.”).

⁹⁶ Advocates’ Reply at 2-3.

rehearing regulation, 10 C.F.R. § 590.501(a), particularly where NGA section 19(a) focuses on whether the party is “aggrieved by” the DOE order and is silent as to the necessity of filing any particular type of pleading to preserve the right to seek rehearing.⁹⁷

Lake Charles LNG Export, however, does not address whether Public Citizen is “aggrieved by” the Extension Order.⁹⁸ Because this statutory and regulatory rehearing requirement has not been challenged or briefed by Lake Charles LNG Export, and because we find that Public Citizen is a “party” and was not required to file a protest as a prerequisite to filing the Request for Rehearing, we find that there is no basis to dismiss the Request for Rehearing on procedural grounds (either for Public Citizen alone or together with Environmental Advocates).

Next, Lake Charles LNG Export argues that “it is highly prejudicial” for Public Citizen to “raise its protest arguments for the first time in a rehearing request.”⁹⁹ Again, DOE does not agree that Public Citizen is raising its objections “for the first time” at this stage.¹⁰⁰ Lake Charles LNG Export had the opportunity to address Public Citizen’s arguments presented in its motion to intervene, and it did so.¹⁰¹ Further, DOE is accepting Lake Charles LNG Export’s Answer to the Request for Rehearing and considering it in this Order. Therefore, we do not believe there is any prejudice to Lake Charles LNG Export in considering the Request for Rehearing.

Finally, we disagree with Lake Charles LNG Export’s assertion that the Advocates (or “Petitioners”) “did not fulfill their duty of candor and explain to DOE that [Public Citizen] did

⁹⁷ See 15 U.S.C. § 717r(a). Additionally, as noted above, DOE’s regulations define a “party” with respect to a motion to intervene, not a protest. See 10 C.F.R. § 590.102(l).

⁹⁸ Cf. Lake Charles LNG Export Answer at 7 (observing only that, “[p]ursuant to section 19(a) of the Natural Gas Act, an aggrieved party must file a request for rehearing within thirty days after issuance of the DOE order.”).

⁹⁹ *Id.* at 8.

¹⁰⁰ See *supra* note 93.

¹⁰¹ See Lake Charles LNG Export Answer in Opposition to Motions to Intervene and Protest at 4-5.

not file a protest and [instead] chose to remain silent until the filing of the Joint Request for Rehearing.”¹⁰² In the Request for Rehearing, the Advocates clearly identified their respective pleadings in response to the Extension Application and, in particular, identified that Public Citizen filed a motion to intervene.¹⁰³ Contrary to Lake Charles LNG Export’s claims, neither Public Citizen nor Environmental Advocates were required by a “duty of candor” to say more about the nature of their pleading in seeking rehearing. Because the Advocates believed (and we agree) that they are permitted to seek rehearing under the NGA and DOE’s regulations, it is not clear why Lake Charles LNG Export would expect them to “show good cause” for Public Citizen presenting its “late protest” as part of the Request for Rehearing—much less question the Advocates’ candor over an issue subject to reasonable legal disagreement.¹⁰⁴

In sum, we reject Lake Charles LNG Export’s argument that the Request for Rehearing is procedurally defective and should be dismissed, either as to Public Citizen individually or together with Environmental Advocates. We also reject the claim that any of the Advocates violated the duty of candor in any way.

Because we find that there is no procedural basis to dismiss the Request for Rehearing, we do not take a position as to whether any such dismissal would apply to all parties jointly filing a request for rehearing. We note, however, that Lake Charles LNG Export does not cite any authority for this expansive position.¹⁰⁵

C. The Advocates Mischaracterize the Good Cause Standard for Export Commencement Extensions

Under NGA section 3(a), DOE is authorized, “after opportunity for hearing, and for good

¹⁰² Lake Charles LNG Export Answer at 5; *see also id.* at 8.

¹⁰³ *See* Advocates’ Reply at 5 (quoting Request for Rehearing at 8).

¹⁰⁴ Lake Charles LNG Export Answer at 5; *see also id.* at 6-8; Advocates’ Reply at 5.

