

July 11, 2023

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Ms. Amy Sweeney
U.S. Department of Energy
Office of Regulatory, Analysis and Engagement
Forrestal Building, FE-34
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: Magnolia LNG, LLC
FE Docket No. 13-132-LNG
Request to Redesignate May 30, 2023 Supplement as Amendment of March 20,
2023 Request to Extend Commencement Deadline

Dear Ms. Sweeney:

On March 20, 2023, Magnolia LNG, LLC ("Magnolia") submitted to the U.S. Department of Energy, Office of Fossil Energy and Carbon Management ("DOE") a request ("Extension Request") for a limited extension of the deadline to commence commercial operations ("Commencement Deadline") under Magnolia's authorization to export liquefied natural gas to non-free trade agreement nations.¹ Under the Extension Request, Magnolia sought to extend its Commencement Deadline from November 30, 2023 to April 15, 2026. On May 15, Sierra Club² filed a Motion to Intervene and Protest of the Extension Request ("Sierra Club Protest"); and on

¹ *Magnolia LNG, LLC*, DOE/FE Order No. 3909, Docket No. 13-132-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Magnolia LNG Terminal to be Constructed in Lake Charles, Louisiana, to Non-Free Trade Agreement Nations (Nov. 30, 2016) ("Non-FTA Authorization") (authorizing the export of up to 8.0 MTPA of LNG to non-FTA nations); *Magnolia LNG, LLC*, DOE/FE Order No. 3909-C, Docket No. 13-132-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (April 27, 2022) ("Amendment Authorization") (authorizing the export of an additional 0.8 MTPA of LNG to non-FTA nations, for a total non-FTA export capacity of 8.8 MTPA).

² Sierra Club filed on behalf of itself, Healthy Gulf, For A Better Bayou, The Vessel Project of Louisiana, and Micah 6:8 Mission. For the purposes of this filing, Magnolia refers to these groups collectively as "Sierra Club."

May 30, 2023, Magnolia filed an Answer in Opposition to the Sierra Club Protest.³ In addition, in response to DOE issuances after Magnolia filed its March 20, 2023 Extension Request, Magnolia supplemented its Extension Request through the May 30 Filing, clarifying that it was seeking an extension of its Commencement Deadline until November 30, 2028.⁴

On June 20, 2023, DOE informed Magnolia via email that pursuant to Rule 590.204 of DOE's regulations,⁵ DOE was requiring Magnolia to submit its May 30 Filing as an amendment to its Extension Request because Magnolia's May 30 Filing included a request to increase the length of the extension beyond that initially sought in the Extension Request.

By this letter, in response to DOE's June 20, 2023 email,⁶ Magnolia hereby requests that DOE treat section C of Magnolia's May 30 Filing, which seeks a longer extension than what was initially requested in the Extension Request, as an Amendment to its Extension Request. Aside from this procedural change, Magnolia's March 20, 2023 Extension Request and May 30 Filing remain unaltered, including Magnolia's demonstration of good cause to grant the Extension Request, and its formal Answer to Sierra Club's May 15 Protest pursuant to Section 590.304(f) of DOE's regulations.⁷

³ *Magnolia LNG, LLC*, Answer of Magnolia LNG, LLC in Opposition to the Motion to Intervene and Protest of Sierra Club, et al. and Supplement to Request to Extend Commencement Deadline, DOE/FECM Docket No. 13-132-LNG (May 30, 2023) ("May 30 Filing")

⁴ These issuances include DOE's April 21, 2023 "Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries" (88 Fed. Reg. 25272), as well as orders in the Lake Charles (*Lake Charles Exports, LLC*, DOE/FECM Order Nos. 3324-C and 4011-B, Docket Nos. 11-59-LNG and 16-110-LNG, Order Denying Application for Second Extension of Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries (Apr. 21, 2023), *reh'g denied*, DOE/FECM Order Nos. 3324-D and 4011-C (June 21 2023); *Lake Charles LNG Export Co., LLC*, DOE/FECM Order Nos. 3868-C and 4010-C, Docket Nos. 13-04-LNG and 16-109-LNG, Order Denying Application for Second Extension of Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries (Apr. 21, 2023), *reh'g denied*, DOE/FECM Order Nos. 3868-C and 4010-C (June 21, 2023)), and Port Arthur (*Port Arthur LNG, LLC*, DOE/FECM Order Nos. 3698-C and 4372-B, Docket Nos. 15-53-LNG, 15-96-LNG, and 18-62-LNG, 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 (Apr. 21, 2023)) proceedings.

⁵ 10 C.F.R. § 590.204.

⁶ DOE's June 20, 2023 email is included as Attachment 1 to this filing.

⁷ 10 C.F.R. § 590.304(f).

Any questions regarding this letter may be directed to the undersigned at (202) 778-9014 or at david.wochner@klgates.com.

Best regards,

A handwritten signature in black ink, appearing to read "D. L. Wochner". The signature is fluid and cursive, with the first name "David" and last name "Wochner" clearly legible.

