

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

Venture Global Calcasieu Pass, LLC)
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**Docket Nos. 13-69-LNG,
14-88-LNG, & 15-25-LNG
(consolidated)**

**MOTION FOR LEAVE TO INTERVENE OUT OF TIME
OF REPSOL LNG HOLDING, S.A.**

Pursuant to Section 590.303 of the regulations of the U.S. Department of Energy (“DOE”) concerning administrative procedures with respect to the import and export of natural gas¹, Repsol LNG Holding, S.A. (“Repsol”) hereby moves for leave to intervene out of time in the captioned proceedings. In support of its motion, Repsol represents as follows:

I. Communications and Correspondence

All communications and correspondence relating to the captioned docket should be directed to the following persons:

Laura Rejon
Sole Director
Repsol LNG Holding S.A.
Calle Mendez Alvaro 44
28045 Madrid Spain
E-mail: lrejonp@repsol.com

Emil J. Barth
Baker Botts L.L.P.
700 K Street, NW
Washington, DC 20001
(202) 639-1103
emil.barth@bakerbotts.com

Jorge Clua
Senior Legal Counsel
Repsol LNG Holding S.A.
Calle Mendez Alvaro 44
28045 Madrid Spain
E-mail: jorge.clua@repsol.com

¹ 10 C.F.R. § 590.303.

II. Background

DOE has issued several authorizations to Venture Global Calcasieu Pass, LLC (“Venture Global”) under Section 3 of the Natural Gas Act² to export liquefied natural gas (“LNG”) from Venture Global’s export terminal and associated facilities located along the Calcasieu Ship Channel in Cameron Parish, Louisiana (“Project”). These authorizations include DOE/FE Order Nos. 3345, 3520, 3662, and 4364 (as amended).³ The siting, construction, and operation of the Project facilities was authorized by the Federal Energy Regulatory Commission (“FERC”) under Section 3 of the Natural Gas Act and remains subject to FERC’s ongoing oversight.⁴

On March 22, 2022, Venture Global notified DOE of the export of the first cargo from the Project.⁵ The most recent *LNG Monthly* issued by the DOE Office of Resource Sustainability in April 2023 indicates on page 19 that Venture Global exported 26 cargoes in January and February of 2023, totaling 87,729,329 Mcf of gas, but reports that these were all “commissioning cargoes.”⁶ At around the same time, on March 28, 2023, Venture Global informed the Director of the Office of Energy Projects at FERC that it believes that “[w]hile Calcasieu Pass is indeed able to produce LNG, it remains in the commissioning phase because it continues to face

² 15 U.S.C. § 717b.

³ *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 3345, Docket No. 13-69-LNG, Order Granting Long Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Venture Global LNG Project in Cameron Parish, Louisiana, to Free Trade Agreement Nations (Sept. 27, 2013), amended by DOE/FE Order No. 3345-A (Oct. 21, 2020) (extending export term); *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 3520, Docket No. 14-88-LNG, Order Granting Long Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Venture Global LNG Project in Cameron Parish, Louisiana, to Free Trade Agreement Nations (Oct. 10, 2014), amended by DOE/FE Order No. 3520-A (Oct. 21, 2020) (extending export term); *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 3662, Docket No. 15-25-LNG, Order Granting Long Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Venture Global Calcasieu Pass LNG Project in Cameron Parish, Louisiana, to Free Trade Agreement Nations (June 17, 2015), amended by DOE/FE Order No. 3662-A (Oct. 21, 2020) (extending export term), amended by DOE/FE Order No. 3662-B (Apr. 22, 2022) (amending authorized volume); *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG, 14-88-LNG, and 15-25-LNG (Consolidated), Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 5, 2019), amended by DOE/FE Order No. 4346-A (Oct. 21, 2020) (extending export term).

⁴ *Venture Global Calcasieu Pass, LLC; TransCameron Pipeline, LLC*, 166 FERC ¶ 61,144 (2019). In the same order, FERC authorized the TransCameron Pipeline under Section 7 of the Natural Gas Act, 15 U.S.C. § 717f(c)).

⁵ *Venture Global Calcasieu Pass, LLC*, Notification of First Export Cargo, Docket Nos. 13-69-LNG, *et al.*, Item #38 (March 22, 2022).

⁶ <https://www.energy.gov/sites/default/files/2023-04/LNG%20Monthly%20February%202023.pdf>.

periodic reliability challenges impacting the facility.”⁷ The letter also states that Venture Global “notified our long-term customers that, due to the estimated time it will take for GE to resolve the HRSG issues, commercial operations will be delayed.”⁸ Venture Global makes these claims despite also informing the Director of the Office of Energy Projects that Venture Global has “exported **128** cargos from Calcasieu Pass,”⁹ and it continues exporting LNG cargos at a rate of approximately over 11 cargoes per month.