¹⁰⁵ *See* Lake Charles LNG Export Answer at 4 (heading), 8.

cause shown, [to] make such supplemental order . . . as it may find necessary or appropriate.”¹⁰⁶

To date, DOE has issued several orders granting export commencement extensions on a case-by-case basis under this “good cause” standard, including to Lake Charles LNG Export in 2020 and, more recently, to Port Arthur LNG, LLC in 2023.¹⁰⁷ DOE has considered the same general factors in each such proceeding: (i) whether FERC had approved an extension of the construction and in-service deadline for the proposed LNG export facility; (ii) the project-specific facts presented in the extension application, including the authorization holder’s progress in constructing the proposed export facility, additional time necessary for the authorization holder to commence exports, and any unique delays and challenges faced by the authorization holder; and (iii) following notice of the extension application in the *Federal Register*, any protests, motions to intervene, and comments submitted in response to the application during the public comment period.¹⁰⁸

Despite this established practice, DOE observed in the Extension Order that “Environmental Advocates . . . are seeking to hold Lake Charles LNG Export to an unreasonably high standard of progress that is not supported by DOE’s precedent under the case-by-case evaluation at issue here.”¹⁰⁹ DOE thus reiterated that, in applying the good cause standard to applications for export commencement extensions, “it is sufficient for an authorization holder to

¹⁰⁶ 15 U.S.C. § 717b(a). Additionally, as relevant here, DOE has authority under NGA section 16 to amend its orders “as it may find necessary or appropriate.” *Id.* § 717o; *see also infra* note 111. Historically, however, DOE has issued export commencement extensions under its supplemental order authority in NGA section 3(a).

¹⁰⁷ *See, e.g., Port Arthur LNG, LLC*, DOE/FECM Order Nos. 3698-C and 4372-B, Docket Nos. 15-53-LNG, *et al.*, Order Granting Application to Extend Term to Begin Exports of Liquefied Natural Gas to Free Trade Agreement Countries and to Extend Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries, at 12-14 (Apr. 21, 2023).

¹⁰⁸ *See, e.g., id.*

¹⁰⁹ Ext. Order at 34.

demonstrate that it has made good faith efforts to meet its existing export commencement deadline but encountered circumstances that prevented it from doing so.”¹¹⁰

DOE’s application of the good cause standard in commencement extension proceedings is also consistent with and guided by recent decisions of the D.C. Circuit upholding FERC orders to extend the construction and in-service date of certain natural gas projects under NGA section 16.¹¹¹ In 2024, in *Sierra Club v. Federal Energy Regulatory Commission*, the D.C. Circuit upheld FERC’s decisions (consolidated for review) to extend the construction and in-service deadlines for natural gas projects under development by separate companies.¹¹² In analyzing FERC’s authority, the Court determined that “FERC’s discretion in granting an extension of time for a natural-gas construction project is limited only by the arbitrary-and-capricious standard of the Administrative Procedure Act (APA),”¹¹³ and thus the Court “[does] not ask ‘whether a regulatory decision is the best one or even whether it is better than the alternatives.’”¹¹⁴ The Court further observed that authorization holders “typically can meet the ‘good cause’ standard by demonstrating their diligence and citing factors beyond their control that have slowed their progress”¹¹⁵—a standard the Court found was both “reasonable and . . . well within [FERC’s] broad discretion.”¹¹⁶ On this basis, the Court rejected Sierra Club’s efforts to hold FERC to “an unduly high level of stringency” in determining good cause for an extension.¹¹⁷

¹¹⁰ *Id.* at 35.

¹¹¹ *See supra* § II.A; *see Sierra Club v. Fed. Energy Regul. Comm’n*, 97 F.4th 16, 23 (D.C. Cir. 2024) (stating that “FERC’s authority to set and extend construction deadlines is rooted in its broad power” under NGA section 16 “to ‘perform any and all acts’ to prescribe, issue, make, amend, [or] rescind’ a construction-authorization certificate—a power that may be exercised whenever [FERC] deems it ‘necessary or appropriate to carry out the [NGA].’”) (quoting 15 U.S.C. § 717o). Additionally, FERC’s regulation at 18 C.F.R. § 157.20(b) pertains to the construction and in-service period for pipeline projects.

¹¹² *Sierra Club v. Fed. Energy Regul. Comm’n*, 97 F.4th 16 (D.C. Cir. 2024).

¹¹³ *Id.* at 23 (citing 5 U.S.C. § 706(2)(A)).

¹¹⁴ *Id.* (citing *Fed. Energy Regul. Comm’n v. Elec. Power Supply Ass’n*, 577 U.S. 206, 292 (2016)).

¹¹⁵ *Id.* at 25 (citations omitted).