David L. Wochner
Counsel for Magnolia LNG, LLC

CERTIFICATE OF SERVICE

I certify that I have this 11th day of July, 2023, serviced copies of the foregoing document filed with DOE/FE 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 Magnolia LNG, LLC

Attachment A

June 20, 2023 Email to Magnolia LNG, LLC from DOE/FECM

From: [FERGAS](#)
To: [FERGAS](#); [Furdyna, Tim J.](#)
Cc: [Wochner, David L.](#); [Wade, Jennifer L.](#); [jbaguley@magnolialng.com](#); [kdoris@LNGlimited.com](#); [rhernandez@magnolialng.com](#); [Wochner, David L.](#); [Furdyna, Tim J.](#); [tom.gosselin@sierraclub.org](#); [lisa.diaz@sierraclub.org](#); [nathan.Matthews@sierraclub.org](#); [dschryver@apga.org](#); [jgregg@mccarter.com](#); [wagner@api.org](#); [Cicio, Paul](#); [Naomi Yoder](#); ["james@labucketbrigade.org"](#); [vesselproject@gmail.com](#); [cindy@micah69mission.org](#)
Subject: RE: Magnolia LNG, LLC - Answer in Opposition to Motion to Intervene and Protest of Sierra Club et al, and Supplement to Request to Extend Commencement Deadline [KLG-USE_Active01.FID2224355]
Date: Tuesday, June 20, 2023 11:53:20 AM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

External Sender:

Hello,

FECM has reviewed this filing entitled, "Answer in Opposition to the Motion to Intervene and Protest of Sierra Club, *et al.*, and Supplement to Request to Extend Commencement Deadline," filed on May 30, 2023. We note that this filing is "clarifying that [Magnolia] is seeking an extension of 60 months (5 years), until November 30, 2028, to commence commercial operations" (pages 2, 21).

Specifically, in Magnolia's pending "Request for Limited Extension to Start Date of Term of Authorization" (Request) filed on March 20, 2023, Magnolia is seeking a commencement extension to April 15, 2026 (an extension of 28.5 months). Under Magnolia's stated "clarification" in its new filing, Magnolia is now seeking a commencement extension to November 30, 2028—an extension of 60 months. Under DOE's regulations, this is a material change in the requested commencement extension (from 28.5 months to 60 months), and thus requires an amendment of Magnolia's pending Request. *See* 10 C.F.R. § 590.204.

Therefore, in order for FECM to consider Magnolia's new extension request through November 30, 2028, the request will need to be filed as an amendment to the pending Request, pursuant to 10 C.F.R. § 590.204 (or, in the alternative, as a new request for an extension, with the original Request withdrawn). In either case, the filing will be submitted for notice in the *Federal Register*, consistent with DOE precedent.

This correspondence is within a contested proceeding (*see* 10 C.F.R. §§ 590.102(b), (o)). Accordingly, please respond to this email with any questions.

Sincerely,

Division of Natural Gas Regulation
Office of Resource Sustainability
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-9478
Email: fergas@hq.doe.gov

Website: <https://www.energy.gov/fecm/regulation>



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From: FERGAS <fergas@hq.doe.gov>
Sent: Wednesday, May 31, 2023 8:16 AM
To: Furdyna, Tim J. <Tim.Furdyna@klgates.com>; FERGAS <fergas@hq.doe.gov>
Cc: Wochner, David L. <David.Wochner@klgates.com>; Wade, Jennifer L. <jennifer.wade@hq.doe.gov>
Subject: RE: Magnolia LNG, LLC - Answer in Opposition to Motion to Intervene and Protest of Sierra Club et al, and Supplement to Request to Extend Commencement Deadline [KLG-USE_Active01.FID2224355]

Good morning,

Attached please find receipt of your submission.

Thank you,

Division of Natural Gas Regulation
Office of Resource Sustainability
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-9478
Email: fergas@hq.doe.gov
Website: <https://www.energy.gov/fecm/regulation>



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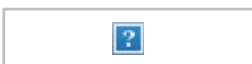
From: Furdyna, Tim J. <Tim.Furdyna@klgates.com>
Sent: Tuesday, May 30, 2023 4:24 PM
To: FERGAS <fergas@hq.doe.gov>
Cc: Wochner, David L. <David.Wochner@klgates.com>
Subject: [EXTERNAL] Magnolia LNG, LLC - Answer in Opposition to Motion to Intervene and Protest of Sierra Club et al, and Supplement to Request to Extend Commencement Deadline [KLG-

USE_Active01.FID2224355]

All,

Attached for filing, please see Magnolia LNG, LLC's Answer in Opposition to the May 15, 2023 Motion to Intervene and Protest of Sierra Club, et al., and Supplement to its March 20, 2023 Request to Extend Commencement Deadline. Please let me know if you have any questions, or require anything additional.

Best,



Tim Furdyna
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Washington, D.C. 20006
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