Repsol notes that none of the cargos exported to date were on behalf of any of the customers of the Project that have entered into long-term LNG purchase and sale agreements with Venture Global, including Repsol. All of the cargos have been exported for the account of Venture Global.

III. Repsol’s Interest in these Proceedings and Demonstration of Good Cause for Late Intervention

Repsol is an indirect wholly-owned subsidiary of Repsol, S.A., a group of companies with a presence worldwide that, with a vision of being a multi-energy efficient, sustainable and competitive company, performs activities in the hydrocarbon sector throughout its entire value chain (exploration, development and production of crude oil and natural gas, refining, production, transportation and sale of a wide range of oil and petrochemical products, oil derivatives and natural gas), as well as activities for the generation and sale of electricity. Repsol’s offices are located in Madrid, Spain. Repsol and its affiliates are the face to customers for Repsol’s global LNG business. Building on 20 years in the LNG industry, it delivers cleaner energy globally through managing the purchase and sale of LNG for itself, its partners, and third parties.

⁷ FERC eLibrary Accession Number 20230328-5239 (Mar. 28, 2023).

⁸ *Id.*

⁹ *Id.* (emphasis added).

Repsol is the buyer counterparty to an LNG Sales and Purchase Agreement dated as of August 14, 2018 with Venture Global. Venture Global has previously represented to DOE that Repsol is one of the long-term buyers of LNG from the Project.¹⁰ As a customer of Venture Global, Repsol has a substantial interest in these proceedings, including in Venture Global's export activities, which remain subject to the ongoing oversight of DOE and the conditions set forth in DOE's export authorizations. As a customer, Repsol will be directly affected by the outcome of these proceedings, and no other party can adequately represent or protect its interests. Accordingly, Repsol respectfully submits that its participation in these proceedings is in the public interest.

Repsol acknowledges that its motion to intervene is out of time and is being made after DOE issued the export authorizations identified above. However, in accordance with 10 C.F.R. § 590.303(d)¹¹, there is good cause to grant this motion. Repsol's interest in these proceedings is only with respect to export activities at the Project and the material delay in Venture Global declaring that construction and commissioning of the Project have been completed and that commercial operation has been achieved. As noted above, Venture Global has not declared completion and continues to represent to DOE that the cargos exported to date are "commissioning cargos", even though it has exported for its own account (and not for its long-term Project customers) over 128 LNG cargos in less than a year and is continuing its export activities.

The issues identified by Repsol in this motion were not anticipated at the time that interventions were due and instead are related to whether Venture Global is complying now with the requirements of DOE's orders and making accurate representations to DOE and its staff

¹⁰ *Venture Global Calcasieu Pass, LLC*, Application for Limited Amendment to Existing Long-Term Multi-Contract Authorization to Export LNG to Free Trade and Non-Free Trade Agreement Nations, Docket Nos. 13-69-LNG, *et al.*, Item #35, at p. 7 (Dec. 3, 2021, as corrected Dec. 10, 2021).

¹¹ 10 C.F.R. § 590.303(d).

regarding the status of the Project and the cargos being exported. Because of these recent circumstances and Repsol's interest in these proceedings extending only to post-authorization issues, good cause exists to grant this motion. This conclusion is reinforced by Repsol's standing as a long-term customer of Venture Global and its interest in the Project achieving completion and the DOE's ongoing oversight over exports from the Project.

There will be no adverse impact or disruption of the proceedings from DOE granting this motion.¹² As noted above, Repsol is not seeking to relitigate the DOE authorization orders, but instead has an interest in the implementation of those orders and other applicable requirements that are subject to the ongoing jurisdiction of the DOE. As a customer, Repsol's interest is not adequately represented by other parties in the proceeding, and there will be no prejudice to, or additional burdens upon, the existing parties. Repsol further states that it will accept the record of these proceedings as the record was developed prior to the late intervention.¹³

IV. Conclusion

WHEREFORE, for the foregoing reasons, Repsol requests that the DOE grant its motion for leave to intervene out of time in the captioned proceeding.

Respectfully submitted,

/s/Emil J. Barth

Emil J. Barth
Baker Botts L.L.P.
700 K Street, NW
Washington, D.C. 20001
(202) 639-1103
emil.barth@bakerbotts.com

Attorney for
REPSOL LNG HOLDINGS, S.A.

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¹² *Id.*

¹³ *Id.* at § 590.303(h).