¹¹⁶ *Id.* (citing 15 U.S.C. § 717o).

¹¹⁷ *Id.* at 29 (denying petitions for review where “FERC properly exercised its broad discretion to decide what facts were sufficient to meet the good cause standard”).

Similarly, on June 6, 2025, in *Appalachian Voices v. Federal Energy Regulatory Commission*, the D.C. Circuit upheld a FERC order granting an extension to the construction and in-service deadline for a natural gas pipeline project.¹¹⁸ Emphasizing FERC’s broad discretion, the Court observed that FERC “has found a wide range of circumstances to support good cause,” and that a developer’s changes to a proposed project (including securing additional agreements for capacity) may “demonstrate a ‘good faith effort towards project completion.’”¹¹⁹

Nonetheless, in their Request for Rehearing, the Advocates continue to hold DOE to an ever-higher level of stringency in determining good cause for Lake Charles LNG Export’s commencement extension. For example, the Advocates suggest that, to support a finding of good cause for the commencement extension, DOE must:

- Show a “remarkable departure” in progress from the facts presented to DOE in the 2022 Extension Application;¹²⁰
- Point to an “indication” that Lake Charles LNG Export’s final investment decision (FID) is “imminent”;¹²¹
- Compare Lake Charles LNG Export’s progress to date with the “far greater steps its peer LNG exporters have taken in far less time”;¹²²
- Assess facts concerning related commercial entities, such as why delays involving Lake Charles LNG Export’s engineering, procurement, and construction (EPC) contractors “were unavoidable for Lake Charles LNG Export but did not hinder other LNG export developers,” and “why it took the EPC contractors almost an entire year to update their bids”;¹²³ and
- Require Lake Charles LNG Export to “establish that it could not have avoided the delays it encountered—or at least attempted to reduce them.”¹²⁴

¹¹⁸ See *Appalachian Voices v. Fed. Energy Regul. Comm’n*, 139 F.4th 903, 912-916 (D.C. Cir. 2025).

¹¹⁹ *Id.* at 913-14 (citation omitted); see also *id.* at 915-16 (holding that FERC “acted well within its discretion,” and denying petitions for review).

¹²⁰ Request for Rehearing at 16.

¹²¹ *Id.* at 15.

¹²² *Id.*; see also *id.* at 17.

¹²³ *Id.* at 17-18.

¹²⁴ *Id.* at 18.

The Advocates do not provide any authority to support this exhaustive evidentiary burden. Such a showing would go far beyond the good cause standard in requiring evidence that is speculative and/or beyond Lake Charles LNG Export’s own knowledge and circumstances. Indeed, the evidence urged by the Advocates would be even more demanding than the criteria set forth under DOE’s 2023 Policy Statement,¹²⁵ which was rescinded in April 2025 because the Policy Statement “pose[d] an undue burden” on authorization holders seeking export commencement extensions.¹²⁶

As we have seen, some authorization holders will construct and begin operating their LNG export facility within their original seven-year export commencement deadline, without being beleaguered by unplanned project delays, constraints in the supply chain, problems with their EPC contractor, adverse regulatory impacts and litigation, or effects from the COVID-19 pandemic. Nonetheless, for other authorization holders—such as Lake Charles LNG Export—that have continued to advance their LNG export project in good faith, but need more time to complete their project and commence export operations, DOE has broad discretion to determine that the authorization holder has demonstrated “good cause” based on DOE’s traditional review. We therefore reject the Advocates’ efforts to impose a more stringent standard, as we find that doing so is unsupported by the NGA and APA.¹²⁷

D. DOE Adequately Explained Its Grant of the Extension Application

The Advocates argue that DOE’s grant of the Extension Application is inconsistent with the 2023 Denial Order issued on April 21, 2023—in which DOE denied the 2022 Extension

¹²⁵ See Policy Statement, 88 Fed. Reg. at 25,277 (requiring an authorization holder seeking an export commencement extension to demonstrate that it has physically commenced construction on the associated export facility, and that its inability to comply with its export commencement deadline is the result of extenuating circumstances outside of its control) (now rescinded).

¹²⁶ Recission Notice, 90 Fed. Reg. 14,411.

¹²⁷ See *Sierra Club v. Fed. Energy Regul. Comm’n*, 97 F.4th at 29.

Application submitted by Lake Charles LNG Export—as well as with DOE’s subsequent order denying rehearing.¹²⁸ They further argue that DOE “has failed to rationally explain this inconsistency.”¹²⁹ Below, we address the Advocates’ principal arguments.

