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July 11, 2024

Via E-Filing to FERGAS@HQ.DOE.GOV

Office of Fuels Programs
Fossil Energy
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
Docket Room 3F-056, FE-50
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

Re: Lake Charles Exports, LLC, Docket No. 23-87-LNG
Request for Immediate Action on Pending Application to Export LNG to non-FTA Countries

Dear Madam or Sir:

On July 1, 2024, the Honorable James D. Cain, Jr., United States District Judge for the Western District of Louisiana ordered that the Department of Energy (“DOE”) and the named defendants in Case No. 2:24-CV-00406 “are hereby enjoined and restrained, from halting and/or pausing the approval process for pending and future applications for LNG exports of liquified natural gas to non-FTA countries, *effective immediately*[.]”¹

The Court found that the “Export Ban ... completely contradicts the express language in the [Natural Gas Act (“NGA”)] that requires the DOE to ensure expeditious completion of the export approval process.”² In addition, the Court ruled that “by refusing to grant the LNG export applications, absent a finding that a particular export is not in the public interest, the DOE is subverting the public interest and Congress’s determination that LNG exports are presumptively in the public interest.”³ DOE is required to “process the pending applications in accordance with the NGA, as currently written, and in accordance with § 717(a), which not only creates a rebuttable

¹ *State of Louisiana et al. v. Joseph R. Biden et al.*, Case No. 2:24-CV-00406, Judgment at 1 (emphasis added); *see also State of Louisiana et al. v. Joseph R. Biden et al.*, Case No. 2:24-CV-00406, Memorandum Ruling at 62 (“the Court will grant Plaintiffs’ Motion for Preliminary Injunction, and order that the LNG Export Ban be stayed in its entirety, effective immediately.”).

² Memorandum Ruling at 34; *see also id.* at 38 (“the Export Ban ... imposes a moratorium on considering export applications, which directly contravenes the express language of the NGA.”).

³ *Id.* at 38.

presumption that a proposed export of natural gas is in the public interest and 15 U.S.C. § 717n(c)(1)(A) but requires the DOE to act expeditiously upon application.”⁴ The Court unequivocally has ordered DOE to act without delay on the pending applications (including the above-referenced pending application) to export LNG to non-FTA countries.⁵

Lake Charles Exports, LLC (“LCE”) respectfully requests that the DOE comply with the Court’s order and expeditiously act on its pending application in this docket and issue an order without delay. Due to LCE’s unique circumstances, its pending application for authorization to export up to 851 Bcf/year of LNG from the existing import Lake Charles Terminal is best suited for immediate action. LCE⁶ already is authorized to export this same amount of LNG from the Lake Charles Terminal pursuant to orders wherein DOE held that the export of this same amount of LNG is not inconsistent with the public interest under NGA section 3 and that such exports “are likely to generate net economic benefits to the United States.”⁷ LCE is not seeking to export any additional volumes of LNG from the Lake Charles Terminal. Nothing has changed with respect to DOE’s original analysis approving exports from the Lake Charles Terminal and therefore LCE’s pending application is not inconsistent with the public interest.

The Federal Energy Regulatory Commission (“FERC”) has authorized the construction of the Liquefaction Project facilities at the Lake Charles Terminal and such authorization remains in full force and effect.⁸ Potential environmental impacts were fully studied by FERC as the lead agency for review under the National Environmental Policy Act and set out in the final environmental impact statement (“EIS”). DOE (as a cooperating agency) reviewed, affirmed and adopted the final EIS in originally issuing the final non-FTA export authorization to LCE. DOE stated that “[a]fter an independent review, and having been a cooperating agency in the EIS preparation, DOE/FE adopted FERC’s final EIS for the Lake Charles Liquefaction Project.”⁹ This final EIS adopted by DOE is still valid and in full effect and can be fully relied upon here. In addition, DOE issued a categorical exclusion from the preparation of an environmental impact statement or environmental assessment under NEPA in connection with LCE’s Order No. 4011 because no additional construction beyond that previously authorized by FERC was required.

⁴ *Id.* at 24.

⁵ *Id.* at 31 (“To be sure, the NGA requires the DOE to act expeditiously upon application and not to invent a reason to ‘pause’ the process.”).

⁶ In addition to LCE, Lake Charles LNG Export Company, LLC already is authorized to export this same amount of LNG from the Lake Charles Terminal.

⁷ *Lake Charles Exports, LLC*, DOE/FE Order No. 3324 (issued Aug. 7, 2013); *Lake Charles Exports, LLC*, DOE/FE Order No. 3324-A at 122 (issued Jul. 29, 2016); *Lake Charles Exports, LLC*, DOE/FE Order No. 4011 (issued Jun. 29, 2017); *see also Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868 (issued Jul. 29, 2016); *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010 (issued Jun. 29, 2017).

⁸ *Lake Charles LNG Co., LLC et al.*, 153 FERC ¶ 61,300 (2015), *reh’g denied*, 155 FERC ¶ 61,328 (2016).

⁹ *LCE*, DOE/FE Order No. 3324-A at 10 (“After an independent review, and having been a cooperating agency in the EIS preparation, DOE/FE adopted FERC’s final EIS for the Lake Charles Liquefaction Project (FERC/EIS0258F, adopted as DOE/EIS-0491), and EPA published a notice of the adoption on July 15, 2016.”).

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DOE's "pause" on its review of LCE's application has caused considerable angst among companies that have previously entered into long term LNG offtake contracts with LCE as these companies have real world needs for these committed LNG volumes. In addition, LCE's discussions with other LNG customers and with potential equity participants in the project have experienced setbacks due to the uncertainty of the timing and substances of DOE's review process related to its "pause." LCE has confidence in its ability to complete the commercialization of its LNG export project provided that DOE expeditiously acts on LCE's pending application. Time is of the essence. We look forward to prompt action on this application.

Respectfully submitted,

/s/ Thomas E. Knight

Thomas E. Knight

Counsel for Lake Charles Exports, LLC

cc: Assistant Secretary Brad Crabtree
Mrs. Amy Sweeney
Service List in Docket No. 23-87-LNG

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

Lake Charles Exports, LLC

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Docket No. 23-87-LNG

**VERIFICATION AND CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Washington, DC

BEFORE ME, the undersigned authority, on this day personally appeared Thomas E. Knight, who, having been by me first duly sworn, on oath says that he is an Attorney for Lake Charles Exports, LLC; that he is a duly authorized representative of Lake Charles Exports, LLC authorized to make this Verification and Certified Statement of Authorized Representative on behalf of Lake Charles Exports, LLC; that he is authorized to sign and file the foregoing instrument with the Department of Energy, Office of Fossil Energy and Carbon Management on behalf of Lake Charles Exports, LLC; and that he has read the foregoing instrument and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

/s/ Thomas E. Knight

Thomas E. Knight

SWORN TO AND SUBSCRIBED before me on this 11th day of July, 2024.



Valerie J. Clark
Valerie Clark, Notary Public

My Commission expires:
VALERIE J. CLARK
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2027

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

Lake Charles Exports, LLC

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Docket No. 23-87-LNG

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. §590.107, I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Department of Energy in this proceeding.

Dated at Washington, D.C. this 11th day of July, 2024.

/s/ Thomas E. Knight
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