1. DOE Did Not “Reverse” Its 2023 Denial Order in Granting the Extension Application

The Request for Rehearing is largely based on the Advocates’ argument that DOE used the “same policy” in the 2023 Denial Order (*i.e.*, the good cause standard under NGA section 3(a)), “assessed substantially similar facts, and yet arrived at the opposite conclusion to grant Lake Charles LNG Export’s 2025 Export Application.”¹³⁰ Pressing further, the Advocates also divide the facts into “events from 2020 to 2022” and “events from 2022 to 2025,” and argue that, in the Extension Order, DOE reached the “opposite conclusion about the same facts” from 2020 to 2022.¹³¹

First, it is inaccurate to describe DOE’s Extension Order as a “reversal” from the 2023 Denial Order.¹³² The current proceeding involves a different extension request (through December 31, 2031), based on a substantially more developed factual record as to both the extenuating circumstances that prevent Lake Charles LNG Export from meeting its current export commencement deadline and its progress in developing the Project as recently as June 2025.¹³³ In the Extension Order, DOE summarized and reviewed this factual evidence in detail, as does Lake Charles LNG Export in the Answer to the Request for Rehearing.¹³⁴

¹²⁸ See *supra* at 3; see also *supra* notes 6-7 (citing these orders).

¹²⁹ Request for Rehearing at 9.

¹³⁰ *Id.* at 12.

¹³¹ *Id.* at 13.

¹³² *Id.*

¹³³ See Ext. Order at 9-15.

¹³⁴ Lake Charles LNG Export Answer at 21-24.

The Advocates do not contest these facts, but rather seem to miss their obvious importance. For example, the Advocates argue that DOE does not “offer any explanation for why the movement from roughly 50 to 70% of contracted-for capacity [from 2022 to 2025] makes any difference in its analysis, let alone one that would justify a complete reversal in finding good cause.”¹³⁵ To the contrary, DOE found that “Lake Charles LNG Export has advanced its Project through a variety of commercial, financial, legal, and physical efforts.”¹³⁶ DOE cited Lake Charles LNG Export’s “long-term commercial agreements with LNG offtake contracts for approximately 70% of the Project’s maximum liquefaction capacity for terms of 18 to 25 years—with two of those agreements being signed in May and June 2025, respectively” as evidence of these good faith efforts to progress the Project.¹³⁷ DOE is not required to explain in even more basic terms why a 20% increase of Project capacity under contract (from 50 to 70% of capacity) is both highly relevant and significant to DOE’s evaluation of good cause for an extension. Lake Charles LNG Export’s progress in developing the Project since the 2022 Extension Application and 2023 Denial Order is far from “minimal,” contrary to the Advocates’ claim,¹³⁸ and we refer to the extensive discussion in the Extension Order to support our findings in this regard.

Second, the Advocates’ particular focus on the facts depending on the time frame—*i.e.*, “events from 2020 to 2022” and “events from 2022 to 2025”—fails to recognize that DOE is not “re-reviewing” the 2022 Extension Application together with the current Extension

¹³⁵ Request for Rehearing at 15.

¹³⁶ Ext. Order at 34.

¹³⁷ *Id.*

¹³⁸ Request for Rehearing at 15. Indeed, elsewhere in the Request for Rehearing, the Advocates acknowledge that the current Extension Application “provided more details on the apparent challenges [Lake Charles LNG Export] encountered, both during and after the COVID-19 pandemic” (*id.* at 17), and “alleged more details about its construction activities” (*id.* at 16).

Application.¹³⁹ DOE evaluated all of the facts and circumstances set forth in the Extension Application through a holistic review under the good cause standard, as described in the Extension Order. Further, many of the Advocates’ piecemeal arguments, such as “Lake Charles does not explain why it waited until the spring of 2020 . . . to take the first steps towards soliciting EPC bids,”¹⁴⁰ are simply so attenuated in time or relevance that they are not germane to DOE’s analysis under the standard discussed above.

2. DOE Acknowledged and Explained the Shift in Its Position Since the 2023 Denial Order

Insofar as the Advocates assert there was an “about-face” in DOE’s decision from the 2023 Denial Order to the current Extension Order, we explain above how the factual record presented by Lake Charles LNG Export has evolved and shows significantly more progress to date. Additionally, in the Extension Order, we explained that there has been a broader shift in “the regulatory landscape, including changing energy policy, in which DOE is evaluating the Extension Application.”¹⁴¹

Most notably, President Trump took office on January 20, 2025, and instituted an immediate shift in energy policy with E.O. 14154, *Unleashing American Energy*,¹⁴² described in the Extension Order. As shown by several actions to date—including, but not limited to, DOE’s prompt issuance of two orders granting export commencement extensions in March 2025 (to Golden Pass LNG and Delfin) and DOE’s rescission of the Policy Statement on April 2, 2025—this shift directly affected DOE’s policy toward export commencement extensions.

¹³⁹ See, e.g., *id.* at 18 (asserting that DOE “lacks any factual basis to justify its about-face that there was no good cause to grant an extension in 2022, but there is now”).

¹⁴⁰ *Id.* at 17.

¹⁴¹ Ext. Order at 28.

¹⁴² See *supra* at 7-8 & note 40.

Environmental Advocates are correct that “DOE does not claim that [E.O. 14154] compels a particular outcome in response to any particular extension application.”¹⁴³ However, whereas Lake Charles LNG Export’s 2023 Denial Order reflected a regulatory landscape that generally disfavored commencement extensions, today’s regulatory landscape is focused on removing policies unduly burdening the development of domestic energy resources, as required by E.O. 14154.

Specifically, DOE has returned to its former, more neutral “good cause” standard under NGA section 3(a), without the burdens on authorization holders seeking to commence export operations to non-FTA countries imposed under the Policy Statement. This shift, however, does not change the good cause standard itself, which (as discussed above) comports with the NGA, the APA, and relevant caselaw. Additionally, DOE found in the Extension Order that “the requested extension would support the economic and energy security benefits identified by DOE in approving the exports in Order Nos. 3868 and 4010,”¹⁴⁴ which promotes important objectives set forth in E.O. 14154 and other Administration policies.

Under the APA, agencies are permitted to change their policies so long as they explain their reasoning and “show that there are good reasons for the new policy.”¹⁴⁵ The fact that an agency changes its approach “require[s] no additional or special explanation.”¹⁴⁶ “It suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates.”¹⁴⁷

¹⁴³ Request for Rehearing at 20.

¹⁴⁴ Ext. Order at 36.

¹⁴⁵ See, e.g., *Fed. Comm’n v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (further stating that “the requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it *is* changing position”) (emphasis in original).

¹⁴⁶ *Westar Energy, Inc. v. Fed. Energy Regul. Comm’n*, 568 F.3d 985, 989 (D.C. Cir. 2009); see also *Duke Energy Carolinas, LLC v. Fed. Energy Regul. Comm’n*, 883 F.3d 923, 927 (D.C. Cir. 2018) (denying petition for review of FERC action where, in relevant part, “the Commission acknowledged that its policy had shifted and explained it”).

¹⁴⁷ *Fox Television*, 556 U.S. at 515 (emphasis in original).

DOE’s detailed explanation of its regulatory and policy considerations in the Extension Order satisfies this standard.¹⁴⁸

Further, in the Request for Rehearing, the Advocates state that DOE “never explains why it believes its grant of extensions to Golden Pass LNG and Delfin LNG [under the Policy Statement] is relevant here.”¹⁴⁹ Both the Extension Application and the Environmental Advocates’ Pleading discussed those commencement extension orders—and, specifically, Golden Pass LNG’s advanced progress on its Terminal at the time DOE granted its most recent commencement extension.¹⁵⁰ DOE thus was addressing arguments about the Golden Pass LNG extension made by the parties.¹⁵¹ Additionally, DOE’s review and issuance of the Golden Pass LNG and Delfin commencement extensions in March 2025 demonstrate a renewed receptivity toward commencement extension proceedings, irrespective of the fact that DOE reviewed those two applications under the Policy Statement when it was still in effect.¹⁵²

The Advocates assert that DOE fails to provide a rational explanation for why “changed global LNG market conditions” provide a basis for reaching a different outcome in the Extension Order as compared to the 2023 Denial Order.¹⁵³ DOE did not, however, cite global LNG market conditions as evidence to justify granting the Extension Application. Rather, in explaining changes in the regulatory environment for commencement extensions between April 2023 and 2025, DOE noted how global market conditions have changed in a way that strongly favors the

¹⁴⁸ See Ext. Order at 28-30.

¹⁴⁹ Request for Rehearing at 21.

¹⁵⁰ See Ext. Order at 19-20 (referencing arguments by Environmental Advocates, including that the progress made by Lake Charles LNG Export on its Project to date is in “stark contrast” to Golden Pass LNG’s progress when DOE approved Golden Pass LNG’s second commencement extension in March 2025).

¹⁵¹ See *id.* at 34-35 (stating that the Environmental Advocates “are seeking to hold Lake Charles LNG Export to an unreasonably high standard of progress [by Golden Pass LNG] that is not supported by DOE’s precedent under the case-by-case evaluation at issue here”).

¹⁵² See *id.* at 28-29, 35.

¹⁵³ Request for Rehearing at 4; see also *id.* at 22-23.

development of U.S. LNG projects now.¹⁵⁴ This was a broader contextual point to describe DOE’s shift since 2023, and does not amount to reconsidering the public interest determination for Lake Charles LNG Export’s orders or “picking winning and losing projects” in contravention of DOE’s 1984 Policy Guidelines.¹⁵⁵

3. DOE Properly Considered Lake Charles LNG Export’s Evidence of Circumstances That Caused Delay

The Advocates maintain that DOE failed to explain why “four cited instances of regulatory delay” could serve as evidence of good cause in granting the Extension Application.¹⁵⁶ These delays include: (i) DOE’s denial of the 2022 Extension Application after that Application had been pending for 10 months; (ii) DOE’s announcement of the Policy Statement that imposed new restrictions on export commencement extensions; (iii) the decision for Lake Charles LNG Export’s affiliate LCE to submit a new non-FTA application at DOE’s direction in August 2023 in an effort to obtain a new commencement of export operations deadline (which remains pending); and (iv) in January 2024, the Biden Administration’s announcement of the “LNG pause” on pending non-FTA applications, including the LCE application.

First, the Advocates argue that none of these delays, which occurred after June 2022, “explains Lake Charles LNG Export’s lack of progress prior to submission of its 2022 Extension Application.”¹⁵⁷ We agree that these delays are not relevant to the 2022 Extension Application, which is not before us.

¹⁵⁴ Ext. Order at 29.

¹⁵⁵ Request for Rehearing at 24; *see also* 1984 Policy Guidelines, 49 Fed. Reg. at 6684 (establishing the goals of minimizing federal control and involvement in energy markets).

¹⁵⁶ Request for Rehearing at 4; *see also id.* at 24.

¹⁵⁷ *Id.* at 4.

Next, we explained in the Extension Order, and reaffirm here, that Lake Charles LNG Export’s export commencement deadline was then December 16, 2025, yet these regulatory delays “created significant uncertainty that affected its ability to continue commercializing the Project, in turn impairing its ability to reach FID, construct the Project, and commence exports.”¹⁵⁸

Specifically, the D.C. Circuit has recognized that a “wide range of circumstances” may support good cause for a commencement extension under the NGA.¹⁵⁹ Lake Charles LNG Export states that each of the identified delays were outside of its control, yet they contributed, both individually and collectively, to the regulatory uncertainty that Lake Charles LNG Export would be able to meet the December 16, 2025 export commencement deadline. The Advocates do not seriously contest this evidence, stating, for example, that “Lake Charles LNG Export does not explain why it could not have taken the additional steps to physically commence construction of the terminal” in early 2025¹⁶⁰—despite Lake Charles LNG Export’s uncontested evidence explaining why such construction was not possible at that time.

As another example, the Advocates dispute that the Biden Administration’s January 2024 announcement of a “pause” in reviewing non-FTA applications contributed to delay “when it relate[d] only to LCE’s pending non-FTA application.”¹⁶¹ At that time, however, Lake Charles LNG Export (and its parent company, Energy Transfer) had followed DOE’s suggestion to submit a new non-FTA application, via LCE, in an effort to obtain a new seven-year export

¹⁵⁸ Ext. Order at 33.

¹⁵⁹ *Appalachian Voices*, 139 F.4th at 913.

¹⁶⁰ Request for Rehearing at 25.

¹⁶¹ *Id.* at 26.

commencement deadline under a new non-FTA export authorization.¹⁶² Thus, it is highly relevant that DOE, several months later, publicly announced that it would not take action on any pending non-FTA applications, including LCE’s application.¹⁶³ This regulatory action (or inaction) by the Biden Administration roiled the collective effort by Energy Transfer, Lake Charles LNG Export, and LCE to find a path forward to obtain an export commencement deadline that they could meet based on their construction and operation schedule, thus “leaving the Project in limbo.”¹⁶⁴

Finally, the Advocates contend that DOE “is also incorrect that the pause ‘effectively lasted until the new Administration took office.’”¹⁶⁵ Although it is true that a federal court enjoined DOE from continuing to “pause” its review of non-FTA applications,¹⁶⁶ DOE was actively appealing that decision through January 2025, when the presidential administration changed.¹⁶⁷ Over the months that this appeal was ongoing, DOE issued only a single non-FTA order, for a shorter-than-requested term, to NFE Altamira FLNG, S. de R.L. de C.V.,¹⁶⁸ thus

¹⁶² See *Lake Charles LNG Export Co., LLC*, DOE/FECM Order Nos. 3868-C and 4010-C, at 47 (denying rehearing of the 2023 Extension Denial and stating that, “should Lake Charles LNG Export be unable to commence exports by December 16, 2025, it is welcome to submit a new non-FTA application”); see also *Lake Charles LNG Export Answer* at 18 (stating that “Energy Transfer’s continued need for a later DOE deadline for the commencement of exports (*i.e.*, to at least match FERC’s extension date) was the sole reason for LCE filing the application for a new non-FTA authorization”).

¹⁶³ Ext. Order at 12 n.70.

¹⁶⁴ *Lake Charles LNG Export Answer* at 18 (stating that “DOE did not act on LCE’s new application and President Biden announced on January 26, 2024 a formal ‘pause’ on the review and any approval of all non-FTA applications at DOE, leaving the Project in limbo.”).

¹⁶⁵ Request for Rehearing at 26 (quoting Ext. Order at 33).

¹⁶⁶ See Ext. Order at 12 n.71 (citing *State of Louisiana v. Biden*, No. 2:24-CV-00406, 2024 WL 3253103 (W.D. La. July 1, 2024)).

¹⁶⁷ See, e.g., *State of Louisiana, et al. v. Biden*, No. 24-30489, Judgment (5th Cir. Mar. 12, 2025) (the U.S. Court of Appeals for the Fifth Circuit issuing a judgment as the mandate, stating that “the appeal is dismissed as of March 12, 2025, pursuant to appellant’s motion”).

¹⁶⁸ See *NFE Altamira FLNG, S. de R.L. de C.V.*, DOE/FECM Order No. 5156, Docket No. 22-110-LNG, Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Aug. 31, 2024).

showing how the circumstances surrounding the LNG pause contributed to additional litigation and uncertainty on the regulatory front.

For these reasons, and those set forth in the Extension Order, we find that there was substantial evidence for DOE to determine that the 2023 Denial Order, the Policy Statement, DOE's lack of action on LCE's pending non-FTA application, and the related litigation and regulatory uncertainty involving the LNG pause significantly affected the commercialization of the Project for nearly two years, in addition to the other difficulties, delays, and added costs described by Lake Charles LNG Export, thus providing good cause for the requested extension.

VII. FINDINGS AND CONCLUSION

Public Citizen and Environmental Advocates have not shown that DOE lacked an adequate basis to grant the Extension Application on the evidence presented, which demonstrated good cause for the requested extension. Thus, for the reasons stated above, DOE grants Lake Charles LNG Export's Motion for Leave to Answer the Request for Rehearing and the Advocates' Motion for Leave to Reply; denies the Request for Rehearing; and reaffirms, pursuant to NGA sections 3(a) and 16, that it is appropriate to extend Lake Charles LNG Export's export commencement deadline in Order Nos. 3868 and 4010, as amended, to December 31, 2031.

VIII. ORDER

Pursuant to Sections 3 and 19(a) of the Natural Gas Act,¹⁶⁹ DOE's regulations at 10 C.F.R. § 590.503, and for the reasons set forth above, it is ordered that:

A. Lake Charles LNG Export's Motion for Leave to Answer the Request for Rehearing is granted.

¹⁶⁹ 15 U.S.C. §§ 717b, 717r(a).

B. The Advocates' Motion for Leave to Reply to Lake Charles LNG Export's Answer is granted.

C. The Request for Rehearing submitted jointly by For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, the Vessel Project of Louisiana, and Public Citizen is denied.

Issued in Washington, D.C. on October 17, 2025.

Kyle Haustveit
Assistant Secretary
Office of Fossil Energy and Carbon Management